Agenda

Planning Commission - Regular Meeting
City and Borough of Juneau

November 13, 2018
Assembly Chambers
7:00 PM

I. ROLL CALL

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

IV. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE

A. Additional Materials for Regular Planning Commission Meeting, 11/13/18

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VI. ITEMS FOR RECONSIDERATION

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

VII. CONSENT AGENDA

A. USE2018 0019: A Conditional Use Permit for Juneau Makerspace, a community workshop and meeting space

B. PDP2018 0001: Modification of existing Planned Unit Development to include the creation of 12 individual lots within the PUD

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

D. SMP2018 0001: Subdivision of one (1) lot into five (5) lots within a PUD

E. CSP2018 0008: A City Project to trade CBJ uplands for a strip of private property on Fritz Cove

F. CSP2018 0011: A City Project Review for disposal of 1.09 acres of city property

G. 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

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

I. USE2018 0015: A Conditional Use Permit and City Project Review for downtown waterfront improvements

J. CSP2018 0010: A Conditional Use Permit and City Project Review for downtown waterfront improvements

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

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

XVIII. ADJOURNMENT

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers
7:00pm
Meeting Date: November 13, 2018

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1. **USE2018 0016:**
   a. Public comment from Brad Ketcheson, received 11/2/18

2. **USE2018 0019:**
   a. Public comment from Peter Strow, received 11/8/18

3. **CSP2018 0011:**
   a. Public comment from Anthony Zenk, received 11/9/18
   b. Public comment from Ruth Zenk, received 11/9/18

From: Brad Ketcheson <lbketch@gmail.com>
Sent: Friday, November 2, 2018 11:17 AM
To: PC_Comments
Subject: USE2018 0016 The Jetty 32 Unit Condominium Development Building Height

Hello,

We have been out of town and just recently heard about the proposed development of the Jetty condominium units in Auke Bay.
We have an earnest money deposit on Auke Bay Station condominium #12 that sits due north of the proposed project. Prior to committing to the earnest money on the Auke Bay Station, we were concerned about any future development that may impact our view. Needless to say the view was one of the major selling points of the condominium. We were assured that future building height roof lines in front of Auke Bay Station would not block any view above the top of the new boat launch at Statter Harbor. The view was based on an average height person standing on the 3rd floor of an Auke Bay Station condominium.
We were dismayed to hear that the Jetty condominiums proposed plan would exceed this height restriction. We do not know the specifics of the communication that occurred between the developers of the Jetty, Auke Bay Station and the Planning Commission prior to the current proposed height of the Jetty roof line but it is clear it was not the original agreement.
We are asking the Planning Commission to accept the Jetty Condominium development only if the roof line height does not restrict the Auke Bay Station view above the launch ramp.
Thank you for your consideration.
Sincerely Brad and Louise Ketcheson.

From: Peter Strow <pstrow@hotmail.com>
Sent: Thursday, November 08, 2018 11:52 PM
To: PC_Comments
Subject: Maker Space - Conditional Use

Hello,

I own the two lots (3917 and 3919 N. Douglas Hwy.) directly below the Maker Space building. I am pleased they are applying for a conditional use permit. They are a welcome addition to the neighborhood. I fully support their new location and enjoy having them as my neighbors.

Thanks,
Peter Strow

Date: 11/5/2018

Attn: Comments for Planning Commission File CSP2018 0011

Anthony Zenk (owner of Bonnie Lot 1)
PO Box 1405
Delta Junction, AK 99737

To Whom it Should Concern:

In regard to the disposal of 1.09 acres of city property and amendment to the CBJ land management Plan:

1) **A fair competitive bidding process should be adopted for disposal of Bonnie Lot 3**. Landscape Alaska should not be given preference over anyone else interested in the purchase of Bonnie Lot 3. Others have been interested in purchasing this lot in the past, but were turned away by the CBJ because the lot was planned for access to CBJ lands.

2) Comments to the staff report dated November 2:
    a. I object to the following statement, para 3, page 3 of 13, "If the sale is approved, …. The lot could also be used for any legal use established in the CBJ Title 49 Land Use Code". This statement implies that the Director is giving Landscape Alaska the power to use the property any way they wish. The Director does not have discretionary authority to circumvent the conditional use process. CBJ Title 49.15.330 establishes a conditional use process: 49.15.330(a) states "A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. **The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites.** The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied."
    b. The Director makes the case that Landscape Alaska should not be required to apply for a new conditional use permit for Lot 3 as owners, assuming that Landscape Alaska develops Lot 3 as defined by USE2013 0027, I agree; yet the Director implies that they can use the property any way they choose. I argue that if Landscape Alaska deviates from USE2013 0027, or their diagrams submitted under that CUP, they should be required to apply for a new/revised conditional use permit, as defined by 49.15.3ordinance. Landscape Alaska was issued USE2013 0027 with conditions. Some uses, not defined in USE2013 0027, may not be appropriate in a residential neighborhood and residential zone, and as argued above, the Director does not have discretion to circumvent the conditional use process.

c. The Director makes the following statement: (page 5, para 4). "The lot could be used for any legal use established in the CBJ Title 49 Land Use Code, with appropriate permits. I object to this statement, for reasons stated above. Landscape Alaska was issued USE2013 0027, with Lot 3, under defined conditions and according to a plan. The Director does not have discretionary authority to circumvent the conditional use process or the planning commission's responsibilities, as defined by ordinance (49.15.330).
d. The Director makes the argument on page 6 and 7 that the disposal of Bonnie Lot 3 to Landscape Alaska conforms to adopted plans as well as the CBJ Comprehensive Plan. The director argues that disposal of Bonnie Lot 3 to Landscape Alaska conforms to ULDR guidelines and definition, because it somehow ensures development of CBJ lands for housing. This argument is ludicrous. Disposal of Bonnie Lot 3 was proposed by Lands and Resources to benefit Landscape Alaska, alone. If affordable housing was a CBJ priority, then disposal of Bonnie Lot 3 would be competitive, (to the highest bidder), one that directly proposes affordable housing, in accordance with CBJ permitting. The Director goes on to argue that disposal of Bonnie Lot 3 conforms to Policies 5.10, 5.11, 5.18, and 10.4. Other than Policy 10.4 that proposes minimizing conflict between development and residential uses, which the planning commission disregarded in my opinion, I could make a similar argument for a duplex development on Bonnie Lot 3 that promotes housing affordability and availability, directly supporting the Juneau Economic Development Plan, the CBJ Comprehensive Plan, and the Land Management Plan.
e. Finally, what the Director and Lands and Resources failed to mention to the Assembly, is that 4 other alternatives for access to CBJ lands on Petersen hill were studied (Hill 560 study). Although access through Bonnie Subdivision was one of the five alternatives, it was low on the list of possibilities, due to high development cost, transportation problems (Auke Lake curve), etc. as outlined in the study.

3) CSP2018 0011 is just another gift provided to Landscape Alaska, by Lands and Resources and the Director, at the expense of:
   a. <u>CBJ residents</u> (negotiated sale versus competitive bid),
   b. <u>local land owners</u> who live with the burden imposed by a commercial business in a residential neighborhood such as the increased noise and traffic (a car every 5 minutes on a good day, as defined by Lendrum in testimony).
   c. <u>Other business owners and developers</u> (opportunity lost).

Planning Commission:

I am writing in opposition of CSP2018 0011, to change the Land Management Plan in regard to Bonnie Lot 3 at 11031 Mendenhall Loop Road. This property should be retained by the city and used for its original purpose.

Why is it now that the city will allow disposal when others have come to the city asking to purchase? Why did the city not allow others to purchase in order to build more housing?

An easement does not do anything for housing. It does not "indirectly" support housing development, but there are many other access points to "Hill 560" which have been reviewed and suggested. This access point was identified as the most expensive option due to the need for significant changes to the infrastructure.

According to CBJ 53.09.150 (c) 9 - "Land should be made available to encourage a variety of housing.." Changing this property to retain/dispose DOES not encourage a variety of housing. The applicant has specifically stated they are not putting housing on this land, but using it for "education".

The director can use the term "indirectly supports" the Comprehensive Plan Policy 4.2 and 4.6, but this is a far stretch. An easement is not housing. An easement is an access to housing, but "indirectly" is not part of this policy

CBJ 53.09.150 (c) 11 – "Conflicts between residential and other land uses should be minimized." - The placement of a commercial business in the middle of a residential neighborhood continues to cause conflict. The business owner in question continues to not abide by the Notice of Decision from USE2013 0027, nor do they abide by what they stated they would do in the public hearing, they continue to falsify information and do whatever they want and the city has relaxed its enforcement in favor of the business owner.

I am DIRECTLY affected being an adjacent neighbor. Talk does not insure there is no conflict, nor does an approved CUP (Conditional Use Permit). Someone can promise lots in writing and in a public hearing, but when it fails to be implemented as stated or the city does not enforce what has been stated and agreed upon by the Planning Commission, conflict will continue to be a major issue with this development

Please ask the appropriate questions and really look at what is being done to our neighborhood for the sole benefit of a business and the demise of a neighborhood.

Sincerely,

Ruth Zenk
Owner Bonnie Lot 1

P. O. Box 1405
Delta Junction, AK 99737

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

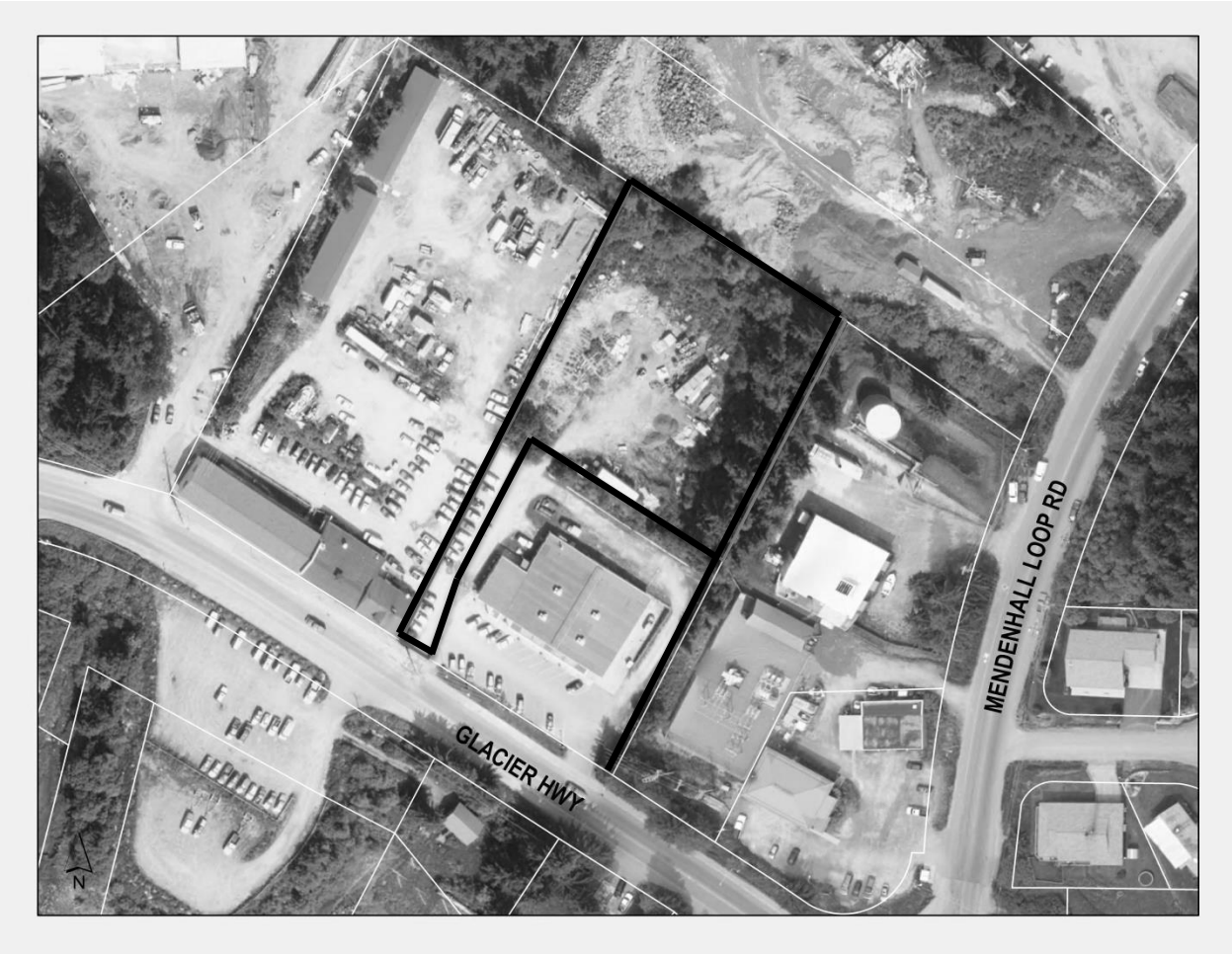
(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

DATE:	October 12, 2018
TO:	Planning Commission
FROM:	Allison Eddins, Planner Community Development Department
CASE NO.:	USE2018 0016
PROPOSAL:	A Conditional Use Permit to allow a 32-unit condominium development

GENERAL INFORMATION

Applicant:	The Jetty LLC
Property Owner:	The Jetty LLC
Property Address:	11798 Glacier Hwy
Legal Description:	Jetty Subdivision, Lot 2
Parcel Code Number:	4B2801030090 (Parent parcel number)
Site Size:	58,160 square feet (1.3 acres)
Comprehensive Plan Future Land Use Designation:	Marine Mixed Use (M/MU)
Zoning:	General Commercial (GC)
Utilities:	City water & sewer
Access:	Glacier Highway
Existing Land Use:	Vacant lot
Surrounding Land Use:	North - 60 unit condo development/Light Commercial South - Glacier Highway; Statter Harbor/Waterfront Commercial East - AEL&P power station/General Commercial West - Restaurants; Retail/General Commercial

VICINITY MAP



ATTACHMENTS

Attachment A – Conditional Use Permit Application

Attachment B – The Jetty Subdivision Plat (2018-29)

Attachment C – Proposed Floor Plan

Attachment D – Site Plan: Parking/Circulation, Vegetative Cover/Landscaping, and Lighting

Attachment E – Building Façade Design

Attachment F – Public Comment Emails (2)

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a 32-unit condominium complex on a vacant lot in Auke Bay. The condominiums will be a mixture of two and three bedroom units. The subject lot is located within the Auke Bay Center area, as identified in the Auke Bay Area Plan (ABAP).

BACKGROUND

The development will be located on a 58,160 square foot lot. The lot is the result of a recent subdivision (MIF2018-0011). While the subdivision has been approved, the plat has been recorded (Plat 2018-29), and a new legal description has been created, a new CBJ parcel number has not been assigned. Therefore, the parcel identification number used in this report is for the parent parcel.

The parent lot is East ½ Lot A, USS 2391. US Survey 2391 was platted in 1940. Lot A was created by deed in 1966. The East ½ of Lot A was created by deed in 1973. In 1996, the owner of East ½ Lot A granted an access and utility easement to West ½ Lot A. This access and utility easement is still in place on the subject lot (Jetty Subdivision Lot 2) and is cited on the 2018 Jetty Subdivision plat. The 2018 plat establishes this easement as access to Jetty Subdivision Lot 1. See Attachment B for the Jetty Subdivision plat.

ANALYSIS

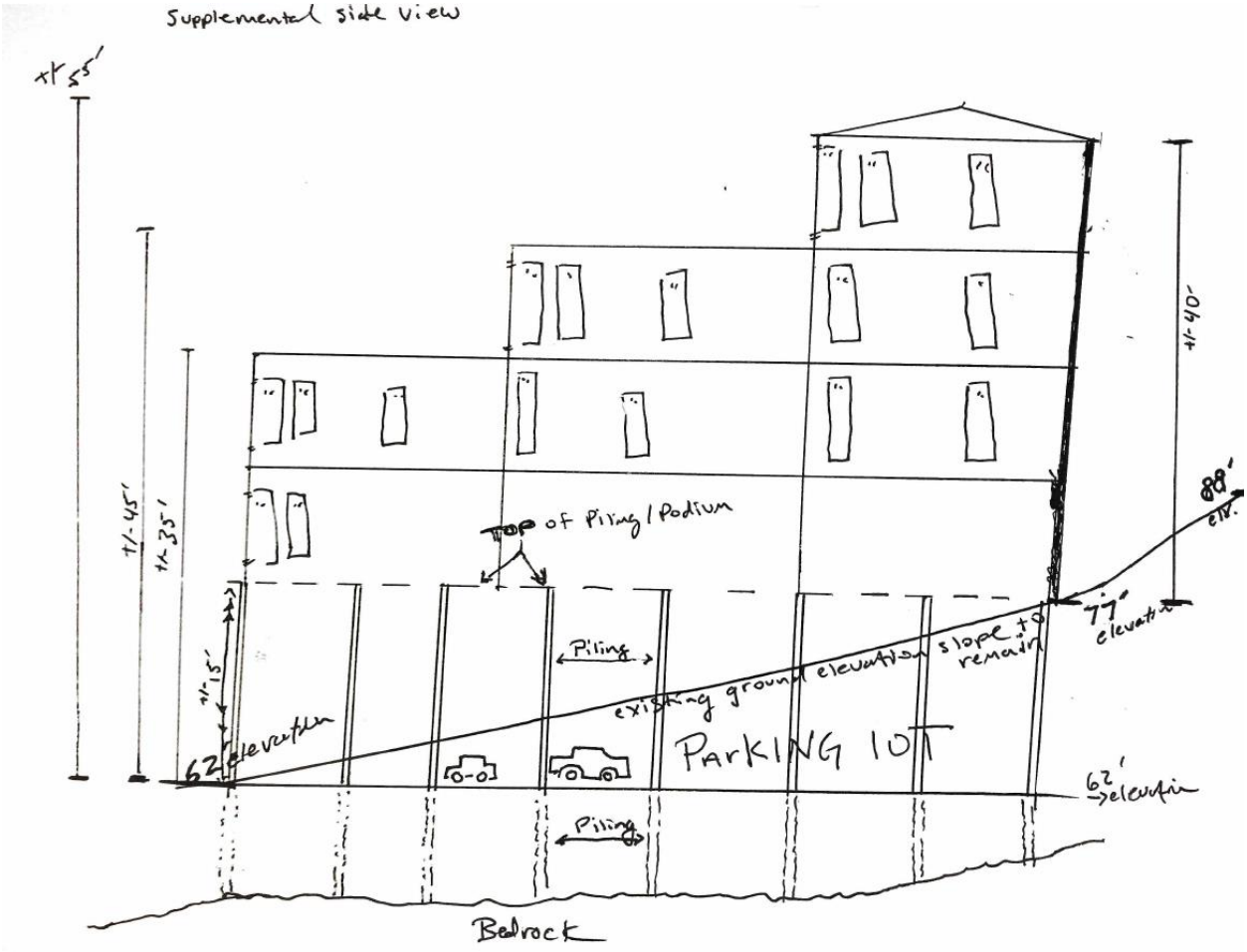
Project Site – The project site is currently vacant and is being used for vehicle storage. The lot has the appearance of a panhandle but meets the minimum dimensional standard for a lot width in the General Commercial (GC) zoning district which is 20 feet. The lot is 454 feet deep and 224 feet wide at the rear. The minimum lot depth in GC is 60 feet and the minimum lot size is 2,000 square feet. As stated above, the lot is 58,160 square feet.

Although this lot is steep in places, this project does not require a Hillside Endorsement. *CBJ 49.70.200 Hillside Development* requires a Hillside Endorsement application for all development that involves excavation of any slope or the creation of any slope in excess of 18 percent. The steepest portion of the lot is in the rear. The rear 70 feet of the lot has as elevation increase of 16 feet, creating a 22 percent slope. This portion of the lot will be left undeveloped, and a retaining wall will be built to stabilize the slope. The remainder of the lot gradually increases in elevation with a 9.8 percent slope.

Project Design – The proposed condominium complex will be built on pilings. There will be at–grade, covered parking. The condominiums will be constructed above the parking. The condominium building will be a “stepped back” design. The front of the building will be two stories. The third and fourth stories will be stepped back. The total height of the building will be

45 feet. The maximum height in the General Commercial zoning district is 55 feet. See the image below for a sketch of the proposed building.

The development will consist of 28 two-bedroom units and 4 three-bedroom units. The proposed floor plans are shown in Attachment C.



Calculating Building Height – CBJ 49.25.420 (a) states that *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 a pitched roof.*

CBJ 49.25.420 (b) The reference datum shall be whichever of the following yields the greater height of the building:

(1) The highest point within a horizontal distance of five feet from the exterior wall of the building, when such point if not more than ten feet above the lowest point within said five feet.

(2) An elevation ten feet higher than the lowest point, when the highest point described in subsection (b)(1) is more than ten feet above the lowest point.

Using the side view elevation on the previous page and measuring five feet from the exterior of the proposed building provides two reference datum points. Point A, five feet from the front of the building, is approximately 62 feet elevation. Point B, five feet from the rear of the building, is approximately 77 feet elevation. Point B is 15 feet higher than Point A, therefore the method for measuring height described in CBJ 49.25.420 (b) (2) should be used. Below is an image showing how this method is used.

To calculate the height of the proposed condominium building, begin with datum point A at 62 feet elevation. Next, ten feet is added to datum point A. This brings the elevation point to 72 feet. This is where the measurement begins. From this point at 72 feet elevation to the mid-point of the proposed roof line is approximately 45 feet.

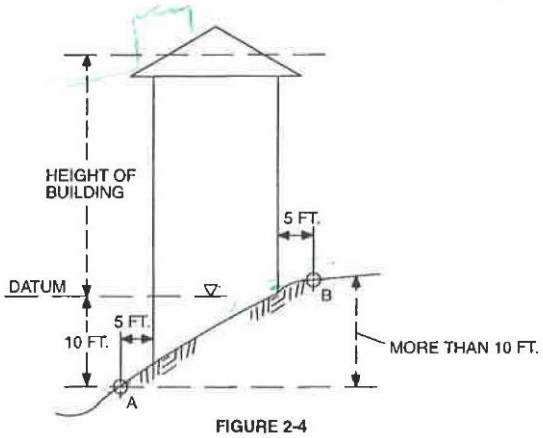


FIGURE 2-4

Traffic –The Institute of Transportation Engineers Manual categorizes condominiums as residential condos/townhouses (Land Use 230) and estimates that each residence will generate 5.81 vehicle trips per day, making the average daily traffic for the entire development to be 186 trips per weekday. 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 24 foot wide two-way access to the condominiums from Glacier Highway. This is an existing access point that will be used by Jetty Subdivision Lot 1 and West ½ Lot A via an access and utility easement. Alaska Department of Transportation and Public Facilities (AKDOT&PF) was asked to comment on this project. DOT&PF responded that they had no concerns with the traffic or access for this development and that they have been working with the applicant on a right of way permit to pave and widen the existing driveway.

Parking and Circulation – The proposed parking and circulation plan is approved as part of the site plan. (See Attachment D) The parking requirement for the condominium development is provided in the table below.

Unit Type	# of units	Parking per unit	Total
2 bedroom	28	1.75	49
3 bedroom	4	2.25	9
Grand Total			**58**

Standard spaces	8.5' by 17'		**55**
ADA space	13' by 17'		**3**
ADA Van aisle	8' by 17'	Shall be located between the 2 ADA spaces	ADA signs must be posted and the spaces must be clearly marked

The development will provide 49 covered parking spaces in the at-grade parking structure and 15 uncovered spaces for a total of 64 parking spaces. The covered parking will be angled at 45° and a circular, one-way traffic pattern is planned for the covered parking area. CBJ 49.40.230 requires one-way traffic aisles for 45° angled parking to be 13 feet wide. The 15 uncovered parking spaces will be angled at 90°, and a two-way traffic aisle is planned. Two-way traffic aisles for 90° angled parking are required to be 24 feet wide. The parking and circulation plan submitted for this project is drawn to scale and shows the required parking space and aisle dimensions. CBJ 49.40.220 requires residential developments of 10 units or more to submit a parking and site circulation plan that has been prepared by a licensed engineer or architect. Prior to the issuance of a Building Permit, the applicant must meet this requirement.

Three ADA compliant parking spaces, with appropriate striping and signage, must be provided on the site including one van accessible space. Prior to the issuance of a Certificate of Occupancy, the parking spaces will need to be striped and properly signed. To ensure that all common parking and circulation areas are adequately maintained, it is recommended as a condition of approval that a Homeowner's Association (HOA) Agreement address the maintenance of such areas.

Pedestrian Circulation – CBJ 49.40.230 states that pedestrian walkways within a parking area be a minimum of 4 feet wide and must be raised 6 inches or more above the parking area. The site plan shows a raised 5 foot wide pedestrian walkway leading from the building's main entrance through the center of the parking area. The walkway connects to the abutting lot, Jetty Subdivision Lot 1.

Vegetative Cover and Landscaping – The minimum vegetative cover requirement for General Commercial is 10 percent. For the subject lot, 10% is 5,816 square feet. The steep rear portion of the lot will be left undeveloped and will retain 16,128 square feet of natural vegetation. This meets the minimum vegetative cover requirement.

CBJ 49.40.230 (a) requires parking and circulation areas to be "attractively landscaped". CBJ 49.430.230 (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".

CBJ 49.80 defines landscaping as: *lawns, trees, plants or other natural and decorative features to land.*

The site plan shows that a 20 foot wide vegetated strip will be installed along the southeast side of the parking area. Additional vegetation will be installed along the building's façade. The applicant has not specified the type of vegetation and landscaping that will be installed.

Staff recommends as a condition of approval that prior to the issuance of a Building Permit, the applicant provides a detailed landscape plan for the site and parking area. Prior to a Certificate of Occupancy being issued for the building, the landscaping must be installed or bonded for.

Prior to the issuance of a Certificate of Occupancy, staff recommends that the Homeowners Association Agreement provide for the maintenance of all required vegetation and landscaping.

Drainage and Snow Storage- A detailed drainage and snow storage plan will be required at the time a Building Permit is applied for. The drainage plan must show that permanent storm water best management practices (BMPS) will be in place and must include all easements that have been granted for drainage. As part of the Building Permit review, CBJ General Engineering requires a maintenance schedule agreement for oil/water separators to be recorded to make it clear what a development's maintenance obligations are.

Lighting- CBJ 49.40.230 (d) requires that parking areas be "suitably lighted" and "shall be full cutoff styles that direct light only onto the subject parcel". This is interpreted to mean exterior lighting should be provided in parking areas, along pedestrian walkways, and immediately adjacent or affixed to the exterior of the building. The applicant has proposed lighting fixtures that meet the required full cutoff design. The lighting locations are shown on the site plan that has been submitted (See Attachment D). The lighting shall be designed, located, and installed to minimize off-site glare.

Noise – The proposed condominium development is not expected to generate any noise impacts beyond what would be expected for multifamily use in a General Commercial zoning district.

Public Health or Safety – During the Building Permit review, all structures will be evaluated for compliance with all zoning, building, and fire standards. Neither the CBJ Building Official nor the CBJ Fire Marshal had any concerns with the proposed development.

Habitat – There are no habitats regulated by the CBJ Land Use Code that would be impacted by the development.

Public Comment – At the time this staff report was written, staff had received two emails (See Attachment F) and one in-person comment from neighboring property owners. The two property owners who emailed comments expressed concerns about increased traffic in the

area and suggested that a study be conducted to determine if long-term rental property has a negative impact on the neighborhood. As mentioned above, the proposed 32 unit condominium development is estimated to generate 186 vehicle trips per day - not enough to require a Traffic Impact Analysis. Staff reached out to AKDOT&PF for comment. AKDOT&PF staff reviewed the proposal and did not have any concerns. CDD also received an in-person comment from a neighboring property owner who is concerned about the protection of views from his property, which is located behind the subject lot. As mentioned above, the proposed development will be approximately 45 feet high. The ABAP does encourage the preservation of views from public property, but it does not address protecting views from private property.

Property Value or Neighborhood Harmony – The surrounding land uses are commercial, multifamily residential, and an AEL&P utility station. CBJ 49.25.210 states that commercial zoning districts are established to accommodate commercial activities and, more specifically, that General Commercial zoning districts are:

> *Intended to accommodate most commercial uses. Commercial activities are permitted outright in the zone except for those few uses that are listed as conditional uses to ensure compatibility. Residential development is allowed in mixed and single-use developments in the general commercial district.*

The proposed condominium development is allowed in the zoning district and is consistent with the description of the zoning district. The CBJ Assessors Office has stated that they do not foresee any negative impacts on surrounding property values from the development.

Conformity with Adopted Plans –

<u>CBJ 2013 Comprehensive Plan</u>
The Land Use Designation of the site in the Comprehensive Plan is Marine/Mixed Use (MMU). This land use is described as:

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

The proposed dwelling unit density for this project is 24 units per acre, consistent with the intent of the M/MU district. The maximum allowed density in the General Commercial zoning

district is 50 units per acre. Ideally, lands are developed to their maximum density where possible, but there is no minimum density requirement.

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)

This development is in general conformity with the 2013 Comprehensive Plan.

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. The proposed development will feature a raised 5 foot wide pedestrian pathway through the parking area and will provide connectivity to the adjacent lot. This development is in general conformity with the AWTP.

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 restaurants, schools, a post office, a hair salon, and harbor facilities. Transit services operate on Glacier Highway and Mendenhall Loop Road. The pedestrian pathway will help create pedestrian connections between properties and will promote non-motorized transportation. This development is in general conformity with the JNMTP.

Auke Bay Area Plan

The purpose of the Auke Bay Area Plan (ABAP) is to provide a 20 year vision for the Auke Bay neighborhood that will help guide future development. The subject lot is located within the Auke Bay Center, as identified in the plan. The Center is envisioned to be the focal point of the area with multi-story buildings with a mixture of uses, higher density, and pedestrian and road connectivity. The ABAP also recommends design and site features such as canopies, landscaping and screening of parking areas, utility boxes, and trash/recycling receptacles. The proposed density for this development is 24 units per acre which is considered medium-to-high density. The site will feature a pedestrian pathway that will provide connectivity to the neighboring property and the at-grade parking structure will be screened with lattice and vertical planting. The building will have vertical wood siding enclosing an exterior staircase and a covered BBQ/community space for residents. (See Attachment E) This development is in general conformity with the ABAP.

FINDINGS

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

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

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

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

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

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

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

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

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 1.300 for the General 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 October 12th and October 22nd issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. Based on the above analysis the proposed development, with conditions, will not materially endanger the public health or safety.

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

No. Based on the above analysis, the use, with conditions, will maintain the 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 above analysis, staff finds that the proposed condominium development is in general conformity with the CBJ Land Use Code, 2013 Comprehensive Plan and other relevant adopted plans referenced in this report.

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 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.

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

DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant

PROPERTY LOCATION

Physical Address: 11798 Glacier Highway, Juneau, AK 99801

Legal Description(s) (Subdivision, Survey, Block, Tract, Lot): Jetty Subdivision, Lot 2 USS 2391 LTA, East 1/2

Parcel Number(s): TBD 4B2801030090

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

LANDOWNER/ LESSEE

Property Owner: The Jetty LLC

Contact Person: Garrett Schoenberger

Mailing Address: 2780 Fritz Cove Rd., Juneau, AK 99801

Phone Number(s): Garrett - 602.790.6144
Paul - 949.244.2924

E-mail Address: garrett@alaskalegacypartners.com

LANDOWNER/ LESSEE CONSENT

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

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

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

X _____ Landowner/Lessee Signature — Date: 8/23/18

X _____ Landowner/Lessee Signature — Date: 8/23/18

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"

Applicant

Contact Person

Mailing Address

Phone Number(s)

E-mail Address

X _____ Applicant's Signature — Date of Application: 8/23/18

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

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Intake Initials	
AL	
Case Number	Date Received
AME2018 0016	8/27/18

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

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

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

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

To be completed by Applicant

PROJECT SUMMARY

32-unit condo development on a 1.33 acre GC parcel

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- ○ Accessory Apartment – Accessory Apartment Application (AAP)
- ☒ Use Listed in 49.25.300 – Table of Permissible Uses (USE)

Table of Permissible Uses Category: _____

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL? ○ YES – Case # _____ ☒ NO

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

SITE AND BUILDING SPECIFICS

Total Area of Lot 58,160 square feet Total Area of Existing Structure(s) N/A square feet

Total Area of Proposed Structure(s) 40,800 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

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

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ 1000.00			
Admin. of Guarantee	$			
Adjustment	$			
Pub. Not. Sign Fee	$ 50.00			
Pub. Not. Sign Deposit	$ 100.00			
Total Fee	$			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number	Date Received
AME2018 0016	8/27/18

ALASKA LEGACY
PARTNERS

August 24, 2018

CBJ Community Development Department
230 South Franklin Street
Juneau, AK 99801

RE: Conditional Use Permit Narrative – The Jetty LLC – ***The Jetty Condos***

Alaska Legacy Partners via The Jetty LLC is proposing a four-story, 32-unit condo development in Auke Bay. The project, located at 11798 Glacier Highway in Auke Bay, will be built on a vacant 1.33 acre parcel of land zoned General Commercial (GC). The lot is further defined as Jetty Subdivision, Lot 2.

The Jetty condo project will be accessed from Glacier Highway via panhandle. A 24' wide, two-way driveway will lead up to the Jetty Condo lot. The proposed use fits within the existing Comprehensive Plan. More specifically, it fits nicely within the newly drafted Auke Bay Area Plan.

The project foundation will be built on a podium. The podium construction will be achieved by driving piles into bedrock. This will create covered parking (under the podium) and will allow the development to achieve a more modern, mixed-use feel.

Regards,

Garrett Schoenberger
Managing Member
Alaska Legacy Partners LLC
(602) 790-6144

Paul Simpson
Managing Member
Alaska Legacy Partners LLC
(949) 244-2924

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PLAT MAP

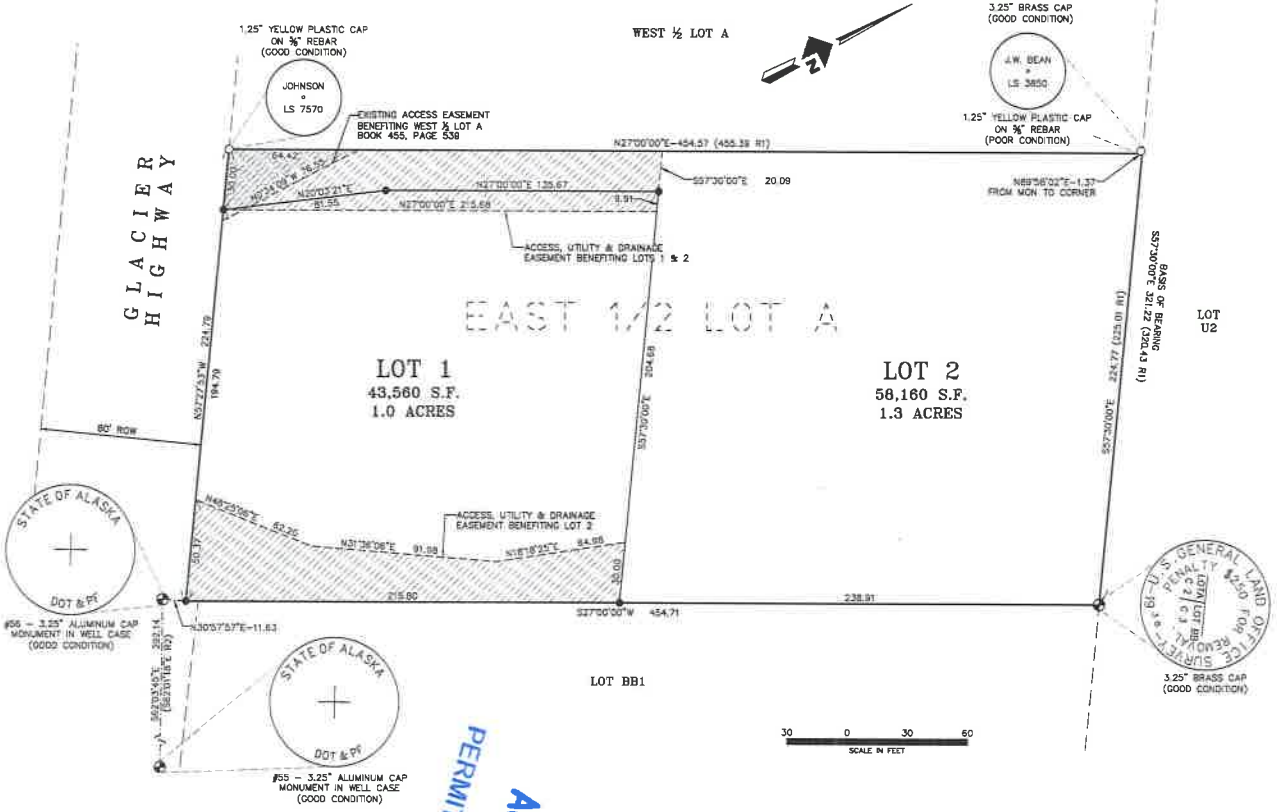
LEGEND

- PRIMARY MONUMENT RECOVERED THIS SURVEY
- SECONDARY MONUMENT SET THIS SURVEY (SEE DETAIL)
- SECONDARY MONUMENT RECOVERED THIS SURVEY (SEE DETAIL)
- PROPERTY LINE (ESTABLISHED THIS SURVEY)
- EXISTING PROPERTY LINE (NOT EFFECTED THIS SURVEY)
- SURVEY TIE
- EXISTING ACCESS EASEMENT
- ACCESS, UTILITY & DRAINAGE EASEMENT CREATED THIS PLAT

DOWL
14828-S
5/8"x30" REBAR WITH YELLOW PLASTIC CAP
TYPICAL MONUMENT DETAIL
N.T.S.

RECORD INFORMATION

RECORD INFORMATION THIS SUBDIVISION IS DERIVED FROM OFFICIAL PLATS, LAND SURVEY MONUMENT RECORD 2007-006643-0, JUNEAU RECORDING DISTRICT, DATED 09/27/2007 (R1), AND DOT&PF RIGHT OF WAY MAP, JUNEAU RECORDING DISTRICT, PLAT 2018-9, DATED 03/12/2018 (R2).



VICINITY MAP
SCALE: N.T.S.
SOURCE: CBJ BASEMAP SERIES

NOTES

1. THIS SURVEY CLOSES WITHIN A LIMIT OF ERROR OF ONE FOOT IN 10,000 FEET.
2. ALL DISTANCES ARE MEASURED IN U.S. SURVEY FEET.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. WHERE DIFFERENT FROM RECORD OR CALCULATED, RECORD DIMENSIONS ARE SHOWN IN PARENTHESES AND REFERENCED TO A RECORDED PLAT (R#).
5. DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
6. THE ON-LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CBJ 19.12.120.1 BEST MANAGEMENT PRACTICES.

OWNERSHIP CERTIFICATE

THE JETTY HEREBY CERTIFIES THAT THE JETTY IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT IT HEREBY ADOPTS THIS PLAT OF SUBDIVISION WITH ITS FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

GARRETT SCHOENBERGER – MANAGING MEMBER DATE

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA }
FIRST JUDICIAL DISTRICT } ss.

THIS IS TO CERTIFY THAT ON THIS ____ DAY OF _____ 2018, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED TO ME GARRETT SCHOENBERGER, MANAGING MEMBER, A REPRESENTATIVE OF "THE JETTY", A LIMITED LIABILITY COMPANY KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

COMMUNITY DEVELOPMENT PLAT APPROVAL

I HEREBY CERTIFY THAT THE PLAT HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT, FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

DIRECTOR, CITY & BOROUGH OF JUNEAU DATE:
DEPARTMENT OF COMMUNITY DEVELOPMENT

ATTEST: _____
MUNICIPAL CLERK, CITY & BOROUGH OF JUNEAU

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BASIS OF BEARING

THE BASIS OF BEARING FOR THIS PLAT IS RECORD BEARING OF S57°30'00"E BETWEEN U.S. GENERAL LAND OFFICE SURVEY PRIMARY MONUMENTS AS PER LAND SURVEY MONUMENT RECORD 2007-006643-0, DATED 09/28/2007, JUNEAU RECORDING DISTRICT.

SURVEYOR'S CERTIFICATE

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

DATED: JUNE, 2018

STATE OF ALASKA 49th Hans E. Pedersen No. 14828-S

PLAT OF
JETTY SUBDIVISION
A SUBDIVISION
OF EAST ½ LOT A, U.S. SURVEY 2391
WITHIN CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT
STATE RECORDERS OFFICE AT JUNEAU

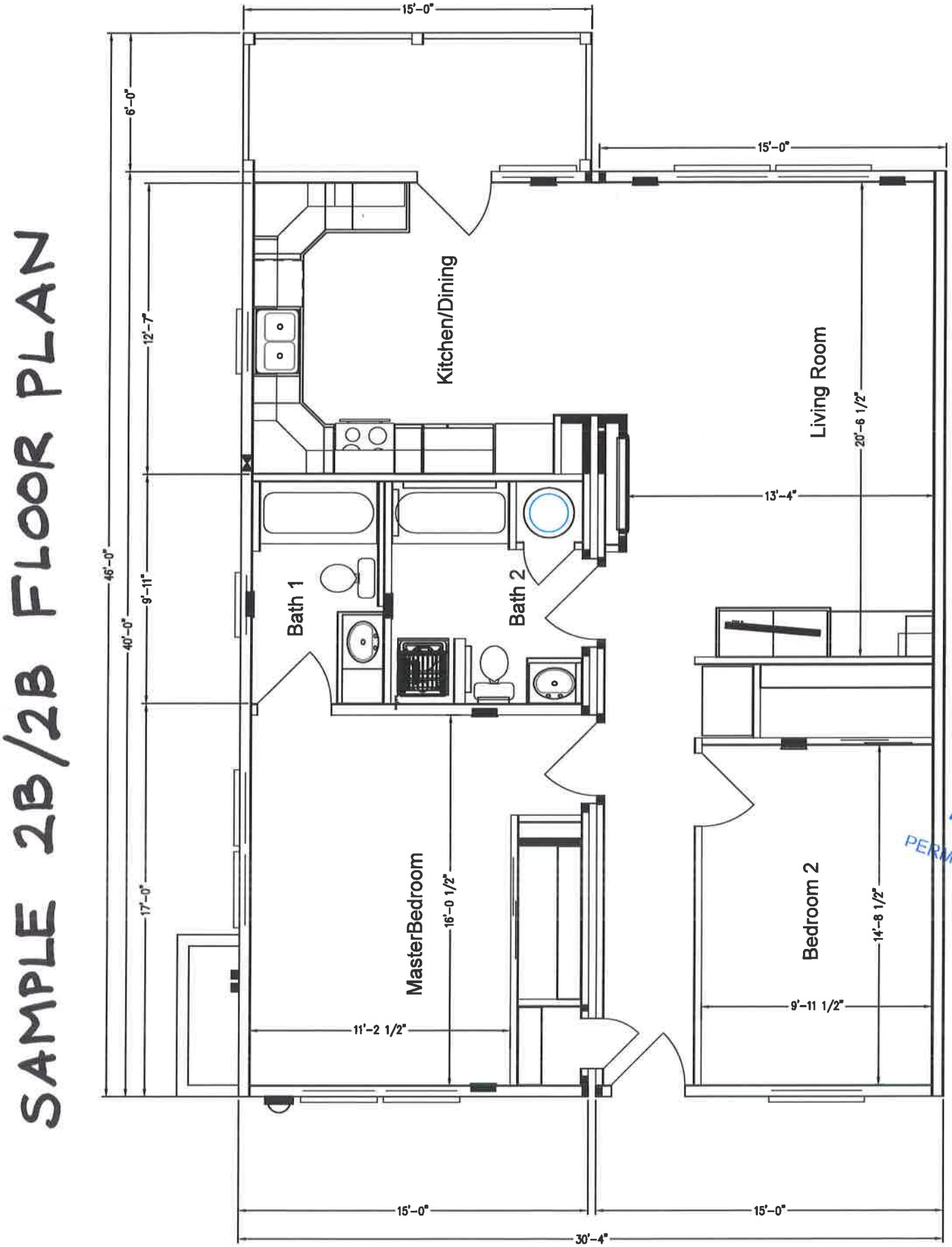
AECL848

DOWL
CIVIL ENGINEERING–LAND SURVEYING–CONSTRUCTION MANAGEMENT
5388 COMMERCIAL BOULEVARD
JUNEAU ALASKA 99801 907-780-3533

OWNER
THE JETTY
2780 FRITZ COVE ROAD
JUNEAU, ALASKA 99801

SCALE:	DATE:	PROJECT NO:	FILE NO:	SHEET NO:
1"= 30'	JUNE 2018	J71000		1 OF 1

Attachment B - Plat



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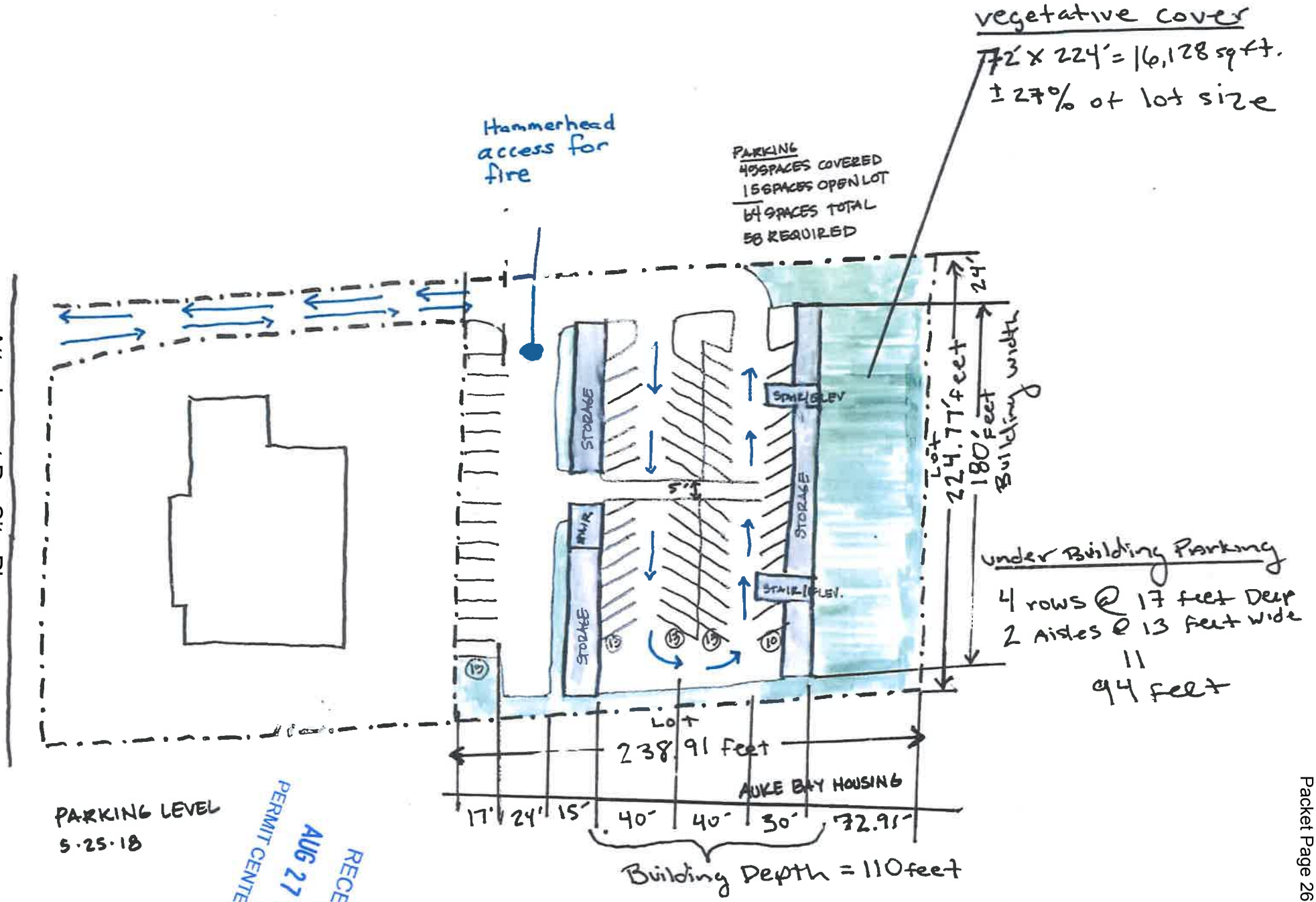
Attachment C - Floor Plan

SITE PLAN - PARKING LAYER



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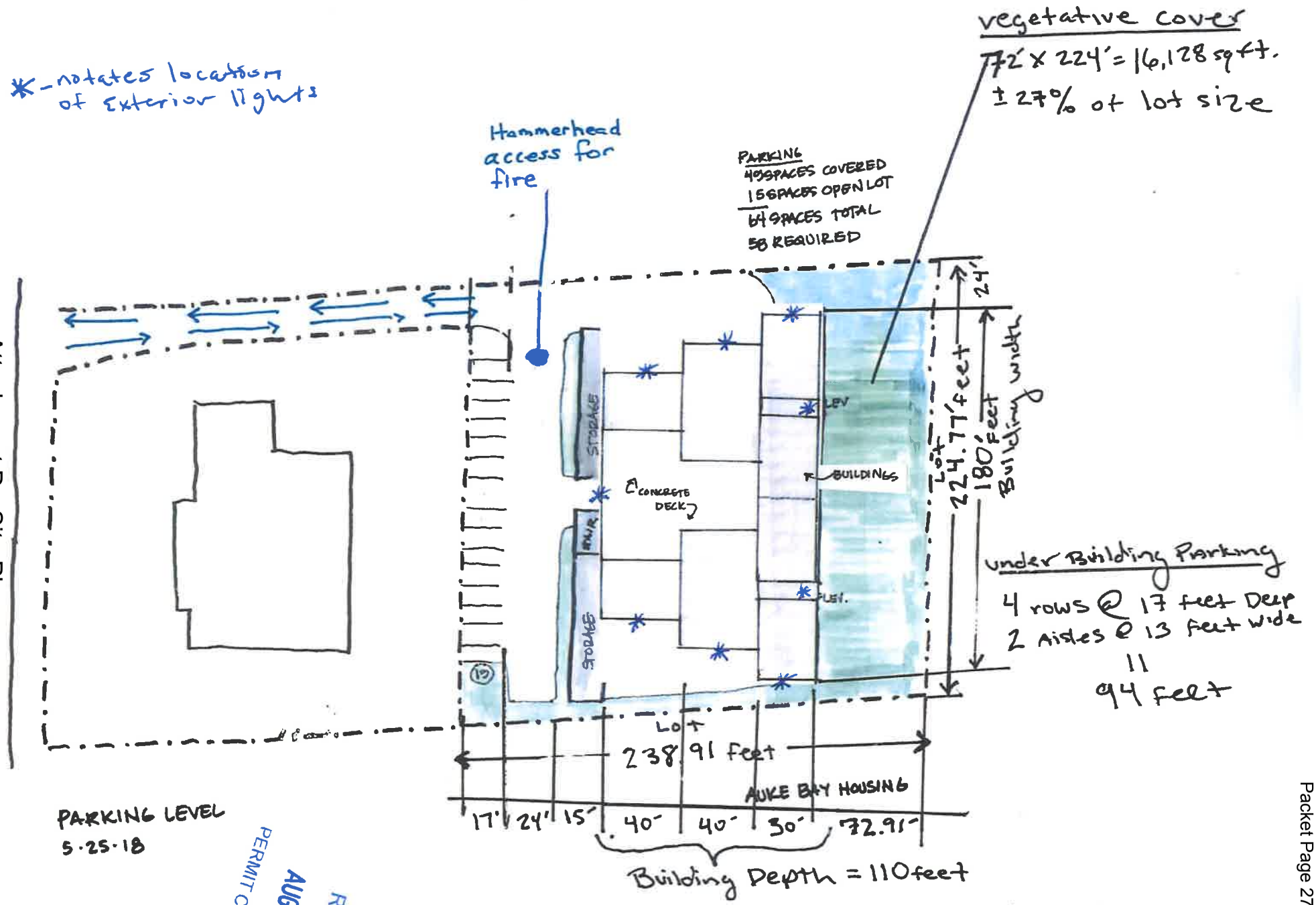
SITE PLAN - BUILDING LAYER



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PERMIT CENTER/CDD

VERY SKETCHY ELEVATION SKETCH
AUKE BAY HOUSING
JUNE 12 2018

RECEIVED
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PERMIT CENTER/CDD

From: Michael Bethers <mikebethers@gmail.com>
Sent: Monday, October 1, 2018 7:03 AM
To: PC_Comments
Subject: USE20180016

Ms Eddins and Commissioners, We are opposed to development of 32 condos proposed for development at 11798 Glacier highway or anywhere else in the Juneau area until you conduct a study to determine the negative impact on long term existing rentals in the local area.

Respecfully
Astrid and Mike Bethers

From: Christine Culliton <cmculliton@gmail.com>
Sent: Monday, September 24, 2018 7:48 AM
To: PC_Comments
Subject: New development in Auke Bay

I currently reside on Caroline St. where I have lived for over 20 years; I love my neighborhood and appreciate mindful development which is why I did not oppose the first set of condo's across the street. However, I now must oppose any more development until such time traffic patterns and utilization has occurred with the exiting units already built. The creation of the roundabout has been both a blessing and curse- we cannot merge into traffic off of Caroline because all UAS traffic as well as the roundabout come directly onto our path; this is a dangerous situation and it made worse during June/July and the winter months when the ice builds up from the natural flow of water. Additionally, the noise, dust, and increased foot traffic, homeless camps and attempted break ins in our neighborhood have gone up annually with a huge spike in the past 25 months. It is important to have development that makes since but continuing to create developments like that on Riverside is not the answer to Juneau's housing issues.
Sincerely, Christine Culliton 3869 Caroline St. Auke Bay AK 99821

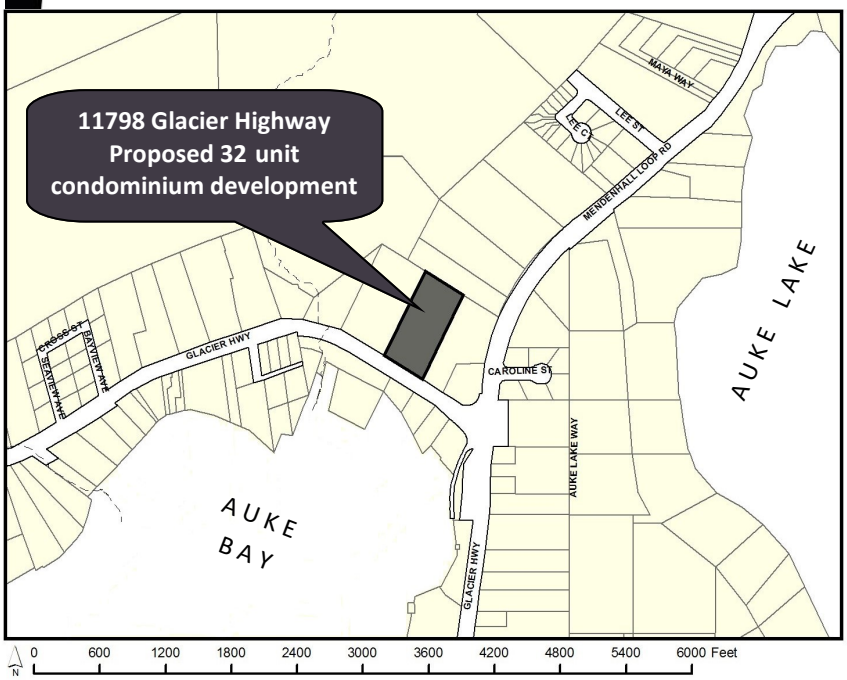
CONFIDENTIALITY NOTICE: This e-mail transmission and any documents accompanying this transmission may contain personal information subject to such privacy regulations as the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This information is intended only for the use of the authorized individual named above. Such authorized recipient of

and is required to destroy the information after its stated need has been fulfilled. If you are
not the intended recipient, you are hereby notified that any disclosures, copying, distribution, or action taken in reliance on the contents of these documents is strictly prohibited. If you have received this information in error, please notify the sender

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT
155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** to allow a **32-unit residential condominium development** to be located at **11798 Glacier Highway** in a **General Commercial zone.**

TIMELINE

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

Now through October 1, 2018

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

October 2 through 12 noon, October 19

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

HEARING DATE & TIME
7:00 pm, October 23, 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.

October 24

The results of the hearing will be posted online.

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

Printed September 21, 2018

Case No.: USE2018 0016
Parcel No.: 4B2801030090
CBJ Parcel Viewer: http://epv.juneau.org

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

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

DATE: November 5, 2018

TO: Planning Commission

FROM: Allison Eddins, Planner A. Eddins
Community Development Department

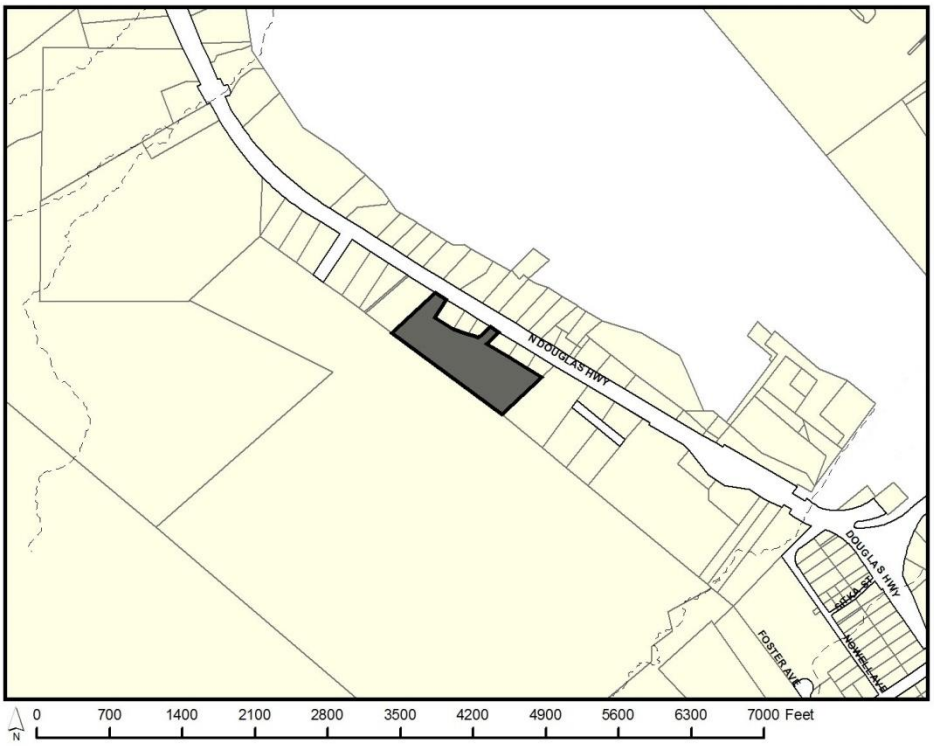
CASE NO.: USE2018 0019

PROPOSAL: A Conditional Use Permit for Juneau Makerspace – a community workshop and meeting space

GENERAL INFORMATION

Applicant:	Juneau Makerspace
Property Owner:	Square Knot Development LLC
Property Address:	3915 N. Douglas Highway
Legal Description:	Hemlock Hills, Lot 3
Parcel Code No.:	6D0601050055
Site Size:	170,592 sq. ft. (3.92 acres)
Comprehensive Plan Future Land Use Designation:	Medium Density Residential 9MDR)
Zoning:	D18
Utilities:	City Water and Sewer
Access:	North Douglas Highway
Existing Land Use:	Vacant Church
Surrounding Land Use:	North - North Douglas Highway/D3 Single family/Duplex South - Vacant lot/ D18 Multifamily East - D18 Multifamily West - D3 Single family/duplex

VICINITY MAP



ATTACHMENTS

Attachment A – Development and Conditional Use Permit application

Attachment B – Project Narrative

Attachment C – Floor Plan

Attachment D – 2013 As-Built/Utility Plan

Attachment E – Public Notice

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for a community workshop and meeting place in a D18 zoning district. The facility includes an indoor woodshop, electronics lab, ceramics studio, craft room, art studios, a kitchen, and a main hall. The main hall is used for special events such as monthly improv shows, rehearsals, crafting classes, and gaming events. According to the CBJ Land Use Code, Juneau Makerspace is considered *Light Manufacturing (Use 4.050)*. Light Manufacturing is an allowed use in D18 with a Conditional Use Permit. The use of the main hall as a meeting space is considered a *social, fraternal clubs, lodges, union halls, and yacht clubs (Use 5.400)*. This use is not allowed as a primary use in D18 but can be allowed as an accessory use to the light manufacturing.

CBJ 49.80.120 Definitions

> *Manufacturing, light means the processing and/or fabrication of materials or products where no process involved will produce noise, vibration, air pollution, fire hazard or noxious emission that will disturb or endanger neighboring properties.*
>
> *Club means a non-commercial incorporated or unincorporated association of persons organized for social or fraternal purposes.*

BACKGROUND

In 1986, a 6,000 square foot church was built on the lot. The lot was zoned R12 at the time, and the church required an approved Conditional Use Permit (CU 56-84). For a short time, the use of the building changed to a pre-school (CU 48-95). The church vacated the property in 2006. Between 2006 and 2018, the building has been intermittingly used as a residence. Based on water usage, it is thought that the building was unused between February and May 2018. Juneau Makerspace began operating in the building without a Conditional Use Permit in September 2018.

In 2010, the area was included in a rezone from D(3) to D(18). The subject lot, Hemlock Hills Lot 3, was created in 2013 (Plat 2013-7).

ANALYSIS

Project Site – The subject lot is 3.9 acres on the uphill side of North Douglas Highway with frontage and access directly on the highway. The lot is mostly undeveloped with the natural vegetation still in place. When the existing building was constructed, a small portion of the lot was graded to create a gravel parking area. The access is provided by a 24 foot wide gravel driveway. The driveway is moderately steep with a 11.5 percent grade. Although there is not a recorded access easement, Hemlock Hills Lot 1 also uses the driveway. The current driveway was constructed in 1999. The church applied for an Alaska Department of Transportation (DOT) Right-of-Way Permit and a CBJ Grading and Drainage Permit (BLD1999-00644). Both permits were approved with conditions regarding slope stabilization, proper drainage, and maintaining site distance after snow plowing on the highway. The permits never received a final inspection and both remain open. As a condition of approval, 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. CBJ Engineering and DOT work closely together on driveway and grading permits. One inspection will cover both permits.

Project Design –Juneau Makerspace plans to make minor improvements to the interior of the 6,000 square foot building. It is anticipated that this work will be mostly cosmetic and will not require a CBJ Building Permit. The building has six small rooms that surround a large main hall.

The six small rooms are used for an electronics lab, a wood shop, a craft room, a ceramics studio, and two private studios. The main hall is 2,160 square feet and will be used as an assembly/classroom space. The applicant would like to use the main hall for community events such as art classes and theater performances. The 2012 International Building Code uses the function of a space and the square footage in order to determine the maximum floor area allowed per occupant. The use of the main hall as an assembly space requires 15 square feet per person. The use of the space as a classroom requires 20 square feet per person. Using the average of the two uses, the maximum occupancy of the main hall is 126 people. The building also has a 400 square foot kitchen, a small library, and two ADA restrooms.

The original building permit for the construction of the church was issued in 1984 (BLD 0011301). The building did not receive a Certificate of Occupancy, and the permit remains open. Two subsequent building permits have been issued but remain open – BLD-1047101 for upgrades and repairs and BLD2000-00004 for the construction of an 8' by 80' covered walkway. As a condition of approval, 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. The original building permit can be modified to include a Change of Use Permit to change the use from "church" to "commercial". The applicant and property owner have been notified of the open permits and are in communication with the CBJ Code Compliance Officer. Both the applicant and the property owner are aware that failure to receive a Certificate of Occupancy will be a violation of the CBJ Building Code. If the Certificate of Occupancy is not received a Stop Use Order will be issued and CDD will initiate enforcement in consultation with the CBJ Law Department.

Traffic – The Institute of Transportation Engineers (ITE) Manual estimates that a manufacturing use will generate an average of 3.82 vehicle trips per day for every 1,000 square feet of gross floor area. The ITE Manual does not distinguish between light, medium, and heavy manufacturing as the CBJ Land Use Code does. The light manufacturing will take place within the six studios surrounding the main hall. The six studios total approximately 3,000 square feet. Therefore, it is estimated that the light manufacturing use will generate an average of 11 vehicle trips per day.

Using the ITE Manual's definition of uses, the assembly/classroom space in the main hall most closely matches the definition of a church (Land Use 560). The manual estimates this type of use will generate 9.11 vehicle trips for every 1,000 square feet of floor area. The main hall is 2,160 square feet. Using this information, staff estimates the main hall will generate 20 vehicle trips per event. This estimate seems low based on the maximum capacity of the building. In the past, when the ITE manual did not have accurate information for a particular use, the parking requirement in CBJ 49.40 has been used to estimate traffic counts. An example of this is the JRC in the Valley. For churches, auditoriums, and similar enclosed places of assembly, CBJ 49.40.210 requires one parking space for every four seats of capacity. As mentioned earlier, the main hall

has a maximum capacity of 126 people. Using this data, staff estimates 32 vehicle trips to the site per event, or 64 round trips. Currently, the applicant anticipates 3 to 4 events per month. On days when there is a special event, staff estimates the average vehicle trips to and from the site for both uses will be approximately 75 round trips. CBJ 49.40.300 states that a traffic impact analysis is not required when a development is projected to generate less than 250 vehicle trips per day.

Parking and Circulation – The parking requirement for this development is 36 spaces, one of which must be accessible. More detail is provided in the table below. Using a 2013 stamped as-built of the site and aerial images, staff estimates that the current parking area has the capacity for 32 parking spaces. The site has a small clearing approximately 2,000 square feet on the northeast side of the building that can be used for additional parking. Minimal vegetation clearing will be needed in this area in order to make it a suitable parking area. 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.

USE	**CBJ 49.40.210**		**REQUIRED SPACES**
Manufacturing Uses	1 space per 1,000 square feet of gross floor area	3000 square feet dedicated to manufacturing	3
Churches, auditoriums and similar enclosed places of assembly	1 space for every 4 seats	126 person capacity / 4 seats	32
TOTAL SPACES REQUIRED			**35**
Standard Spaces			34
ADA Space			1
TOTAL SPACES CURRENTLY PROVIDED			**32**

Vegetation and Landscaping – In the D18 zoning district, the minimum vegetative cover requirement is 30 percent. Approximately 86 percent of the lot is undeveloped and forested with natural vegetation. This meets the minimum vegetative cover requirement in CBJ 49.50.300.

CBJ 49.40.230 (a) requires parking and circulation areas to be “attractively landscaped”. CBJ 49.40.230 (c) (1) states parking areas “shall be landscaped in accordance with design review standards”. The design review standards were adopted as part of CBJ Title 4; however, Title 4 no longer includes design review standards for parking lot design.

CBJ 49.80 defines landscaping as: *lawns, trees, plants or other natural and decorative features to the land.* The natural vegetation and trees that surround the parking area meet the landscaping requirements and shield it from the adjacent road.

Noise – Juneau Makerspace will have a 400 square foot indoor woodshop. The woodshop will have table saws, a planer, a drill press, belts and sanders, and other woodworking tools that generate noise. The northeast side of the building features an 8 foot by 80 foot covered walkway. The applicant anticipates that the covered walkway may be used for woodworking projects that are too large to fit in the indoor woodshop. The walkway is approximately 100 feet from the nearest residence. As mentioned above, the lot is heavily forested. This vegetated buffer will help to mitigate any noise that may occur as a result of woodworking tools being used outside. As a condition of approval, the use of woodworking tools outside should 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. Any use of microphones, speakers, or any other loud devices that may be used for special events is strictly limited to indoor use only.

Lighting – CBJ 49.40.230 (d) requires that parking areas be "suitable lighted" and "shall be full cutoff styles that direct light only onto the subject parcel". Exterior lighting should be provided to adequately illuminate parking areas. The building currently has three full cutoff style lights affixed to the exterior of the building. The lights are directed toward the parking area and do not produce glare on abutting properties. No new lighting may be added to the exterior of the building without an approved lighting plan.

Drainage and Snow Storage – A detailed drainage and snow storage plan will be required prior to the issuance of a Certificate of Occupancy. The drainage plan must show that permanent storm water best management practices (BMPS) will be in place.

Public Health or Safety – All health and safety issues concerning the structure, grading, or drainage will be evaluated during the mandatory inspections for the building and grading permits mentioned above. Any violations must be corrected before a Certificate of Occupancy is issued. Neither the CBJ Building Official nor the CBJ Fire Marshal had any concerns with this project beyond what will be addressed during the inspection process. Additionally, a recommended condition of approval is that all open building and grading permits receive a final inspection within 10 days of the approval of this Conditional Use Permit. As discussed above, failure to receive approval for all open building and grading permits will result in enforcement action and the use will not be allowed to operate.

Habitat – There are no habitats regulated by the CBJ Land Use Code that would be impacted by this development.

Property Value or Neighborhood Harmony – The lot is 0.4 miles north of the Douglas roundabout and is bordered by single family residences zoned D3 and D18 as well as large vacant lots zoned D18. This site has been used as a church and a school. The heavy vegetation on the lot will reduce visual impacts from neighboring properties, and with the proper conditions, any negative impacts from noise can be mitigated. The CBJ Assessors Office does not foresee any negative impacts on surrounding property values from this development.

Public Comment – At the time this report was written, staff had received one phone call from a neighbor regarding this proposal. The neighbor was in favor of the proposal.

Conformity with Adopted Plans –

CBJ 2013 Comprehensive Plan

The land designation of the site in the Comprehensive Plan is Medium Density Residential (MDR). This land use is described as:

…lands characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

The proposed primary use, light manufacturing, is an allowed use in the D18 zoning district under CBJ 49.25.430 Table of Permissible Uses. The lot is large and heavily vegetated. The structure is not visible from the right of way and the vegetation provides a visual and a noise buffer between nearby residences.

The Comprehensive Plan provides policies to encourage the development of community spaces in appropriate locations.

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

> 10.4-IA2 *Maintain and consider enhancing Title 49 Land Use Code requirements for buffering and screening between residential and commercial/industrial uses an d careful review of site development plans. Great care should be taken to incorporate design features, materials and good neighbor operating practices into the non-residential development permit in order to mitigate potential adverse noise, dust, odor and glare impacts to adjacent residential neighbors. Such operating practices should be incorporated as conditions of any permit for a non-residential land use located within 200 feet of a residential use or neighborhood.*

POLICY 15.1 TO SUPPORT THE ARTS AS A VITAL ELEMENT OF COMMUNITY LIFE AND TO RECOGINIZE THE IMPORTANT ROLE THAT THE ARTS PLAY IN THE CULTURAL, SOCIAL, AND ECONOMIC WELL-BEING OF THE COMMUNITY. IT IS FURTHER THE POLICY OF THE CBJ TO STRENGTHEN ITS ROLE AS A REGIONAL CULTURAL RESOURCE TO THE COMUNITIES OF SOUTHEAST ALASKA.

Juneau Economic Development Plan

The Juneau Economic Development Plan is a 10 year economic development plan that sets economic initiatives, objectives, and an action plan for the CBJ.

INITIATIVE 3 – *Attract and Prepare the Next Generation Workforce*

Objective 4. *Actively support and maintain quality of life infrastructure that attracts and retains a desired workforce.*

Action 4-B. *Actively support amenities that attract and retain Juneau's workforce, including recreational, arts and cultural amenities, such as Eaglecrest, the ice rink, swimming pools, libraries, museums and outdoor recreation areas.*

Objective 7. *Support adult education, training, and events that increase innovation and entrepreneurial capacity.*

Action 7-C. *Support the development of a Makerspace where designers, artists, and engineers can share tools, resources and ideas, and attend classes.*

FINDINGS

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

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

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

CBJ 49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the

development will more probably than not:

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

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

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

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 4.050 for the 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 2, 2018, and November 12, 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 the proposed development, with conditions and the approval of all necessary permits, will not materially endanger the public health or safety.

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

No. Based on the above analysis, the use, with conditions, will maintain the 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 above analysis, staff finds that the proposed development is in general conformity with the CBJ Land Use Code, the 2013 Comprehensive Plan, and the Juneau Economic Development 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 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.

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

DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant

PROPERTY LOCATION

Physical Address: 3915 North Douglas Highway — 170,592 sq. ft. 3.92 acres

Legal Description(s) (Subdivision, Survey, Block, Tract, Lot): Hemlock Hills Lt 3

Parcel Number(s): 6D0601050055

☐ This property located in the downtown historic district

☐ This property located in a mapped hazard area, if so, which _____

LANDOWNER/ LESSEE

Property Owner: Juneau Makerspace

Contact Person: Samuel Bernstein

Mailing Address: 350 Whittier St. Suite 101, Juneau, AK 99801

Phone Number(s): 907-209-3103

E-mail Address: Juneaumakerspace@gmail.com

LANDOWNER/ LESSEE CONSENT

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

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

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.

B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X _____ Landowner/Lessee Signature — Date: 7/28/18

X _____ Landowner/Lessee Signature — Date: _____

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

APPLICANT

If the same as OWNER, write "SAME"

Applicant: same

Contact Person:

Mailing Address:

Phone Number(s):

E-mail Address:

X _____ Applicant's Signature — Date of Application: _____

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

Attachment A - Application

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	
AL	
Case Number	Date Received
USE18-019	9/13/18

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

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

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

To be completed by Applicant

PROJECT SUMMARY Juneau Makerspace is a community creative space that will include workshops and event space. The existing building is a former church and school and is being repaired.

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- ( ) Accessory Apartment – Accessory Apartment Application (AAP)
- (X) Use Listed in 49.25.300 – Table of Permissible Uses (USE)

Table of Permissible Uses Category: 49.25.80 Light Manufacturing

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL? ( ) YES – Case # _____ (X) NO

UTILITIES PROPOSED **WATER:** [ ] Public [ ] On Site **SEWER:** [ ] Public [ ] On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 170,592 square feet Total Area of Existing Structure(s) 6048 square feet

Total Area of Proposed Structure(s) 0 square feet

EXTERNAL LIGHTING

Existing to remain (X) No ( ) Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

Proposed (X) No ( ) Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

[x] **Narrative including:**

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

[x] **Plans including:**

- [x] Site plan
- [x] Floor plan(s) *
- [x] Elevation view of existing and proposed buildings
- [x] Proposed vegetative cover
- [x] Existing and proposed parking areas and proposed traffic circulation *
- [x] 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

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

ALLOWABLE/CONDITIONAL USE FEES	Fees	Check No.	Receipt	Date
Application Fees	$_____			
Admin. of Guarantee	$_____			
Adjustment	$_____			
Pub. Not. Sign Fee	$_____			
Pub. Not. Sign Deposit	$_____			
Total Fee	$_____			

Attachment A - Application

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
LGE 18-019	9/13/18

RECEIVED
SEP 13 2018
PERMIT CENTER/CDD

Allowable Use for Juneau Makerspace, 3915 North Douglas Highway

Current use of land or building:

The lot contains one building and a parking lot. The building was built to be a church, and at one point was a school as well. It had been uninhabited for at least several months before the nonprofit organization Juneau Makerspace began to fix it up. Without Juneau Makerspace taking over the building, it would have continued to fall into disrepair from lack of upkeep. The area to the northwest of the building is gravel parking, which will also be maintained or improved. The rest of the land is untouched forest, and will remain that way.

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

The land outside the building is part gravel parking and the rest is untouched forest. There is a drainage ditch at the top of the parking lot uphill from the driveway. The driveway up to the parking lot is moderately steep and is shared with a couple of neighboring houses. The proposed project is to turn the building into a Makerspace. A Makerspace is a community space for sharing tools, equipment, and workspace. The main hall inside the building will be a rental space for events, and the surrounding rooms will be turned into workshops dedicated to woodworking, arts and crafts, ceramics, electronics, and a kitchen.The building will be maintained and repaired as necessary by Juneau Makerspace. No major structural changes are planned, with most work being cosmetic such as painting walls and installing security cameras. Outside the building potholes will be filled and the ditch kept clear, but the lot will otherwise not have any major land work done. There is some shrubbery and weeds encroaching on the parking area that will be cut back or removed. The parking area is large and easy to maneuver. It provides ample parking along the side of the building and at the back of the lot. Only 6 parking spots are required for the building size of 6000 sqft, which easily fits along just the side of the building. The single required accessible parking spot will be designated closest to the entrance.

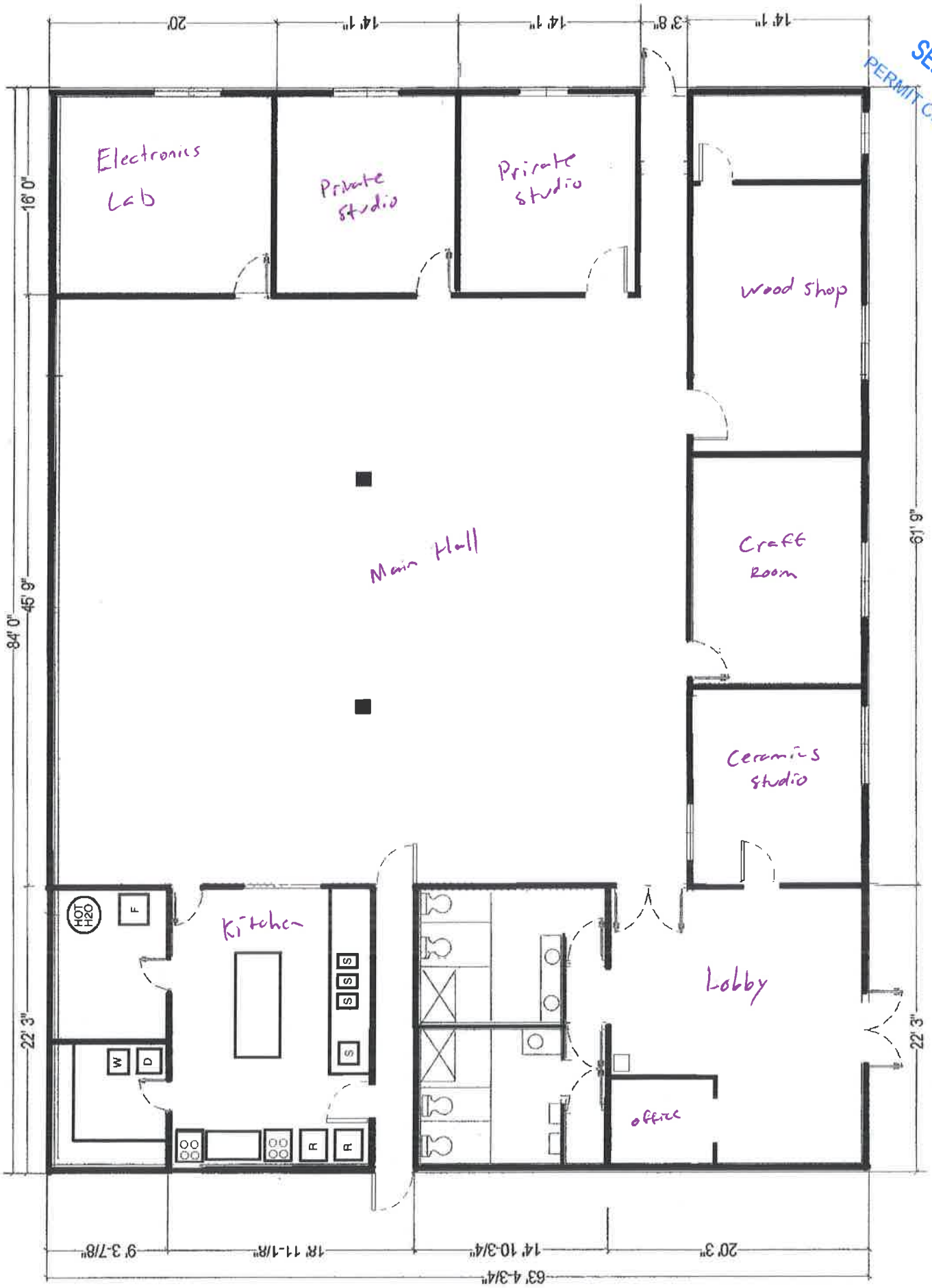
Proposed use of land or building:

The forested land will remain untouched. The parking area will be kept clear and drivable, with parking spaces clearly marked. The lot will be plowed in winter and kept clear of weeds. The building will be maintained as a member run Makerspace and community center. Members will have 24 hour access, with noise and light restrictions 10 pm to 7 am. The walls will be painted and any needed repairs will be done.No major structural changes will be made.

How the proposed use complies with Comprehensive Plan:

The Makerspace is a community space. The building was originally built to be a church, which is similar in function to a Makerspace in that it is a community gathering place. It will serve as a collaborative work space for hobbyists and artists, and not disrupt the surrounding neighborhood. It will be an asset to the area by occupying an otherwise empty building.

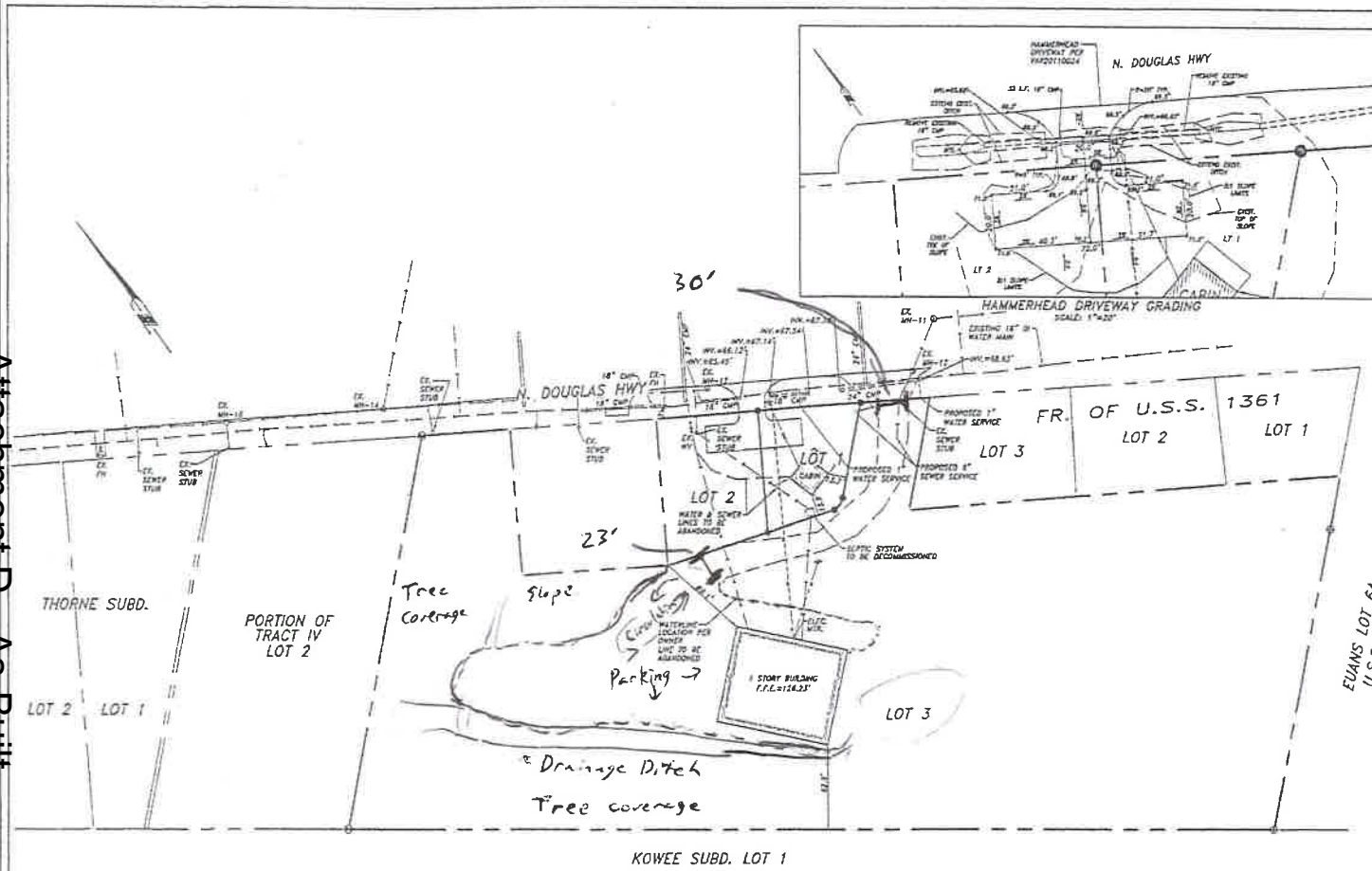
RECEIVED
SEP 13 2018
PERMIT CENTER/CDD

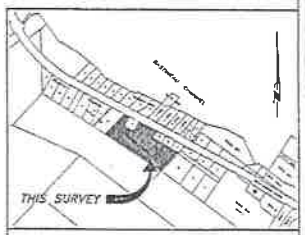


EXISTING FIRST FLOOR PLAN

Attachment C - Floor Plan

R&M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS





VICINITY MAP
SOURCE: C.B.J. ATLAS
SCALE: 1"=400'

LEGEND

- OLD MONUMENT (RECOVERED)
- SECONDARY MONUMENT (RECOVERED)
- 7870-S SECONDARY MONUMENT (ESTABLISHED)
- PROPERTY / BOUNDARY LINE
- GRAVEL DRIVE

GENERAL NOTES

1.) THE BASIS OF BEARING FOR THIS SURVEY WAS BETWEEN A RECOVERED OLD MONUMENT FOR C4 U.S.S. 1361 AND A 3" BRASS CAP WITH NO MARKINGS, HAVING A RECORD BEARING OF S48°44'00"W.

2.) THE SOURCE DOCUMENT UTILIZED TO PRODUCE THIS PLAT IS PLAT NO. 288, A SUBDIVISION OF FRACTION OF U.S.S. 1361, PLAT NO. 325, A SUBDIVISION OF FRACTION OF U.S.S. 1361, PLAT NO. 83-21, THORNE SUBDIVISION, PLAT NO. 83-214W, SUBDIVISION OF TRACT IV U.S.S. 1361, PLAT NO. 86-44, SUBDIVISION OF LOTS 2 & 3 FRACTION OF TRACT IV U.S.S. 1361, FILED AT THE JUNEAU RECORDING DISTRICT.

3.) WHERE RECORD SURVEY COURSES (BEARINGS AND/OR DISTANCES) DIFFER FROM THAT OF ACTUAL MEASURED AND/OR COMPUTED SURVEY COURSES THE RECORD COURSE IS SHOWN WITHIN PARENTHESIS WHILE THE ACTUAL MEASURED AND/OR COMPUTED COURSE IS SHOWN WITHOUT PARENTHESIS.

4.) ALL BEARINGS SHOWN ARE WITH REFERENCE TO THE BASIS OF BEARING. ALL DISTANCES DENOTED HAVE BEEN REDUCED TO HORIZONTAL DISTANCES.

5.) THIS SURVEY WAS CONDUCTED UTILIZING A TOPCON 3000 SERIES TOTAL STATION AND STANDARD PRISM RANGING METHODS.

6.) DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.

7.) THE ON LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CHAPTER 18.12.120.1 BEST MANAGEMENT PRACTICES.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

STATE OF ALASKA 49TH
MICHAEL A. ROBINSON
PROFESSIONAL LAND SURVEYOR

DATE: 2-19-13

SUBDIVISION NOTES

1.) PER HAR20110024, ACCESS TO THE SUBDIVISION SHALL BE LIMITED TO TWO DRIVEWAYS OR ONE DRIVEWAY AND ONE ACCESS ROAD.

2.) PER HAR20110024, LOTS 1A AND 2A ARE LIMITED TO ONE SHARED DRIVEWAY. THIS DRIVEWAY SHALL BE DESIGNED WITH SUFFICIENT AREA TO PROVIDE THE REQUIRED MINIMUM PARKING AND TO PROVIDE SUFFICIENT MANEUVERING SO AS TO PREVENT BACK OUT PARKING.

CBJ FILE COPY
2013-7
3/6/2013
SHW 2013-00010

UTILITY PLAN
OF
HEMLOCK HILLS SUBDIVISION
A SUBDIVISION OF
LOT 3, FRACTION OF TRACT IV, USS 1361
WITHIN THE CITY AND BOROUGH OF JUNEAU
JUNEAU RECORDING DISTRICT

OWNER	SURVEYOR
SQUARE KNOT DEVELOPMENT, LLC 15815 GLACIER HIGHWAY JUNEAU, ALASKA 99801	R&M ENGINEERING, INC. 8765 GLACIER HIGHWAY JUNEAU, ALASKA 99801

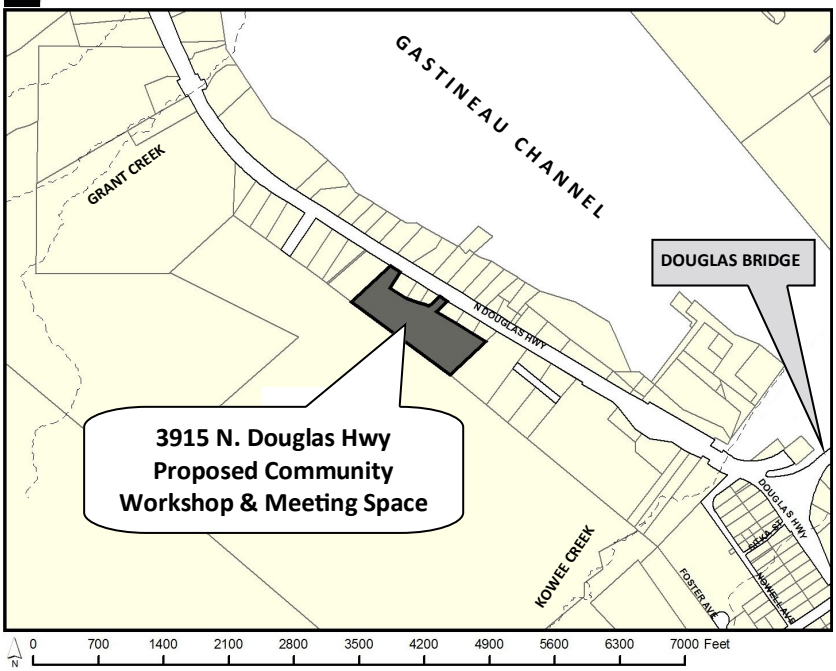
SCALE: 1"=40'
SHEET 2 OF 2
DATE: FEB. 18, 2013

RECEIVED
SEP 13 2018
PERMIT CENTER/CDD

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT
155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for **Juneau Makerspace, a Community Workshop & Meeting Space** located at **3915 N. Douglas Hwy** in a D18 Zone (a Multi-family Zoning District).

TIMELINE

Staff Report expected to be posted **Monday, November 5, 2018** at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas**
Find hearing results, meeting minutes and more here as well.

Now through October 22, 2018

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

Oct 23 through 12 noon, Friday, Nov 9

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, November 13, 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.

November 14

The results of the hearing will be posted online.

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

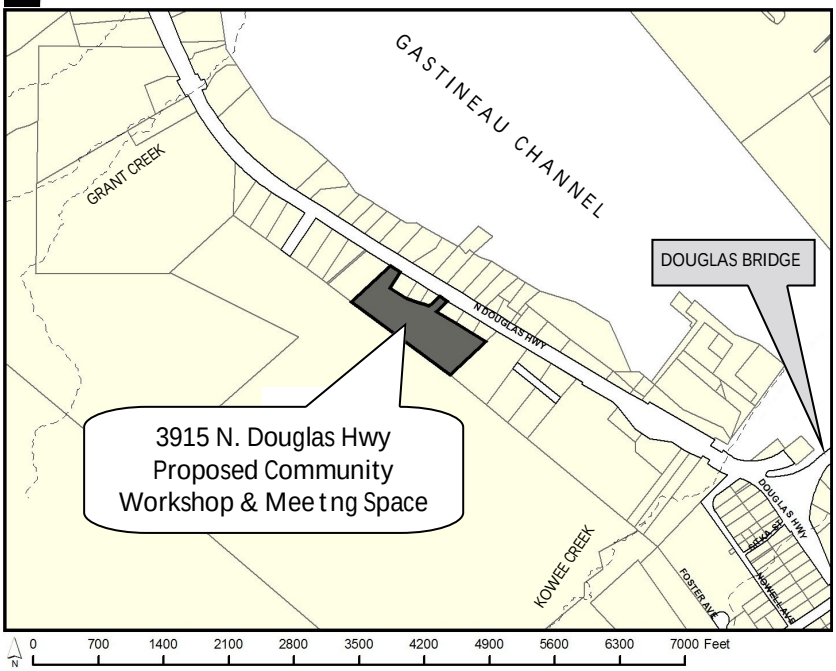
Printed October 5, 2018

Case No.: USE2018 0019
Parcel No.: 6D0601050055
CBJ Parcel Viewer: http://epv.juneau.org

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



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

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Staff Report expected to be posted Monday, November 5, 2018 at https://beta.juneau.org/assembly/assembly-minutes-and-agendas
Find hearing results, meeting minutes and more here as well.

Now through October 22, 2018

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

Oct 23 through 12 noon, Friday, Nov 9

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, November 13, 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.

November 14

The results of the hearing will be posted online.

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

Printed October 5, 2018

Case No.: USE2018 0019
Parcel No.: 6D0601050055
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: November 14, 2018
Case No.: USE2018 0019

Juneau Makerspace
350 Whittier Street, Suite 101
Juneau, AK 99801

Proposal:	A Conditional Use Permit for Juneau Makerspace – a community workshop and meeting space
Property Address:	3915 North Douglas Highway
Legal Description:	Hemlock Hills, Lot 3
Parcel Code No.:	6D0601050055
Hearing Date:	November 13, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 5, 2018, and approved the conditional use permit for Juneau Makerspace to be conducted as described in the project description and project drawings submitted with the application and with 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.

Attachments: November 5, 2018, memorandum from Allison Eddins, Community Development, to the CBJ Planning Commission regarding USE2018 0019.

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, November 13, 2018.

Expiration Date: The permit will expire 18 months after the effective date, or May 13, 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:

Allison Eddins, Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

Filed With Municipal Clerk

November 19, 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.

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

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

DATE: November 1, 2018

TO: Planning Commission

FROM: Laurel Bruggeman, Planner
Community Development Department

FILE NO.: PDP2018 0001; PDF2018 0001

PROPOSAL: An amendment to an approved Planned Unit Development to allow the creation of 12 individual parcels and one parent parcel.

GENERAL INFORMATION

Applicant:	Douglas Island Development, LLC
Property Owner:	Douglas Island Development, LLC
Property Address:	1011 Teufelshund Way
Legal Description:	USS 2960 Lot 7B1
Parcel Code No.:	6D0701010174
Site Size:	139,058 sq. ft. (3.19 acres)
Comprehensive Plan Future Land Use Designation:	Rural Dispersed Residential (RDR)
Zoning:	D3
Utilities:	Public Water & Sewer
Access:	N. Douglas Highway to Teufelshund Way, a private shared driveway
Existing Land Use:	Residential Planned Unit Development
Surrounding Land Use:	Northeast - N. Douglas Highway Southwest - Vacant CBJ Parcel Southeast - D3 Residential Northwest - D1 Residential

VICINITY MAP

ATTACHMENTS

Attachment A: Development Permit Application Packet, Including:
Application, narrative, Letter from Jill Maclean, CDD Director, dated June 26, 2018, and PUD design.
Attachment B: PDF2015 0001 Notice of Decision and Staff Report
Attachment C: Comments from Greg Chaney, Lands & Resources Manager Dated 10/11/2018

PROJECT DESCRIPTION

The applicant requests an amendment to an approved Planned Unit Development (PUD) permit for the creation of 12 individual lots and one parent lot within the PUD (13 lots total). If this amendment is approved, the creation of four lots in Phase 1 will be reviewed with SMP2018 0001 & SMF2018 0001.

BACKGROUND

In 2015, the Planning Commission approved the final plan for a 12-unit Planned Unit Development

in the D-3 zoning district (PDF2015 0001). The final approved PUD includes 12 single family dwellings on common property managed by a homeowners association (HOA), accessed by a common driveway, with public utilities (Attachment B). In 2014, the Board of Adjustment approved a variance request to allow the driveway for the PUD to encroach into the required 25 foot perimeter buffer around the PUD (VAR2014 0028). There are no proposed changes to the driveway access or encroachment into the perimeter buffer.

As stated above, the proposed amendment would create 12 individual lots and one parent lot. Individual homeowners will own the land under their home and also a share of the parent lot through the HOA (13 lots total). Access remains through a shared driveway. Public utilities are provided to the parent parcel through one water meter and then distributed to each individual lot privately.

CBJ 49.15.620(a) requires Planned Unit Developments to be reviewed as a major subdivision when there is a proposed change in the number or boundaries of lots:

> *General procedure. A proposed planned unit development shall be reviewed according to the requirements of section 49.15.330, conditional use permit, <u>and in the case of an application proposing a change in the number or boundaries of lots, section 49.15.402, major subdivisions</u>, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of lots, the preliminary and final plat submissions required by section 49.14.430 shall be included with the preliminary and final plan submissions required by this chapter.*

Additionally, per CBJ 49.15.660(c), the proposed amendment will be reviewed as a Major Amendment:

> *(c) Major amendment. All other amendments shall be reviewed by the commission upon payment of a filing fee and in accordance with the requirements of the original plan approval.*

The required major subdivision is addressed with staff report SMP2018 0001.

Typically Planned Unit Developments are reviewed twice by the commission, once for preliminary approval and once for final approval. This PUD was reviewed and approved as case numbers PDP2014 0001 and PDF2015 0001. In this instance, the applicant is requesting an amendment to the approved PUD. Therefore, the preliminary and final reviews are being considered concurrently as an amendment.

ANALYSIS

Project Site – The proposed amendment will create 12 individual lots within the PUD. The 12 lots will be created for each of the 12 dwelling units. There are no other proposed changes to the project site. The site is a 3.19 acre parcel located off North Douglas Highway. The minimum site area for a residential PUD in the D-3 zoning district is 3 acres per CBJ 49.15.670(b). The site is currently being developed under the approved PUD development and is in phase 1, which includes units 1-4 of the PUD.

Project Design – The approved PUD included 12 single family residences on a single lot that was to remain under common ownership through a homeowners association (HOA). The 12 units were approved to be built in 3 phases, with 4 residences in each phase. The approved PUD took into consideration the cumulative effects of the entire PUD.

The approved access to the site will remain through the existing driveway of lot 7A. An access easement is identified on the proposed plat (Attachment B). The common driveway will extend into Lot 7B1 and provide access to each of the 12 units. An access easement agreement will be recorded with the final subdivision plat. Additionally, a pedestrian access easement along the southeastern property line allows access to the PUD by foot.

There are no proposed changes in the PUD design aside from the creation of 12 individual lots and one parent lot, which will remain in common ownership between members of the HOA. There will be 13 total lots created under the proposed amendment. No residences will be allowed on the parent lot. The individual unit lots will range in size from approximately 2,378 square feet to approximately 2,419 square feet. CBJ 49.15.670(c) does not establish a minimum lot size within a PUD.

Density – CBJ 49.15.670(g)(1) establishes density standards PUD:

> *The number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the planned unit development and rounding to the nearest whole number.*

Per CBJ 49.25.500 In the D3 zoning district, density is determined by minimum lot size in section 49.25.400, which is 12,000 square feet for the D3 zoning district, or 4 units per acre. The subject parcel contains 3.19 acres and therefore is allowed 12 residential dwelling units within the PUD. Under the proposed amendment, there will be no changes to the density of the PUD. Each of the individual residential lots will be allowed one (1) single family residence per lot; the parent lot will not be allowed any residential dwelling units.

Planned Unit Development Design Standards - CBJ49.15.670 establishes requirements for PUD's such as a perimeter buffer, common open space, landscaping, and vegetative cover. The requested amendment does not propose to change any of these design features.

Phased Development – According to 49.15.630(b)(5) phased development is allowed within PUD's. The developer proposes 3 phases of development, each including 4 residential units and 4 individual lots. The first phase of development will include units 1-4; this will require a subdivision creating 5 total lots (4 individual residential lots & 1 parent lot for the PUD). The second phase of development will include units 5-8, and another subdivision to create the 4 additional lots. The third phase of development will include units 9-12 and the final subdivision to create the last 4 lots. Throughout the 3 phases, 12 single family homes will be built and 13 lots will be created.

Traffic – Per CBJ 49.40.300, a traffic impact analysis is required if a development is projected to generate 500 or more average daily trips. No traffic impact analysis was required when the PUD was approved in 2015. The PUD is estimated to generate 115 vehicle trips per day. There are no proposed changes in number of dwelling units, so the trips generated will not increase and a traffic impact analysis is not required for the proposed amendment.

Parking and Circulation – According to CBJ 49.40.210 each single family residence is required to have two parking spaces. Each of the twelve units will have a driveway for parking as well as a garage.

Noise –The proposed development is not expected to create noise impacts to the neighborhood beyond those expected in D-3 zoning district. The required 25 foot buffer will help mitigate noise impacts to surrounding properties.

Public Health or Safety – In order to protect and promote public health and safety on and around the site area erosion control measures, drainage Best Management Practices, and International Fire Code requirements must be met. In 2015, the PUD was approved with the condition that the developer either installs three fire hydrants with a minimum flow of 2,500 GPM OR installs residential sprinkler systems within each unit. The developer chose to install residential sprinkler systems in each unit within the PUD. Additionally, a turnaround has been provided within the PUD for emergency service vehicles. This has been approved by Fire Marshall, Dan Jager. Staff recommends that the following condition be placed on approval of the proposed amendment:

> A sprinkler system must be installed in each unit, which will be reviewed during the building permit review process

Homeowners' Association (HOA) - Because the parent parcel will be owned under common ownership, a HOA is required. The applicant has provided HOA bylaws.

49.15.640(b) Homeowners' Association

(1) The articles of incorporation and bylaws of the homeowners' association, required under AS 34.08, or this chapter, shall be prepared by a lawyer licensed to practice in the state.

(2) The association documents shall specify how common facilities shall be operated and maintained. The documents shall require homeowners to pay periodic assessments for the operation, snow removal, maintenance and repair of common facilities. The documents shall require that the governing body of the association adequately maintain common facilities.

(3) If planned unit development utilities or streets are not accepted for maintenance by the City and Borough, the homeowners' association documents shall clearly indicate that a special assessment may be levied in the future for extraordinary repairs or to perform necessary work in order to connect or dedicate common facilities to the City and Borough system. If the planned unit development is phased, the association documents shall specify how the cost to build, operate, and maintain improved common open space and common facilities shall be apportioned among homeowners of the initial phase and homeowners of later phases.

(4) The homeowners' association documents shall be recorded with the approved final plat, as required by state law, or both.

The HOA bylaws meet the criteria above. However, the bylaws will need to be amended to reflect the new plat identifying the individual lots and the common areas. Additionally, the HOA bylaws will need to be updated when future phases of the subdivision are completed. This is a recommended condition of approval.

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

Property Value or Neighborhood Harmony – Through the approved PUD, impacts to neighborhood harmony were mitigated by the 25' required perimeter buffer and the use of a single driveway to access the development. Additionally, through the approved PUD, revegetation within 3 seasons was required to help screen the development and protect slopes. Staff recommends that this condition remain as a condition of approval.

Agency Comments – The proposed amendment was sent to the Assessor's office, General Engineering, Building Official, Fire Department, Lands & Resources, and the Alaska Department of Transportation. Through this agency review, staff received one comment, from Greg Chaney, Lands & Resources Manager. He requested that a pedestrian access easement be platted to allow pedestrian access to the CBJ owned property to the rear of the PUD to "provide an access path for future trail construction that would make it possible to create a more connected community" (Attachment C).

CBJ 49.15.60(h)(4) states:

The development shall have access to a public right-of-way. A planned unit development which adjoins undeveloped land shall provide for a right-of-way between the undeveloped land and an existing public right-of-way, where appropriate.

The private driveway provides the required access to a public right-of-way. In order to provide a 12% grade for the driveway, the developer needed to construct a switch-back design. Upgrading the entire driveway to meet CBJ right-of-way standards would take up a significant portion of the required common open space and impact the developable area. Additionally, the rear of the subject parcel has slopes of 18% or greater, as shown in Attachment E, Slope Map. During the review of the PUD in 2015 it was determined that in this case, it is not appropriate to require the applicant to plat right-of-way to the rear undeveloped CBJ parcel. Additionally, the CBJ parcel to the rear has access to North Douglas Highway 0.6 miles away from the subject parcel through a parcel also owned by CBJ that has frontage on North Douglas Highway. At this time, the developer is not proposing any changes to access. No changes to what was previously approved under PDF2015 0001 are recommended.

Public Comments - At the time of this report, no public comments were received regarding the proposed amendment.

Conformity with Adopted Plans -

2013 Comprehensive Plan

The subject parcel is within Subarea 8 of the Comprehensive Plan and has a Future Land Use Designation of Rural Dispersed Residential (RDR):

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

Chapters 3 and 4 of the Comprehensive plan speak to development of housing:

> *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.*

> *4.2. To facilitate the provision of an adequate supply of various housing types and sizes to*

accommodate present and future housing needs for all economic groups.

2016 Housing Action Plan

One of the main goals recommended in the Housing Action Plan is 1,980 new units for all housing type units by 2046. The proposed amendment is consistent with this goal, as it provides a diversified type of newly constructed housing units.

2015 Economic Development Plan

One goal within the Economic Development Plan is to "break down the housing barriers that are dampening economic growth" through the following initiative:

INITIATIVE – Promote housing affordability and availability.

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 1.110 for the D3 zoning district. Additionally, CBJ 49.15.610(a) states that a residential planned unit development is allowed within zoning district D3.

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 2nd and November 12th 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. The proposed development has been found to comply, with conditions, to 49.15.Article VI.

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

No. There is no evidence that the proposed amendment, with conditions, will endanger the public health or safety.

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

No. There is no evidence that the proposed amendment, with conditions, will decrease the value or be out of harmony with properties in the neighboring area.

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

Yes. The proposed development, with the proposed amendments, is in general conformity with CBJ Title 49, the Comprehensive Plan, Housing Action Plan, and Economic Development Plan.

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

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

RECOMMENDATION

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 DISTRUBANCE 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).

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

DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant

PROPERTY LOCATION

Physical Address
USS 2960 Lot 7B1

Legal Description(s) (Subdivision, Survey, Block, Tract, Lot)
USS 2960 Lot 7B1

Parcel Number(s)
6D0701010174

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

LANDOWNER/ LESSEE

Property Owner	Contact Person
Douglas Island Development LLC	Joanne Schmidt

Mailing Address	Phone Number(s)
5405 North Douglas Highway Juneau, AK 99801	907-723-6803
E-mail Address: joanne.schmidt@gci.net	

LANDOWNER/ LESSEE CONSENT

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

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

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

X _____ Landowner/Lessee Signature — Date: 09/13/2018

X Joanne M Schmidt — Joanne M Schmidt — Digitally signed by Joanne M Schmidt DN: cn=Joanne M Schmidt, o, ou, email=joanne.schmidt@gci.net, c=US Date: 2018.09.14 13:04:21 -08'00' — 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	Contact Person
same	

Mailing Address	Phone Number(s)
E-mail Address	

X _____ Applicant's Signature — Date of Application _____

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

Intake Initials	
Case Number: AAP18-001, PDF18-001, SIM P18-001, SIM F18-001	Date Received

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.

Sunset Heights Planned Community

Minor Plat Amendment

August 29, 2018

The applicant respectfully requests review and approval of the application for a minor plat amendment with the intention of creating 12 small residential parcels on the larger 3.19 acre lot dedicated to the Sunset Heights Planned Unit Development (PUD).

The twelve parcels (See Exhibit I, Condo Plat) are platted and will serve as the privately owned land upon which the twelve single family homes will be built as a part of the PUD. The primary reason for the site plan being developed in this manner is to allow the developers to fully monetize their investment. The 3.19 acre parcel dedicated to the PUD has an estimated market value of approximately $450,000; as such, to only sell the structures and thereby dedicate the 3.19 acre parcel to the Sunset Heights Planned Community Homeowners' Association would force the developers to take a substantial financial loss after already incurring a great deal of personal debt to bring this project to market.

In addition, if the site plan and project were designed such that prospective buyers would not own the underlying land fee simple, this would render the project completely uncompetitive with similar projects of this kind in Juneau, and likely result in a product that is undesirable in the local market. Extensive consultation with legal counsel retained specifically for this project and another attorney with extensive experience with planned communities produced a unanimous recommendation that this approach would be consistent with municipal code, state statutes and regulations, and produce a PUD with the greatest added value for both the developer and the customer.

Additional information as required by the Subdivision Application is included below:

- The parcel that is the subject of this minor plat amendment request is LT 7B-1 within USS 2960, approved as the Sunset Heights Planned Unit Development.
- There is one structure on the subject parcel, a single family home residing within Phase 1 of the project (see Exhibit I, Condo Plat).
- The zoning district is Residential, and the density is D-3.
- Access is provided by a shared driveway with a platted access easement to the subject parcel across the adjacent property.
- The current and proposed use of any and all structures is residential.
- All public utilities are available and installed.

RECEIVED
AUG 31 2018
PERMIT CENTER/CDD

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

SUBDIVISION APPLICATION

See subdivision hand-outs for more information regarding the permitting process and the materials required for a complete application.

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

To be completed by Applicant

PROJECT SUMMARY

Major subdivision - modification of existing planned unit development

Number of Existing Parcels 1 Total Land Area 3.1923 acres Number of Resulting Parcels 13

HAS THE PARCEL BEEN CREATED BY A MINOR SUBDIVISION IN THE PRECEDING 24 MONTHS

○ NO ○ YES Case Number _____

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED

MINOR SUBDIVISION
(changing or creating 13 or fewer lots)

- ○ Preliminary Plat (MIP)
- ○ Final Plat (MIF)
- ○ Panhandle Subdivision
- ○ Accretion Survey
- ○ Boundary Adjustment
- ○ Lot Consolidation (SLC)
- ○ Bungalow Lot Subdivision
- ○ Common Wall/Zero Lot Subdivision
- ○ Other _____

MAJOR SUBDIVISION
(changing or creating 14 or more lots)

- ○ Preliminary Plat (SMP)
- ○ Final Plat (SMF)
- ◉ Preliminary Development Plan - PUD (PDP)
- ○ Final Development Plan – PUD (PDF)
- ○ Bungalow Lot Subdivision
- ○ Common Wall/Zero Lot Subdivision
- ○ Other _____

ALL REQUIRED DOCUMENTS ATTACHED

- ☐ **Pre-application conference notes**
- ☐ **Narrative including:**
  - ☐ Legal description(s) of property to be subdivided
  - ☐ Existing structures on the land
  - ☐ Zoning district
  - ☐ Density
  - ☐ Access
  - ☐ Current and proposed use of any structures
  - ☐ Utilities available
  - ☐ Unique characteristics of the land or structure(s)
- ☐ **Preliminary Plat checklist**

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

SUBDIVISION/PLATTING FEES	Fees	Check No.	Receipt	Date
Application Fees	$ 750	+150		
Admin. of Guarantee	$			
Adjustment	$			
Total Fee	$			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Case Number	Date Received
PDP 18-001	

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

SUBDIVISION APPLICATION

See subdivision hand-outs for more information regarding the permitting process and the materials required for a complete application.

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

To be completed by Applicant

PROJECT SUMMARY

Major subdivision - modification of existing planned unit development

Number of Existing Parcels 1 Total Land Area 3.1923 acres Number of Resulting Parcels 13

HAS THE PARCEL BEEN CREATED BY A MINOR SUBDIVISION IN THE PRECEDING 24 MONTHS

○ NO ○ YES Case Number _____

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED

MINOR SUBDIVISION
(changing or creating 13 or fewer lots)

- ○ Preliminary Plat (MIP)
- ○ Final Plat (MIF)
- ○ Panhandle Subdivision
- ○ Accretion Survey
- ○ Boundary Adjustment
- ○ Lot Consolidation (SLC)
- ○ Bungalow Lot Subdivision
- ○ Common Wall/Zero Lot Subdivision
- ○ Other _____

MAJOR SUBDIVISION
(changing or creating 14 or more lots)

- ○ Preliminary Plat (SMP)
- ○ Final Plat (SMF)
- ○ Preliminary Development Plan - PUD (PDP)
- ◉ Final Development Plan – PUD (PDF)
- ○ Bungalow Lot Subdivision
- ○ Common Wall/Zero Lot Subdivision
- ○ Other _____

ALL REQUIRED DOCUMENTS ATTACHED

- ☐ **Pre-application conference notes**
- ☐ **Narrative including:**
  - ☐ Legal description(s) of property to be subdivided
  - ☐ Existing structures on the land
  - ☐ Zoning district
  - ☐ Density
  - ☐ Access
  - ☐ Current and proposed use of any structures
  - ☐ Utilities available
  - ☐ Unique characteristics of the land or structure(s)
- ☐ **Preliminary Plat checklist**

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

SUBDIVISION/PLATTING FEES	Fees	Check No.	Receipt	Date
Application Fees	$_____			
Admin. of Guarantee	$_____			
Adjustment	$_____			
Total Fee	$_____			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Case Number	Date Received
AAF 18-001	

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

(907) 586-0757
Jill.Maclean@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

June 26, 2018

Case No.: PDF2015 0001

Certified Return Receipt Number
7010 2780 0000 7478 1347

Douglas Island Development, LLC
Attn: Joanne Schmidt
5405 North Douglas Highway
Juneau, Alaska 99801

RE: Sunset Heights PUD – Not in compliance with approved Planned Unit Development final plan

Dear Ms. Schmidt,

Sunset Heights Planned Unit Development (PUD) received its final approval on April 15, 2015, when the Planning Commission approved the final development plan (PDF2015 0001). Since that time, it has come to our attention that the project is being developed and sold outside of what was reviewed and approved by the Planning Commission.

The concept that was applied for, reviewed by staff, and approved by the Planning Commission was a twelve-unit, phased, multifamily project in which the owners would own their own residential unit (in air space above the ground), and all twelve owners would collectively own the underlying un-subdivided land, as well as the common amenities. The recorded condo plat and associated declarations indicate that a portion of land is being sold along with each condo unit, which is a subdivision of land and has not gone through the proper subdivision review and approval process.

The recently approved condo plat, Plat No. 2016-33, and the associated declarations recorded along with the condo plat are not what staff reviewed, nor what the Planning Commission approved. The declarations that staff reviewed as part of the PUD application included declaration documents that specifically stated that the underlying land would not be subdivided and would be constructed as a multifamily project, and all owners would collectively own the un-subdivided land lying underneath.

There are two courses of action to rectify this:

1) You may either re-file your condo plat and associated declarations to be in compliance with the multifamily development concept for which this project was reviewed and approved. Your project would then be in compliance with your development approvals;

2) You may submit an application to amend your PUD to show that lots are being created. This option will require a public hearing and the Planning Commission will decide to approve or deny the request. If the PUD amendment is approved by the Commission, you would then need to file a preliminary plat and a final plat for subdivision review. After a final plat is approved and recorded with the State Recorder's office, you may then begin to sell the lots.

Please be aware that it is against state law to sell lots that have not been reviewed by the Platting Authority. Alaska Statute 40.15.010 states: *Before the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision or dedication shall be approved by the authority having jurisdiction, as prescribed in this chapter and shall be filed and recorded in the office of the recorder. The recorder may not accept a subdivision or dedication for filing and recording unless it shows this approval.* The condo plat and associated declarations demonstrate that a subdivision of the land has occurred, which was not reviewed and approved by the CBJ.

Please call me to discuss this matter and how you plan to remedy the situation, so that we may facilitate a solution, rather than seek enforcement action.

Thank you,

Jill M. Maclean, AICP, Director
Community Development Department
City & Borough of Juneau

Cc: Beth McKibben, AICP, Planning Manager
Charlie Ford, Building Official
Laura A. Boyce, AICP, Senior Planner

LEGEND

- B.L.M. 2-1/2" BRASS MONUMENT RECOVERED THIS SURVEY
- PRIMARY MONUMENT IN CASING RECOVERED THIS SURVEY DOT
- SECONDARY MONUMENT RECOVERED THIS SURVEY REBAR & PLASTIC CAP, BY MARK STRODE
- SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN
- SURVEYED
- UNSURVEYED
- CENTERLINE
- SURVEY TIE
- EASEMENT
- EXISTING DRIVEWAY
- PROPOSED EDGE OF ASPHALT
- DRAINAGE DITCH
- PHASE LINE
- DISTURBANCE OR DEVELOPMENT EASEMENT
- COMMON AREA
- PHASE 1-3 (DEVELOPMENT RIGHTS ARE RESERVED IN THESE AREAS) PHASE 2-3 PROPOSED - NEED NOT BE BUILT ALSO MAY BE WITHDRAWN
- WATER VALVE
- FIRE HYDRANT
- SANITARY MANHOLE
- MAIL BOX
- POWER POLE

R = RIGHT-OF-WAY MAP (PROJECT NO. S-0959(A)

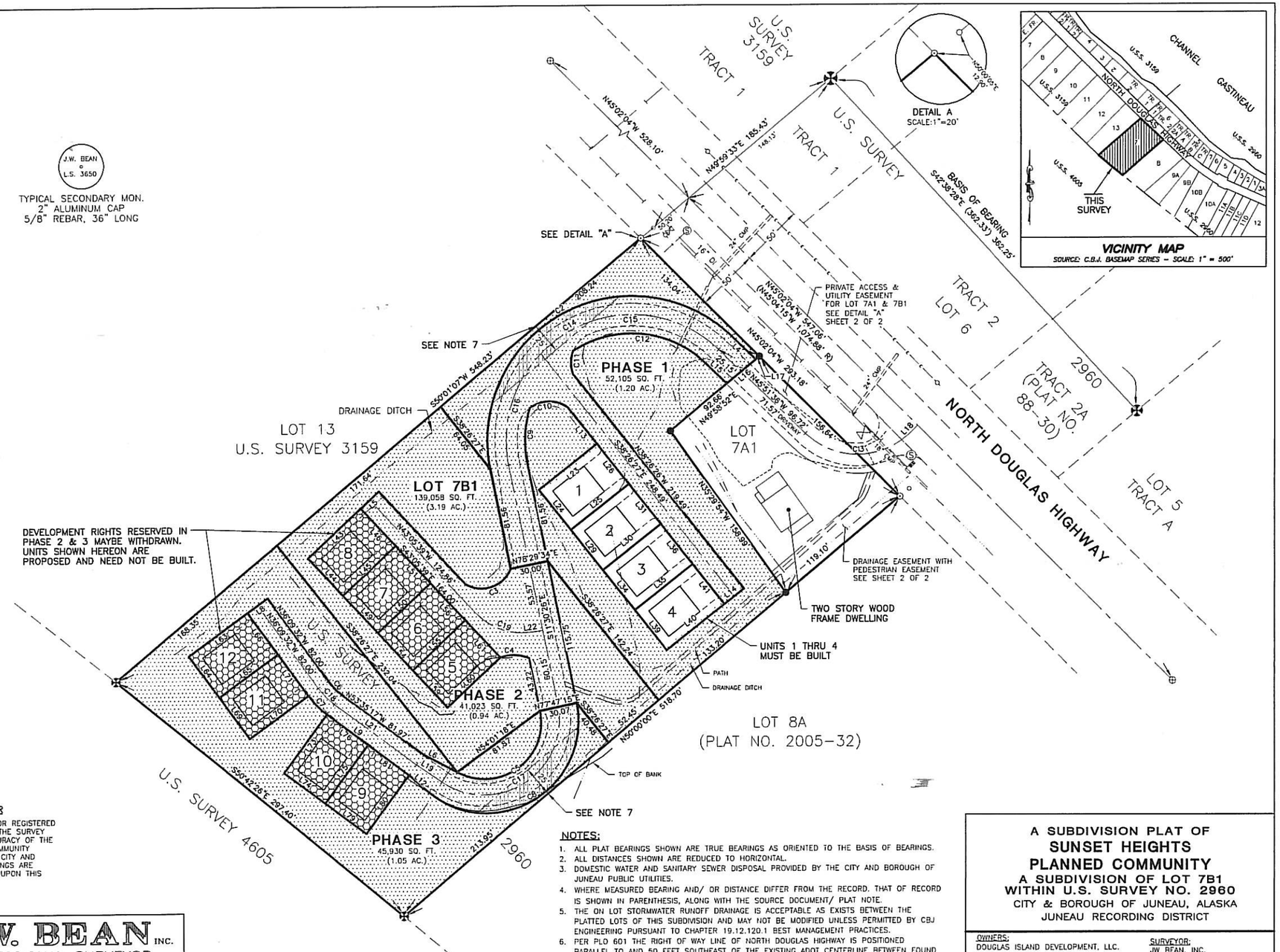
R1 = PLAT NO. 2011-24 & PLAT NO. 2015-49

BASIS OF BEARING

BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF S42°38'28"E FOR A FOUND 2 1/4" BRASS CAP BEING WITNESS MEANDER CORNER TO CORNER 1, LOT 6, U.S.S. 2960 TO A FOUND 2 1/4" BRASS CAP BEING WITNESS MEANDER CORNER TO CORNER 2, LOT 6, U.S.S. 2960 AS SHOWN ON U.S. SURVEY NO. 2960

J.W. BEAN L.S. 3650

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



CERTIFICATE OF REGISTERED LAND SURVEYOR

I, J.W. BEAN, IN MY CAPACITY AS A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, CERTIFY THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 04 OF THE COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONS AND RELATIVE BEARINGS ARE CORRECT, AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATE _____

STATE OF ALASKA 49TH J.W. BEAN No. 3650-S REGISTERED PROFESSIONAL LAND SURVEYOR

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

PROJ: 12851-SUNSET-HEIGHTS-PUD

NOTES:

1. ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
2. ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
3. DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
4. WHERE MEASURED BEARING AND/ OR DISTANCE DIFFER FROM THE RECORD, THAT OF RECORD IS SHOWN IN PARENTHESIS, ALONG WITH THE SOURCE DOCUMENT/ PLAT NOTE.
5. THE ON LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.
6. PER PLO 601 THE RIGHT OF WAY LINE OF NORTH DOUGLAS HIGHWAY IS POSITIONED PARALLEL TO AND 50 FEET SOUTHEAST OF THE EXISTING ADOT CENTERLINE BETWEEN FOUND ADOT MONUMENTS AS SHOWN.
7. THERE SHALL BE NO DISTURBANCE OR DEVELOPMENT WITHIN 25 FEET OF THE EXTERIOR BOUNDARY OF THE PLANNED UNIT DEVELOPMENT ON LOT 7B1 OF THIS SURVEY. SEE VAR 2014.0028 FOR AREAS SHOWN.

A SUBDIVISION PLAT OF SUNSET HEIGHTS PLANNED COMMUNITY

A SUBDIVISION OF LOT 7B1 WITHIN U.S. SURVEY NO. 2960

CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

OWNERS:
DOUGLAS ISLAND DEVELOPMENT, LLC.
5405 N. DOUGLAS HIGHWAY
JUNEAU, ALASKA 99801

SURVEYOR:
JW BEAN, INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU, ALASKA 99801
(907) 789-0590

SCALE: 1"=40' DATE: 10-17-2018 SHEET 1 OF 2

E:\GDN\BEAN\12851-SUNSET HEIGHTS\12851-SUNSET-HEIGHTS-PUD.DWG 10/17/2018 10:28:08 AM AST

LINE TABLE		
LINE #	DIRECTION	LENGTH
L4	N45°51'36"W	26.68
L5	S46°54'21"W	20.00
L6	N62°28'14"W	24.58
L8	S53°50'28"W	20.00
L9	S53°30'23"E	82.00
L12	S49°10'25"E	21.50
L13	S38°28'29"E	37.59
L14	N51°33'33"E	20.00
L15	S45°51'36"E	23.61
L16	N49°58'52"E	30.16
L17	N49°59'22"E	3.73
L18	S44°57'56"W	7.72
L19	N55°37'45"W	24.68
L21	N53°40'45"W	81.99
L22	S81°50'53"W	9.30
L23	S51°36'14"W	59.00

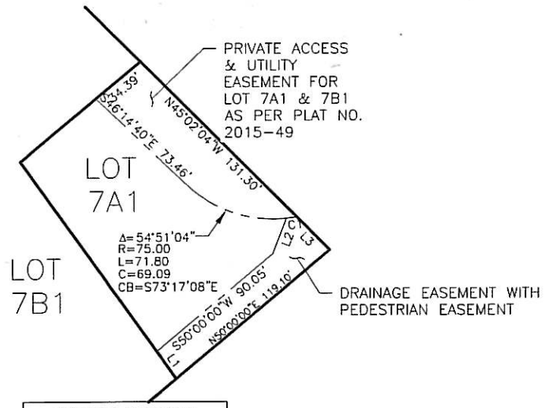
LINE TABLE		
LINE #	DIRECTION	LENGTH
L24	S38°26'27"E	41.00
L25	N51°36'14"E	59.00
L26	S38°26'27"E	41.00
L29	S38°26'27"E	41.00
L30	N51°36'14"E	59.00
L31	S38°26'27"E	41.00
L34	S38°26'27"E	41.00
L35	N51°36'14"E	59.00
L36	S38°26'27"E	41.00
L39	S38°23'46"E	41.00
L40	N51°36'14"E	59.00
L41	S38°23'46"E	41.00
L43	S46°54'21"W	58.00

LINE TABLE		
LINE #	DIRECTION	LENGTH
L44	S43°05'39"E	41.00
L45	N46°54'21"E	58.00
L46	S43°05'39"E	41.00
L49	S43°05'39"E	41.00
L50	N46°54'21"E	58.00
L51	S43°05'39"E	41.00
L54	S43°05'39"E	41.00
L55	N46°54'21"E	58.00
L56	S43°05'39"E	41.00
L59	S43°05'39"E	41.00
L60	N46°54'21"E	58.00
L61	S43°05'39"E	41.00
L62	S36°09'34"E	1.68
L63	S53°50'28"W	58.00

LINE TABLE		
LINE #	DIRECTION	LENGTH
L65	N53°50'28"E	58.00
L70	N53°50'28"E	58.00
L72	S36°09'34"E	4.00
L73	N36°29'37"E	58.00
L75	N36°29'37"E	58.00
L76	S53°30'09"E	15.43
L80	N36°29'37"E	58.00
L81	S53°30'23"E	41.00

NOTE: LINE NUMBERS NOT USED 1, 2, 3, 7, 10, 11, 32, 33, 37, 38, 42, 47, 48, 52, 53, 57, 58, 64, 66, 67, 68, 69, 71, 74, 77, 78 & 79

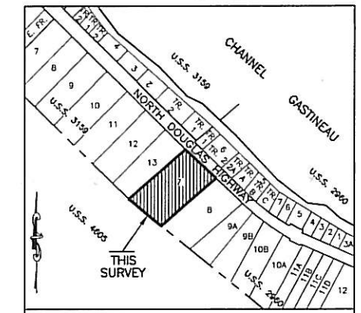
CURVE TABLE					
CURVE #	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	NOT USED				
C2	145°38'49"	115.00'	292.33'	219.74'	S61°18'59"W
C3	98°17'23"	25.00'	42.89'	37.82'	S71°19'05"W
C4	44°51'52"	30.00'	23.49'	22.90'	N88°19'17"W
C5	131°05'42"	45.00'	102.96'	81.93'	S54°02'25"W
C6	17°21'15"	50.00'	15.14'	15.09'	N44°50'09"W
C7	17°21'15"	70.00'	21.20'	21.12'	S44°50'09"E
C8	141°17'14"	73.00'	180.01'	137.75'	N59°08'11"E
C9	29°06'55"	85.00'	43.19'	42.73'	N3°03'02"E
C10	73°11'54"	25.00'	31.94'	29.81'	N89°06'34"E
C11	43°42'52"	25.00'	19.07'	18.61'	N0°00'00"W
C12	77°16'38"	85.00'	114.64'	106.15'	S84°29'55"E
C13	89°10'28"	60.00'	93.38'	84.24'	S89°33'10"W
C14	145°38'49"	100.00'	254.20'	191.08'	S61°18'59"W
C15	90°27'40"	100.00'	157.89'	142.00'	S88°54'33"W
C16	55°11'04"	100.00'	96.32'	92.64'	S16°04'55"W
C17	136°12'11"	60.00'	142.63'	111.34'	S56°35'40"W
C18	17°21'15"	60.00'	18.17'	18.10'	N44°50'09"W
C19	55°03'28"	50.41'	48.44'	46.60'	N70°37'23"W



EASEMENT LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S35°29'59"E	20.06
L2	S20°58'31"W	22.62
L3	N45°02'04"W	27.84

CURVE TABLE					
CURVE #	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	4°43'12"	75.00'	6.18'	6.18'	N81°38'56"E

DETAIL A
SCALE: 1"=40'



VICINITY MAP
SOURCE: C.B.J. BASEMAP SERIES – SCALE: 1" = 500'

OWNERSHIP CERTIFICATE CORPORATE:

I, JOANNE SCHMIDT, HEREBY CERTIFY THAT DOUGLAS ISLAND DEVELOPMENT, LLC., IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS OWNER, HAVING THE AUTHORITY TO DO SO, HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

Owner _____ _____

JOANNE SCHMIDT, OWNER
DOUGLAS ISLAND DEVELOPMENT, LLC.

DATE:

NOTARY ACKNOWLEDGMENT:

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

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2018 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED JOANNE SCHMIDT, OWNER TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA _____

MY COMMISSION EXPIRES _____

COMMUNITY DEVELOPMENT PLAT APPROVAL

I HEREBY CERTIFY THAT THE PLAT HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 49 OF THE CODE OF THE CITY & BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT, FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

_____ DATE _____ ,2018

JILL MACLEAN, DIRECTOR
CITY & BOROUGH OF JUNEAU
DEPARTMENT OF COMMUNITY DEVELOPMENT

ATTEST:

_____

MUNICIPAL Clerk
CITY & BOROUGH OF JUNEAU

CERTIFICATE OF REGISTERED LAND SURVEYOR

I, J.W. BEAN, IN MY CAPACITY AS A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, CERTIFY THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 04 OF THE COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONS AND RELATIVE BEARINGS ARE CORRECT, AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATE _____

STATE OF ALASKA 49TH
J.W. BEAN No. 3650-S
PROFESSIONAL LAND SURVEYOR

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

PROJ: 12851-SUNSET-HEIGHTS-PUD

1. ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
2. ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
3. DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
4. WHERE MEASURED BEARING AND/ OR DISTANCE DIFFER FROM THE RECORD. THAT OF RECORD IS SHOWN IN PARENTHESIS, ALONG WITH THE SOURCE DOCUMENT/ PLAT NOTE.
5. THE ON LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.
6. PER PLO 601 THE RIGHT OF WAY LINE OF NORTH DOUGLAS HIGHWAY IS POSITIONED PARALLEL TO AND 50 FEET SOUTHEAST OF THE EXISTING ADOT CENTERLINE BETWEEN FOUND ADOT MONUMENTS AS SHOWN.
7. THERE SHALL BE NO DISTURBANCE OR DEVELOPMENT WITHIN 25 FEET OF THE EXTERIOR BOUNDARY OF THE PLANNED UNIT DEVELOPMENT ON LOT 7B1 OF THIS SURVEY. SEE VAR 2014.0028 FOR AREAS SHOWN.

A SUBDIVISION PLAT OF SUNSET HEIGHTS PLANNED COMMUNITY

A SUBDIVISION OF LOT 7B1 WITHIN U.S. SURVEY NO. 2960

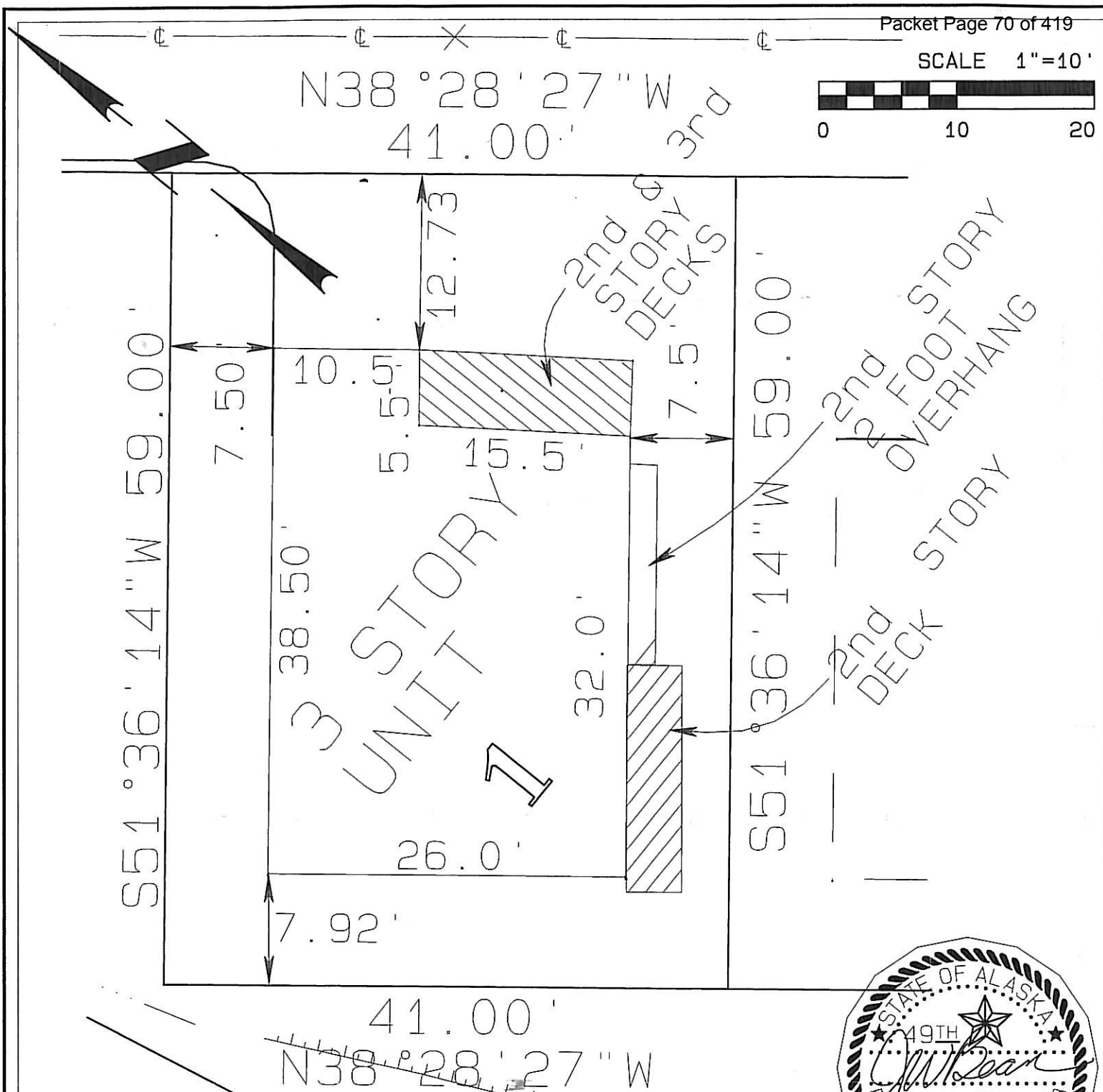
CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

OWNERS:
DOUGLAS ISLAND DEVELOPMENT, LLC.
5405 N. DOUGLAS HIGHWAY
JUNEAU, ALASKA 99801

SURVEYOR:
JW BEAN, INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU, ALASKA 99801
(907) 789-0590

SCALE: 1"=40' DATE: 10-17-2018 SHEET 2 OF 2

E:\GIS\BEAN\12851-SUNSET HEIGHTS\12851-SUNSET-HEIGHTS-PUD.DWG 10/17/2018 10:28:08 AM AST



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

STATE OF ALASKA 49TH J.W. BEAN No. 3650-S REGISTERED PROFESSIONAL LAND SURVEYOR

J.W. BEAN
PROFESSIONAL SURVEYOR

F.B. _____ JOB No 12851
SCALE AS-SHOWN
DATE 10-28-17

AS-BUILT SURVEY OF NUMBER 1 OF SUNSET HEIGHTS PLANNED COMMUNITY (PLAT 2016-33)

Closure Report

Set description: (No description)
Area: 2,419.00
0.06
Perimeter: 200.00
Closure: 0.00

LOT 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,798			6,251.0432	2,296.9660	-----	0+00.00
	N51°36'14"E	59.00				
1,774			6,287.6878	2,343.2064	-----	0+59.00
	S38°28'27"E	41.00				
1,773			6,255.5894	2,368.7150	-----	1+00.00
	S51°36'14"W	59.00				
1,797			6,218.9448	2,322.4746	-----	1+59.00
	N38°28'27"W	41.00				
1,798			6,251.0432	2,296.9660	-----	2+00.00

Set description: (No description)
Area: 2,419.00
0.06
Perimeter: 200.00
Closure: 0.00

LOT 2

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,773			6,255.5894	2,368.7150	-----	0+00.00
	S38°28'27"E	41.00				
1,769			6,223.4910	2,394.2236	-----	0+41.00
	S51°36'14"W	59.00				
1,794			6,186.8464	2,347.9832	-----	1+00.00
	N38°28'27"W	41.00				
1,797			6,218.9448	2,322.4746	-----	1+41.00
	N51°36'14"E	59.00				
1,773			6,255.5894	2,368.7150	-----	2+00.00

Set description: (No description)
Area: 2,419.00
0.06
Perimeter: 200.00
Closure: 0.00

LOT 3

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,705			6,191.3925	2,419.7323	-----	0+00.00
	N38°28'27"W	41.00				
1,769			6,223.4910	2,394.2236	-----	0+41.00
	S51°36'14"W	59.00				
1,794			6,186.8464	2,347.9832	-----	1+00.00
	S38°28'27"E	41.00				
1,793			6,154.7479	2,373.4919	-----	1+41.00
	N51°36'14"E	59.00				
1,705			6,191.3925	2,419.7323	-----	2+00.00

Set description: (No description)
Area: 2,419.00
0.06
Perimeter: 200.00
Closure: 0.00

Lot 4

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,743			6,159.2941	2,445.2409	0.000	0+00.00
	N38°28'27"W	41.00				
1,705			6,191.3925	2,419.7323	-----	0+41.00
	S51°36'14"W	59.00				
1,793			6,154.7479	2,373.4919	-----	1+00.00
	S38°28'27"E	41.00				
1,790			6,122.6495	2,399.0005	-----	1+41.00
	N51°36'14"E	59.00				

1,791	6,159.2941	2,445.2409	-----	2+00.00

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION
Date: April 15th, 2015
File No.: PDF2015 0001

Corvus Design
Attn.: Chris Mertyl
119 Seward Street, Suite 15
Juneau, Alaska 99801

Application For:	Final plan approval for a 12 unit Planned Unit Development in the D-3 zoning district.
Legal Description:	USS 2960 Lot 7B
Property Address:	5405 North Douglas Highway
Parcel Code No.:	6-D07-0-101-017-2
Hearing Date:	April 14th, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 24, 2015 and approved the final plan for a 12 unit Planned Unit Development in the D-3 zoning district to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to final plat recording note #9 shall be amended to read "there shall be no disturbance or development within 25 feet of the exterior boundary of the Planned Unit Development on Lot 7B1 of this survey".
2. Re-vegetation of disturbed slopes shall be completed within three growing seasons.

Attachments: March 24, 2015 memorandum from Chrissy McNally, Community Development, to the CBJ Planning Commission regarding PDF2015 0001

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

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

Effective Date: The permit is effective upon approval by the Commission, April 14th, 2015

Corvus Design
File No.: PDF2015 0001
April 16, 2015
Page 2 of 2

Expiration Date: The permit will expire 18 months after the effective date, or October 14th, 2016 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: _____
Chrissy McNally, Planner
Community Development Department

_____
Michael Satre, Chair
Planning Commission

_____ 4/22/15
Filed With City Clerk Date

cc: Plan Review

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

Laurel Bruggeman

From: Greg Chaney
Sent: Thursday, October 11, 2018 10:22 AM
To: Laurel Bruggeman; Beth McKibben
Cc: Dan Bleidorn; Bhagavati Braun
Subject: RE: Teufelshund Way PUD PDF2018 0001

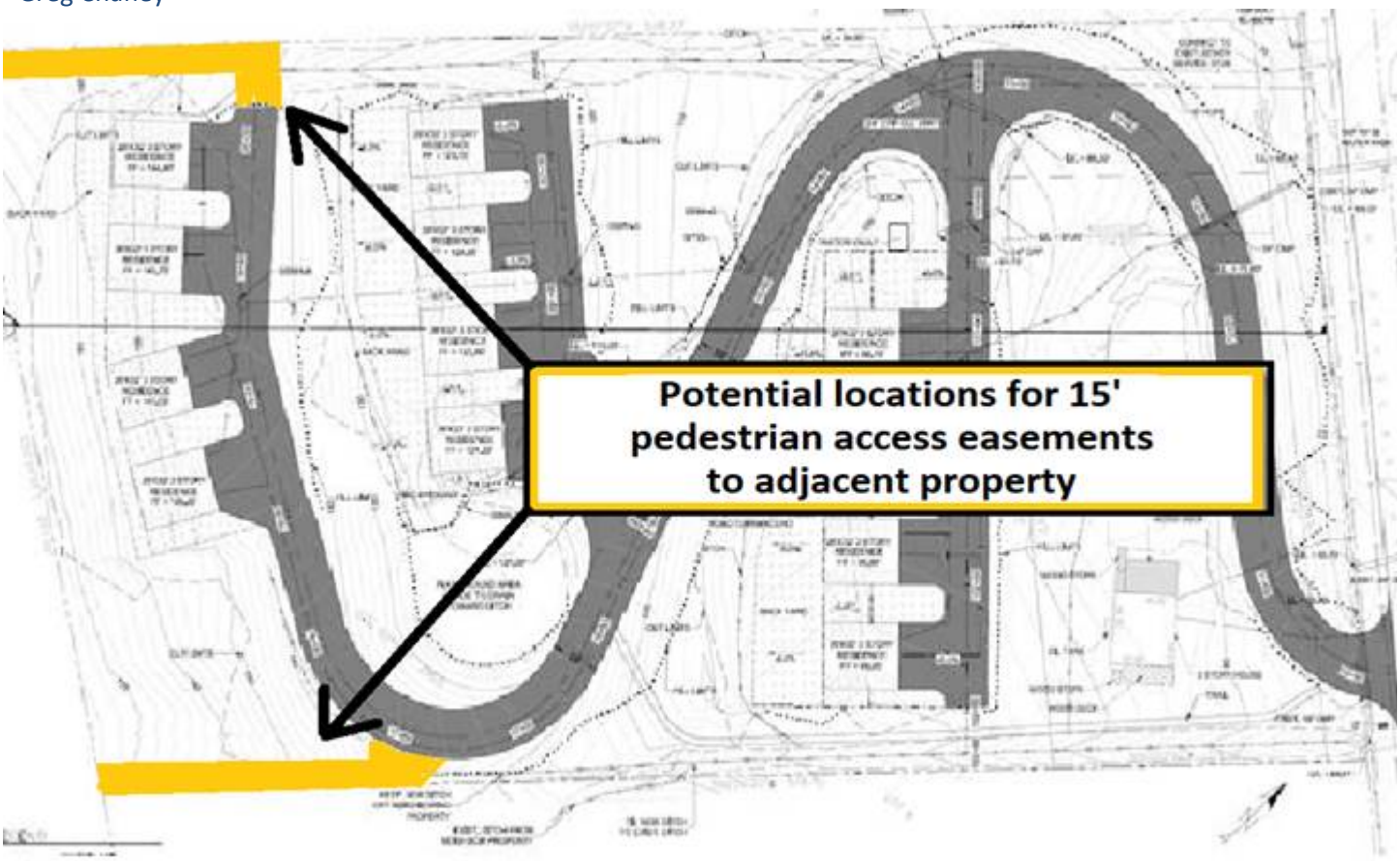
Hi Laurel,

I didn't realize that Teufelshund Way was a private road. Since I am not certain about the nature of the ammendment to the PUD, it's not clear to me what level of adjustment to the previously approved PUD is appropriate at this time but it doesn't hurt to ask.

The nearest connection to CBJ upland property is over half a mile away. It is unfortunate that the code only specifies that rights-of-way must provide access to adjacent property because this is a significant disincentive to create public roads. In the spirit of establishing connections between properties, I would like to propose a 15' wide pedestrian access easement be designated to connect Teufelshund Way to the adjoining CBJ property. Since this easement would be located along the perimeter of the required common open space, it wouldn't create a barrier to housing development. The spirit of the code is to provide access to adjacent property. This access easement would provide an access path for future trail construction that would make it possible create a more connected community.

Thank you for the opportunity to comment.

- Greg Chaney



From: Laurel Bruggeman
Sent: Wednesday, October 10, 2018 2:40 PM
To: Greg Chaney
Cc: Dan Bleidorn; Bhagavati Braun
Subject: RE: Teufelshund Way PUD PDF2018 0001

Hi Greg,

Thanks for reminding me to get back to you on this.

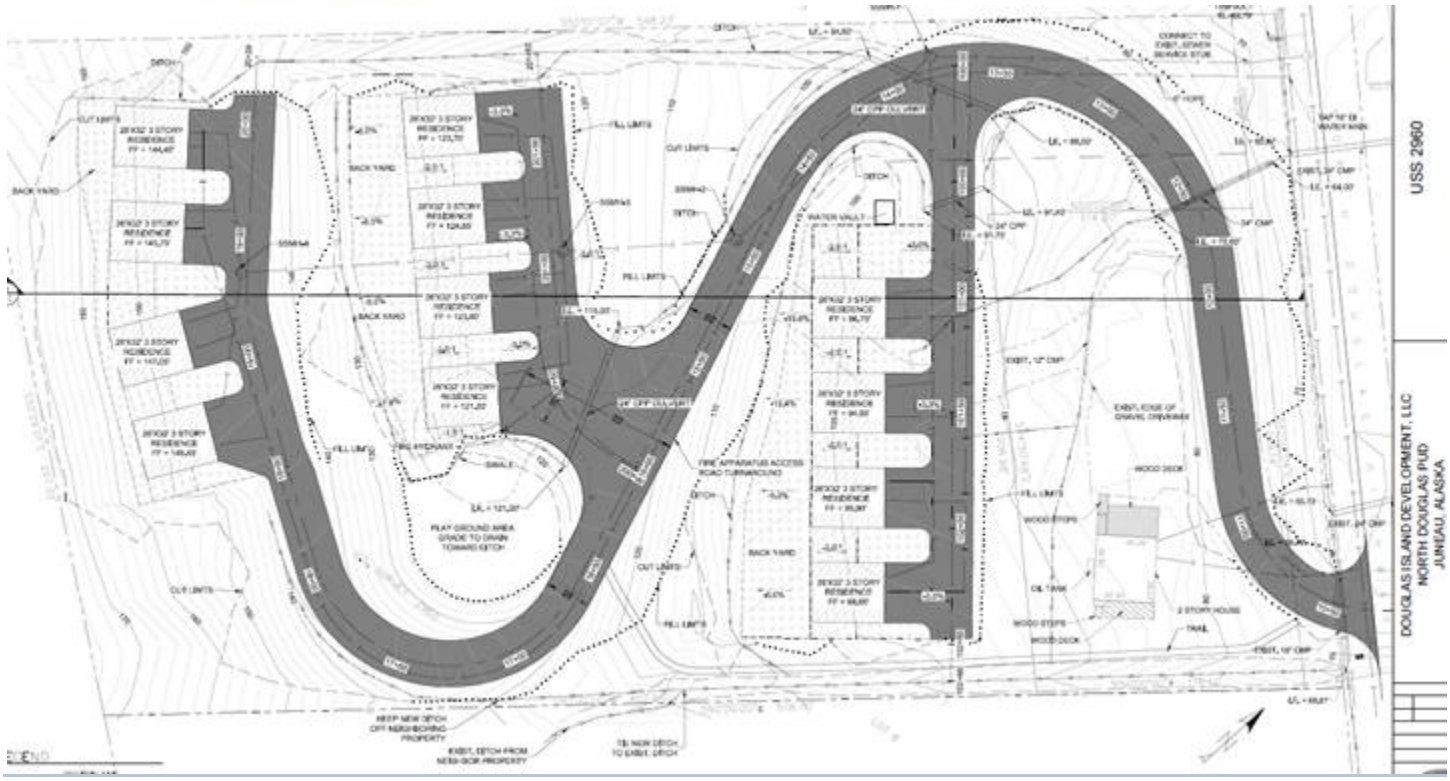
I can't say for sure if that was considered when the PUD was originally approved in 2015, there is no mention of it in the staff reports I have been able to find. I can say though that the access to the site is through a private driveway that would not be able to meet the requirements for a public right of way. If we required CBJ§49.15.60(h)(4), then the developer would need to upgrade the entire private driveway to a ROW in order to provide a ROW between an existing public ROW and the CBJ parcel to the rear, in this case it does not seem appropriate. In order to preserve a 12% grade for the driveway, the developer needed to construct the driveway with a switchback design (shown below), upgrading the entire driveway to public ROW standards would eat up a significant portion of the lot and the required 40% common open space required.

The developer is not proposing any changes to this access, so at this time we are not requesting any changes to what was previously approved.

Let me know if you have any questions.

Thanks,

Laurel Bruggeman | Planner
Community Development Department| City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0761



From: Greg Chaney
Sent: Wednesday, October 10, 2018 12:57 PM
To: Laurel Bruggeman
Cc: Dan Bleidorn; Bhagavati Braun
Subject: Teufelshund Way PUD PDF2018 0001

Hi Laurel,

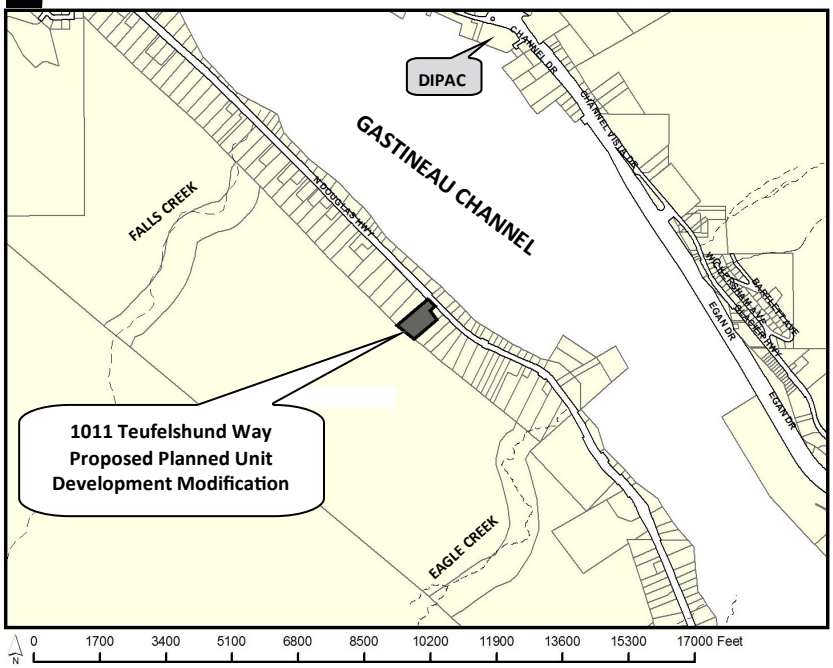
I received the "Invitation to Comment" card concerning the Teufelshund Way PUD. I was wondering if there has been any consideration of CBJ§49.15.60(h)(4)? "...A planned unit development which adjoins undeveloped land shall provide for a right-of-way between the undeveloped land and an existing public right-of-way, where appropriate."

Thank you for your thoughts.

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT
155 S. Seward Street Juneau, Alaska 99801

TO:

Applications have been submitted for consideration and public hearing by the Planning Commission for a **modification of an approved Planned Unit Development (PUD) to allow for the creation of 12 individual lots within the PUD** located at **1011 Teufelshund Way** in a D3 Zone.

TIMELINE

Staff Report expected to be posted **Monday November 5, 2018** at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas**
Find hearing results, meeting minutes and more here as well.

Now through October 22, 2018

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

Oct 23 through 12 noon, Friday, Nov 9

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, November 13, 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.

November 14

The results of the hearing will be posted online.

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

Printed October 8, 2018

Case No.: PDF2018 0001, PDP2018 0001, SMF2018 0001, SMP2018 0001
Parcel No.: 6D0701010174
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: November 15, 2018
File No.: PDP2018 0001 & PDF2018 0001

Douglas Island Development LLC
5405 N. Douglas Highway
Juneau, AK 99801

Proposal:	An amendment to an approved Planned Unit Development to allow the creation of 12 individual parcels and one parent parcel.
Property Address:	1011 Teufelshund Way
Legal Description:	USS 2960 Lot 7B1
Parcel Code No.:	6D0701010174
Hearing Date:	November 13, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 5, 2018, and approved the Planned Unit Development for Sunset Heights to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

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 DISTRUBANCE 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 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).

Attachments: November 5, 2018, memorandum from Laurel Bruggeman, Community Development, to the CBJ Planning Commission regarding PDF2018 0001.

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.

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Effective Date: The permit is effective upon approval by the Commission, November 13, 2018

Expiration Date: The permit will expire 18 months after the effective date, or May 13, 2018, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:

Laurel Bruggeman, Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

Filed With Municipal Clerk

November 19, 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.

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

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

DATE: November 1, 2018

TO: Planning Commission

FROM: Laurel Bruggeman, Planner
Community Development Department

FILE NO.: PDP2018 0001; PDF2018 0001

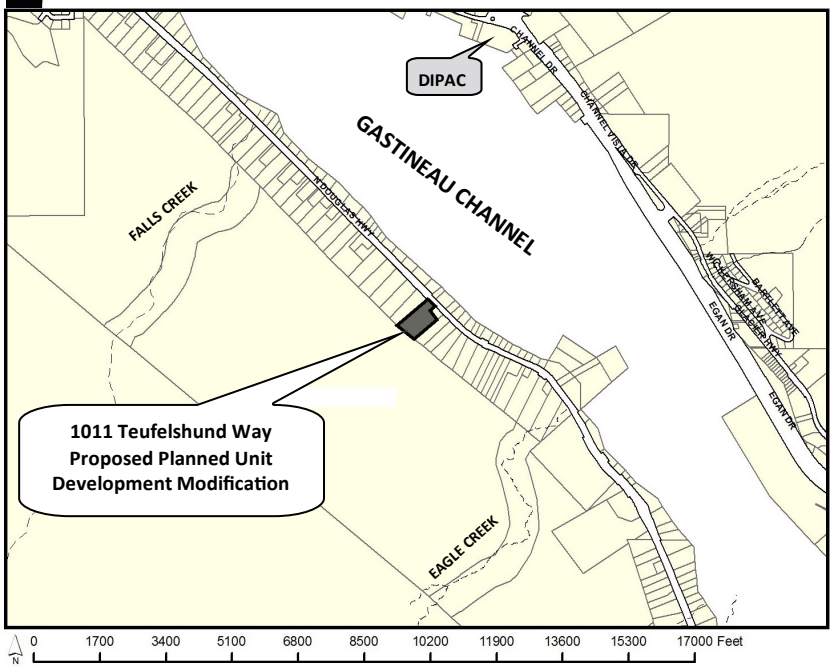
PROPOSAL: An amendment to an approved Planned Unit Development to allow the creation of 12 individual parcels and one parent parcel.

To see the staff report regarding case PDF2018 0001,
please see attachments for case PDP2018 0001, as the cases are combined.

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT
155 S. Seward Street Juneau, Alaska 99801

TO:

Applications have been submitted for consideration and public hearing by the Planning Commission for a **modification of an approved Planned Unit Development (PUD) to allow for the creation of 12 individual lots within the PUD** located at **1011 Teufelshund Way** in a D3 Zone.

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HEARING DATE & TIME
7:00 pm, November 13, 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.

November 14

The results of the hearing will be posted online.

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

Printed October 8, 2018

Case No.: PDF2018 0001, PDP2018 0001, SMF2018 0001, SMP2018 0001
Parcel No.: 6D0701010174
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: November 15, 2018
File No.: PDP2018 0001 & PDF2018 0001

Douglas Island Development LLC
5405 N. Douglas Highway
Juneau, AK 99801

Proposal:	An amendment to an approved Planned Unit Development to allow the creation of 12 individual parcels and one parent parcel.
Property Address:	1011 Teufelshund Way
Legal Description:	USS 2960 Lot 7B1
Parcel Code No.:	6D0701010174
Hearing Date:	November 13, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 5, 2018, and approved the Planned Unit Development for Sunset Heights to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

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).

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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).

Attachments: November 5, 2018, memorandum from Laurel Bruggeman, Community Development, to the CBJ Planning Commission regarding PDF2018 0001.

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Effective Date: The permit is effective upon approval by the Commission, November 13, 2018

Expiration Date: The permit will expire 18 months after the effective date, or May 13, 2018, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:

Laurel Bruggeman, Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

Filed With Municipal Clerk

November 19, 2018
Date

cc: Plan Review

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

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

DATE: November 2, 2018

TO: Planning Commission

FROM: Laurel Bruggeman, Planner
Community Development Department

FILE NO.: SMP2018 0001

PROPOSAL: A subdivision of one (1) lot into (5) lots within a Planned Unit Development.

GENERAL INFORMATION

Applicant:	Douglas Island Development LLC
Property Owner:	Douglas Island Development LLC
Property Address:	1011 Teufelshund Way
Legal Description:	USS 2960 Lot 7B1
Parcel Code No.:	6D0701010174
Site Size:	139,058 sq. ft. (3.19 acres)
Comprehensive Plan Future Land Use Designation:	Rural Dispersed Residential (RDR)
Zoning:	D3
Utilities:	Public Water & Sewer
Access:	N. Douglas Highway to Teufelshund Way, a private shared driveway
Existing Land Use:	Residential Planned Unit Development
Surrounding Land Use:	North – N. Douglas Hwy South –Vacant CBJ Parcel East – D3 Residential West – D1 Residential

VICINITY MAP

ATTACHMENTS

Attachment A -	Development Permit Application
Attachment B -	Preliminary Plat
Attachment C -	Memo from Autumn Sapp, Engineering & Public Works dated October 23, 2018
Attachment D -	Comments from Greg Chaney, Lands & Resources, Dated 10/22/2018
Attachment E -	Slope Map

PROJECT DESCRIPTION

The applicant seeks to subdivide one parcel into five lots within an approved Planned Unit Development (PUD). The modification of the approved PUD is reviewed with PDP2018 0001 and PDF2018 0001. This subdivision may only be approved if the associated PUD modifications are approved.

BACKGROUND

In 2015, PDF2015 0001 approved the final plan for a 12-unit PUD in the D-3 zoning district. The final approved PUD included 12 single family dwellings on common property managed by a homeowners' association (HOA), accessed by a common driveway, with public utilities (Attachment B). In 2014, VAR2014 0028 approved a variance request to allow the driveway for the PUD to encroach into the required 25 foot perimeter buffer around the PUD. There are no proposed changes to the driveway access or encroachment into the perimeter buffer. In 2018 the applicant requested an amendment to the approved PUD to allow the creation of 12 individual lots within the PUD for the single family dwellings (PDP2018 0001 & PDF2018 0001).

ANALYSIS

The proposed subdivision would subdivide the PUD into five (5) lots; four (4) lots for individual single family homes, and one (1) parent lot to be owned under common ownership by the HOA. The parent lot will be further subdivided by future phases of the PUD. Ultimately there will be 12 individual lots within the parent lot. The parent lot will contain the required common open space, and the shared driveway.

CBJ 49.15.620(a) Planned Unit Developments requires amendments to previously approved PUD's to be reviewed as a major subdivision when there is a proposed change in the number or boundaries of lots:

> *(a) General procedure. A proposed planned unit development shall be reviewed according to the requirements of section 49.15.330, conditional use permit, <u>and in the case of an application proposing a change in the number or boundaries of lots, section 49.15.402, major subdivisions</u>, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of lots, the preliminary and final plat submissions required by section 49.14.430 shall be included with the preliminary and final plan submissions required by this chapter.*

CBJ 49.15.630(b)(5) allows for phased development within PUD's. The developer proposes three phases of development, each including four residential units on four individual lots. Phase 1, includes units 1-4, and will require a subdivision creating five total lots (four individual residential lots and one parent lot for the PUD). The second phase of development will include units 5-8, and another subdivision to create the four additional lots. The third phase of development will include units 9-12 and the final subdivision to create the remaining four lots. During the three phases, a total of twelve single family homes will be built and thirteen lots will be created. This subdivision case will address phase one (1) of the PUD. Attachment B shows the proposed final design of the PUD with all the phases shown.

Zoning- The proposed subdivision is in the D3 residential zoning district. CBJ 49.15.670(c) does not require a minimum lot size within the PUD. In phase one, the small lots proposed for single family homes will be 2,419 square feet each and the parent lot will contain 129,382 square feet. The maximum density allowed on this site by the D3 zoning is 12 units.

Drainage- PDP2014 0001 approved the preliminary design for the PUD. Alaska Department of Transition & Public Facilities (DOT&PF) required an engineered pre- and post-runoff model to ensure the adequacy of highway cross culvert to pass increased stormwater flow that could result from site development. CBJ engineering reviewed and approved the associated grading permit (BLD2014 0633) which addressed drainage issues and the stamped plans required by DOT&PF. Stormwater Best Management Practice measures were also required by the grading permit, which was a condition of approval for PDP2014 0001.

General Engineering has reviewed the proposed preliminary plat. To ensure drainage is adequately managed on site, General Engineering recommends that easements for all established drainage ways be provided and shown on the plat. This is a recommended condition of approval.

Wetlands- There are no known wetlands on the subject parcel.

Habitat- There are no habitat concerns on the subject parcel.

Access- Access to the site will remain through the existing driveway of lot 7A. This access was approved with PDF2015 0001 and VAR2014 0028. An access easement is identified on the proposed plat (Attachment B). The common driveway will extend into lot 7B1 and throughout the PUD. An access easement agreement will be recorded with the final subdivision plat. Additionally, a pedestrian access easement along the southeastern property line allows access to the development by foot. This easement was required thorough approval of PDF2015 0001.

Traffic Analysis- Per CBJ 49.40.300, a traffic impact analysis is required if a development is projected to generate 500 or more average daily trips. No traffic impact analysis was required when the PUD was approved in 2015. The PUD is estimated to generate 115 vehicle trips per day. There are no proposed changes in number of dwelling units, so the trips generated will not increase and a traffic impact analysis is not required for the proposed amendment.

Agency Review- The proposed amendment was sent to the Assessor's office, General Engineering, Building Official, Fire Department, Lands & Resources, and the Alaska Department of Transportation. Through this agency review, staff received one comment, from Greg Chaney, Lands & Resources Manager. He requested that a pedestrian access easement be platted to allow pedestrian access to the CBJ owned property to the rear of the PUD to "provide an access path for future trail construction that would make it possible to create a more connected community" (Attachment D).

CBJ 49.15.60(h)(4) states:

> *The development shall have access to a public right-of-way. A planned unit development which adjoins undeveloped land shall provide for a right-of-way between the undeveloped land and an existing public right-of-way, where appropriate.*

The private driveway provides the required access to a public right-of-way. In order to provide a 12% grade for the driveway, the developer needed to construct a switch-back design. Upgrading the entire driveway to meet CBJ right-of-way standards would take up a significant portion of the required common open space and impact the developable area. Additionally, the rear of the subject parcel has slopes of 18% or greater, as shown in Attachment E, Slope Map. During the review of the PUD in 2015 it was determined that in this case, it is not appropriate to require the applicant to plat right-of-way to the rear undeveloped CBJ parcel. Additionally, the CBJ parcel to the rear has access to North Douglas Highway 0.6 miles away from the subject parcel through a parcel also owned by CBJ that has frontage on North Douglas Highway. At this time, the developer is not proposing any changes to access. No changes to what was previously approved under PDF2015 0001 are recommended.

Public Comments- At time of this report, no public comments have been received regarding the proposed subdivision.

FINDINGS

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

(A) Whether the preliminary plat complies with CBJ 49.15.411.
Yes. The modified preliminary plat complies with CBJ 49.15.411.

(B) Whether the applicable subdivision development standards of this title are met, or can reasonably be met with conditions.
Yes. The modified subdivision meets the standards of Title 49.

(C) Whether the proposed subdivision will provide building sites suitable for the zoning district.
Yes. All lots have building sites that have been found suitable with the D3 zoning district through the PUD process.

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

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

Yes. The subdivision has been reviewed by the Director of Engineering and Public Works for appropriate drainage, traffic, compliance with code, and access to public sewer. Additionally, Engineering has requested drainage easements be shown on the plat prior to final recording (Attachment D).

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

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the Preliminary Plat for 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 BEYOUND WHAT IS INDICATED."

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

DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant

PROPERTY LOCATION

Physical Address
USS 2960 Lot 7B1

Legal Description(s) (Subdivision, Survey, Block, Tract, Lot)
USS 2960 Lot 7B1

Parcel Number(s)
6D0701010174

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

LANDOWNER/ LESSEE

Property Owner	Contact Person
Douglas Island Development LLC	Joanne Schmidt

Mailing Address	Phone Number(s)
5405 North Douglas Highway Juneau, AK 99801	907-723-6803
E-mail Address: joanne.schmidt@gci.net	

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

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

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

X _____ 09/13/2018
Landowner/Lessee Signature — Date

X Joanne M Schmidt — Joanne M Schmidt — Digitally signed by Joanne M Schmidt DN: cn=Joanne M Schmidt, o, ou, email=joanne.schmidt@gci.net, c=US Date: 2018.09.14 13:04:21 -08'00'
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	Contact Person
same	

Mailing Address	Phone Number(s)
E-mail Address	

X _____ _____
Applicant's Signature — Date of Application

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

Intake Initials

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
AUP18-001 PDF18-001 SMD18-001 SMF18-001	

Sunset Heights Planned Community

Minor Plat Amendment

August 29, 2018

The applicant respectfully requests review and approval of the application for a minor plat amendment with the intention of creating 12 small residential parcels on the larger 3.19 acre lot dedicated to the Sunset Heights Planned Unit Development (PUD).

The twelve parcels (See Exhibit I, Condo Plat) are platted and will serve as the privately owned land upon which the twelve single family homes will be built as a part of the PUD. The primary reason for the site plan being developed in this manner is to allow the developers to fully monetize their investment. The 3.19 acre parcel dedicated to the PUD has an estimated market value of approximately $450,000; as such, to only sell the structures and thereby dedicate the 3.19 acre parcel to the Sunset Heights Planned Community Homeowners' Association would force the developers to take a substantial financial loss after already incurring a great deal of personal debt to bring this project to market.

In addition, if the site plan and project were designed such that prospective buyers would not own the underlying land fee simple, this would render the project completely uncompetitive with similar projects of this kind in Juneau, and likely result in a product that is undesirable in the local market. Extensive consultation with legal counsel retained specifically for this project and another attorney with extensive experience with planned communities produced a unanimous recommendation that this approach would be consistent with municipal code, state statutes and regulations, and produce a PUD with the greatest added value for both the developer and the customer.

Additional information as required by the Subdivision Application is included below:

- The parcel that is the subject of this minor plat amendment request is LT 7B-1 within USS 2960, approved as the Sunset Heights Planned Unit Development.
- There is one structure on the subject parcel, a single family home residing within Phase 1 of the project (see Exhibit I, Condo Plat).
- The zoning district is Residential, and the density is D-3.
- Access is provided by a shared driveway with a platted access easement to the subject parcel across the adjacent property.
- The current and proposed use of any and all structures is residential.
- All public utilities are available and installed.

RECEIVED
AUG 31 2018
PERMIT CENTER/CDD

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

SUBDIVISION APPLICATION

See subdivision hand-outs for more information regarding the permitting process and the materials required for a complete application.

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

To be completed by Applicant

PROJECT SUMMARY

Major subdivision - modification of existing planned unit development

Number of Existing Parcels 1 Total Land Area 3.1923 acres Number of Resulting Parcels 13

HAS THE PARCEL BEEN CREATED BY A MINOR SUBDIVISION IN THE PRECEDING 24 MONTHS

○ NO ○ YES Case Number _____

TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED

MINOR SUBDIVISION
(changing or creating 13 or fewer lots)

- ○ Preliminary Plat (MIP)
- ○ Final Plat (MIF)
- ○ Panhandle Subdivision
- ○ Accretion Survey
- ○ Boundary Adjustment
- ○ Lot Consolidation (SLC)
- ○ Bungalow Lot Subdivision
- ○ Common Wall/Zero Lot Subdivision
- ○ Other _____

MAJOR SUBDIVISION
(changing or creating 14 or more lots)

- ◉ Preliminary Plat (SMP)
- ○ Final Plat (SMF)
- ○ Preliminary Development Plan - PUD (PDP)
- ○ Final Development Plan – PUD (PDF)
- ○ Bungalow Lot Subdivision
- ○ Common Wall/Zero Lot Subdivision
- ○ Other _____

ALL REQUIRED DOCUMENTS ATTACHED

- ☐ **Pre-application conference notes**
- ☐ **Narrative including:**
  - ☐ Legal description(s) of property to be subdivided
  - ☐ Existing structures on the land
  - ☐ Zoning district
  - ☐ Density
  - ☐ Access
  - ☐ Current and proposed use of any structures
  - ☐ Utilities available
  - ☐ Unique characteristics of the land or structure(s)
- ☐ **Preliminary Plat checklist**

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

SUBDIVISION/PLATTING FEES	Fees	Check No.	Receipt	Date
Application Fees	$ 1430			
Admin. of Guarantee	$			
Adjustment	$			
Total Fee	$			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Case Number	Date Received
Smp 18-001	

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

SUBDIVISION APPLICATION

See subdivision hand-outs for more information regarding the permitting process and the materials required for a complete application.

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

To be completed by Applicant

PROJECT SUMMARY

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- ☐ **Narrative including:**
  - ☐ Legal description(s) of property to be subdivided
  - ☐ Existing structures on the land
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  - ☐ Density
  - ☐ Access
  - ☐ Current and proposed use of any structures
  - ☐ Utilities available
  - ☐ Unique characteristics of the land or structure(s)
- ☐ **Preliminary Plat checklist**

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

SUBDIVISION/PLATTING FEES	Fees	Check No.	Receipt	Date
Application Fees	$ 910			
Admin. of Guarantee	$			
Adjustment	$			
Total Fee	$			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Case Number	Date Received
SMF 18-001	

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

(907) 586-0757
Jill.Maclean@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

June 26, 2018

Case No.: PDF2015 0001

Certified Return Receipt Number
7010 2780 0000 7478 1347

Douglas Island Development, LLC
Attn: Joanne Schmidt
5405 North Douglas Highway
Juneau, Alaska 99801

RE: Sunset Heights PUD – Not in compliance with approved Planned Unit Development final plan

Dear Ms. Schmidt,

Sunset Heights Planned Unit Development (PUD) received its final approval on April 15, 2015, when the Planning Commission approved the final development plan (PDF2015 0001). Since that time, it has come to our attention that the project is being developed and sold outside of what was reviewed and approved by the Planning Commission.

The concept that was applied for, reviewed by staff, and approved by the Planning Commission was a twelve-unit, phased, multifamily project in which the owners would own their own residential unit (in air space above the ground), and all twelve owners would collectively own the underlying un-subdivided land, as well as the common amenities. The recorded condo plat and associated declarations indicate that a portion of land is being sold along with each condo unit, which is a subdivision of land and has not gone through the proper subdivision review and approval process.

The recently approved condo plat, Plat No. 2016-33, and the associated declarations recorded along with the condo plat are not what staff reviewed, nor what the Planning Commission approved. The declarations that staff reviewed as part of the PUD application included declaration documents that specifically stated that the underlying land would not be subdivided and would be constructed as a multifamily project, and all owners would collectively own the un-subdivided land lying underneath.

There are two courses of action to rectify this:

1) You may either re-file your condo plat and associated declarations to be in compliance with the multifamily development concept for which this project was reviewed and approved. Your project would then be in compliance with your development approvals;

2) You may submit an application to amend your PUD to show that lots are being created. This option will require a public hearing and the Planning Commission will decide to approve or deny the request. If the PUD amendment is approved by the Commission, you would then need to file a preliminary plat and a final plat for subdivision review. After a final plat is approved and recorded with the State Recorder's office, you may then begin to sell the lots.

Please be aware that it is against state law to sell lots that have not been reviewed by the Platting Authority. Alaska Statute 40.15.010 states: *Before the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision or dedication shall be approved by the authority having jurisdiction, as prescribed in this chapter and shall be filed and recorded in the office of the recorder. The recorder may not accept a subdivision or dedication for filing and recording unless it shows this approval.* The condo plat and associated declarations demonstrate that a subdivision of the land has occurred, which was not reviewed and approved by the CBJ.

Please call me to discuss this matter and how you plan to remedy the situation, so that we may facilitate a solution, rather than seek enforcement action.

Thank you,

Jill M. Maclean, AICP, Director
Community Development Department
City & Borough of Juneau

Cc: Beth McKibben, AICP, Planning Manager
Charlie Ford, Building Official
Laura A. Boyce, AICP, Senior Planner

LEGEND

- B.L.M. 2-1/2" BRASS MONUMENT RECOVERED THIS SURVEY
- PRIMARY MONUMENT IN CASING RECOVERED THIS SURVEY DOT
- SECONDARY MONUMENT RECOVERED THIS SURVEY REBAR & PLASTIC CAP, BY MARK STRODE
- SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN
- SURVEYED
- UNSURVEYED
- CENTERLINE
- SURVEY TIE
- EASEMENT
- EXISTING DRIVEWAY
- PROPOSED EDGE OF ASPHALT
- DRAINAGE DITCH
- PHASE LINE
- DISTURBANCE OR DEVELOPMENT EASEMENT
- COMMON AREA
- PHASE 1-3 (DEVELOPMENT RIGHTS ARE RESERVED IN THESE AREAS) PHASE 2-3 PROPOSED - NEED NOT BE BUILT ALSO MAY BE WITHDRAWN
- WATER VALVE
- FIRE HYDRANT
- SANITARY MANHOLE
- MAIL BOX
- POWER POLE

R = RIGHT-OF-WAY MAP (PROJECT NO. S-0959(A)

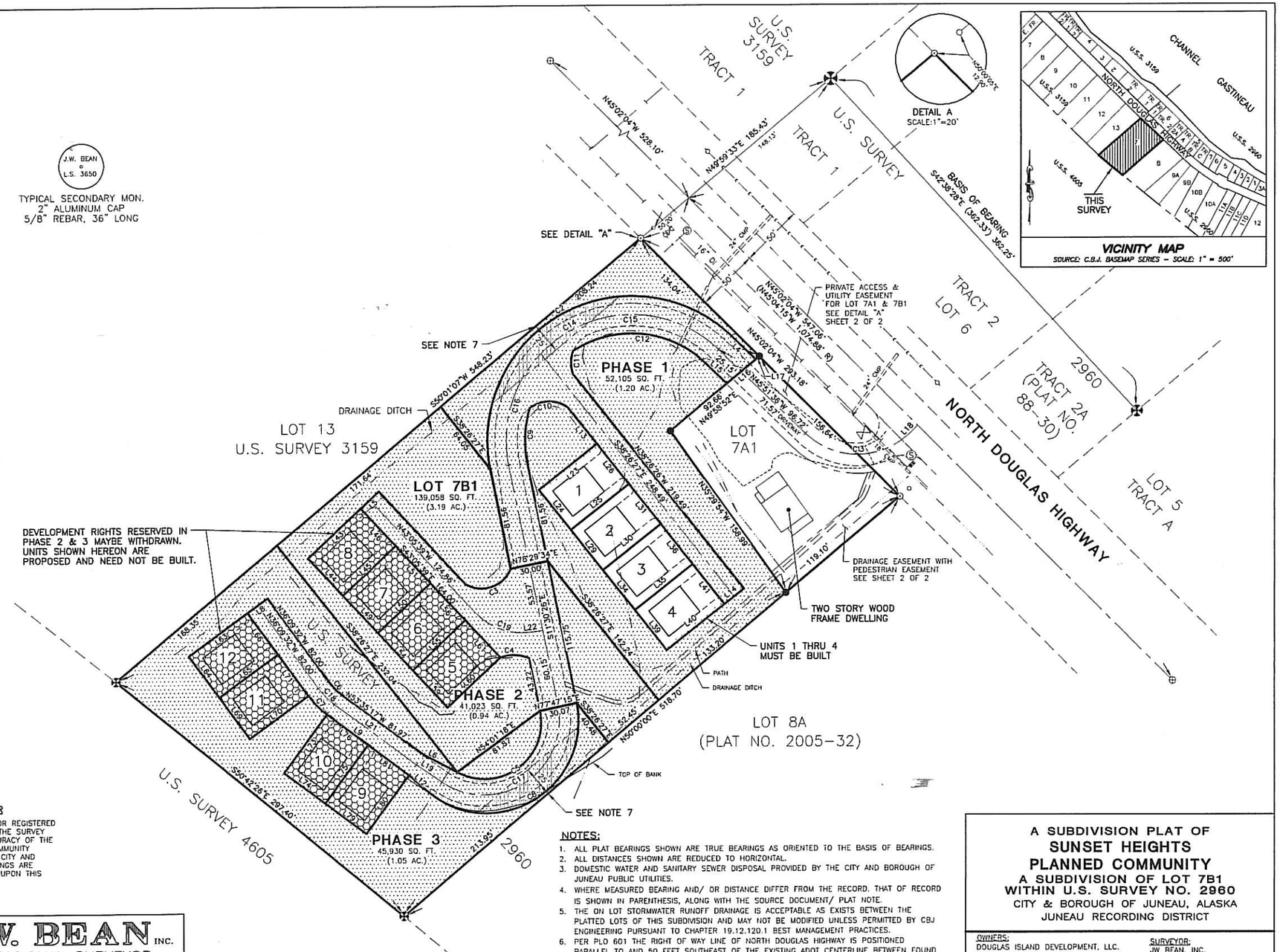
R1 = PLAT NO. 2011-24 & PLAT NO. 2015-49

J.W. BEAN L.S. 3650

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

BASIS OF BEARING

BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF S42°38'28"E FOR A FOUND 2 1/4" BRASS CAP BEING WITNESS MEANDER CORNER TO CORNER 1, LOT 6, U.S.S. 2960 TO A FOUND 2 1/4" BRASS CAP BEING WITNESS MEANDER CORNER TO CORNER 2, LOT 6, U.S.S. 2960 AS SHOWN ON U.S. SURVEY NO. 2960



CERTIFICATE OF REGISTERED LAND SURVEYOR

I, J.W. BEAN, IN MY CAPACITY AS A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, CERTIFY THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 04 OF THE COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONS AND RELATIVE BEARINGS ARE CORRECT, AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATE _____

STATE OF ALASKA 49TH J.W. BEAN No. 3650-S REGISTERED PROFESSIONAL LAND SURVEYOR

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

PROJ: 12851-SUNSET-HEIGHTS-PUD

NOTES:

1. ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
2. ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
3. DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
4. WHERE MEASURED BEARING AND/ OR DISTANCE DIFFER FROM THE RECORD, THAT OF RECORD IS SHOWN IN PARENTHESIS, ALONG WITH THE SOURCE DOCUMENT/ PLAT NOTE.
5. THE ON LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.
6. PER PLO 601 THE RIGHT OF WAY LINE OF NORTH DOUGLAS HIGHWAY IS POSITIONED PARALLEL TO AND 50 FEET SOUTHEAST OF THE EXISTING ADOT CENTERLINE BETWEEN FOUND ADOT MONUMENTS AS SHOWN.
7. THERE SHALL BE NO DISTURBANCE OR DEVELOPMENT WITHIN 25 FEET OF THE EXTERIOR BOUNDARY OF THE PLANNED UNIT DEVELOPMENT ON LOT 7B1 OF THIS SURVEY. SEE VAR 2014-0028 FOR AREAS SHOWN.

A SUBDIVISION PLAT OF SUNSET HEIGHTS PLANNED COMMUNITY

A SUBDIVISION OF LOT 7B1 WITHIN U.S. SURVEY NO. 2960

CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

OWNERS:
DOUGLAS ISLAND DEVELOPMENT, LLC.
5405 N. DOUGLAS HIGHWAY
JUNEAU, ALASKA 99801

SURVEYOR:
JW BEAN, INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU, ALASKA 99801
(907) 789-0590

SCALE: 1"=40' DATE: 10-17-2018 SHEET 1 OF 2

E:\JOBS\BEAN\12851-SUNSET HEIGHTS\12851-SUNSET-HEIGHTS-PUD.DWG 10/17/2018 10:28:08 AM AST

LINE TABLE		
LINE #	DIRECTION	LENGTH
L4	N45°51'36"W	26.68
L5	S46°54'21"W	20.00
L6	N62°28'14"W	24.58
L8	S53°50'28"W	20.00
L9	S53°30'23"E	82.00
L12	S49°10'25"E	21.50
L13	S38°28'29"E	37.59
L14	N51°33'33"E	20.00
L15	S45°51'36"E	23.61
L16	N49°58'52"E	30.16
L17	N49°59'22"E	3.73
L18	S44°57'56"W	7.72
L19	N55°37'45"W	24.68
L21	N53°40'45"W	81.99
L22	S81°50'53"W	9.30
L23	S51°36'14"W	59.00

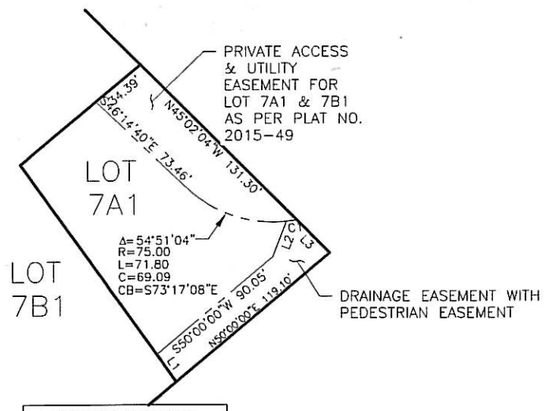
LINE TABLE		
LINE #	DIRECTION	LENGTH
L24	S38°26'27"E	41.00
L25	N51°36'14"E	59.00
L26	S38°26'27"E	41.00
L29	S38°26'27"E	41.00
L30	N51°36'14"E	59.00
L31	S38°26'27"E	41.00
L34	S38°26'27"E	41.00
L35	N51°36'14"E	59.00
L36	S38°26'27"E	41.00
L39	S38°23'46"E	41.00
L40	N51°36'14"E	59.00
L41	S38°23'46"E	41.00
L43	S46°54'21"W	58.00

LINE TABLE		
LINE #	DIRECTION	LENGTH
L44	S43°05'39"E	41.00
L45	N46°54'21"E	58.00
L46	S43°05'39"E	41.00
L49	S43°05'39"E	41.00
L50	N46°54'21"E	58.00
L51	S43°05'39"E	41.00
L54	S43°05'39"E	41.00
L55	N46°54'21"E	58.00
L56	S43°05'39"E	41.00
L59	S43°05'39"E	41.00
L60	N46°54'21"E	58.00
L61	S43°05'39"E	41.00
L62	S36°09'34"E	1.68
L63	S53°50'28"W	58.00

LINE TABLE		
LINE #	DIRECTION	LENGTH
L65	N53°50'28"E	58.00
L70	N53°50'28"E	58.00
L72	S36°09'34"E	4.00
L73	N36°29'37"E	58.00
L75	N36°29'37"E	58.00
L76	S53°30'09"E	15.43
L80	N36°29'37"E	58.00
L81	S53°30'23"E	41.00

NOTE: LINE NUMBERS NOT USED 1, 2, 3, 7, 10, 11, 32, 33, 37, 38, 42, 47, 48, 52, 53, 57, 58, 64, 66, 67, 68, 69, 71, 74, 77, 78 & 79

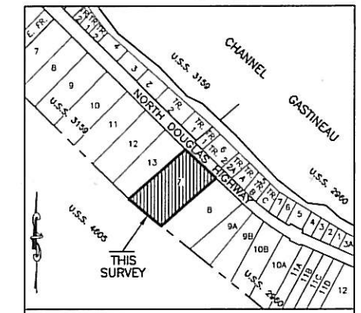
CURVE TABLE					
CURVE #	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	NOT USED				
C2	145°38'49"	115.00'	292.33'	219.74'	S61°18'59"W
C3	98°17'23"	25.00'	42.89'	37.82'	S71°19'05"W
C4	44°51'52"	30.00'	23.49'	22.90'	N88°19'17"W
C5	131°05'42"	45.00'	102.96'	81.93'	S54°02'25"W
C6	17°21'15"	50.00'	15.14'	15.09'	N44°50'09"W
C7	17°21'15"	70.00'	21.20'	21.12'	S44°50'09"E
C8	141°17'14"	73.00'	180.01'	137.75'	N59°08'11"E
C9	29°06'55"	85.00'	43.19'	42.73'	N3°03'02"E
C10	73°11'54"	25.00'	31.94'	29.81'	N89°06'34"E
C11	43°42'52"	25.00'	19.07'	18.61'	N0°00'00"W
C12	77°16'38"	85.00'	114.64'	106.15'	S84°29'55"E
C13	89°10'28"	60.00'	93.38'	84.24'	S89°33'10"W
C14	145°38'49"	100.00'	254.20'	191.08'	S61°18'59"W
C15	90°27'40"	100.00'	157.89'	142.00'	S88°54'33"W
C16	55°11'04"	100.00'	96.32'	92.64'	S16°04'55"W
C17	136°12'11"	60.00'	142.63'	111.34'	S56°35'40"W
C18	17°21'15"	60.00'	18.17'	18.10'	N44°50'09"W
C19	55°03'28"	50.41'	48.44'	46.60'	N70°37'23"W



EASEMENT LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S35°29'59"E	20.06
L2	S20°58'31"W	22.62
L3	N45°02'04"W	27.84

CURVE TABLE					
CURVE #	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	4°43'12"	75.00'	6.18'	6.18'	N81°38'56"E

DETAIL A
SCALE: 1"=40'



VICINITY MAP
SOURCE: C.B.J. BASEMAP SERIES – SCALE: 1" = 500'

OWNERSHIP CERTIFICATE CORPORATE:

I, JOANNE SCHMIDT, HEREBY CERTIFY THAT DOUGLAS ISLAND DEVELOPMENT, LLC., IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS OWNER, HAVING THE AUTHORITY TO DO SO, HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

Owner _____ _____

JOANNE SCHMIDT, OWNER
DOUGLAS ISLAND DEVELOPMENT, LLC.

DATE:

NOTARY ACKNOWLEDGMENT:

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

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2018 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED JOANNE SCHMIDT, OWNER TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA _____

MY COMMISSION EXPIRES _____

COMMUNITY DEVELOPMENT PLAT APPROVAL

I HEREBY CERTIFY THAT THE PLAT HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 49 OF THE CODE OF THE CITY & BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU, DEPARTMENT OF COMMUNITY DEVELOPMENT, FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

_____ DATE _____ ,2018

JILL MACLEAN, DIRECTOR
CITY & BOROUGH OF JUNEAU
DEPARTMENT OF COMMUNITY DEVELOPMENT

ATTEST:

_____

MUNICIPAL Clerk
CITY & BOROUGH OF JUNEAU

CERTIFICATE OF REGISTERED LAND SURVEYOR

I, J.W. BEAN, IN MY CAPACITY AS A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, CERTIFY THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 04 OF THE COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONS AND RELATIVE BEARINGS ARE CORRECT, AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATE _____

STATE OF ALASKA 49TH J.W. BEAN No. 3650-S PROFESSIONAL LAND SURVEYOR

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

PROJ: 12851-SUNSET-HEIGHTS-PUD

1. ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
2. ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
3. DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
4. WHERE MEASURED BEARING AND/ OR DISTANCE DIFFER FROM THE RECORD. THAT OF RECORD IS SHOWN IN PARENTHESIS, ALONG WITH THE SOURCE DOCUMENT/ PLAT NOTE.
5. THE ON LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.
6. PER PLO 601 THE RIGHT OF WAY LINE OF NORTH DOUGLAS HIGHWAY IS POSITIONED PARALLEL TO AND 50 FEET SOUTHEAST OF THE EXISTING ADOT CENTERLINE BETWEEN FOUND ADOT MONUMENTS AS SHOWN.
7. THERE SHALL BE NO DISTURBANCE OR DEVELOPMENT WITHIN 25 FEET OF THE EXTERIOR BOUNDARY OF THE PLANNED UNIT DEVELOPMENT ON LOT 7B1 OF THIS SURVEY. SEE VAR 2014.0028 FOR AREAS SHOWN.

A SUBDIVISION PLAT OF SUNSET HEIGHTS PLANNED COMMUNITY

A SUBDIVISION OF LOT 7B1 WITHIN U.S. SURVEY NO. 2960

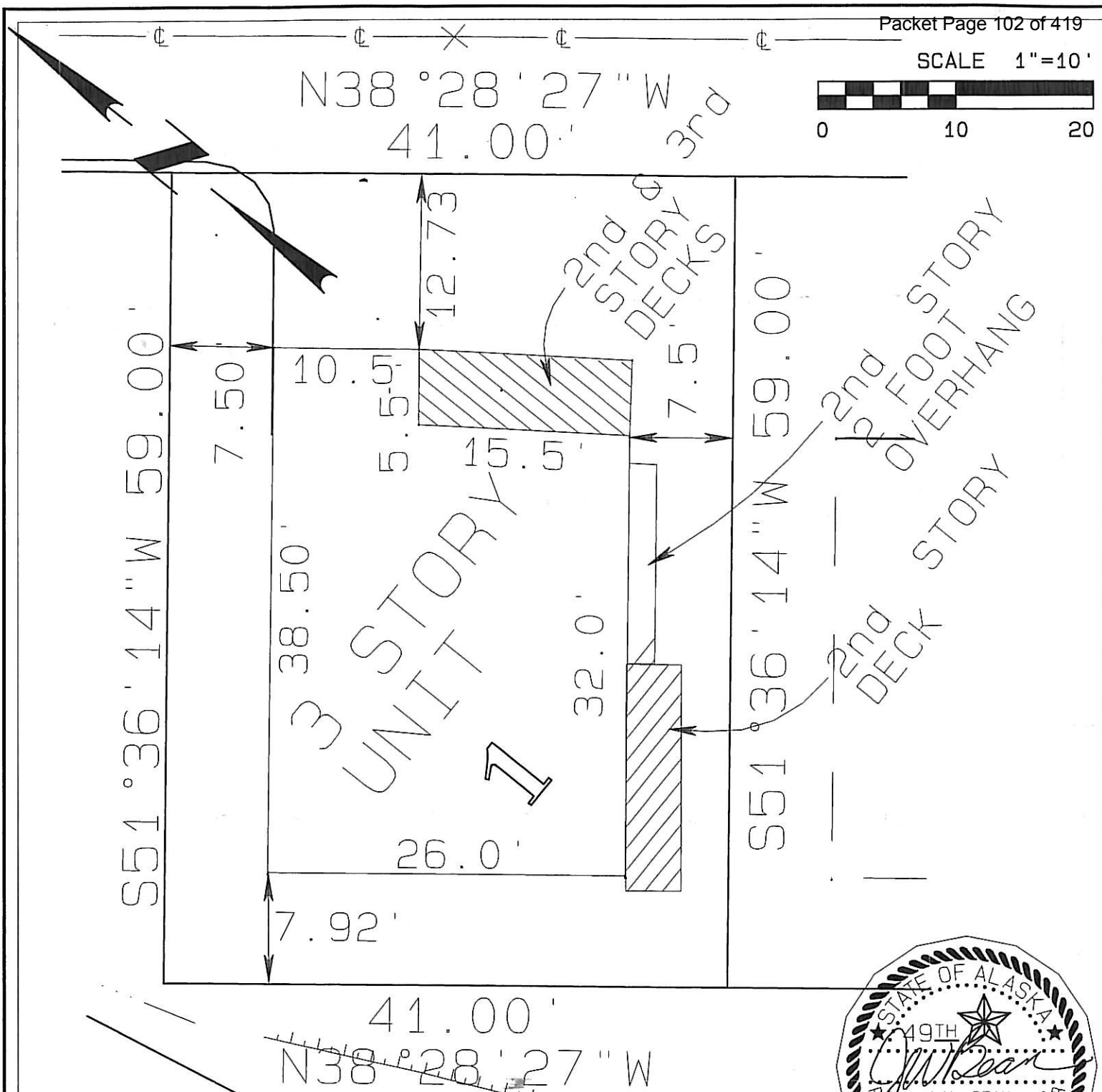
CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

OWNERS:
DOUGLAS ISLAND DEVELOPMENT, LLC.
5405 N. DOUGLAS HIGHWAY
JUNEAU, ALASKA 99801

SURVEYOR:
JW BEAN, INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU, ALASKA 99801
(907) 789-0590

SCALE: 1"=40' DATE: 10-17-2018 SHEET 2 OF 2

E:\GIS\BEAN\12851-SUNSET HEIGHTS\12851-SUNSET-HEIGHTS-PUD.DWG 10/17/2018 10:28:08 AM AST



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

STATE OF ALASKA
49TH
J.W. BEAN
No. 3650-S
REGISTERED PROFESSIONAL LAND SURVEYOR

J.W. BEAN
PROFESSIONAL SURVEYOR

F.B. _____ JOB No 12851
SCALE AS-SHOWN
DATE 10-28-17

AS-BUILT SURVEY OF NUMBER 1 OF SUNSET HEIGHTS PLANNED COMMUNITY (PLAT 2016-33)

Closure Report

Set description: (No description)
Area: 2,419.00
0.06
Perimeter: 200.00
Closure: 0.00

LOT 1

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,798			6,251.0432	2,296.9660	-----	0+00.00
	N51°36'14"E	59.00				
1,774			6,287.6878	2,343.2064	-----	0+59.00
	S38°28'27"E	41.00				
1,773			6,255.5894	2,368.7150	-----	1+00.00
	S51°36'14"W	59.00				
1,797			6,218.9448	2,322.4746	-----	1+59.00
	N38°28'27"W	41.00				
1,798			6,251.0432	2,296.9660	-----	2+00.00

Set description: (No description)
Area: 2,419.00
0.06
Perimeter: 200.00
Closure: 0.00

LOT 2

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,773			6,255.5894	2,368.7150	-----	0+00.00
	S38°28'27"E	41.00				
1,769			6,223.4910	2,394.2236	-----	0+41.00
	S51°36'14"W	59.00				
1,794			6,186.8464	2,347.9832	-----	1+00.00
	N38°28'27"W	41.00				
1,797			6,218.9448	2,322.4746	-----	1+41.00
	N51°36'14"E	59.00				
1,773			6,255.5894	2,368.7150	-----	2+00.00

Set description: (No description)
Area: 2,419.00
0.06
Perimeter: 200.00
Closure: 0.00

LOT 3

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,705			6,191.3925	2,419.7323	-----	0+00.00
	N38°28'27"W	41.00				
1,769			6,223.4910	2,394.2236	-----	0+41.00
	S51°36'14"W	59.00				
1,794			6,186.8464	2,347.9832	-----	1+00.00
	S38°28'27"E	41.00				
1,793			6,154.7479	2,373.4919	-----	1+41.00
	N51°36'14"E	59.00				
1,705			6,191.3925	2,419.7323	-----	2+00.00

Set description: (No description)
Area: 2,419.00
0.06
Perimeter: 200.00
Closure: 0.00

Lot 4

Point #	Direction	Distance	Northing	Easting	Elevation	Station
1,743			6,159.2941	2,445.2409	0.000	0+00.00
	N38°28'27"W	41.00				
1,705			6,191.3925	2,419.7323	-----	0+41.00
	S51°36'14"W	59.00				
1,793			6,154.7479	2,373.4919	-----	1+00.00
	S38°28'27"E	41.00				
1,790			6,122.6495	2,399.0005	-----	1+41.00
	N51°36'14"E	59.00				

1,791	6,159.2941	2,445.2409	-----	2+00.00

Engineering & Public Works Department
155 South Seward Street
Juneau, Alaska 99801
Phone: 907-586-0800 | Fax: 907-463-2606

DATE: October 23, 2018

TO: Laurel Bruggeman, CDD

FROM: Autumn Sapp, Engineering & Public Works Department

RE: SMP20180001 – Lots 1, 2, 3, 4, and 7B1, Sunset Heights- Plat Review v1

PLAT:

1. Verify the following bearings for Lots 1, 2, 3, and 4 as they are not consistent with the closure report:
    a. S38°25'47"E
    b. N38°25'47"E

2. Submit closure report for Lot 7B1 and revise area listed.

3. Show monument symbols for lot corners set for Lots 1, 2, 3, and 4.

4. Change property line types for Lot 7A1 that are not part of this subdivision to unsurveyed line type.

5. Include dimension for southeastern lot line of Lot 7B1 and add arrow to BLM monument.

6. Add arrow to the secondary monument for N50° 00'00"E 518.70 lot line.

7. Add bearing and/or distances for the following:
    a. ROW centerline
    b. Basis of Bearing line
    c. Basis of bearing tie line

8. Include the width, ownership, use, and record reference of all proposed and existing easements within the subdivision and within 100 feet of the subdivision boundary.

9. Show, describe, and provide basis and bearings for all shared access, utility, and drainage easements within this survey.

10. Provide easements for all established drainage ways until it reaches ADOT ROW.

11. Correct the graphic scale annotations for 1:40.

12. Add an R2 record reference for Plat No. 2015-49.

13. Add the following Record Information statement and complete with the pertenant information:

    RECORD INFORMATION

RECORD INFORMATION FOR THIS SUBDIVISION IS DERIVED FROM OFFICIAL PLATS: XXXXX SUBDIVISION, JUNEAU RECORDING DISTRICT, DATED XX/XX/XXXX (R1); USS XXXX, DATED XX/XX/XXXX (R2); AND DEED BOOK XX, PAGE XXX, JUNEAU RECORDING DISTRICT, DATED XX/XX/XXXX (R3).

14. Add the following Note:

    THIS SURVEY CLOSES WITHIN A LIMIT ERROR OF ONE FOOT IN 10,000 FEET.

15. Modify the Owner's Certificate Corporate and Notary's Acknowledgement to read as follows:

    OWNERSHIP CERTIFICATE

    DOUGLAS ISLAND DEVELOPMENT HEREBY CERTIFIES THAT DOUGLAS ISLAND DEVELOPMENT IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT IT HEREBY ADOPTS THIS PLAT OF SUBDIVISION WITH ITS FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

    _____

    DATE: _____ 2018

    JOANNE SCHMIDT, OWNER
    DOUGLAS ISLAND DEVELOPMENT, LLC

    NOTARY ACKNOWLEDGEMENT

    UNITED STATES OF AMERICA)
) SS
    STATE OF ALASKA)

    THIS IS TO CERTIFY THAT ON THE _____ DAY OF _____ , 20XX, BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED TO ME JOANNE SCHMIDT KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

    WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

    NOTARY PUBLIC FOR ALASKA _____

    MY COMMISSION EXPIRES _____

16. Replace the Community Development Plat Approval with the to the following statement which is applicable for major subdivisions:

    PLANNING COMMISSION PLAT APPROVAL

    I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA AND THAT SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION NO. _____ , DATED _____ , 2018, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.

_____ DATED _____ , 2018

CHAIRMAN OF THE PLANNING COMMISSION
CITY AND BOROUGH OF JUNEAU

ATTEST:

_____

MUNICIPAL CLERK
CITY AND BOROUGH OF JUNEAU

Laurel Bruggeman

From: Greg Chaney
Sent: Thursday, October 11, 2018 10:22 AM
To: Laurel Bruggeman; Beth McKibben
Cc: Dan Bleidorn; Bhagavati Braun
Subject: RE: Teufelshund Way PUD PDF2018 0001

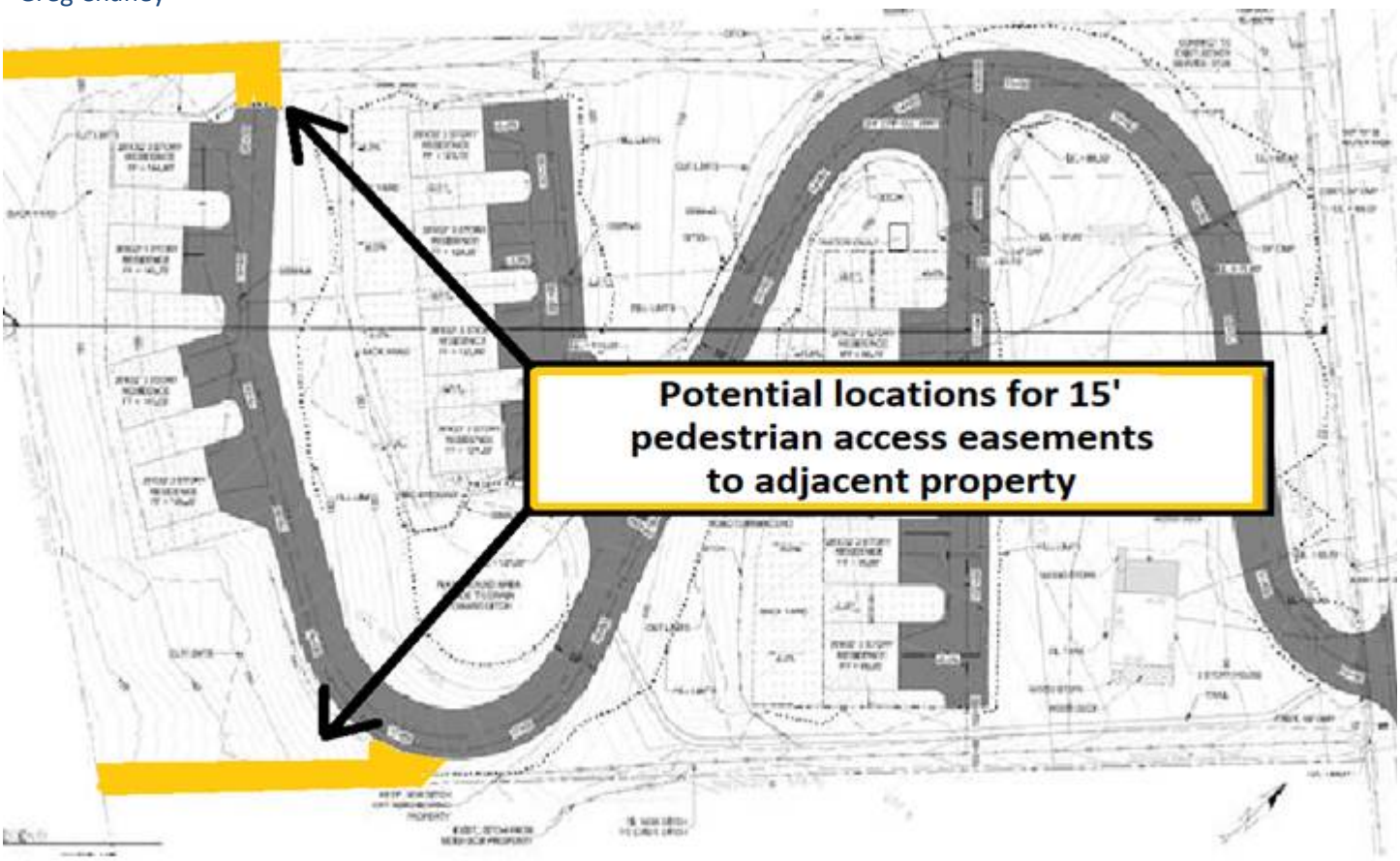
Hi Laurel,

I didn't realize that Teufelshund Way was a private road. Since I am not certain about the nature of the ammendment to the PUD, it's not clear to me what level of adjustment to the previously approved PUD is appropriate at this time but it doesn't hurt to ask.

The nearest connection to CBJ upland property is over half a mile away. It is unfortunate that the code only specifies that rights-of-way must provide access to adjacent property because this is a significant disincentive to create public roads. In the spirit of establishing connections between properties, I would like to propose a 15' wide pedestrian access easement be designated to connect Teufelshund Way to the adjoining CBJ property. Since this easement would be located along the perimeter of the required common open space, it wouldn't create a barrier to housing development. The spirit of the code is to provide access to adjacent property. This access easement would provide an access path for future trail construction that would make it possible create a more connected community.

Thank you for the opportunity to comment.

- Greg Chaney



From: Laurel Bruggeman
Sent: Wednesday, October 10, 2018 2:40 PM
To: Greg Chaney
Cc: Dan Bleidorn; Bhagavati Braun
Subject: RE: Teufelshund Way PUD PDF2018 0001

Hi Greg,

Thanks for reminding me to get back to you on this.

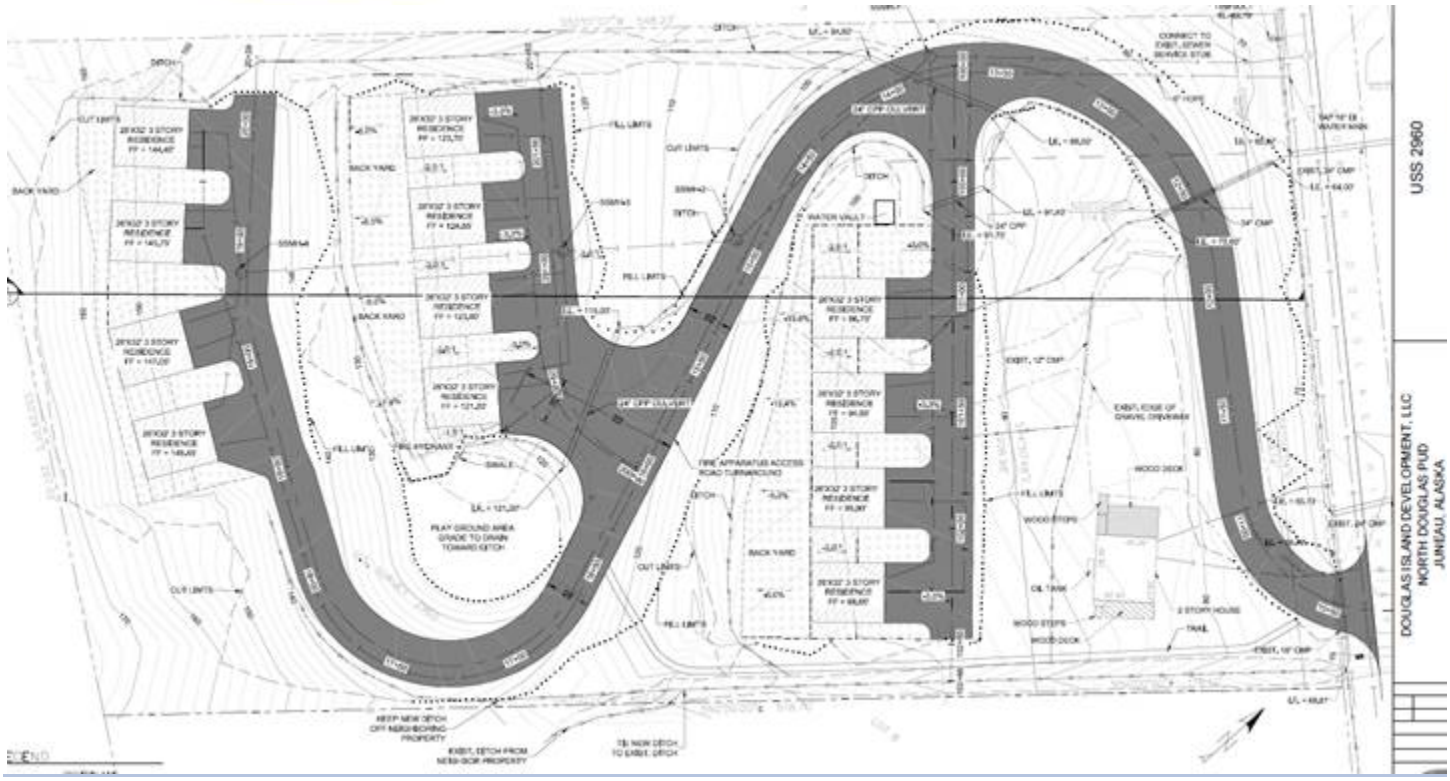
I can't say for sure if that was considered when the PUD was originally approved in 2015, there is no mention of it in the staff reports I have been able to find. I can say though that the access to the site is through a private driveway that would not be able to meet the requirements for a public right of way. If we required CBJ§49.15.60(h)(4), then the developer would need to upgrade the entire private driveway to a ROW in order to provide a ROW between an existing public ROW and the CBJ parcel to the rear, in this case it does not seem appropriate. In order to preserve a 12% grade for the driveway, the developer needed to construct the driveway with a switchback design (shown below), upgrading the entire driveway to public ROW standards would eat up a significant portion of the lot and the required 40% common open space required.

The developer is not proposing any changes to this access, so at this time we are not requesting any changes to what was previously approved.

Let me know if you have any questions.

Thanks,

Laurel Bruggeman | Planner
Community Development Department| City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0761

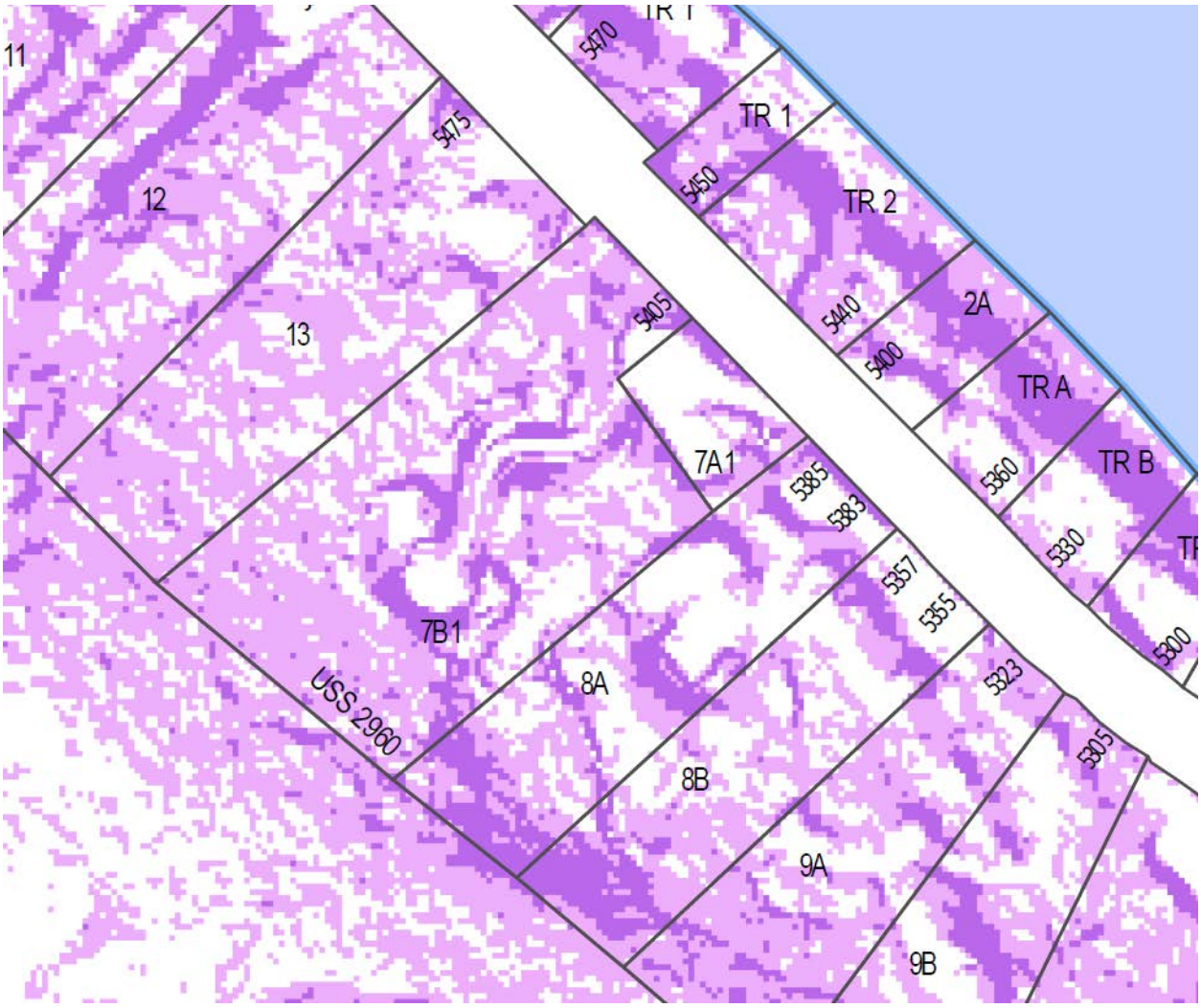


From: Greg Chaney
Sent: Wednesday, October 10, 2018 12:57 PM
To: Laurel Bruggeman
Cc: Dan Bleidorn; Bhagavati Braun
Subject: Teufelshund Way PUD PDF2018 0001

Hi Laurel,

I received the "Invitation to Comment" card concerning the Teufelshund Way PUD. I was wondering if there has been any consideration of CBJ§49.15.60(h)(4)? "...A planned unit development which adjoins undeveloped land shall provide for a right-of-way between the undeveloped land and an existing public right-of-way, where appropriate."

Thank you for your thoughts.



Slopes >18% & >37% Derived from 2013 Lidar

Slopes

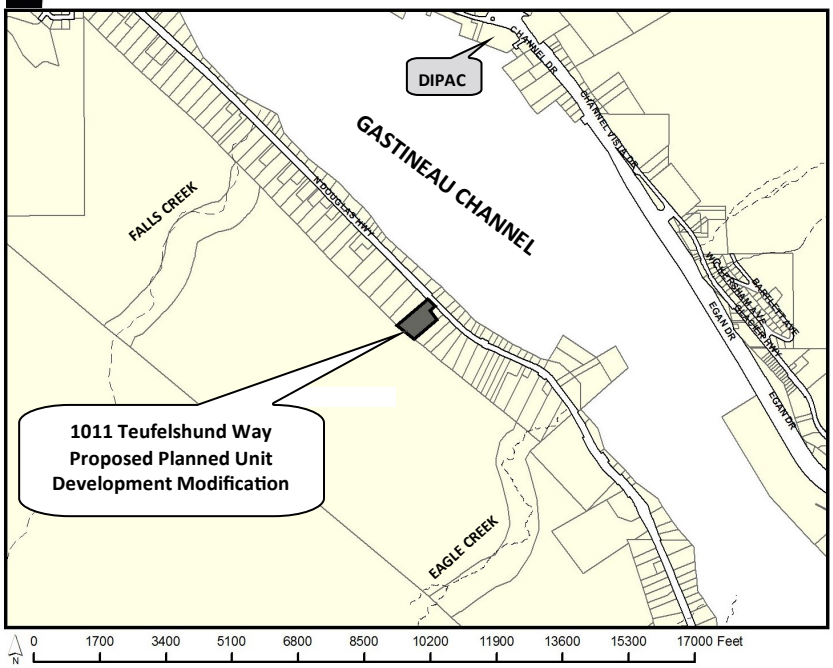
18% - 37%

>37%

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT
155 S. Seward Street Juneau, Alaska 99801

TO:

Applications have been submitted for consideration and public hearing by the Planning Commission for a **modification of an approved Planned Unit Development (PUD) to allow for the creation of 12 individual lots within the PUD** located at **1011 Teufelshund Way** in a D3 Zone.

TIMELINE

Staff Report expected to be posted **Monday November 5, 2018** at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas**
Find hearing results, meeting minutes and more here as well.

Now through October 22, 2018

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

Oct 23 through 12 noon, Friday, Nov 9

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, November 13, 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.

November 14

The results of the hearing will be posted online.

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

Printed October 8, 2018

Case No.: PDF2018 0001, PDP2018 0001, SMF2018 0001, SMP2018 0001
Parcel No.: 6D0701010174
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: November 15, 2018
File No.: SMP2018 0001

Douglas Island Development LLC
5405 N. Douglas Highway
Juneau, AK 99801

Proposal:	A subdivision of one (1) lot into five (5) lots within a Planned Unit Development.
Property Address:	1011 Teufelshund Way
Legal Description:	USS 2960 Lot 7B1
Parcel Code No.:	6D0701010174
Hearing Date:	November 13, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 2, 2018, and approved the preliminary plat to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. All changes requested by General Engineering, as discussed in a MEMO from Autumn Sapp, dated October 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 BEYOUND WHAT IS INDICATED."

Attachment: November 2, 2018 memorandum from Laurel Bruggeman, Community Development, to the CBJ Planning Commission regarding SMP2018 0001.

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

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

Effective Date: The permit is effective upon approval by the Commission, November 13, 2018

Expiration Date: The permit will expire five (5) years after the effective date, or November 13, 2023, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the subdivision permit was authorized or no final plat has been approved. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner: _____ _____

Laurel Bruggeman, Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

_____ November 19, 2018

Filed With Municipal Clerk Date

cc: Plan Review

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

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

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

DATE:	October 30, 2018
TO:	Planning Commission
FROM:	Laurel Bruggeman, Planner Community Development Department
FILE NO.:	CSP2018 0008
PROPOSAL:	A City Project to trade CBJ uplands for a strip of private property on Fritz Cove

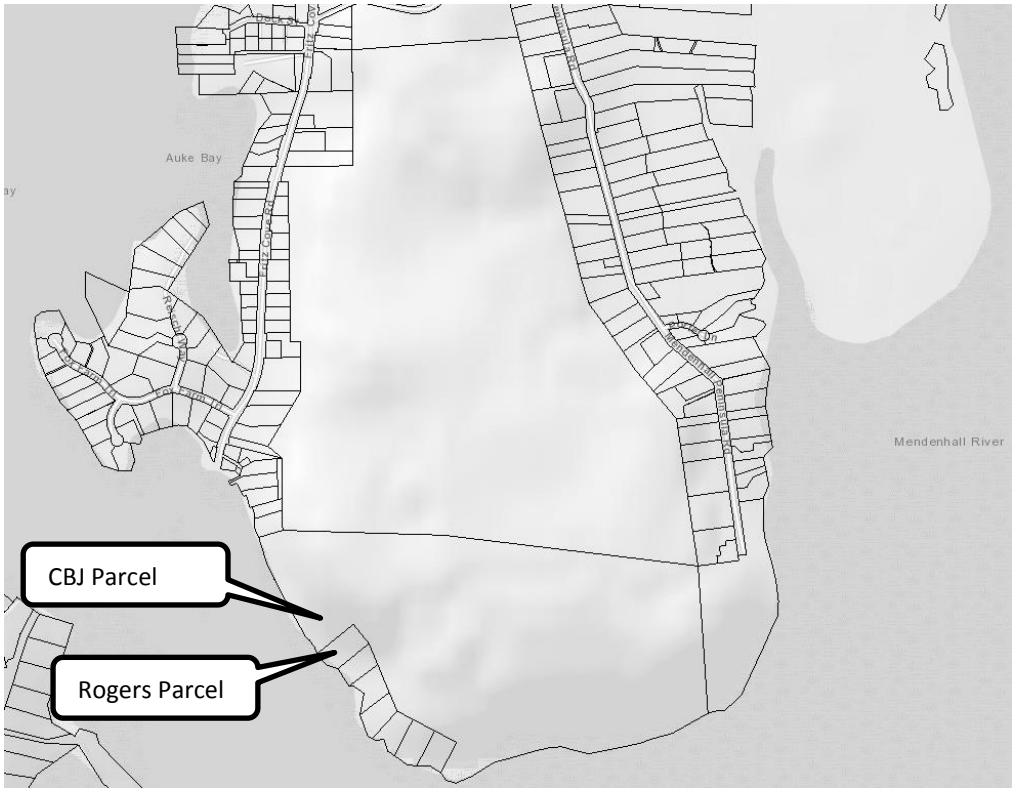
GENERAL INFORMATION

Applicant:	Alan Rogers and the City & Borough of Juneau
Property Owner:	Alan Rogers and the City & Borough of Juneau
Property Address:	812 Fritz Cove Road
Legal Description:	ASLS 70-3 and ASLS 78-171 Lot 3A
Parcel Code No.:	Rogers Parcel: 4B2001080010 CBJ Parcel: 4B1901070011
Site Size:	Rogers Parcel: 1.67 acres (72,745 sq. ft.) CBJ Parcel: 90 acres (3,920,400 sq. ft.)
Comprehensive Plan Future Land Use Designation:	Rogers Parcel: RLDR CBJ Parcel: NP
Zoning:	RR
Utilities:	Private
Access:	Fritz Cove Road through a Private Driveway Easement

Existing Land Use: Rogers Parcel: Cabin
CBJ Parcel: Vacant & Public Trails

Surrounding Land Use:
North - (RR) Vacant CBJ Property
South - (RR) Single Family
East - (RR) Vacant CBJ Property
West - Fritz Cove

VICINITY MAP



ATTACHMENTS

Attachment A: Development Permit Application, Including:
Memorandum from Greg Chaney, dated August 15, 2018
Preliminary Land Trade Design
Appraisal Report, March 2, 2018

Attachment B: Maps, Including:
Comprehensive Plan Future Land Use Designation Map

Slope Map

Attachment C: Minutes, Including:
05-01-2018 Parks & Recreation Advisory Committee
05-21-2018 Lands & Resources Committee
06-04-2018 Regular Assembly

Attachment D: Email Comments from Robin Potter, dated 10/16/2018

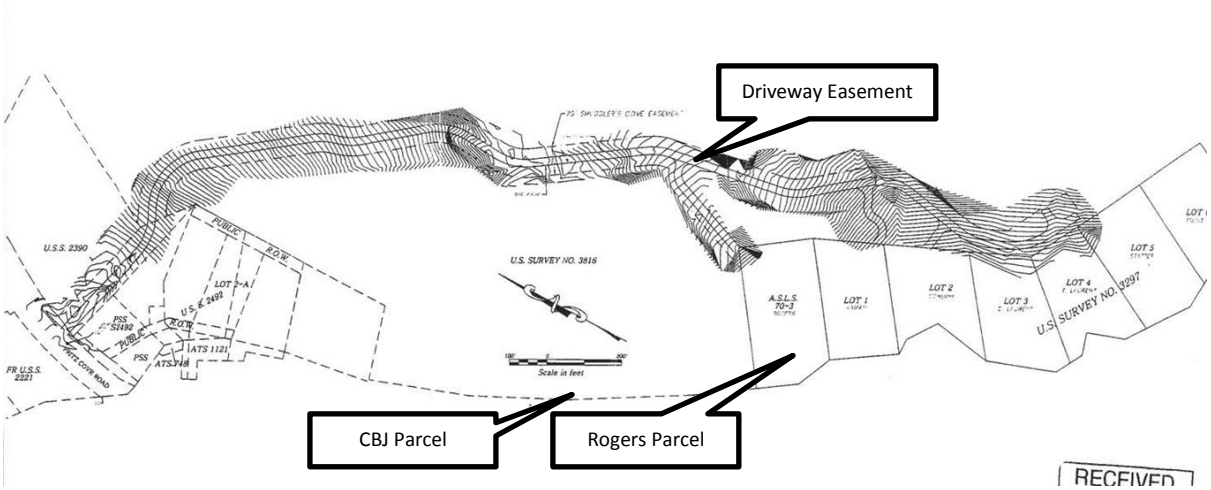
PROPOSAL

Alan and Ellen Rogers own a 1.67 acre lot on the tip of the Mendenhall Peninsula, abutting Fritz Cove of the Gastineau Channel to the West and CBJ Parkland to the North and East. The Rogers and the CBJ Lands Division have agreed to trade CBJ uplands for a strip of the Rogers property that fronts Fritz Cove of the Gastineau Channel. The Rogers would like to acquire uplands property that contains less slope and more buildable area.

BACKGROUND

The CBJ owned parcel was originally platted in 1962 under U.S. Survey 3816 and was again platted in 1982. CBJ acquired the parcel in 1984 through U.S. Patent No. 6807; the parcel is presently managed by the CBJ Parks & Recreation Department. The Rogers parcel was platted in 1970 under Alaska State Land Survey (ASLS 70-3). The Rogers have owned the property since 1982 and presently reside in a cabin at the water's edge, which requires a steep decent to access the dwelling. The proposed land swap will provide the Rogers with land closer to the driveway easement. This would allow them to build a home that does not require a steep decent on foot to access.

In 2005, the City and Borough of Juneau signed a driveway easement with the Smugglers Cove Pioneers Association, which granted the construction of a shared driveway for the parcels at the southern tip of the Mendenhall Peninsula. Prior to this agreement, the Rogers, and other property owners, accessed the southern tip of the peninsula by foot or boat, see image below of the driveway easement.



On May 1, 2018 the Parks and Recreation Advisory Committee (PRAC) reviewed the proposed land trade. They approved the proposal and moved it forward for review by the CBJ Lands Committee (Attachment C). On May 21, 2018 the Lands Committee reviewed and recommended approval of the requested land trade. They forwarded the proposal to the full Assembly (Attachment C). At the regular meeting on June 4, 2018, the Assembly decided that the proposed land trade terms were generally acceptable, which triggered this CSP review (Attachment C).

CBJ Title 49 requires the Planning Commission to review and make a recommendation on all CBJ Land disposals:

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

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

> *Planning commission review, final assembly approval. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, and after review by the planning commission and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, or exchange or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance*

ANALYSIS

Zoning

CBJ Title 49.15.401 requires that the proposed land swap be reviewed as a Lot Line Adjustment through the Minor Subdivision Process to ensure the proposed plat conforms to Title 49 and other applicable codes.

49.15.401 Minor Subdivisions

> *(4) Lot Line Adjustments. The minor subdivision process shall be used to review adjustments to any number of lot boundary lines if the subdivision does not result in an increase in the number of lots.*

No new lots will be created under the proposed land swap. The two (2) subject parcels are currently zoned Rural Residential (RR) and exceed the minimum lot dimensions for the zoning district; minimum lot size is 36,000 square feet and minimum lot width and depth is 150 feet. The modified parcels created by the land trade would continue to exceed these dimensional requirements. The approximate area for proposed lots is listed below. The final dimensions will be determined by a land surveyor through the creation of a plat that will be reviewed by CDD through the minor subdivision process. The proposed parcel configuration is attached to this report (Attachment A).

Existing Parcel	Existing Lot Size	Land to be exchanged	Proposed Lot Size
4B2021080010 (Rogers Parcel)	72,745 sq. ft. (1.67 acres)	6,164 sq. ft. Rogers waterfront property traded to CBJ Parks	80,806 sq. ft. (1.85 acres)
4B1901070011 (CBJ Parcel)	3,920,400 sq. ft. (90 acres)	14,225 sq. ft. CBJ Park Land Traded to Rogers	3,912,339 sq. ft. (89.8 acres)

Access

Access to the Rogers lot is provided through a private driveway easement across the CBJ owned parcel. The access driveway is also known as “Smugglers Cove Road”. Access to the lots will not change. However, part of the private driveway easement will be located on the Rogers parcel

on the land gained from the swap. The terms of the easement will remain the same, but the easement may need to be redesigned so that the access easement stops at the new edge of the Rogers Parcel; this will be addressed through the review of the lot line adjustment. It is not required that the Rogers remove the access easement from their property. However, no buildings can be located on the access easement. The access easement will be reviewed, and modified as necessary, through the lot line adjustment process.

Property Values and Neighborhood Harmony

The attached appraisal report (Attachment A) determined that the ratio of value of waterfront to uplands property is 2.5:1, this means that 2.5 square feet of uplands is equal to the value of 1 square foot of waterfront property. The proposed land exchange would trade 14,225 square feet of uplands for 6,164 square feet of waterfront property. CBJ Assessor Robin Potter has said that the trade is a fair value and that she saw no problems with the land swap (Attachment D).

Conformity with Adopted Plans

Comprehensive Plan

The parcels are located in Subarea 3 of the Comprehensive Plan. The Roger's Parcel is designated Rural Low Density Residential (RLDR) and the CBJ parcel is designated as Natural Park (NP). Guideline and Consideration 4 recommends preserving valuable tidelands, shorelines, creek and stream corridors as fish and wildlife habitat and public open space.

Chapter 9 in the 2013 Comprehensive Plan discusses Parks, Recreation, Trails and Natural Area Resources. The following policies promote protecting natural resources, specifically access to the shoreline. The proposed land trade would give CBJ ownership of additional shoreline on the Mendenhall Peninsula.

> *POLICY 3.3. OUTSIDE OF THE URBAN SERVICE AREA, PERMIT APPROPRIATE LOW-INTENSITY, LOW IMPACT DEVELOPMENT THAT PROVIDES AN OVERALL PUBLIC BENEFIT IN RURAL AREAS, WHILE ASSURING THE PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT, WATERSHEDS, SCENIC CORRIDORS, PUBLIC ACCESS TO THE SHORELINE AND INLAND WATER BODIES, AND RECREATIONAL OPPORTUNITIES.*
>
> *POLICY 9.3. TO PRESERVE AS PUBLIC NATURAL AREAS THOSE PUBLICLY-OWNED LANDS AND SHORELINE AREAS THAT POSSESS IMPORTANT RECREATIONAL, SCENIC, FISH AND WILDLIFE, AND OTHER ENVIRONMENTAL QUALITIES OR ARE SUBJECT TO NATURAL HAZARDS.*

The Mendenhall Peninsula property owned by CBJ is designated as a Natural Park Area in the Land Use Maps of the Comprehensive Plan (Attachment B).

Natural Area Park (NP):

Natural Area Parks are CBJ-owned lands characterized by areas of natural quality designed to serve the entire community by providing fish and wildlife habitat, open space/natural areas, access to water, and opportunities for passive and dispersed recreation activities. No development should be permitted other than structures, roads and trails necessary for the maintenance and protection of the resources or for managed public access for education and passive recreation purposes; this may include parking areas, educational kiosks, cabins, rest stations and similar convenience services for the recreational enthusiast. These lands should be zoned to prevent residential, commercial, and industrial development, as well as resource extraction activities. The CBJ should retain ownership of these lands.

Land Management Plan

The CBJ owned parcel, Lot 3A of ASLS 78-171, is listed as "Retain / Dispose" in the 2016 CBJ Land Management Plan:

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

Parks and Recreation Comprehensive Plan

In the 1996 Parks and Recreation Comprehensive Plan, the CBJ owned parcel was recommended for an Open Space and Parks Dedication. The area is included in Subarea 2 of the Parks and Recreation Comprehensive Plan. There is an existing trail located on the CBJ owned parcel, known as the Mendenhall Peninsula Trail. The trail will not be affected by the proposed land swap.

During the May 1, 2018 PRAC meeting, it was noted that the subject CBJ owned parcel is being considered for divestment under the upcoming Parks and Recreation Management Plan update.

Habitat

There are no habitat concerns associated with the proposed CBJ land trade.

Hazards

Portions of the Rogers parcel and CBJ owned parcel are in the VE flood zone, along the shoreline of Fritz Cove, according to the Effective Flood Insurance Rate Maps (FIRM) Panel

02110C1509D. The requested land trade will reduce the area of private land in the flood zone.

The Rogers parcel and CBJ owned parcel contain sloped greater than 37%. A hillside development permit may be required for future development on either parcel (Attachment B).

Agency Comments

The proposed land trade application (Attachment A) was sent to CBJ General Engineering, Fire, Parks and Recreation, Assessors, Lands & Resources, and Streets. Through this review, no issues were found.

Public Comments

At the time of this report, there were no public comments received regarding the proposed land swap.

FINDINGS

A review of adopted plans and codes indicates that the proposed land trade is consistent with Title 49 and CBJ adopted plans, specifically the 2013 Comprehensive Plan, 1996 Parks and Recreation Comprehensive Plan, and the 2016 Land Management Plan

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.

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

DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant

PROPERTY LOCATION

Physical Address: 812 Fritz Cove Road

Legal Description(s) (Subdivision, Survey, Block, Tract, Lot): ALASKA LAND SURVEY 70-3, ASLS 78-171-Lt. 3A

Parcel Number(s): 4B20.0.108.001.0 4B19.0.107.001.1

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

LANDOWNER/ LESSEE

Property Owner: CBJ & Rogers
Contact Person: Greg Chaney
Mailing Address: 155 S. Seward St.
Phone Number(s): 586 0205
E-mail Address: greg.chaney@juneau.org

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

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

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

X Greg P. Chaney — Landowner/Lessee Signature — Date: August 15 2018

X _____ — Landowner/Lessee Signature — Date: _____

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

APPLICANT If the same as OWNER, write "SAME"

Applicant: Same
Contact Person:
Mailing Address:
Phone Number(s):
E-mail Address:

X Greg P. Chaney — Applicant's Signature — Date of Application: _____

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

4B20 0108 0016
ASLS 70-3
Alan Rogers
812 Fritz Cove

4B19 0107 0011
ASLS 78-171 LT 3A FR
CBJ

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	Case Number	Date Received
ANE	CSP2018 0008	8/15/18

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

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

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

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

4.B20.0.108.001.0 4.B19.0.107.001.1

To be completed by Applicant

PROJECT SUMMARY Alan and Ellen Rogers Land Trade Proposal

TYPE OF PROJECT REVIEW:

- [ ] City Project Review
- [x] City Land Acquisition /Disposal
- [ ] State Project Review

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

Is this project associated with any other Land Use Permits? (x) YES Case No.: MIP2018-0019 ( ) NO

Capital Improvement Program # (CIP) N/A

Local Improvement District # (LID) N/A

State Project # N/A

ESTIMATED PROJECT COST: $ Rogers family will pay subdivision and recording costs.

ALL REQUIRED MATERIALS ATTACHED

- [x] **Complete application**
- [x] **Pre-Application notes** (if applicable)
- [ ] **Narrative including:**
  - [x] Current use of land or building(s)
  - [x] Proposed use of land or building(s)
  - [x] How the proposed project complies with the Comprehensive Plan
  - [x] How the proposed project complies with the Land Use Code (Title 49)
- [x] **Site Plan** (details on page 2)

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

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

CITY/STATE PROJECT FEES	Fees	Check No.	Receipt	Date
Application Fees	$ —			

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
CSP2018 0006	8/15/18

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

Rogers Lot Line Adjustment / CBJ Land Swap

Case Number: PAC20180043

Applicant: Alan Rogers and Ellen Rogers and CBJ Lands Division

Property Owner: Same as applicant

Property Address: 812 Fritz Cove Rd (Rogers property) / No address for CBJ property

Parcel Code Number: 4B2001080010 (Rogers) / 4B1901070011

Site Size: 1.67 acres / 90 acres

Zoning: RR

Existing Land Use: Single Family Residential / CBJ Park Land

Conference Date:	June 13, 2018 and July 2, 2018
Report Issued:	**July 3, 2018**

List of attendees

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

Name	Title	Email address
Alan Rogers (6/13 & 7/2)	Property Owner	
Greg Chaney (6/13 & 7/2)	CBJ Lands Manager	
Allison Eddins (6/13 & 7/2)	CBJ Planner	
Autumn Sapp (6/13)	CBJ Engineering	
Beth McKibben (7/2)	CBJ Planning Manager	
Jill Maclean (7/2)	CBJ Community Development Director	

Conference Summary

Alan and Ellen Rogers own a 1.67 acre lot on the tip of Mendenhall Peninsula. The lot abuts CBJ Park Land to the north/west. The Rogers and CBJ Lands Division have agreed to a land trade that would provide the Rogers with CBJ land nearer the existing access easement to the north/east and CBJ with a strip of land on the NW portion of the Rogers' lot.

Planning Division:

1. **Zoning** – Both the Rogers lot and the CBJ land are zoned (RR) Rural Reserve. The minimum lot dimensions in RR are 36,000 square feet in total area and 150' wide by 150' deep. The Rogers lot currently meets this requirement and with the proposed land swap will continue to meet the minimum dimensional standards. The proposed lot configuration is attached to this report.
2. **Setbacks** –Front yard setback: 25'

   Side yard setback: 15'

   Rear yard setback: 0' The Rogers' rear lot line abuts Fritz Cove. According to CBJ 49.25.430 (G) yard setbacks are not required from tidewater lot lines.
3. **Access –** The lot has access to Fritz Cove Road through a shared access easement (Smugglers Cove Road) on CBJ land and a private access easement also on CBJ land. A portion of the private access easement will become part of the Rogers' property with the land swap. This is the only aspect of the existing access that will change with this land swap.
4. **Lot Coverage –** Maximum lot coverage in RR is 10%, or 7,274 square feet for the Rogers' lot.
5. **Flood** – A small portion of the Rogers lot along the tidewater is in the VE flood zone. The majority of the lot is in the X area of minimum flood hazard.
6. **Wetlands** – N/A
7. **Habitat** – N/A
8. **Plat or Covenant Restrictions** – None at this time
9. **Phasing** - No

Building Division:

10. **Building** – N/A
11. **Outstanding Permits** – N/A

General Engineering/Public Works:

12. **Engineering** – N/A
13. **Drainage** – N/A
14. **Utilities** – N/A

Fire Marshal:

15. **Fire Items/Access** – N/A. Access is not changing.

Other Applicable Agency Review:

16. Not at this time.

List of required applications

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

1. Development Permit Application
2. Subdivision Application

Additional submittal requirements:

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

1. A copy of this pre-application conference report.
2. Preliminary Plat Checklist (given to applicant on 7/2)

Fee estimates

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

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

1. $160.00 fee for a minor subdivision creating no additional lots.

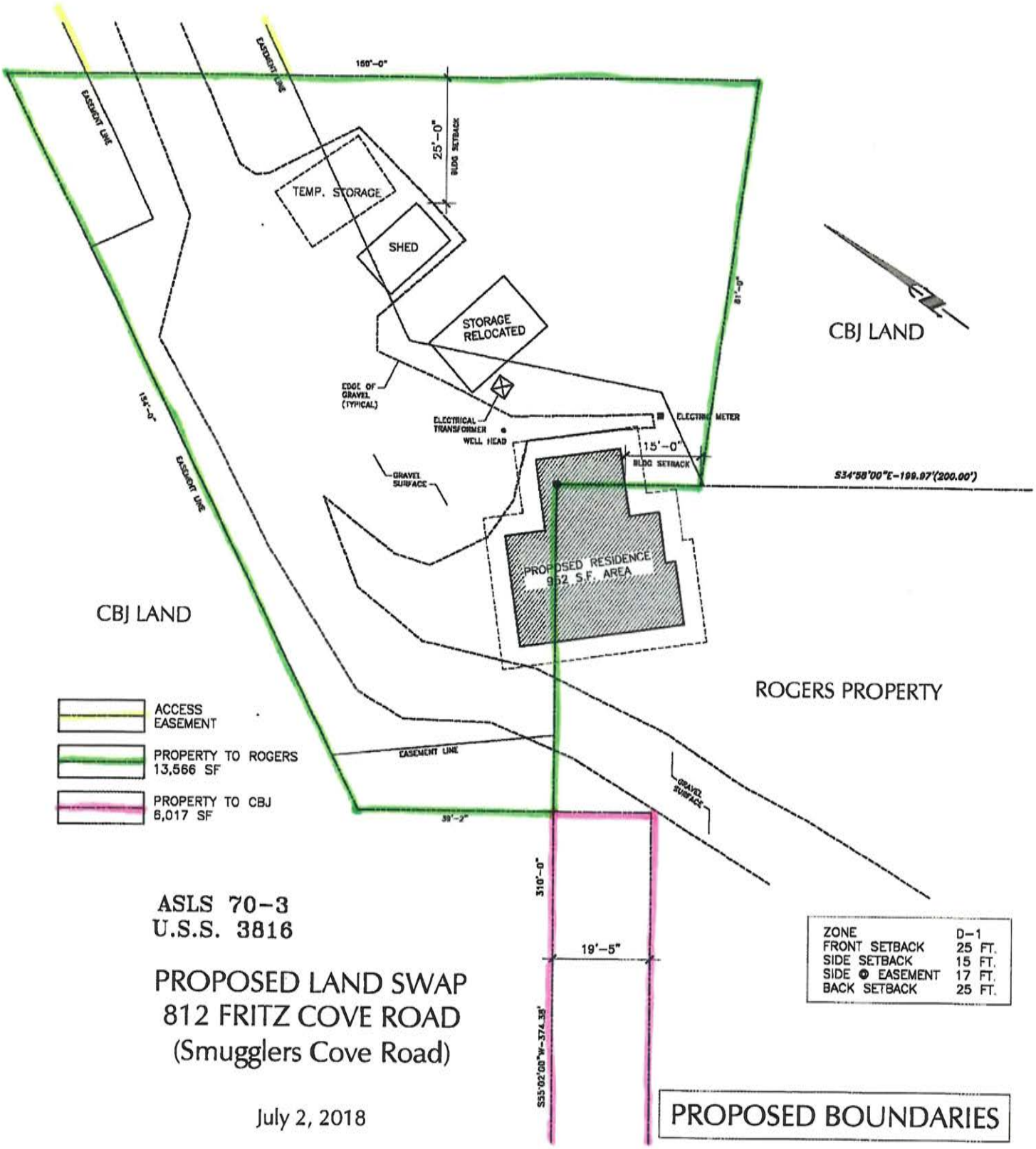
For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/cdd.

Submit your completed application

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

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

Phone: (907) 586-0715
Fax: (907) 586-4529
Web: www.juneau.org/cdd


150'-0"
EASEMENT LINE
EASEMENT LINE
25'-0"
BLDG SETBACK
TEMP. STORAGE
SHED
STORAGE RELOCATED
EDGE OF GRAVEL (TYPICAL)
ELECTRICAL TRANSFORMER
WELL HEAD
ELECTRIC METER
15'-0"
BLDG SETBACK
81'-0"
CBJ LAND
S34°58'00"E-199.97'(200.00')
154'-0"
EASEMENT LINE
GRAVEL SURFACE
PROPOSED RESIDENCE
952 S.F. AREA
CBJ LAND
ROGERS PROPERTY
ACCESS EASEMENT
PROPERTY TO ROGERS 13,566 SF
PROPERTY TO CBJ 6,017 SF
EASEMENT LINE
GRAVEL SURFACE
39'-2"
310'-0"
19'-5"
S35°02'00"W-374.35'
ASLS 70-3
U.S.S. 3816
PROPOSED LAND SWAP
812 FRITZ COVE ROAD
(Smugglers Cove Road)
July 2, 2018
ZONE D-1
FRONT SETBACK 25 FT.
SIDE SETBACK 15 FT.
SIDE ⊗ EASEMENT 17 FT.
BACK SETBACK 25 FT.
PROPOSED BOUNDARIES

MEMORANDUM

CITY AND BOROUGH OF JUNEAU
Lands and Resources Division Office
155 S. Seward St., Juneau, Alaska 99801
Greg.Chaney@juneau.org
(907) 586-0205

TO: Planning Commission
FROM: Greg Chaney, CBJ Lands Manager
SUBJECT: Alan and Ellen Rogers Land Trade Proposal
DATE: August 15, 2018

Greg Chaney

Introduction

In the fall of 2017, Alan and Ellen Rogers of 812 Fritz Cove Rd (Smuggler's Cove Rd) contacted the Lands and Resources Division with a proposal to exchange a strip of land along the northwest boundary of their property (including waterfront) for a portion of upland CBJ parkland. They would pay all survey and subdivision costs.

The Rogers reside in a 500 square foot cabin at the water's edge, which requires a steep 160 foot descent to access their dwelling. Wishing to "age in place", the Rogers' proposed a land trade that would help them build a structure on a level surface near the driveway used to access the upper portion of their property.

On December 29th, 2017, Lands staff conducted an initial site visit to the Rogers' property and ground-truthed property corners. During this site visit, it came to staff's attention that a shed had been placed within the access easement, which was not permitted under the terms of the easement. If the proposed land trade is not approved, this structure will have to be relocated onto the Rogers' property.

History of the Area

In 2005, the City and Borough of Juneau approved a perpetual driveway and utility easement to the Smugglers Cove Pioneers Association within CBJ parklands at the end of the Mendenhall Peninsula. Before the easement was granted, property owners accessed their landlocked parcels either on foot or by boat.

According to a July 11th, 2005 memo from former Lands Manager Steve Gilbertson:

"The subject properties were subdivided in 1954 by the federal government with no land access. At the time, there were no such requirements for providing formal access. A number of these situations were created around the community and gradually there has been a movement of the property owners to obtain easements and develop driveways."

Staff Analysis

The 2016 Land Management Plan lists the Mendenhall Peninsula LND-0520 property as *retain/dispose*.

Initially Mr. Rogers proposed a land trade with CBJ that would be equivalent in area and submitted a proposed sketch **(Sketch-Attachment 1).**

After an initial review, it was clear that the Rogers' waterfront property was more valuable than the CBJ uplands. In order to establish equal monetary values for the two parcels, Mr. Rogers hired an appraiser, Charles Horan and Associates, approved by the CBJ Lands Manager to derive a value ratio.

The appraiser determined that 1 square foot of Mr. Rogers waterfront property was worth 2.5 square feet of upland property in this region **(Appraisal-Attachment 2).**

On May 1st, 2018, Lands staff brought this topic to the Parks and Recreation Advisory Committee where Director Kirk Duncan and Project Manager Alix Pierce shared with the committee that Parks staff had no concerns with the proposed land trade moving forward, especially because in the upcoming Master Plan Update, this region may be considered for divestment.

Parks and Rec staff then recommended to the PRAC that the equal value land trade proposed by Alan and Ellen Rogers is found to be generally acceptable and to forward the proposal to the Lands Committee for further consideration and recommendations.

This recommendation was then discussed and called to a vote; the recommendation passed 5 to 2. The two objections were primarily based on the two dissenting PRAC members feeling that the land trade was not of benefit to the public.

The Lands Committee reviewed the concept at their May 21, 2018 meeting. The Committee considered that approximately 70% of the land proposed to be acquired by the Rogers family from CBJ is already in the Rogers' access easement, while the beach property offered in exchange is easily accessed by pedestrians or boats along the beach and has relatively high recreational value. In consideration of these facts, the Lands Committee found this proposal would be in the best interest of the City. Therefore the Lands Committee passed a motion to forward the Rogers land trade proposal to the full Assembly with a positive recommendation.

When considering land trades, the Assembly is required to follow CBJ§53.09.230(a) which stipulates that prior to considering a land exchange, the Assembly must determine if it is appropriate to work "*...by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the manager may commence negotiations for the...exchange...of City and Borough land.*"

In this case, the original proposer (Rogers family) is an adjacent property owner with a unique set of circumstances. It is extremely unlikely that any other party would have the opportunity to propose a land exchange on similar terms. The primary unique feature of this exchange is that the Rogers have an access easement across CBJ Park land. This easement has been developed as a private driveway and does not retain features that would normally be associated with natural area public park while the beach front being offered is in its natural state and is easily accessed by the public. Furthermore, the Rogers family has offered to pay all subdivision and recordings costs.

At the regular Assembly meeting on June 4, 2018 the Assembly unanimously approved a motion finding that the proposed terms of the land trade were generally acceptable and directed the Manager to commence negotiations with the Rogers family for the exchange.

In an effort to develop a trade that was clearly in the public interest, Rogers family has revised their proposal and is offering to trade 6,164 ft^2 of waterfront property for 14,225 ft^2 of CBJ uplands, in monetary value this would result in a trade that is 8% in favor of the City.

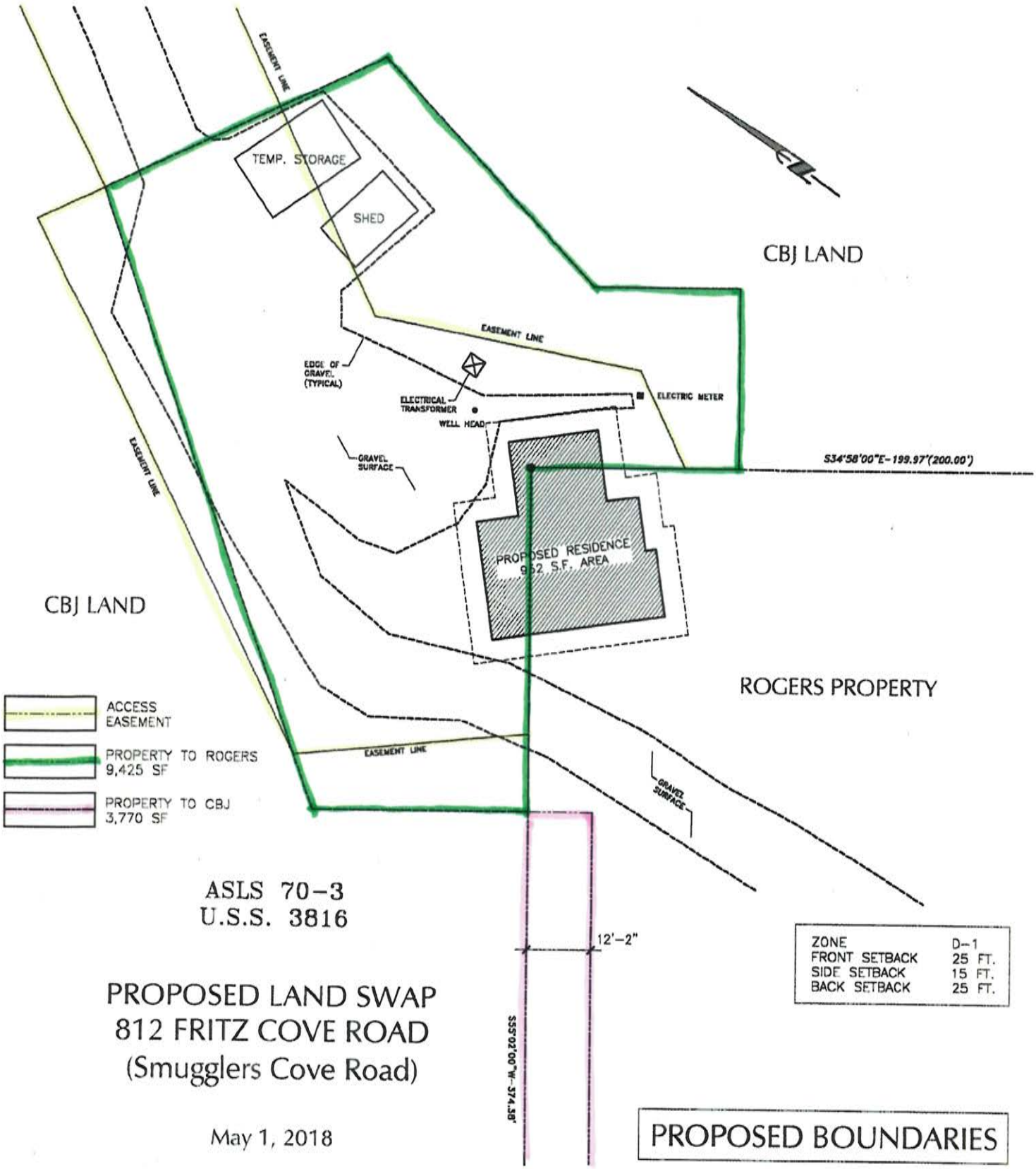
The final alignment of the new property lines will be determined by a professional surveyor working collaboratively with the Community Development Department as well as Engineering and Public Works Department to meet appropriate subdivision requirements.

As stipulated in CBJ§53.09.230(b), prior to the Assembly taking action on land exchanges, the Assembly must consider Planning Commission's review and comments concerning the proposal.

The proposal complies with the following Comprehensive Plan Policies:

> 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.
>
> Policy 9.3: To Preserve As Public Natural Areas Those Publicly-Owned Lands And Shoreline Areas That Possess Important Recreational, Scenic, Fish And Wildlife, And Other Environmental Qualities Or Are Subject To Natural Hazards.

If the final terms of the proposal are found to be acceptable by the Assembly, the exchange will be approved by ordinance.



ORIGINAL LAND TRADE PROPOSAL

APPRAISAL REPORT TO DETERMINE AN UPLAND TO WATERFRONT VALUE RATIO FOR A PROPOSED LAND SWAP ON THE MENDENHALL PENINSULA

AERIAL PHOTO OF PROPOSED LAND EXCHANGE BETWEEN ALAN ROGERS & THE CITY AND BOROUGH OF JUNEAU

PREPARED FOR: Alan & Ellen Rogers
P.O. Box 34401
Juneau, Alaska 99803

PREPARED BY: Charles E. Horan, MAI
Slater M. Ferguson
Horan & Company, LLC
403 Lincoln Street, Suite 210
Sitka, Alaska 99835

EFFECTIVE DATE: February 15, 2018

REPORT DATE: March 7, 2018

OUR FILE NO.: 18-009

HORAN & COMPANY

REAL ESTATE APPRAISERS/CONSULTANTS

CHARLES E. HORAN, MAI / WILLIAM G. FERGUSON,
JOSHUA C. HORAN, AND SLATER FERGUSON

403 LINCOLN STREET, SUITE 210, SITKA, ALASKA 99835

PHONE NUMBER: (907)747-6666 FAX NUMBER (907)747-7417 commercial@horanappraisals.com

March 7, 2018

Alan & Ellen Rogers
P.O. Box 34401
Juneau, Alaska 99803

Re: Appraisal report to determine a waterfront to upland value ratio for a proposed land swap on the Mendenhall Peninsula; Our file 18-009

Dear Alan and Ellen Rogers:

We have completed a ratio study of the nominal SF value of waterfront to uplands relative to the proposed land exchange at 812 Fritz Cove Road (Smuggler's Cove Road) between Alan and Ellen Rogers (Rogers) and the City and Borough of Juneau (CBJ). The Rogers own the waterfront parcel described as ASLS 70-3, CBJ Parcel Number 4B2001080010, containing approximately 1.67 acres. They wish to convey to the CBJ a strip of land along their Northwest boundary of their lot, including the waterfront, in exchange for an upland area of CBJ lands within a large 90 acre parcel described as ASLS 78-171 LT 3A FR. In the exchange, the CBJ lands will be increased by more valuable waterfront land and reduced by a yet to be determined amount of lesser valuable upland area. It's the desire of the parties to exchange these lands based on a general value ratio of waterfront to upland properties of otherwise similar characteristics. We have considered the character of the Rogers waterfront lands and a hypothetically similar adjacent upland tract and concluded a reasonably market responsive ratio for this trade as follows.

Uplands SF Value: Waterfront SF Value 2.5:1

This indicated value 2.5 SF of uplands for each 1 SF of waterfront lands is based on a ratio study which we have described and summarized in the following report. It sets forth the Assumptions and Limiting Conditions, the Certification of Appraisal, methodologies, definitions, and the most pertinent data considered in arriving at this opinion.

Thank you for this opportunity be of service, if you have any questions or comments please don't hesitate to call.

Respectfully submitted,

Charles E. Horan, MAI
Horan & Company, LLC

Slater M. Ferguson, Appraiser Trainee
Horan & Company, LLC

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ADDENDA

Subject Photos

Qualifications

CERTIFICATION OF APPRAISAL

We certify that, to the best of our knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and is my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- We have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
- Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.
- Slater Ferguson, Appraiser trainee, made a personal inspection of the property that is the subject of this report on 03/02/18.
- Slater Ferguson, Appraiser trainee, provided significant real property appraisal assistance to the person signing this certification.
- We have not performed any services regarding the subject property, as an appraiser or in any other capacity, within the three year period immediately preceding acceptance of this assignment.
- As of the date of this report, Charles Horan has completed the continuing education program for Designated Members of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to the review by its duly authorized representatives.

Charles Horan

Charles E. Horan, MAI
APRG 41

February 15, 2018
Effective Date of Appraisal

Slater Ferguson

Slater Ferguson, Appraiser Trainee
APRT 972

March 6, 2018
Report Date

1 INTRODUCTION

FIGURE 1.1 – PROPOSED LAND EXCHANGE ON THE MENDENHALL PENINSULA OFF FRITZ COVE ROAD (SMUGGLER'S COVE ROAD)

1.1 BACKGROUND

There is a proposed land exchange at 812 Fritz Cove Road (Smuggler's Cove Road) between Alan and Ellen Rogers (Rogers) and the City and Borough of Juneau (CBJ). The Rogers own the waterfront parcel described as ASLS 70-3, CBJ Parcel Number 4B2001080010, containing approximately 1.67 acres. They wish to convey to the CBJ; a strip of land along the Northwest boundary of their lot including the waterfront in exchange for an upland area of CBJ lands within a large 90 acre parcel described as ASLS 78-171 LT 3A FR. In the exchange, the CBJ lands will be increased by more valuable waterfront land and reduced by a yet to be determined amount of lesser valuable upland area. It's the desire of the parties to exchange these lands based on a general value ratio of upland to waterfront properties of otherwise similar characteristics.

The proposed land exchange involves a hypothetical upland tract within the city's larger adjacent lands that would approximate the Rogers larger parcel in size. The Rogers larger parcel is the existing waterfront site which is 1.67 acres or approximately 72,745 SF. Our analysis will develop a ratio for trade of a strip of Rogers's waterfront parcel that will be uniform along its northwestern boundary. The strip will be in exchange for a

portion of a hypothetical city upland parcel similarly situated of similar site characteristics except for its waterfront amenity.

We have been requested to develop a ratio which express the SF value of an upland to waterfront lot value for lots with otherwise similar characteristics. This appraisal concludes a reasonable ratio for use in the proposed exchange

1.2 INTENDED USE AND INTENDED USERS

This appraisal has been prepared for the use of Alan & Ellen Rogers, and the City and Borough of Juneau as the **intended users.** The **intended use** is to determine a waterfront to uplands value ratio on a price per square foot basis that can be applied to the subject property and the hypothetical city owned parcel, for the assistance in negotiating a fair land trade between the two parties.

This appraisal may not be used or relied upon by anyone other than the client, for any purpose whatsoever, without the express, written consent of the appraisers. This is a summary report which meets the Standards of the Appraisal Institute and the Uniform Standards of Professional Appraisal Practice (USPAP). The appraiser is not a soils engineer. This report should not be relied upon to disclose any conditions present in the subject property. The appraisal report does not guarantee the property is free from defects. These comments are intended to be a permanent part of the report.

1.3 EFFECTIVE DATE

The subject property was physically inspected by Slater Ferguson, Appraiser Trainee, on 03/02/18. The effective date is the date of inspection; March 2, 2018.

1.4 THREE YEAR SALES HISTORY

The appraiser has not been provided with a title report. No sales activity or offers of any type over the past three years have been made on the subject property that the appraiser is aware of.

1.5 SCOPE OF APPRAISAL

This report is based on an analysis of value ratios between upland sales and waterfront sales in various locations on the road system in Juneau. The properties are considered in fee simple interest, with title to the ostensible owners based on verbal information given to the appraiser. No consideration is made for easements or other encumbrances.

The character of the land is ascertained based on inspection and verbal communication with the property owners and through aerial photography/topographic maps of the area. Slater Ferguson, Appraiser Trainee, also made a physical inspect of the subject property on 03/02/18. The description of the properties are consistent with the apparent

condition of the neighboring properties. For the purpose of developing the upland to waterfront ratio, the appraisers assume an upland parcel owned by CBJ with similar location and site characteristics as the Rogers parcel except for its waterfront amenity.

The appraiser made an extensive search for matched paired sales of similarly located uplands and waterfront properties throughout the semi-rural areas of Juneau-Douglas. These areas included Lena Point, North Douglas, Thane Road, and the Mendenhall Peninsula. The search parameters included transactions that occurred since 2010. These paired sales are used to determine an upland to waterfront value ratio on a price per square foot basis. The determined ratio is then applied to the properties involved in the proposed land exchange. This appraisal report concludes with a reasonable market responsive ratio for the proposed trade.

Comparable information was identified through interviews with knowledgeable participants in the real estate market, such as existing land owners, lenders, brokers, State Recorder's Office, and others who are familiar with the real estate market in Juneau. Where transfers of property that might be comparable were found, the appraisers attempted to contact the buyer, seller, realtors or other parties knowledgeable of the transaction to confirm the details.

Our office maintains market data information on sales, transfers, and rents. These are organized on a geographic location basis. Within each of these areas, the data is further segmented into commercial and residential properties. Within these divisions of separation are divisions for zoning and whether the properties are waterfront or upland parcels. Horan & Company, LLC maintains and continually updates this library of sale transactions throughout the Southeast Alaska region and has done so for over 30 years.

1.6 ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal is subject to specific extraordinary assumptions (EA) and hypothetical conditions (HC) listed on the following page. If these conditions are found to be different, than it may impact the value conclusion.

EA1 - The appraisal is made subject to the extraordinary assumption that any improvements to the lands contemplated for trade will be disregarded since any development area included in the lands received by the Rogers are already owned by the Rogers.

EA2- The subject waterfront lot and hypothetical upland lot are as described and situated as outlined in this report.

HC1 – The appraisal is also made subject to the hypothetical condition that the impact of the access easement areas within the trade areas will be disregarded for valuation ratio purposes.

HC2 – The city parcel is a hypothetical parcel that is similar in character to the subject except for its waterfront amenity.

General Assumptions

This appraisal report and valuation contained herein are expressly subject to the following assumptions and/or conditions:

1. It is assumed that the data, maps and descriptive data furnished by the client or his representative are accurate and correct. Photos, maps, and drawings in this appraisal report are for visualizing the property only and are not to be relied upon for any other use. They may not be to scale.

2. The developed ratio is based on information and data from sources believed reliable, correct and accurately reported. No responsibility is assumed for false data provided by others.

3. No responsibility is assumed for building permits, zone changes, engineering or any other services or duty connected with legally utilizing the subject properties.

4. This appraisal was made on the premise that there are no encumbrances prohibiting utilization of the properties under the appraiser's estimate of the highest and best use.

5. It is assumed that the title to the property is marketable. No investigation to this fact has been made by the appraiser.

6. No responsibility is assumed for matters of law or legal interpretation.

7. It is assumed that no conditions existed that were undiscoverable through normal diligent investigation which would affect the use and value of the properties. No engineering report was made by or provided to the appraiser.

8. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the properties, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that

would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

9. The appraisal is to be considered in its entirety, the use of only a portion thereof will render the appraisal invalid.

10. The signatory of this appraisal report is an associate of the Appraisal Institute. The bylaws and regulations of the Institute require each member and candidate to control the use and distribution of each appraisal report signed by such member or candidate. Therefore, except as hereinafter provided, the party for whom this appraisal report was prepared may distribute copies of this appraisal report in its entirety to such third parties as selected by the party for whom this appraisal report was prepared; however, selected portions of this appraisal report shall not be given to third parties without the prior written consent of the signatories of this appraisal report. Further, neither all nor any part of this appraisal report shall be disseminated to the general public by the use of advertising media, public relations media, news media, sales media or other media for public communication without the prior written consent of signatories of this appraisal report.

11. The appraiser shall not be required to give testimony or appear in court by reason of this appraisal with reference to the property described herein unless prior arrangements have been made.

1.7 TERMINOLOGY

Extraordinary Assumption

An assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser's opinions of conclusions. Comment: Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis.

The Dictionary of Real Estate Appraisal, 6th Edition, Appraisal Institute, Page 83

Hypothetical Condition

A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis. Comment: Hypothetical conditions are contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis.

The Dictionary of Real Estate Appraisal, 6th Edition, Appraisal Institute, Page 113

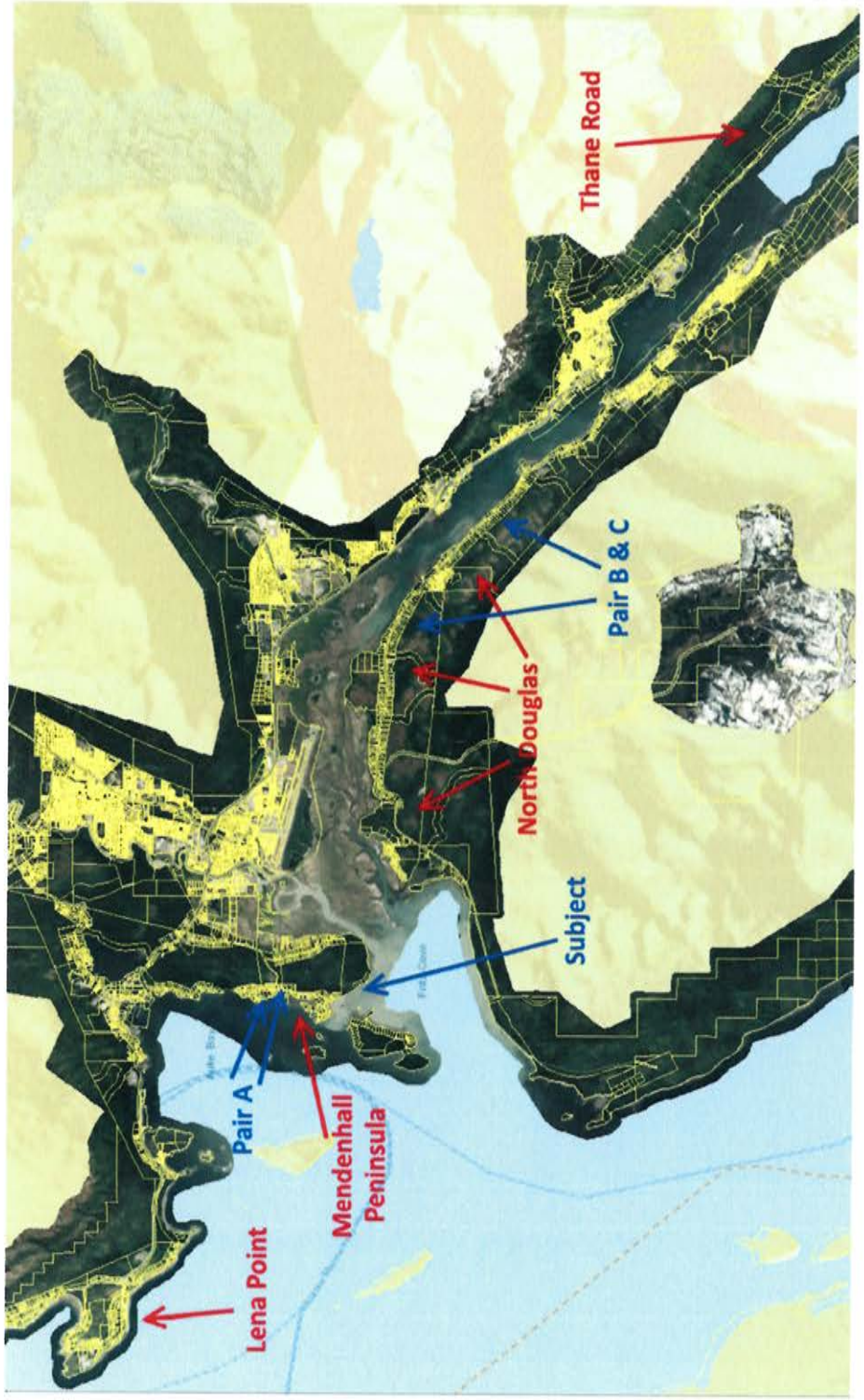


FIGURE 2.1 – SUBJECT AREA MAP - JUNEAU

2.1 NEIGHBORHOOD ANALYSIS

The subject properties are located near the southern tip of the Mendenhall Peninsula overlooking Smugglers Cove and Fritz Cove. The Mendenhall Peninsula is the immediate neighborhood with the broader neighborhood being the area between Auke Bay (1 mile north) and the Juneau International Airport (1 mile to east). The peninsula is along the flight path to the Juneau airport. It has developed view lots and non-view residential lots. There are waterfront lots located along Auke Bay and Fritz Cove as well as upland lots. Although technically waterfront, the lots along the eastern coast of the Mendenhall Peninsula borders what is considered grassy wetlands with tidal influence.

The subject property is zoned RR for rural reserve which is typically intended for public ownership, conservation, and future development. RR Land can also be developed with recreation cabins, lodges, and small seasonal recreational facilities. Most of the developed subdivisions along the Mendenhall Peninsula are zoned D-1 (1 AC+ lots only) for residential use. The subject properties are zoned RR along with the majority of the publicly owned, undeveloped lands on the Peninsula. The Rogers Parcel is part of a standalone seven lot subdivision located south of the majority of residential development in the neighborhood.

In summary, the area is known for larger, residential lots and is relatively lightly populated as a result. Most development in the area has maintained this approach, with many lots exhibiting either excess or surplus lands. As the vacant lots with excess lands are developed, trends have been to preserve the option to develop additional sites, however, sometimes the desire to have a larger, private lot has outweighed the demand for the potential to develop an additional site; this trend is expected to continue.

3 PROPERTY DESCRIPTION

FIGURE 3.1 – AERIAL PHOTO OF THE SUBJECT PARCEL

3.1 DESCRIPTION OF WATERFRONT LOT-ROGERS PROPERTY

The subject parcel is legally described as ASLS 70-3, CBJ Parcel Number 4B2001080010, containing approximately 1.67 AC (72,745 SF), located within USS 3816 within Township 41 South, Range 66 East, Copper River Meridian, Juneau Recording District, First Judicial District, State of Alaska.

The subject site is **zoned** RR for rural reserve which is typically intended for public ownership, conservation, and future development. RR Land can also be developed with recreation cabins, lodges, and small seasonal recreational facilities.

The subject is **assessed** at a total value of $433,992 with the site value being $363,576.

The lot is semi-rectangular in **shape** with approximate dimensions of 200' (wide) x 350' (deep). It has approximately 215' of waterfrontage.

The parcel **topography** is rugged and slopes moderately upwards from the coastline, gaining approximately 180 ft. in total elevation. The site is undeveloped, wooded, and brushy. **Vegetation** is typical for the area, which includes spruce, hemlock, and cedar trees, as well as common underbrush.

Access to the property is via a developed access easement that extends from Fritz Cove Road, through the adjoining CBJ parcel, to the northern corner of the subject. The lot can also be accessed via the coastline, however, moorage is considered to be fair with SE exposure.

Onsite **utilities** include city electric, and a recently drilled private water well available at the northern end of the site. A septic system is in place for an existing cabin located near the shoreline. This cabin is approximately 500 SF in size.

FIGURE 3.2 – AERIAL PHOTO SHOWING GENERAL AREA OF HYPOTHETICAL CBJ UPLAND PARCEL

3.2 DESCRIPTION OF HYPOTHETICAL CBJ UPLAND PARCEL

The hypothetical CBJ owned upland parcel would be similar in size (72,700 SF more or less) and in various other attributes to the subject. Topography would be rugged and sloping with similar vegetation. The only substantial difference would be its lack of waterfrontage. It would be only a fraction of the existing CBJ owned 90AC parcel. This parcel does not physically exist and is hypothetically used for the sole purpose of this ratio study.

3.3 CONCEPTUAL DESCRIPTION OF PROPOSED TRADE

The final configuration of the proposed trade has yet to be developed and is pending the outcome of this ratio study. It is the intention of the parties involved that the size of the waterfront parcel be reduced by moving the lot line of the northwestern border in a southeasterly direction, reducing its size. The parties wish to determine the size of the CBJ upland parcel by applying the ratio to increase the size of the uphill area of Rogers's lot in its northwesterly corner. A conceptual idea of how this trade might look is contained in the exhibit provided by the client on the following page.

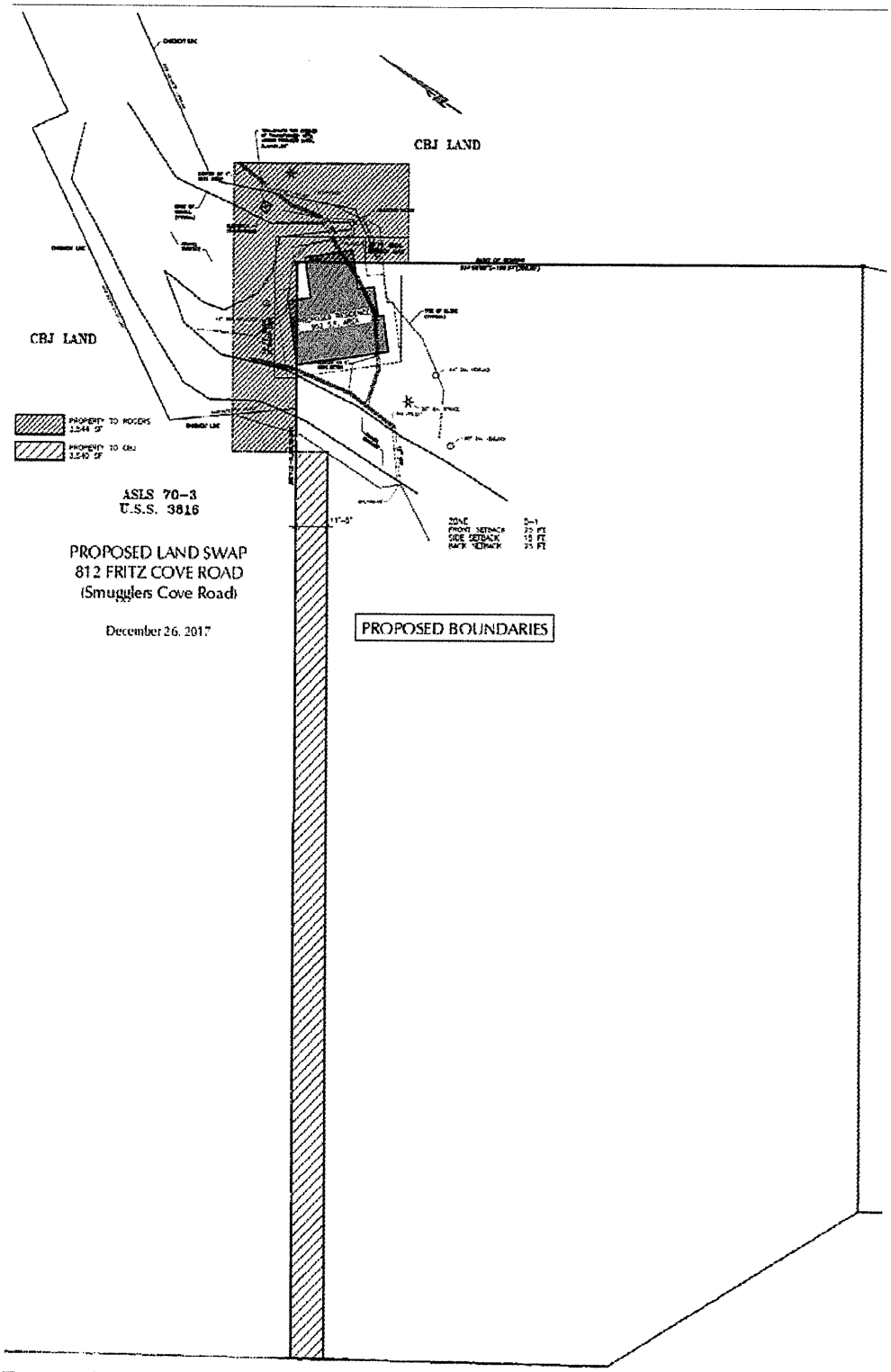


FIGURE 3.3 – CONCEPTUAL PROPOSED LAND SWAP BETWEEN ALAN ROGERS & THE CBJ

4 UPLAND-WATERFRONT RATIO ANALYSIS

4.1 INTRODUCTION

We've considered the residential characteristics of the subject property and the CBJ owned adjacent land as larger sites. Characteristics considered include significant site depths, location; away from city maintained public roads, and limited public utility access. Dozens of paired sales were considered in Tee Harbor, Mendenhall Valley, Mendenhall Peninsula, Auke Bay, North Douglas, Thane, and other areas in Juneau.

Due to the subject's large size and semirural character, directly comparable pairs were difficult to find. Our search, however, yielded the following three pairs which when analyzed, clearly bracket the subject in terms of their ratio of uplands to waterfront SF values.\

FIGURE 4.1 PAIR A LOCATION ON AUKE BAY- FRITZ COVE ROAD AREA

4.2 PAIR A – AUKE BAY/FRITZ COVE ROAD

TABLE 4.1 – PAIR A – AUKE BAY/FRITZ COVE ROAD

Record #	Address	Zone	Sales Date	SF Size	Sales Price	Price/SF	Character
9772	2130 Fritz Cove Rd	D1	06/12/13	34,237 SF	$330,000	$9.64/SF	Waterfront
7239	NHN Fritz Cove Rd	D1	05/23/11	30,492 SF	$75,000	$2.46/SF	Uplands
Upland to Waterfront Ratio						3.92:1	Upland:WF

2130 Fritz Cove Rd Waterfront Parcel

This is a very good quality waterfront site that had relatively gentle topography and a rock beach at grade. Its waterfront characteristics are rated as very good as this area appears to be well protected and could be feasible to develop moorage. The subject's waterfront property is significantly steeper, and would prove to be more difficult to develop moorage.

FIGURE 4.2 – 2130 FRITZ COVE ROAD

NHN Fritz Cove Road Upland Parcel

This is an uplands parcel that is generally average in most regards. It has gently sloping topography and is vegetated with cedar, and spruce trees as well as common underbrush. This lot was not developed at the time of sale. View potential is considered limited. The subject hypothetical upland parcel is considered to have inferior topography and access.

FIGURE 4.3 – NHN FRITZ COVE RD (FM#7239)

Pair A indicates a relatively high ratio when compared to the subject pair. The waterfront parcel located at 2130 Fritz Creek Road is considered to have superior waterfront quality to the subject due to having more protected waters for potential moorage. It also has a less rugged topography than the subject with superior road access. Pair A's upland parcel also has a superior (more gradual) topography with superior road access. Overall, the subject ratio should be significantly **less than** Pair A's indicated ratio of **3.92:1**.

FIGURE 4.4 – PAIR B AND PAIR C LOCATION MAP IN NORTH DOUGLAS

4.3 PAIR B – GASTINEAU FLATS/NORTH DOUGLAS

TABLE 4.2 – PAIR B – GASTINEAU FLATS/NORTH DOUGLAS

Record #	Address	Zone	Sales Date	SF Size	Sales Price	Price/SF	Character
9838	7920 N. Douglas Hwy	D1	3/15/16	64,904 SF	$143,000	$2.20/SF	Waterfront
4260	5675 N. Douglas Hwy	D1	1/29/13	108,693 SF	$100,000	$0.92/SF	Uplands
Upland to Waterfront Ratio						2.39:1	Upland:WF

7920 North Douglas Hwy
Waterfront Parcel
This is a lower quality waterfront site with frontage on the highly tidal influenced Gastineau Flats. This lot only has true waterfrontage on extreme high tides. It has a moderately sloping topography and a rectangular shape that is considered to be slightly superior to the subject.

5675 North Douglas Hwy Upland Parcel
This is an upland parcel that has an inferior flag shape which limits access and use. It slopes moderately upwards from the highway. This lot had a long Pioneered driveway at the time of sale and was adjusted downward $10,000 ($100K-$10k). There is limited view potential from the uphill side of the lot. The subject uplands is considered to be overall similar to slightly inferior comparatively. The size of this site and its flag shape reduces the SF value of the uplands

The waterfront parcel located at 7920 North Douglas Highway is considered to have inferior waterfront quality when compared to the subject. The grassy tide flats fronting the comparable are influenced by extreme high tides only. There is little to no potential for moorage. Topographically, this lot is superior to the subject with a more gradual slope and less uneven terrain. Pair B's upland and waterfront parcels are relatively similar in relation to each other. Pair B's upland parcel is considered to be inferior in shape and superior in topography. It indicates a lower SF value for size and shape. Overall, the subject ratio should be **similar to or slightly less than** Pair B's indicated ratio of **2.65:1**.

4.4 PAIR C – GASTINEAU FLATS/NORTH DOUGLAS

TABLE 4.3 – PAIR B – GASTINEAU FLATS/NORTH DOUGLAS

Record #	Address	Zone	Sales Date	SF Size	Sales Price	Price/SF	Character
9838	7920 N. Douglas Hwy	D1	3/15/16	64,904 SF	$143,000	$2.20/SF	Waterfront
9352	7379 N. Douglas Hwy	D1	1/26/15	69,260 SF	$112,000	$1.62/SF	Uplands
Upland to Waterfront Ratio						1.36:1	Upland:WF

7920 North Douglas Hwy Waterfront Parcel
This is a lower quality waterfront site with frontage on the highly tidal influenced Gastineau Flats. This lot only has true waterfrontage on extreme high tides. This lot has a moderately sloping topography and a rectangular shape that is considered to be slightly superior to the subject.

7379 North Douglas Hwy Upland Parcel
This is an upland parcel that has an inferior narrow shape to the subject. It slopes moderately upwards from the highway. This lot was developed with a partial driveway at the time of sale which was estimated to cost $5,000. This cost was deducted from the total sales price for the purpose of this report ($117K-$5k). There is limited view potential from the uphill side of the lot. The subject uplands is considered to be overall similar comparatively.

The waterfront parcel located at 7920 North Douglas Highway is considered to have inferior waterfront quality when compared to the subject. The grassy tide flats fronting the comparable are influenced by extreme high tides only. There is little to no potential for moorage. Topographically, this lot is superior to the subject with a more gradual slope and less uneven terrain. Pair B's upland parcel is considered to be slightly superior to the subjects. Upland overall, the subject ratio should be **more than** Pair B's indicated ratio of **1.36:1**.

TABLE 4.4 – UPLAND TO WATERFRONT SF RATIO RANKING GRID

PAIR	RATIO	RANKING
PAIR A	3.9:1	Higher than subject
PAIR B	2.7:1	Similar to the subject
PAIR C	1.4:1	Less than the subject

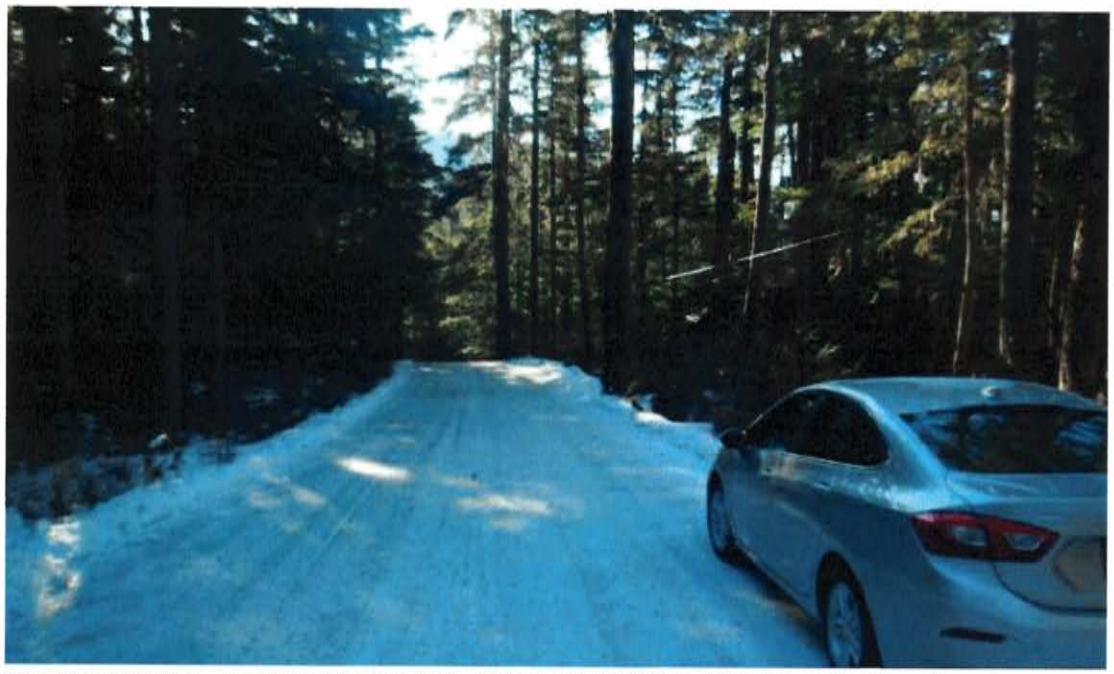
4.5 CONCLUSION

The three indicated ratios developed from pairings A, B, and C, bracket the subject's upland to waterfront pair as shown in the above table. These ratios are developed based on each individual comparables indicated price/SF value. Pairing A indicates a superior overall waterfront to upland ratio. Pairing B indicates a similar to slightly superior ratio, and Pairing C indicates a similar to slightly inferior ratio. Pairings B and C indicate a refined range of 1.4:1 to 2.7:1. Pair B is given the most weight in the analysis.

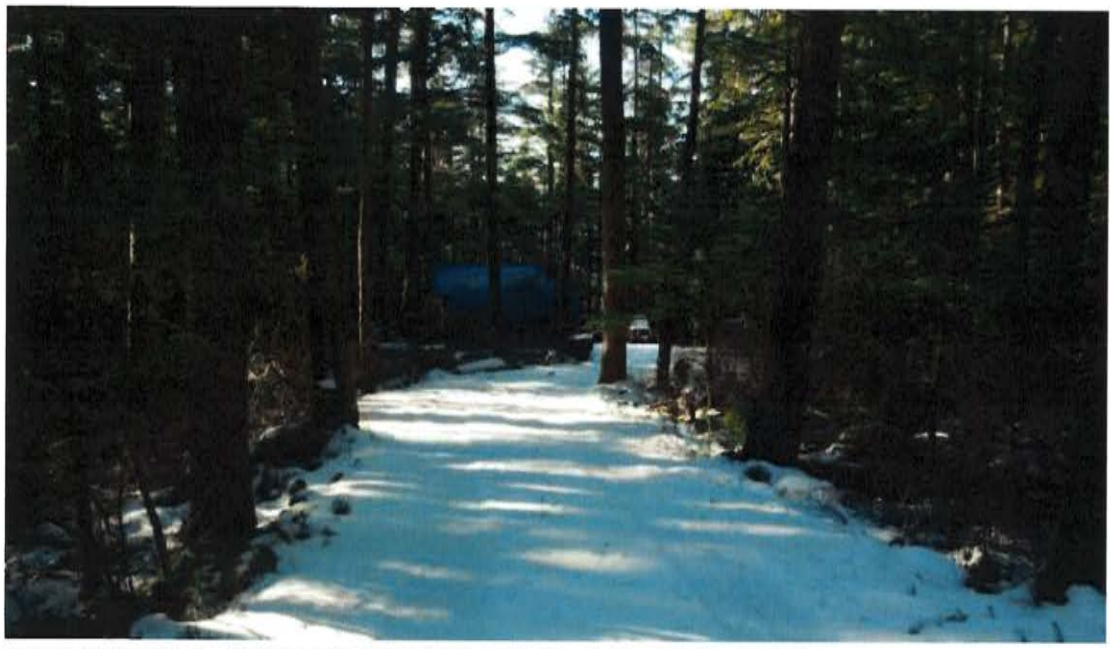
Indicated Subject Upland to Waterfront Ratio – 2.5:1

ADDENDA

SUBJECT PHOTOS



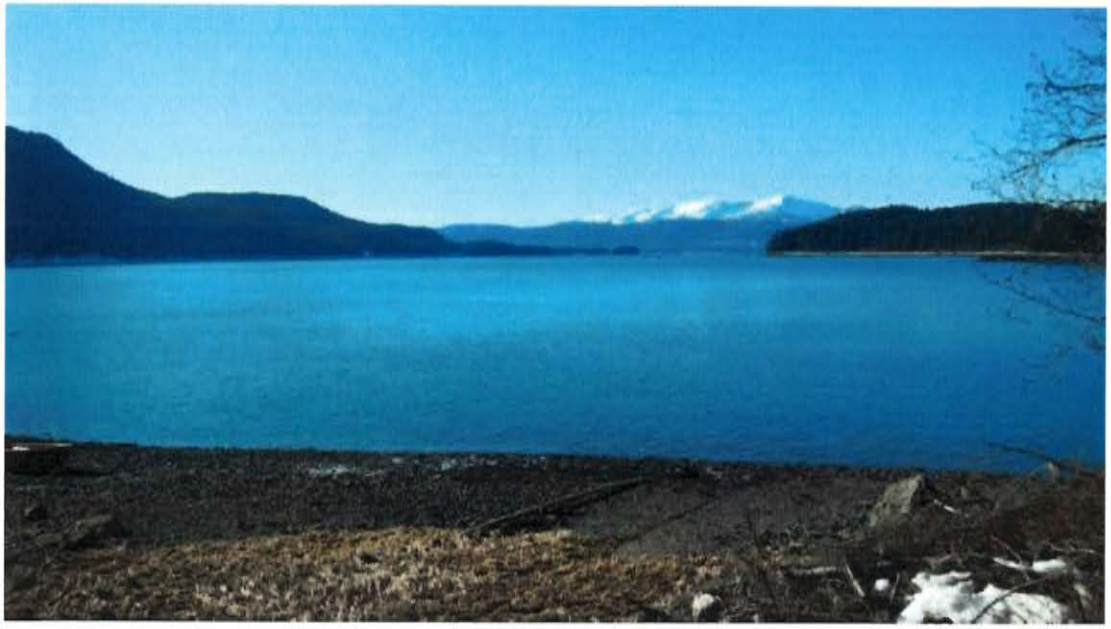
SUBJECT PHOTO 1 – LOOKING SOUTH ALONG FRITZ COVE ROAD (SMUGGLER'S COVE ROAD)



SUBJECT PHOTO 2 – EASEMENT FROM FITZ COVE ROAD TO THE ROGER'S LOT

SUBJECT PHOTOS

SUBJECT PHOTO 3 – LOOKING WEST TOWARDS SMUGGLER'S COVE FROM THE APPROXIMATE NORTHERN CORNER OF THE SUBJECT LOT.



SUBJECT PHOTO 4 – SUBJECT WATERFRONTAGE - LOOKING WEST ACROSS SMUGGLER'S COVE TOWARDS THE LYNN CANAL

SUBJECT PHOTOS

SUBJECT PHOTO 5 – LOOKING NE THROUGH THE ROGER'S LOT FROM THE WATERFRONT.

SUBJECT PHOTO 6 – LOOKING ACROSS THE ACCESS EASEMENT THROUGH CBJ LAND INTO THE ROGER'S PROPERTY. PROPOSED BUILDING SITE IN BACKGROUND.

QUALIFICATIONS OF CHARLES E. HORAN, MAI

Professional Designation	MAI, Member Appraisal Institute, No. 6534
State Certification	State of Alaska General Appraiser Certification, No. APRG41
Bachelor of Science Degree	University of San Francisco, B.S., Business Administration, 1973

Employment History:

8/04 – now	Owner, HORAN & COMPANY, LLC
3/87 –7/04	Partner, HORAN, CORAK AND COMPANY
1980 –2/87	Partner, The PD Appraisal Group, managing partner since November 1984 (formerly POMTIER, DUVERNAY & HORAN)
1976 – 80	Partner/Appraiser, POMTIER, DUVERNAY & COMPANY, INC., Juneau and Sitka, Alaska
1975 – 76	Real Estate Appraiser, H. Pomtier & Associates, Ketchikan, AK
1973 – 75	Jr. Appraiser, Ketchikan Gateway Borough, Ketchikan, AK

Lectures and Educational Presentations:

2007, AConservation Easements@ Presentation - Alaska Association of Assessing Officers, Fairbanks, AK
1998, AEasement Valuation Seminar,@ Alaska Chapter Appraisal Institute, Anchorage, AK
1998, AEasement Valuation Seminar,@ Seal Trust, Juneau, Alaska
1997, ASitka Housing Market,@ Sitka Chamber of Commerce
1997, developed and taught commercial real estate investment seminar for Shee Atika, Inc.
1994, developed and taught seminar "Introduction to Real Estate Appraising," UAS, Sitka Campus
1985, Speaker at Sitka Chamber of Commerce, "What is an Appraisal? How to Read the Appraisal"
1984, Southeast Alaska Realtor's Mini Convention, Juneau, Alaska
Day 1: Introduction of Appraising, Cost and Market Data Approaches
Day 2: Income Approach, Types of Appraisals, AIREA Accredited Course
1983, "The State of Southeast Alaska's Real Estate Market"
1982, "What is an Appraisal?"

Types of Property Appraised:

Commercial - Retail shops, enclosed mall, shopping centers, medical buildings, restaurants, service stations, office buildings, auto body shops, schools, remote retail stores, liquor stores, supermarkets, funeral home, mobile home parks, camper courts. Appraised various businesses with real estate for value as a going concern with or without fixtures such as hotels, motels, bowling alleys, marinas, restaurants, lounges.
Industrial - Warehouse, mini-warehouse, hangars, docks barge loading facilities, industrial acreage, industrial sites, bulk plant sites, and fish processing facility. Appraised tank farms, bulk terminal sites, and a variety of waterfront port sites.
Special Land - Partial Interest and Leasehold Valuation - Remote acreage, tidelands with estimates of annual market rent. Large acreage land exchanges for federal, state, municipal governments and Alaska Native Corporations; retail lot valuations and absorption studies of large subdivisions; gravel and rock royalty value estimates; easements, partial interests, conservation easements; title limitations, permit fee evaluations. Appraised various properties under lease to determine leasehold and leased fee interests. Value easements and complex partial interests.
Special Projects - Special consultation for Federal land exchanges. Developed Land Evaluation Module (LEM) to describe and evaluate 290,000 acres of remote lands. Renovation feasibilities, residential lot absorption studies, commercial, and office building absorption studies. Contract review appraiser for private

individuals, municipalities, and lenders. Restaurant feasibility studies, Housing demand studies and overall market projections. Estimated impact of nuisances on property values. Historic appreciation / market change studies. Historic barren material royalty valuations, subsurface mineral and timber valuation in conjunction with resource experts. Mass appraisal valuations for Municipality of Skagway, City of Craig, Ketchikan Gateway Borough and other Alaska communities. Developed electronic/digital assessment record system for municipalities. Developed extensive state-wide market data record system which identified sales in all geographic areas.

Expert Witness Experience and Testimony:

2016 Expert Witness – D's Investment Group, LLC vs Erwin Enterprises, et al 1JU-15-971CI, settled
2012 Expert Witness – Dukowitz vs Chamberlain and First American Title Insurance Co. 1JU-12-778CI, settled
2011 Expert Witness – Wise and Wise vs City and Borough of Juneau. 1JU-10-584CI, settled
2009 Expert at mediation - Talbot=s Inc vs State of Alaska, et al. IKE-07-168CI
2008 Albright vs Albright, IKE-07-265CI, settled
2006 State of Alaska vs Homestead Alaska, et al, 1JU-06-572, settled
2006 State of Alaska vs Heaton, et al, 1JU-06-570CI, settled
2006 State of Alaska vs Jean Gain Estate, 1JU-06-571, settled
2004 Assessment Appeal, Board of Equalization, Franklin Dock vs City and Borough of Juneau
2000 Alaska Pulp Corporation vs National Surety - Deposition
U.S. Senate, Natural Resources Committee
U.S. House of Representatives, Resource Committee
Superior Court, State of Alaska, Trial Court and Bankruptcy Courts
Board of Equalization Hearings testified on behalf of these municipalities: Ketchikan Gateway Borough, City of Skagway, City of Pelican, City and Borough of Haines, Alaska
Witness at binding arbitration hearings, appointed Master for property partitionment by superior state court, selected expert as final appraiser in multi parties suit with settlements of real estate land value issues

Partial List of Clients:

Federal Agencies
Bureau of Indian Affairs
Bureau of Land Mngmnt
Coast Guard
Dept. Of Agriculture
Dept. Of Interior
Dept. Of Transportation
Federal Deposit Ins Corp
Federal Highway Admin.
Fish & Wildlife Service
Forest Service
General Service Agency
National Park Service
USDA Rural Develop.
Veterans Administration

Municipalities
City & Borough of Haines
City & Borough of Juneau
City & Borough of Sitka
City of Akutan

Lending Institutions
Alaska Growth Capital
Alaska Pacific Bank
Alaska Ind. Dev. Auth.
ALPS FCU
First Bank
First National Bank AK
Key Bank
Met Life Capital Corp.
National Bank of AK
Rainier National Bank
SeaFirst Bank
True North Credit Union
Wells Fargo
Wells Fargo RETECHS

Other Organizations
BIHA
Central Council for Tlingit & Haida Indian Tribes of Alaska (CCTHITA)

ANCSA Corporations
Cape Fox, Inc.
Doyon Corporation
Eyak Corporation
Goldbelt
Haida Corporation
Huna Totem
Kake Tribal Corporation
Klawock-Heenya Corp.
Klukwan, Inc.
Kootznoowoo, Inc.
Sealaska Corporation
Shaan Seet, Inc.
Shee Atika Corporation
TDX Corporation
The Tatitlek Corporation
Yak-Tat Kwan

State of Alaska Agencies

Companies
AK Electric Light & Power
AK Lumber & Pulp Co.
AK Power & Telephone
Allen Marine
Arrowhead Transfer
AT&T Alascom
Coeur Alaska
Delta Western
Gulf Oil of Canada
Hames Corporation
HDR Alaska, Inc.
Holland America
Home Depot
Kennecott Greens Creek
Kennedy & Associates
Madsen Construction, Inc.
Service Transfer
Standard Oil of CA
The Conservation Fund

City of Coffman Cove
City of Craig
City of Hoonah
City of Ketchikan
City of Klawock
City of Pelican
City of Petersburg
City of Thorne Bay
City of Wrangell
Ketchikan Gateway Borg.
Municipality of Skagway

Diocese of Juneau
Elks Lodge
Hoonah Indian Assoc.
LDS Church
Moose Lodge
SE AK Land Trust (SEAL)
SEARHC
Sitka Tribe of Alaska
The Nature Conservancy

Alaska State Building Authority (formerly ASHA)
Attorney General
Dept. of Fish & Game
Dept. of Natural Service, Div. of Lands
Dept. of Public Safety
DOT&PF
Mental Health Land Trust
Superior Court
University of Alaska

Union Oil
Ward Cove Packing
White Pass & Yukon RR
Yutana Barge Lines

Education

Valuation of Conservation Easements, Fairfield, CA, Sept 2016
Business Practices and Ethics, Seattle, WA, Jan 2016
7-Hour National USPAP Update Course, Seattle, WA, Jan 2016
Online Small Hotel/Motel Valuation, Chicago, IL June 2015
Advanced Spreadsheet Modeling for Valuation Applications, Rockville, MD April 2015
7-Hour National USPAP Update Course, Seattle, WA January 2015
7-Hour National USPAP Update Course, Mount Vernon, WA, April 2013
Fall Real Estate Conference 2012, Seattle, Wa November, 2012
Appraising the Appraisal: Appraisal Review-General, Rockville, MD, May 2012
Information Security Awareness for Appraisal Professionals Webinar, December, 2012
Fall Real Estate Conference 2011 Seattle, WA October, 2011
Appraisal Curriculum Overview (2-day General) Milwaukee, WI, August 2011
Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA), Rockville, MD, Oct 2010
Business Practices and Ethics, Seattle, WA, Apr 2010
Fall Real Estate Conference, Seattle, WA, Dec 2009
7-hour National USPAP Update Course, Seattle, WA, May 2009
Fall Real Estate Conference, Seattle, WA, Nov 2008
Attacking and Defending an Appraisal in Litigation, USPAP, Part A, Burr Ridge, IL, Jun 2001
Partial Interest Valuation - Undivided, Anchorage, AK, May 2001
Partial Interest Valuation - Divided, Anchorage, AK, May 2001
Easement Valuation, San Diego, CA, Dec 1997
USPAP, Seattle, WA, Apr 1997
The Appraiser as Expert Witness, Anchorage, AK, May 1995
Appraisal Practices for Litigation, Anchorage, AK, May 1995Forestry Appraisal Practices, Atterbury Consultants, Beaverton, OR, Apr 1995
Advanced Sales Comparison & Cost Approaches, Univ. of Colorado, Boulder, CO, Jun 1993
Computer Assisted Investment Analysis, University of Maryland, MD, Jul 1991
USPAP, Anchorage, AK, Apr 1991
General State Certification Review Seminar, Anchorage, AK, Apr 1991
State Certification Review Seminar, Dean Potter, Anchorage, AK, Apr 1991
Highest and Best Use and Market Analysis, Baltimore, MA, Mar 1991
Financial Institution Reform, Recovery & Enforcement Act of 1989, Doreen Fair Westfall, Appraisal Analyst, OTS, Juneau, AK, Jul 1990
Real Estate Appraisal Reform, Gregory Hoefer, MAI, OTS, Juneau, AK, Jul 1990
Standards of Professional Practice, Anchorage, AK, Oct 1987

Kent, WA, Sep 2008 Sustainable Mixed-Use N.I.M., Seattle, WA, Feb 2008 Appraising 2-4 Unit Properties, Bellevue, WA, Sep 2007 Business Practices and Ethics, Seattle, WA, Jun 2007 7-hour National USPAP Update Course, Seattle, WA, Jun 2007 Residential Market Analysis and Highest and Best Use, Seattle, WA, Apr 2007 Basic Appraisal Procedures, Seattle, WA, Feb 2007 USPAP Update Course, Anchorage, AK, Feb 2005 Rates & Ratios: Making Sense of GIMs, OARs, and DCF, Anchorage, AK, Feb 2005 Best Practices for Residential Appraisal Report Writing, Juneau, AK, Apr 2005 Scope of Work - Expanding Your Range of Services, Anchorage, AKMay 2003 Litigation Appraising - Specialized Topics and Applications, Dublin, CA, Oct 2002 UASFLA: Practical Applications for Fee Appraisers, Jim Eaton, Washington, D.C., May 2002	Federal Home Loan Bank Board Memorandum R41C Seminar, Catherine Gearhearth, MAI, FHLBB District Appraiser, Juneau, AK, Mar 1987 Market Analysis, Boulder, CO , Jun 1986 Federal Home Loan Bank Board Regulation 41b, Instructor Bob Foreman, MAI, Seattle, WA, Sep 1985 Litigation Valuation, Chapel Hill, North CA, Aug 1984 Standards of Professional Practices, Bloomington, IN, Jan 1982 Course 2B, Valuation Analysis & Report Writing, Stanford, CA, Aug 1980 Course 6, Introduction to Real Estate Investment Analysis, Aug 1980 Course 1B, Capitalization Techniques, San Francisco, CA, Aug 1976 Course 2A, Case Studies in Real Estate Valuation, Aug 1976 Course 1A, Real Estate Principles and Valuation, San Francisco, CA, Aug 1974

QUALIFICATIONS OF SLATER M. FERGUSON

Education:

Graduated from Sitka High School, Sitka, Alaska
Graduated with a BS in Geography from Western Oregon University, Monmouth, OR

Employment:

June 2014 to Present - Real Estate Appraiser Trainee - Horan & Company, LLC

- Further in depth assistance of Commercial/Residential Appraisal Development and Market Data Research
- Leadership role in the 2015 Mass Appraisal/Revaluation for the City of Craig, AK

Oct 2012 to June 2014 – Office admin/Appraiser Assistant – Horan & Company, LLC
Summers, 2009 to 2012 – Maintenance & Trail Crew, U.S. Forest Service, Sitka, Alaska

Certification & Approvals:

Real Estate Appraiser Trainee, State of Alaska License #972

Appraisal Education:

Appraisal Principles; Appraisal Institute, Online Course, October 2013
15-Hour USPAP, Tigard, OR, November 2013
Appraisal Procedures, Appraisal Institute, Online Course, April 2014
General Appraiser Sales Comparison Approach, Chicago, IL, October 2014
Real Estate Finance Statistics and Valuation Modeling, Las Vegas, NV, February 2015
General Appraiser Site Valuation & Cost Approach, Chicago, IL, October 2015
General Appraiser Income Approach/Part 1, Houston, TX, September 2016
General Appraiser Income Approach/Part 2, Houston, TX, September 2016
2016-2017 7-Hour Equivalent USPAP Update Course, Online, June 2017
Residential Sales Comparison and Income Approaches, Louisville, KY, October 2017
General Appraiser Report Writing and Case Studies, Woburn, MA, November 2017
General Appraiser Market Analysis with Highest and Best Use, Aurora, CO, August 2018

Types of Property Assessed for Taxation:

City of Craig real property assessment roll; single-family, multi-family and mobile homes.
City of Skagway real property assessment roll, single-family, multi-family and mobile homes.

Types of Property Appraised:

Residential – Assistance in Single Family, Multi-Family, Vacant Lands and Mobile Homes.
Commercial – Assistance in Warehouses, Office Buildings, and vacant lands.

Rev. 1/2018

CBJ Land Appr.
May 4, 2018

CITY AND BOROUGH OF JUNEAU

Application to Purchase City and Borough of Juneau Lands

The CBJ Lands and Resources Division has received your application. We will contact you shortly. Have questions? You can reach our mainline at (907) 586-5252 or email us at Lands_Office@juneau.org. Thank you.

Information you submitted (Print for your own records):

Business / Individual

Alan Rogers

Address

POB 34401
Juneau, AK 99803
Map it

Phone

(907) 789-7589

Email

arogers@akrogers.com

- Add Another Business/Individual

Business / Individual - 2

Ellen Rogers

Address

POB 34401
Juneau, AK 99803
Map it

Phone

(907) 789-7589

Email

Purchasing
MAY 04 2018
RECEIVED

2018 MAY -4 PM 12:35
CITY & BOROUGH OF JUNEAU

alrogers@alrogers.com

Site Address

812 Fritz Cove Road

Legal Description

CBJ Access & Utility Easement across a fraction of Lots 2 & 3, U.S. Survey 3816. This easement is adjacent to and serves the Rogers property which is ASLS 70-3 (note: has its own survey number - no block number). CBJ Resolution Serial No. 2343 established this easement in 2005.

Provide Brief Description of Your Proposal

In the fall of 2017, Alan and Ellen Rogers of 812 Fritz Cove Rd (Smuggler's Cove Rd) contacted the Lands and Resources Division with a proposal to exchange a strip along the Northwest boundary of their property (including waterfront) for a portion of upland CBJ parkland. They would pay all survey and subdivision costs. Currently the Rogers reside in a 500 square foot cabin at the water's edge, which requires a steep 160 foot descent to access their dwelling. Wishing to "age-in-place", the Rogers' proposal would allow them to build a structure on level surface near the driveway used to access the property. On December 29th, 2017, Lands staff conducted an initial site visit to the Rogers' property and ground-truthed property corners. The Lands Committee finds the proposed equal value land trade proposed by Alan and Ellen Rogers to be generally acceptable and forwarded the proposal to the Parks and Recreation Advisory Committee for further consideration and recommendations. On May 1, the PRAC generally approved the proposal referred it forward.

Provide a Map of CBJ Land you wish to Purchase

- Aerial-View-CBJ.pdf

2018 MAY -4 PM 12:56
CITY & BOROUGH OF JUNEAU

Have you mailed the $500.00 filing fee?

Yes

Additional Comments for CBJ Staff to Consider

Ellen (60) and I (65) have been in Juneau for 37 years. I have been an architect in private practice for over 32 of those years. Ellen has worked as an RN at Bartlett Regional Hospital for almost 37 years. We raised both of our daughters here. We have owned the Smugglers Cove property for 36 years, since I was 29. Ellen is still working at Bartlett as a casual part-time employee and I am approaching retirement. We have decided to stay in Juneau for our retirement. We love Juneau and have created a community here of friends and family. We also love our Smugglers Cove property and always planned to move out there on a permanent basis. That time has come, but with it come some challenges. Our small cabin (500 sf) on the waterfront is too small and multi-level. It is also an arduous hike from the top of our site, which is where we have road access. The topography of the site is too steep for a driveway to the bottom of the site. We have a good, accessible building site at the top, but with the CBJ building setbacks and the existing terrain, it is also nearly impossible to build on. The CBJ has granted us a utility and access easement at the top of the site. If we owned that area, we would be able to design and build a modest, age-in-place, accessible retirement house that will comply with the current required setbacks. That is why we are asking the CBJ for an equal value land trade - allowing us to remain in Juneau and build our retirement house and offer some of our waterfront property to the CBJ Parks and Rec. Dept.

We've attached a preliminary revised property line showing the existing access & utility easement, existing gravel drive and parking area, and partially showing the land being offered to the CBJ. Please note that out of the 9,425 SF of extended property area, 6,424 SF of it is part of the CBJ granted access & utility easement.

Upload Supporting Documents (optional)

- CBJ-Rogers-Proposed-Land-Swap.pdf

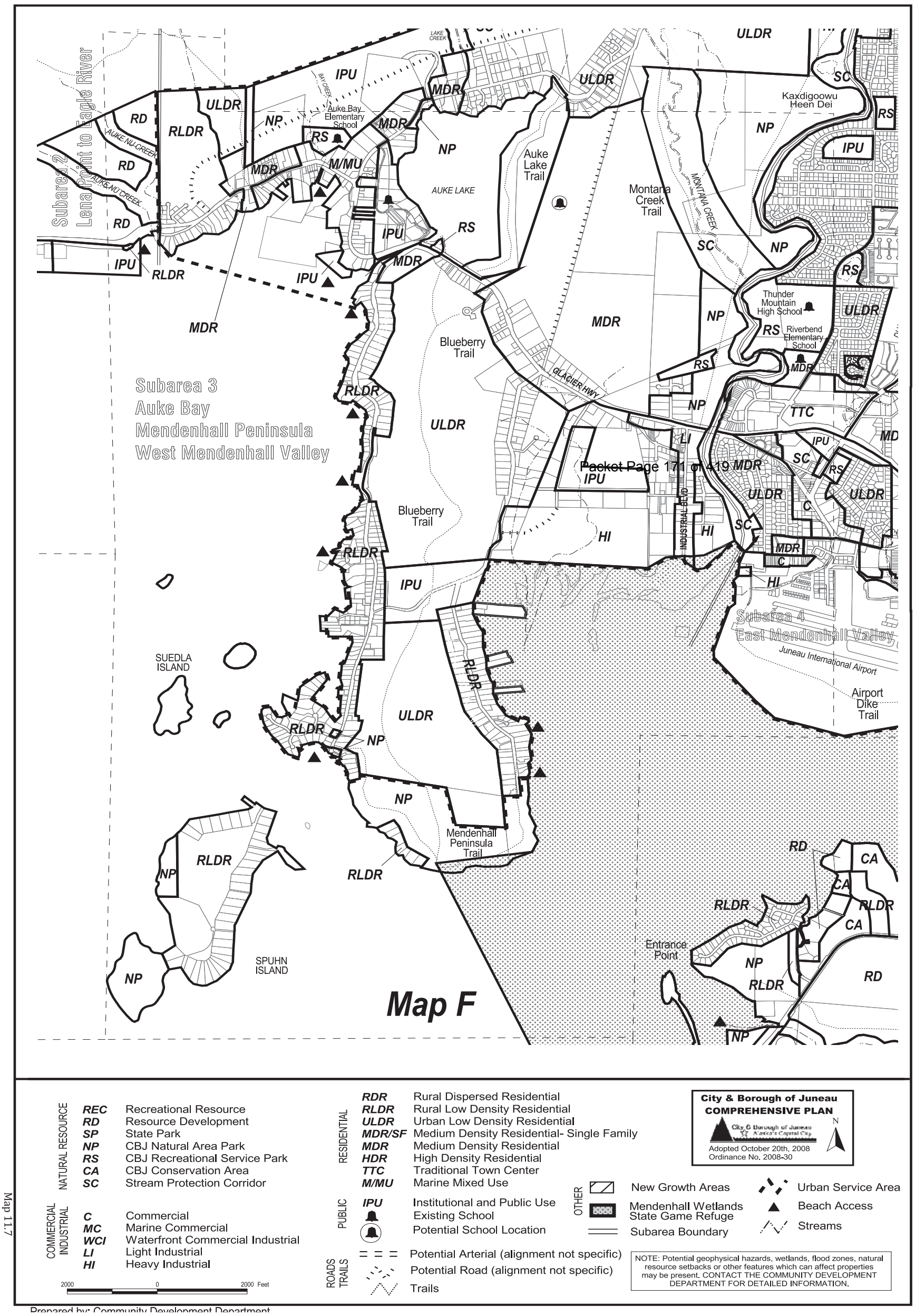
Legal Representative of Business / Individual

Alan Rogers

Legal Representative of Business / Individual -2

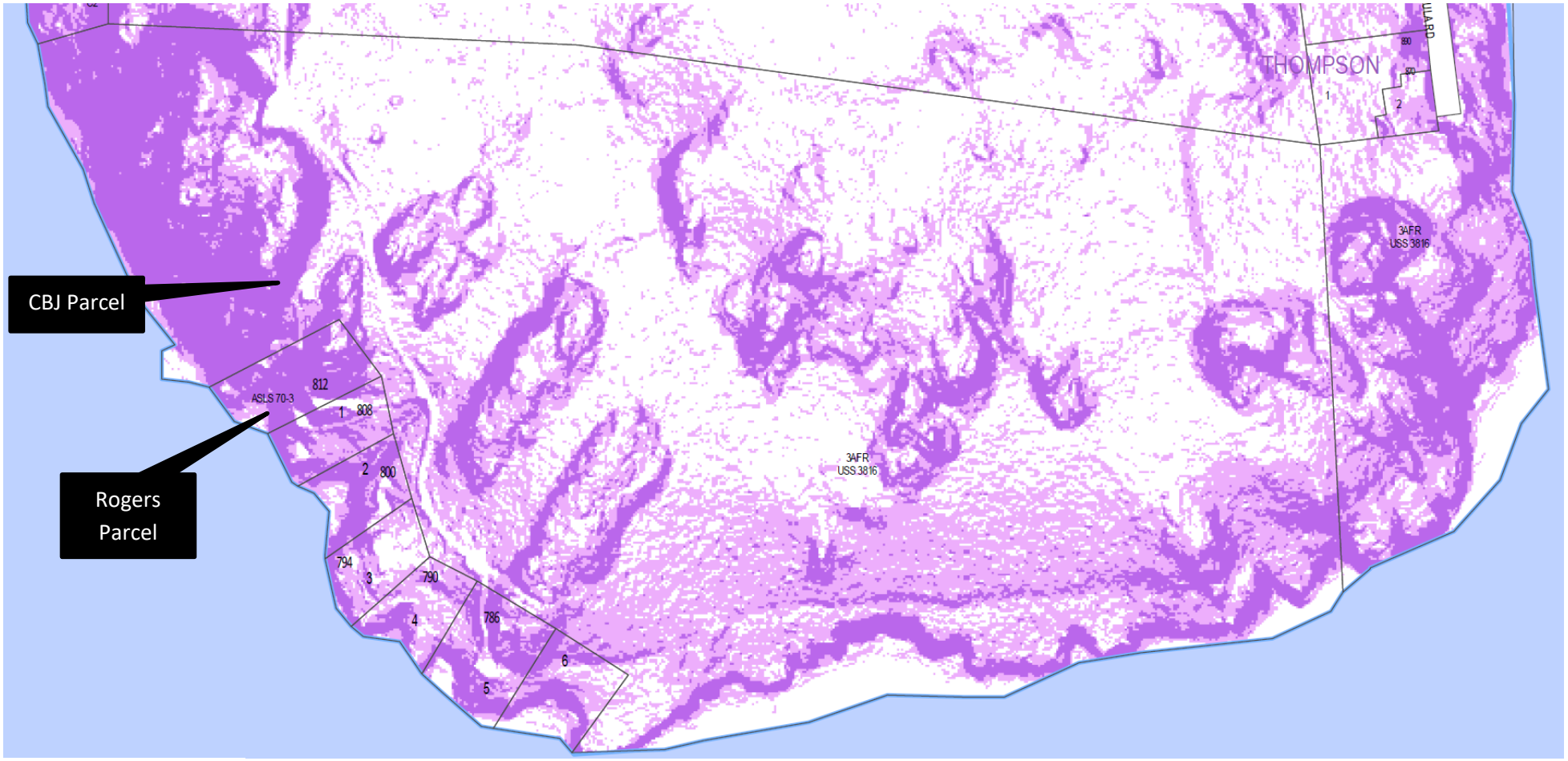
Ellen Rogers

Purchasing
MAY 0 4 2018
RECEIVED



Map 11.7

Packet Page 171 of 419



Slopes

18% - 37%

>37%

Slopes >18% & >37% Derived from 2013 Lidar

MINUTES
PARKS & RECREATION ADVISORY COMMITTEE

Tuesday, May 1st, 2018
City Hall Chambers– 6 p.m.

I. Call to Order at 6:02 p.m. – C. Mertl, Chair

Present: J. Anderson, T. Gilmour, C. Mertl, E. Palmer, C. Prussing, T. Rutecki, K. Shelton
Absent: E. Carrillo
Staff Present: Kirk Duncan, Director; Lauren Verrelli, Staff Liaison; Alix Pierce, Project Manager

II. Agenda Changes – None.

III. Public Participation of Non-Agenda Items – None.

IV. Approval of Meeting Minutes from April 3, 2018 – T. Rutecki makes amendment; T. Gilmour moves to approve the minutes with amendments, no objection. ***Minutes adopted.***

V. New Business –

A. Switzer Marriott Fund Transfer

A. Pierce: We are working with the four Rotary clubs and the Juneau Community Foundation to improve the Switzer/Marriott Trail next summer. The trail serves as an access corridor between the Lemon Creek neighborhood and Dzantik'i Heeni Middle School, helping students avoid busy streets. Rotary is contributing $35,000 in raised and grant funding, the JCF is contributing $10,000, and Parks & Rec has committed $10,000 to the project to match funds for the Rotary grant. We are hoping to move the $10,000 from the Treadwell Ditch CIP, which has a balance of $40,000. We also applied for a grant for $30,000, which would fund an additional portion of the trail if successful.

K. Duncan: PRAC do you have an objection to us transferring these funds?

C. Mertl: The board unanimously is in support of this fund transfer.

B. CIP Trails Update

K. Duncan: The memo in the packet is good reading material for our next meeting.

A. Pierce: Trail CIP fund transfers have to go through the Public Works & Facilities Committee and two Assembly meetings. What we're hoping to do in the future is pool the trail CIP money we have left so we don't have to go to the Assembly for the two month process multiple times.

C. Land Trade on Southern Mendenhall Peninsula

A. Pierce: The Lands & Resources Division was approached by Alan Rogers with a proposal for a land trade with Parkland on the Southern Mendenhall Peninsula. It should be noted that in the upcoming Parks & Rec Master Plan, the land is slated for possible divestment. We don't have any issues or concerns with this lands transfer.

Rachel Freelander: When the neighborhood was subdivided, no land access was provided so the homeowners of the Smugglers Cove Pioneers Neighborhood Association were granted a utility and driveway easement that would be privately maintained but still allows public access. The uplands (Parkland) square foot value to the waterfront (Rogers property) square foot value ration is 2.5 to 1. The Parkland the Rogers would like to trade for is already partially developed (70%) and is part of the access road. This is a benefit of the City because we will be securing more waterfront.

A. Pierce: We recommend that the PRAC finds the proposed equal value land trade proposed by Alan and Ellen Rogers to be acceptable and forwards the proposal to the Lands Committee for further consideration and recommendations.

E. Palmer: How would this trade benefit the public?

R. Freelander: The site is waterfront property and the way it would benefit the public is securing more of it. Water front in this area is more valuable than upland parkland that has already been developed,

it is an equal trade.
Alan Rogers: I am the property owner for the last 37 years. The property we're looking at obtaining is at the top of the site; I had originally looked for a 1 SF to 1 SF trade until the city asked for it to be accessed and it had to be a zero net gain on either side. The land we're looking at is 9,000 SF and 6,000 SF of that 9,000 is already part of the access easement so it's an actual net gain of only 3,000 SF. We want to build at the top of the site so we can age in place that is accessible and it is the only flat area on the property.
T. Gilmour: Have you talked to the other homeowners in the area?
Alan Rogers: There has been no objection from the people I have talked to. The site is well removed from the main drive. The house would be built over this property line because of the topography of the property is too steep, we have to set the house back. I would actually be giving up some of the most scenic parts of my property which is part of a bluff.
C. Prussing: This would be an asset to the City's Parkland.
C. Mertl: The intent of trading this land is to provide access for the public to the water front correct?
K. Duncan: No, it is to provide value. There is no desire to develop this land to provide access. We're just adding to our Parkland along the waterfront.
C. Mertl: Would the easement go away with this land swap?
Alan Rogers: The easement would probably need to be adjusted. *Discussed Proposed Boundaries map included in minutes.*
C. Mertl: If the easement was pulled back in the north corner, does that restrict access to the CBJ Parkland at the waterfront.
K. Duncan: No, I do not see this entire request as an issue or concerned about.
T. Gilmour: I make a motion that the PRAC recommends that the proposed equal value land trade proposed by Alan and Ellen Rogers to be acceptable and forward the proposal to the Lands Committee for further consideration and recommendations.
E. Palmer: I object. I don't see how this benefits the public and would not be gaining anything through this land swap.
J. Anderson: The current easement that Mr. Rogers already has and what he is asking for isn't that much more. The trade seems to be null, nobody is going to be denied access to the property and CBJ already owns all the property to the left.
C. Mertl: All this development is already occurring outside of his current property and I don't see the value of adding this strip to CBJ Parkland.
Alan Rogers: The house on the map is proposed, it does not exist.

Yea: J. Anderson, T. Gilmour, C. Prussing, T. Rutecki, K. Shelton
Nay: C. Mertl, E. Palmer
Motion passes.

VI. Unfinished Business –

K. Duncan: I would like to add my comment about the April minutes. In the minutes T. Rutecki stated what the PRAC could and could not comment on. I spoke to the City Manager and he said the PRAC can comment on any recreational activity in the borough, which includes the Aquatics Board and Treadwell Board. I suggest we ask the City Manager clarification on what he was saying.

VII. Director's Report – K. Duncan –

A. Project Playground Update

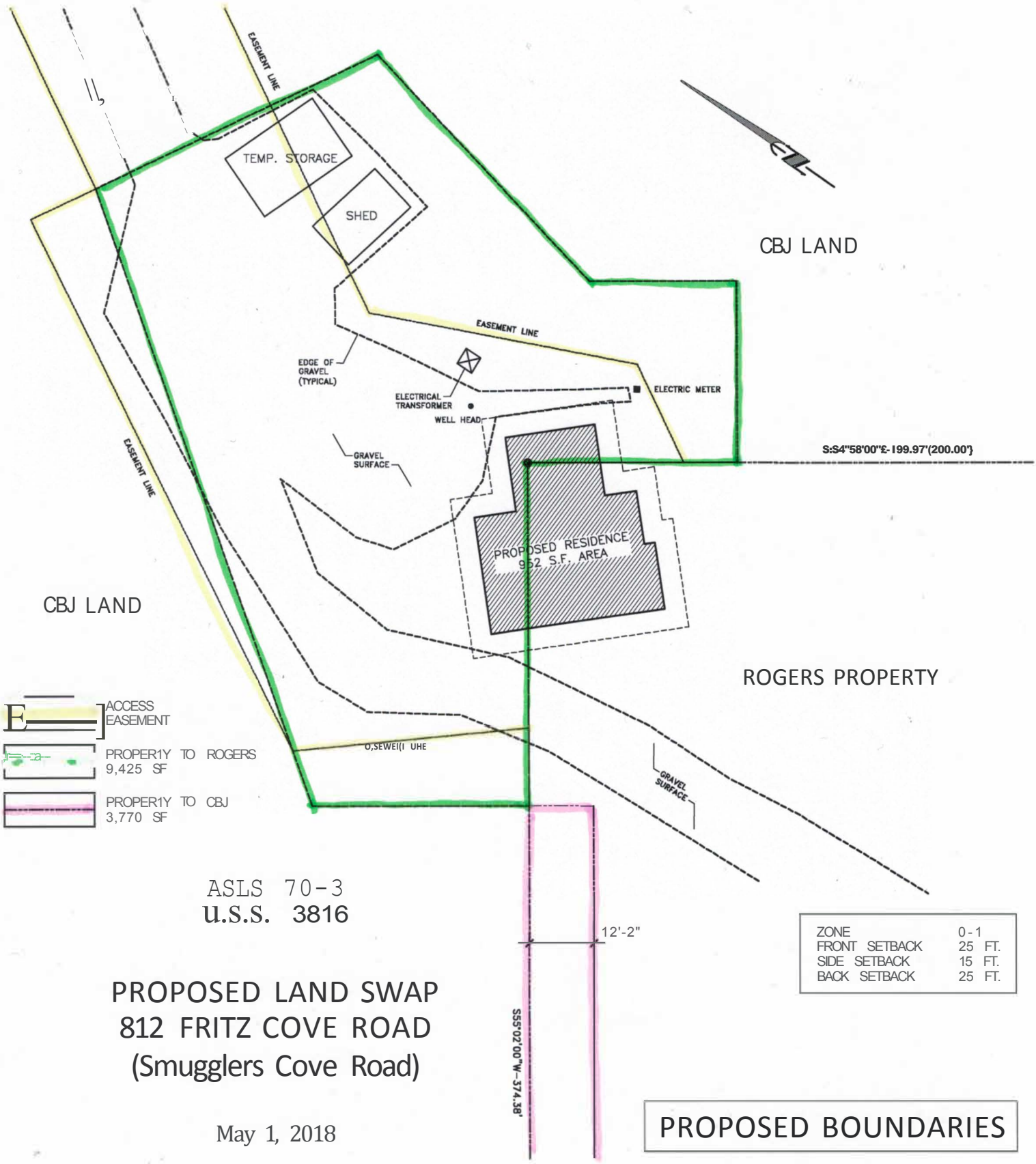
A. Pierce: We tentatively have a contractor, Carver construction which came in with the lowest bid at $1.14. Their bid is significantly lower than the engineer's estimate which is $1.9 million. The alternates which are the items the steering committee is fundraising for (zip line, turf field, plaza and poured-in-place) came in higher than other bidders.

B. Board Vacancies

K. Duncan: We still have one vacancy on the PRAC.

C. Director Transition & Department Update

K. Duncan: George Schaaf is our new Director which I am very excited about. George previously was



ASLS 70-3
u.s.s. 3816

ZONE	0-1
FRONT SETBACK	25 FT.
SIDE SETBACK	15 FT.
BACK SETBACK	25 FT.

PROPOSED LAND SWAP
812 FRITZ COVE ROAD
(Smugglers Cove Road)

May 1, 2018

PROPOSED BOUNDARIES

ASSEMBLY STANDING COMMITTEE MINUTES
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES
May 21, 2018 5:00 P.M.
City Hall, Assembly Chambers

I. ROLL CALL

Chair Mary Becker called the meeting to order at 5:00pm.
Members Present: Mary Becker; Beth Weldon; Rob Edwardson; Jerry Nankervis
Liaisons Present: Chris Mertl, Parks & Recreation; Paul Voelckers, Planning Commission; Weston Eiler, Docks and Harbors
Staff Present: Greg Chaney, Lands Manager; Rachel Friedlander, Lands and Resources Specialist; Rorie Watt, City Manager

II. APPROVAL OF AGENDA

Hearing no objection, the agenda was approved.

III. APPROVAL OF MINUTES

The minutes from the March 19th, 2018 meeting will be reviewed at the next Lands Committee meeting.

IV. PUBLIC PARTICIPATION

There was no public participation on non-agenda items.

V. AGENDA TOPICS

A. Alan and Ellen Rogers Land Trade Proposal

Mr. Chaney addressed the Lands Committee with his May 15th, 2018 memo by first describing the current location of the Rogers property, the upland City parkland proposed for trade, existing sheds that are currently encroaching on City property, and that the buildable quality of the lot is challenging given the predominant steep slopes on the Rogers parcel, which is why they have come before the City with their proposal.

Mr. Chaney then showed the Committee photos and diagrams of the area. Mr. Chaney emphasized that a majority of the park property the Rogers family would like to acquire already exists within the access and utility easement and has been developed. The Rogers family proposal would exchange undeveloped waterfront so that they may officially own the land encumbered by the access and utility easement. Mr. Chaney then posed the question to the committee that tonight's meeting was to determine if it is appropriate for the City to consider the Rogers proposal or seek alternative proposals from the public.

Mr. Chaney then shared with the Committee that this project was reviewed by the Parks and Recreation Advisory Committee (PRAC) and was approved with a 5 to 2 vote determining the proposal was generally acceptable. Mr. Chaney said the two dissenting PRAC members felt the proposal was not beneficial to the public. Mr. Chaney then concluded that the current decision before the Lands Committee is directed by CBJ§53.09.230(a):

"Prior to considering a land exchange, the Assembly must determine if it is appropriate to work 'by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the manager may commence negotiations for the…exchange…of City and Borough land.'"

Mr. Chaney said if the Lands Committee finds this equal land trade appropriate, staff advises the Committee to find the equal value land trade proposed by Alan and Ellen Rogers to be generally acceptable and recommends working with the original proposers; that the proposal be forwarded to the Full Assembly with a positive recommendation; and that the authorizing ordinance stipulate the transaction be completed within two years.

Mr. Edwardson asked how steep and wide the grade is for the strip of Rogers property that the City would receive and Mr. Chaney replied the width is about 12 feet and that it is pretty steep.

Ms. Weldon asked if there was anywhere else to build on the Rogers lot and Mr. Chaney replied if you are not on the beach, the property is very steep and that someone would need an unusual type of foundation work to support construction on a grade like that. Ms. Weldon then asked if anyone else uses that driveway and Mr. Chaney replied that the driveway is used exclusively by the Rogers family but the main access easement is used by the other homeowners in the area. Ms. Weldon asked why such a steep piece of property would be significantly more valuable than City property and Mr. Chaney replied that it "is the golden touch of the waterfront" and that even though a majority of the land is upland, the high value is the result of the waterfront, which was confirmed by the appraiser. Ms. Weldon then asked what the plans were for the original beach house and Mr. Chaney replied it is on the applicants' property so he assumes they will use it. Ms. Weldon then shared her concerns that the property owner would subdivide the lot and then try to sell it. Mr. Chaney said that would be difficult to do under current code because there is no right-of-way frontage on the beach cabin property. Ms. Weldon replied she knows the PRAC had two dissenters, one concerning this proposal would be of no benefit to the City and the other being subdividing the lot and selling that lower piece. Mr. Chaney replied the property is large enough and that it has enough area where the lot could be subdivided but there are other challenges like not having frontage on a right-of-way and that he hasn't looked at this issue in detail.

Mr. Edwardson asked about access to the right-of-way and Mr. Chaney said the Rogers have a private easement along City parkland and that this is not right-of-way, which may not be sufficient for a subdivision. Mr. Edwardson asked what the public purpose would be for this project and Mr. Chaney replied the advantage to the City is the acquisition of

private waterfront in exchange for City land that is already encumbered by a private access and utility easement. Mr. Chaney emphasized that this is a lot of discussion for something that is fairly minor for what would actually occur on the ground, and that there is a slight benefit for the public for the City to acquire the waterfront since this is where the public recreates.

Chair Becker asked if the public would access City property through the Rogers' lot and Mr. Chaney replied no and that a vast majority would use the beach to access this point.

Mr. Nankervis asked what the City land use designations were for the two large lots that comprise the Mendenhall Peninsula and Mr. Chaney replied the southern portion of the Peninsula is a natural area park and the northern portion is City property but not managed as parkland. Mr. Nankervis then requested that Mr. Mertl elaborate on the discussion held by the PRAC. Mr. Mertl shared he was one of the two dissenting votes at the PRAC meeting but that he supports the PRAC's positive recommendation. Mr. Mertl said there was concern with the 2.5 to 1 ratio, along with the question of how far away from the beachfront does one consider property "waterfront" and considering a very skinny 12 foot wide swath, at what point are you not considered waterfront. Another concern considered flat developable land versus steep land, and that in Mr. Mertl's opinion, flat developable land can have more done to it than steep land. The last concern asked how was this proposal of benefit to the public and if the proposal was really in the public's best interest.

Ms. Weldon said she would move that the Lands Committee forward the proposed land trade to the full Assembly.

Mr. Nankervis then requested clarification on information provided by Mr. Chaney concerning the two decisions before the Committee: continue the negotiations with the proposer or open up this topic for other proposals. Mr. Nankervis was curious if Ms. Weldon had a preference and Ms. Weldon said she is being specific to the land trade proposed by Alan and Ellen Rogers.

The Lands Committee unanimously recommended forwarding the proposed land trade involving Alan and Ellen Rogers with a recommendation to work with the original proposers to the full Assembly.

B. Indian Point Update/Information

Mr. Watt apologized for not being able to give the Committee information in April as originally stated. Mr. Watt gave a quick verbal overview of the five points outlined in his May 17, 2018 memo that were meant to address the Committee's concerns raised in January 2018:

THE CITY AND BOROUGH OF JUNEAU, ALASKA

Meeting Minutes - June 4, 2018

MEETING NO. 2018-15: The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Ken Koelsch.

I. FLAG SALUTE

II. ROLL CALL

Assembly Present: Mary Becker, Rob Edwardson, Maria Gladziszewski, Norton Gregory, Loren Jones, Jesse Kiehl, Ken Koelsch, Jerry Nankervis, and Beth Weldon.

Assembly Absent: None.

Staff Present: Rorie Watt, City Manager; Mila Cosgrove, Deputy City Manager; Amy Mead, Municipal Attorney; Jane Mores, Deputy City Attorney; Laurie Sica, Municipal Clerk; Bob Bartholomew, Finance Director; Mike Vigue, Engineering and Public Works Director; George Schaff, Parks and Recreation Director; Jill Maclean, Community Development Director; Dallas Hargraves, HRRM Director; Greg Chaney, Lands and Resources Manager; Carl Uchytil, Port Director; Dave Scanlon, Eaglecrest Ski Area Manager.

III. SPECIAL ORDER OF BUSINESS

Mayor Koelsch read a proclamation, stating that Juneau Pride 2018 would hold events from June 8 through 15 and encouraged people of the community in celebrating diversity.

IV. APPROVAL OF MINUTES

A. May 14, 2018 Regular Assembly Meeting 2018-14

Hearing no objection, the minutes of the May 14, 2018 Regular Assembly Meeting 2018-14 were approved with grammatical corrections.

V. MANAGER'S REQUEST FOR AGENDA CHANGES

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VII. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

B. Assembly Requests for Consent Agenda Changes

MOTION, by Becker, to adopt Ordinance 2018-10. Hearing no objection, it was so ordered.

C. Ordinance 2018-11(b) An Ordinance Appropriating Funds from the Treasury for FY19 City and Borough Operations.

This ordinance appropriates $343,479,300 for the City and Borough of Juneau's FY19 operating budget, excluding the school district. It is necessary to appropriate all transfers between funds that support operations, debt service and capital projects as well as the associated expenditures within the funds themselves. These transfers account for $96,830,700 of the FY19 operating budget.

The original ordinance was introduced at the April 4, 2018, Special Assembly meeting and referred to the Assembly Finance Committee (AFC) for deliberation. The AFC held six meetings/work sessions on the budget. An opportunity for public comment was provided at a Special Assembly meeting on April 25, 2018. The AFC moved the amended budget ordinance back to the full Assembly at its May 9, 2018, meeting. The AFC changes are reflected in the (b) version of the ordinance, where data being updated or deleted is shown by strikeout font.

The Charter requires adoption of the FY19 operating budget by June 15, 2018.

The City Manager recommends this ordinance, as amended by the Assembly Finance Committee, be adopted.

Public Comment:

None.

Assembly Action:

MOTION, by Nankervis, to adopt Ordinance 2018-11(b). Hearing no objection, it was so ordered.

X. NEW BUSINESS

A. Rogers Land Exchange

Alan and Ellen Rogers of 812 Fritz Cove Road (Smuggler's Cove Road) contacted the CBJ to propose an equal value land trade to exchange a strip of land along the northwest boundary of their property (including waterfront) for a portion of upland CBJ parkland. They will pay all survey and subdivision costs.

On May 1, 2018, the Parks and Recreation Advisory Committee passed a motion of support for the proposal. The Lands Committee reviewed the concept at its May 21, 2018, meeting and passed a motion to forward the land trade to the full Assembly with a positive recommendation.

CBJ§53.09.230(a) stipulates that prior to considering a land exchange, the Assembly must determine if it is appropriate to work "*by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the Assembly by motion, the manager may commence negotiations for the…exchange…of City and Borough land.*"

Therefore the Assembly has to determine by motion whether to work directly with the Rogers family or seek additional proposals. Since the original proposer (Rogers family) is an adjacent property owner with a unique set of circumstances, it is extremely unlikely that any other party would have the opportunity to propose a land exchange on similar terms. Final terms of the land trade are to be approved by ordinance.

The City Manager recommends that the Assembly approve a motion finding the proposed land trade to be generally acceptable and directs the Manager to commence negotiations for the exchange.

Public Comment:

None.

Assembly Action:

MOTION, by Edwardson, to find the proposed land trade between Alan and Ellen Rogers and CBJ to be generally acceptable and direct the Manager to commence negotiations for the exchange.

Mr. Edwardson said the code required the Assembly to identify a public benefit and he asked what that benefit of this exchange might be. The strip of land appeared to be narrow, steep and unusable.

Mr. Watt said the benefit is additional waterfront land and it may be used for a utility if one is ever out there. He asked for approval to commence the negotiation and he would ensure there is a public benefit.

Hearing no objection, it was so ordered.

XI. STAFF REPORTS

A. UAS Auto Shop

Ms. Mead said she was asked to look into a mechanism for the Assembly to fund the leasing of the UAS facility for purposes of the high school auto shop program. She has

Laurel Bruggeman

From: Robin Potter
Sent: Tuesday, October 16, 2018 6:16 PM
To: Laurel Bruggeman
Subject: RE: CSP18-08 Agency Review - CBJ Land Swap

Hi Laurel,

My apologies. I've been out sick for more than one week… first with an upper respiratory thing, then my mother was hospitalized with viral pneumonia and I got it as well. I am currently out sick, but I did pull up and review the report. All things considered it is not typical for such a good set of circumstances to exist. The trade is a fair exchange in value, will help the property owner remain on their property with an accessible home and CBJ gets a chunk of waterfront in trade.
No problems as far as the Assessor office is concerned.

Robin

Robin Potter ACAA V
Assessor, Finance Department
City & Borough of Juneau
155 S. Seward Street
Juneau, AK 99801
907.586.0333
http://www.juneau.org/financeftp/assessor_main.php

From: Laurel Bruggeman
Sent: Tuesday, October 16, 2018 2:52 PM
To: Robin Potter
Subject: RE: CSP18-08 Agency Review - CBJ Land Swap

Hi Robin,

My staff report for the PC hearing is due next week, are there any comments you would like included on the proposed land swap?

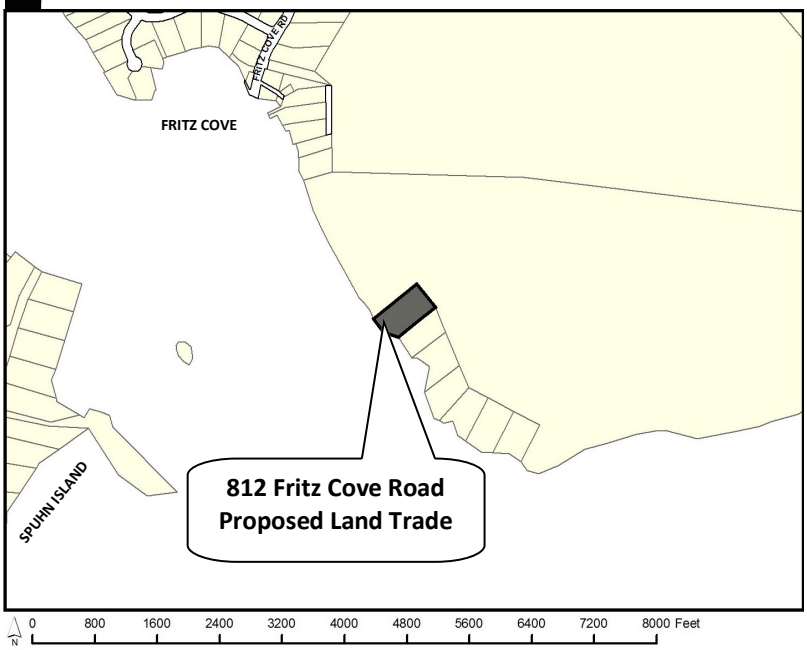
Thank you,

Laurel Bruggeman | Planner
Community Development Department| City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0761

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



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

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **city/state project** to **trade land** located at **812 Fritz Cove Road** in an RR Zone .

TIMELINE

Staff Report expected to be posted **Monday, November 5, 2018** at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas**
Find hearing results, meeting minutes and more here as well.

Now through October 22, 2018

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

Oct 23 through 12 noon, Friday, Nov 9

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, November 13, 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.

November 14

The results of the hearing will be posted online.

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

Printed October 8, 2018

Case No.: CSP2018 0008
Parcel No.: 4B2001080010
CBJ Parcel Viewer: http://epv.juneau.org

Planning Commission

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

PLANNING COMMISSION
NOTICE OF RECOMMENDATION

Date: November 15, 2018
File No.: CSP2018 0008

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

Proposal:	Planning Commission Recommendation to the City and Borough Assembly regarding the trade of CBJ uplands for a strip of private property on fritz cove.
Property Address:	812 Fritz Cove Road
Legal Description or ROW name:	ASLS 70-3 and ASLS 78-171 Lot 3A, Front
Parcel Code No.:	4B2001080010 and 4B1901070011
Hearing Date:	November 13, 2018

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated October 30, 2018, and recommended that the City Manager direct CBJ staff to design and build the project.

Attachments: October 30, 2018 memorandum from Laurel Bruggeman, Planner, Community Development, to the CBJ Planning Commission regarding CSP2018 0008.

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

Project Planner: _____ _____

Laurel Bruggeman, Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

_____ November 19, 2018

Filed With City Clerk

Date

cc: Plan Review

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

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

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

DATE: November 2, 2018

TO: Planning Commission

FROM: Teri Camery, Senior Planner
Community Development Department

FILE NO.: CSP2018 0011

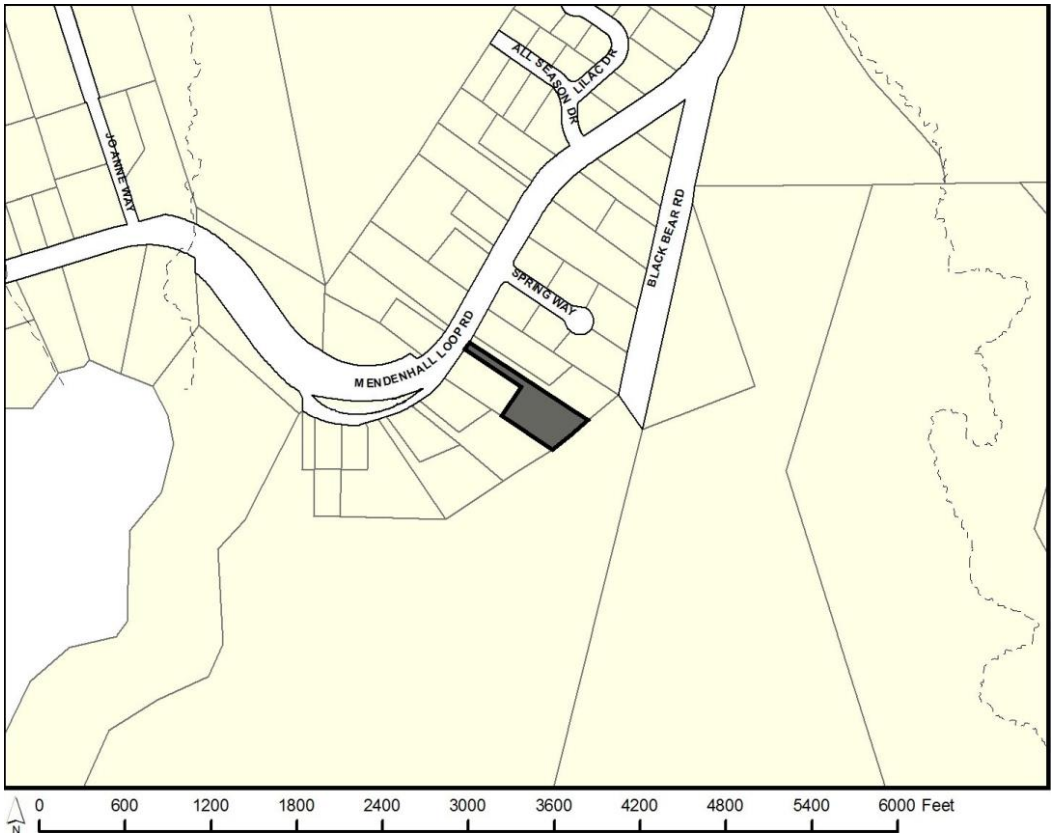
PROPOSAL: A City Project Review for disposal of 1.09 acres of city property and an amendment to the CBJ Land Management Plan 2016 Update

GENERAL INFORMATION

Applicant:	City and Borough of Juneau
Property Owner:	City and Borough of Juneau
Property Address:	11031 Mendenhall Loop Road
Legal Description:	Bonnie Lot 3
Parcel Code No.:	4B2601010021
Site Size:	47,363 sq. ft. (1.09 acres)
Comprehensive Plan Future Land Use Designation:	Urban Low Density Residential
Zoning:	D3
Utilities:	CBJ Water and Sewer
Access:	Mendenhall Loop Road
Existing Land Use:	Vacant
Surrounding Land Use:	North - D-3 residential South - D-3 residential

East - Mendenhall Loop Road; D-3 residential
West - vacant city property; D-3 and D1 (T) D5

VICINITY MAP



ATTACHMENTS

Attachment 1	Development Permit Application
Attachment 2	City Project Review Application
Attachment 3	7/18/18 CBJ Lands and Resources Memorandum to Assembly Lands Committee
Attachment 4	City and Borough of Juneau Land Purchase Applicant Information
Attachment 5	8/22/13 CBJ Lands and Resources Memorandum to Assembly Lands Committee
Attachment 6	Bonnie Subdivision Plat
Attachment 7	USE2013 0027 Notice of Decision
Attachment 8	Excerpt of Planning Commission 2/11/14 Minutes
Attachment 9	6/28/17 Alaska Superior Court Decision
Attachment 10	10/25/18 CBJ Lands and Resources Memo regarding change to Land Management Plan status

PROPOSAL

The applicant, CBJ Lands and Resources, requests approval for a city land disposal of 1.09 acres at 11031 Mendenhall Loop Road to the adjacent landowners, Margaret Tharp and David Lendrum. Use of city property for Ms. Tharp's and Mr. Lendrum's landscaping business was evaluated in Landscape Alaska's 2013 Conditional Use Permit. The proposal to sell the lot, while retaining an easement, is separate from the Conditional Use Permit and lease proposed under USE2013 0017. Planning Commission recommendations are required on city land disposals per 49.10.170 and 53.09.260.

The property will be sold at market value according to city processes established in regulation, per CBJ 53.09.200(e). Lands and Resources states that as part of the acquisition of city property, Landscape Alaska has offered a 30-foot wide easement through their existing lot. This, combined with a 30-foot easement through the property owned by the city, will allow for a 60-foot access and utility easement. The 60-foot easement may support future development of the 575 acre city and university property west of the subject lot. (Attachments 2 and 3) These proposed easements are shown on the Bonnie Subdivision plat, Attachment 6.

If the sale is approved, the buyers will not be required to, but may, use the property for expansion of their landscaping business as described in USE2013 0017. The lot could also be used for any legal use established in the CBJ Title 49 Land Use Code.

The city lot is adjacent to Landscape Alaska's lot at 11031 Mendenhall Loop Road. The city lot was purchased by CBJ in 2007 specifically to increase options for accessing the large tracts of CBJ property on Pederson Hill. By creating the 60-foot wide access and utility easement through the land disposal, CBJ will accomplish the goals and intention of the original 2007 purchase of this property. (Attachment 3)

An amendment to the 2016 Land Management Plan Update is needed to facilitate the requested sale.

BACKGROUND

Planning Commission Review

Landscape Alaska was granted a Conditional Use Permit, USE2013 0027, on February 11, 2014. Approval specifically addressed use of city property for the business, which at that time was proposed as a lease rather than a land disposal, and that difference would not be meaningful because USE2013 0027 fully evaluated the proposed use on both parcels. Page three of the USE2013 0027 staff report, under Project Description, specifically states, "The applicant proposes to lease the vacant City and Borough of Juneau's land south of the applicant's parcel as additional area for their business." Therefore, a modification to the Conditional Use Permit is not required.

The CSP2013 0024 review of the city lease associated with the Conditional Use Permit was not addressed at the Conditional Use Permit hearing. Minutes from that meeting state that the Assembly has to first authorize lease engagement before the Planning Commission can make a recommendation. Because that step had not yet happened, the CSP review was pulled from the agenda. An excerpt of the February 11, 2014, Planning Commission meeting minutes has been included as Attachment 8.

The Lands and Resources July 2018 memo to the Assembly Lands Committee (Attachment 3) explains that the lease application was never brought before the Planning Commission or Assembly because of a lengthy appeal of the Conditional Use Permit. In June 2017, the Alaska Supreme Court affirmed the Superior Court decision to uphold the Conditional Use Permit. *Zenk v. City & Borough of Juneau*, No. S-16118, 2017 WL 2825797 (Alaska June 28, 2017) *reh'g denied* (Aug. 1, 2017) (unreported). The court decision has been included as Attachment 9.

Public Notice and Review

CBJ Lands and Resources proposed the original development as a lease to Landscape Alaska in August 2013, as described in a memo to the Assembly Lands Committee (Attachment 5). Review was originally scheduled for the August 26, 2013, Assembly Lands Committee but was pulled from the agenda pending a Planning Commission decision regarding the Conditional Use Permit. Review was then postponed due to the lengthy court case.

At the August 6, 2018, meeting (with the memo dated July 18, 2018), Lands and Resources provided new information to the Assembly Lands Committee regarding lease of the property (Attachment 3). At this meeting, the Committee passed a motion of support to the Assembly to work with the applicant and dispose of this CBJ property in a manner that would result in platting a 60-foot wide public access and utility easement through Lots 2 and 3 of Bonnie Subdivision, USS 2392.

Lands and Resources specifically requested that the Community Development Department (CDD) send an abutters notice regarding the land disposal to solicit public comment on the proposal. An abutters notice was mailed on October 24, 2018, to all property owners within 500-feet of the subject lot, and a red Public Notice signed was posted on the property on Tuesday October 30, 2018, two weeks before the hearing scheduled for November 13,2018.

Next steps

Following the Planning Commission recommendation, the land disposal will be reviewed by the Assembly. Final approval requires an Assembly public hearing and adoption by ordinance. Concurrently, the 2016 Land Management Plan Update requires an amendment to facilitate the proposed disposal.

ANALYSIS

The Land Use Code CBJ 49.10.170 (c), *Duties* states:

> *City and borough land acquisitions, disposals and projects. The commission shall review and make recommendations to the assembly on land acquisitions and disposals as prescribed by Title 53, or capital improvement project by and City and Borough agency. The report and recommendation of the commission shall be based upon the provisions of this title, the comprehensive plan, and the capital improvements program.*

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

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

Lastly, the Planning Commission needs to authorize an amendment in the CBJ Land Management Plan 2016 Update changing "retain" to "retain/dispose" regarding the subject parcel, per CBJ 53.09.150. This will be addressed in the Land Management Plan section of this report.

Conformity with the Title 49, Land Use Code

The site is zoned D-3. In its review and approval of USE2013 0027, the Planning Commission determined that the Landscape Alaska business is in harmony with the neighborhood and complies with the Land Use Code. As noted in the background section, review of the Conditional Use Permit specifically included use of CBJ property. As noted previously, the buyers will not be required to use the property for expansion of their landscaping business as described in the USE2013 0017. The lot could be used for any legal use established in the CBJ Title 49 Land Use Code, with appropriate permits.

Conformity with Adopted Plans

2013 Juneau Comprehensive Plan

The subject parcel is designated in the Comprehensive Plan as Urban Low Density Residential (ULDR), on Map F, Subarea 3. Page 147 of the 2013 Comprehensive Plan describes ULDR as:

> *These lands are characterized by urban or suburban residential lands with detached single family-units, duplex, cottage or bungalow housing, zero-lot dwelling units and manufactured homes on permanent foundations at densities of one to six units per acre. Any commercial development should be of a scale consistent with a single-family residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).*

The Planning Commission concluded that Landscape Alaska's business, including its use of city property, is "of a scale consistent with a single family neighborhood, as regulated in the Table of Permissible Uses" in the review and approval of USE2013 0027. In addition, the land disposal supports development of adjacent city properties intended for housing developments. The land disposal therefore conforms with the ULDR definition. Any other proposed use on this property would have to conform with the Comprehensive Plan and the CBJ Title 49 Land Use Code.

Comprehensive Plan Policy 4.2 states:

> *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.*

Policy 4.6 states:

> *To facilitate and assist in the development of affordable housing.*

The disposal indirectly supports these policies because the disposal allows for a 60-foot wide access easement to support development of adjacent city properties intended for housing developments, as previously noted.

Policy 5.1 states:

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

Followed by Implementing Action 5.1 1A1 which states:

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

Policy 5.10 states:

> *To encourage residents and businesses to "look local first" for purchases of goods and services.*

Policy 5.11 states:

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

Policy 5.18 states:

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

The proposed land disposal would allow a private sector business to expand under the terms of an already approved Conditional Use Permit, which supports these policies.

In the review of USE2013 00027, the Planning Commission also confirmed that the use of the subject property by a private sector business would conform with Policy 10.4, which states:

> *To minimize conflicts between residential areas and nearby recreational, commercial, or industrial uses that would generate adverse impacts to existing residential areas through appropriate land use locational decisions and regulatory measures.*

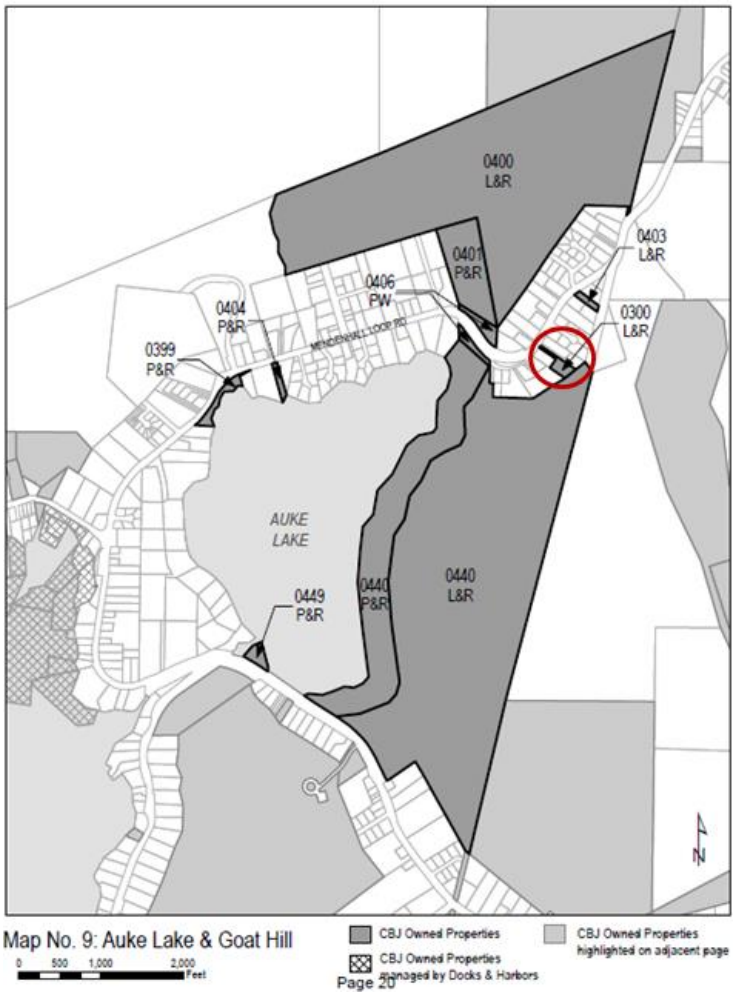
In conclusion, the proposed land disposal conforms to the 2013 Juneau Comprehensive Plan land use designation and policies.

Juneau Economic Development Plan

The proposed land disposal conforms with the Juneau Economic Development Plan's initiative to Promote Housing Affordability and Availability because the disposal allows for a 60-foot wide access easement to support development of adjacent city properties intended for housing development, while also supporting a local business.

CBJ LAND MANAGEMENT PLAN 2016 UPDATE

The subject property is shown on Map 9 of the Land Management Plan, page 20, as parcel 0300:



Page 7 of the Plan lists four goals, each with objectives, regarding CBJ land management. Goals 1 and 3 are relevant to the proposed land disposal as follows:

Goal 1: Continue the land disposal program which systematically places CBJ land into private ownership.

Objectives:

- *Make land available for community expansion.*
- *Expand the property tax base.*
- *Minimize the CBJ's costs for disposing of land.*
- *Provide opportunities for a variety of housing by disposing of land in multiple locations, by a variety of methods and at several price ranges.*
- *Maximize the CBJ's return on its property.*
- *Provide opportunities for as many people as possible to acquire CBJ land.*

Goal 3: Conduct CBJ land disposals in a manner that promotes compact urban growth and efficient expansion of municipal utilities and services.

Objectives:

• Plan expansion of municipal utilities to coincide with and support CBJ land disposals using an "infill" strategy as adopted in CBJ's Comprehensive Plan.

• Establish land disposal priorities based on availability of existing and planned utilities.

The proposed amendment to the Land Management Plan meets these goals and objectives by providing businesses with opportunities for acquiring CBJ land, expanding the tax base, and facilitating development of adjacent city properties by obtaining a 60-foot easement through the land disposal.

In addition, CBJ Lands and Resources has explained that the original acquisition of this lot by the city in 2007 was to gain an access route to large tracts of city and university property in this area. Lands' staff analysis has found that the current proposal, which is to dispose of the property to the neighbor while creating a 60-foot wide access and utility easement that could be developed as a right-of-way in the future, supports the initial intention of the 2007 acquisition. The 2016 Land Management Plan designated this lot with the status of "retain" and states that this property was "purchased to enhance access options for development of CBJ's 'Hill 560' property east of Auke Lake. This application and proposal align with the City's goals for this property in the Land Management Plan because of the applicant's willingness to allow the City to acquire an easement through their private property while retaining an easement on the City owned property.

In accordance with CBJ Code 53.09.150 below, the Planning Commission is required to make a recommendation to the Assembly regarding the amendment to the Land Management Plan designation for the parcel changing "retain" to "retain/dispose." This recommendation must include evaluation of the criteria listed in 53.09.150(c):

53.09.150 – Land Management Plan.

(a) The planning commission shall recommend to the assembly a land management plan for all City and Borough lands. The plan shall address the retention, use, disposal, development, and subdivision of City and Borough land and selected land and the acquisition of private lands for public purposes. The plan may be developed and adopted in stages. The plan shall identify the management intent for each parcel of City and Borough land. Prior to adoption of its recommendation, the planning commission shall hold a public hearing on the draft plan.

(b) The commission shall recommend changes in the land management plan as necessary.

(c) When developing a recommended land management plan or a change to the plan, the planning commission shall be guided by the following principles:

(1) Multiple use should be encouraged;

(2) Use of land for natural resource extraction or removal should be consistent with future use of the land;

(3) A sound local economy will be promoted;

(4) Development will be encouraged in areas where public services already exist or can be economically extended or where development of a viable economic base is probable;

(5) A significant quantity of land of a variety of types and locations should be reserved to provide an opportunity for future decisions; adequate lands for public development and public use, including recreational beaches with appropriate uplands, should be reserved;

(6) Tidelands should be leased only for specific water-dependent and water-related uses and not sold;

(7) Wetlands should be leased only for specific uses and not sold;

(8) Land should not be made available for residential, commercial, or industrial development in areas that have significant landslide, avalanche, or floodplain hazards unless the development proposal includes adequate mitigation measures to prevent loss of life and property;

(9) Land should be made available to encourage a variety of housing opportunities to meet the needs of residents;

(10) The region's scenic, environmental, and economically valuable natural resources should be protected from the adverse impacts of urban development;

(11) Conflicts between residential and other land uses should be minimized;

(12) Land should be set aside for the provision of transportation, public facilities, and services;

(13) Lands and shoreline that possess recreational, scenic, wildlife, and other environmental qualities should be preserved as open space.

(d) In developing its recommended plan in line with the principles outlined in this section, the planning commission should consider, but without limitation, the following factors:

(1) The supply of publicly owned lands to meet public needs;

(2) The supply of privately owned lands to meet the private sector needs of the community;

(3) The need of public agencies and the private sector for natural resources;

(4) [Reserved];

(5) The comprehensive plan, the long term capital improvements program, and other plans adopted by the assembly;

(6) Restrictions created by written instruments, zoning, and state and federal regulations;

(7) Physical, economic, resource, population and social factors affecting the area under consideration;

(8) Comments of the general public, affected landowners, state and federal agencies, and local advisory groups;

(9) Ownership patterns and the disposal and development plans of private landowners and state and federal agencies;

(10) The development and growth patterns and potentials of different areas of the City and Borough;

(11) [Reserved];

(12) The availability of municipal funds to subdivide or develop lands to facilitate disposal for private development and use;

(13) The requirements of public access to and along public and navigable bodies of water and the need to reserve public transportation corridors and utility corridors;

(14) Other matters which are relevant to a land use management program.

53.09.160 – Contents of the plan.

(b) The plan shall be reviewed by the planning commission if a major unanticipated development affecting basic assumptions occurs and in any case at least every ten years. After a public hearing on the plan, the commission may adopt or modify the proposed plan and shall transmit its recommendations to the assembly.

CBJ Lands provided a point-by-point analysis in a memo, Attachment 10, which confirms conformance with each of the criteria listed above. Lands has emphasized throughout the memo that disposing of the property will improve the development potential of large tracts of adjacent city property by allowing the creation of a 60-foot wide easement. The property does not contain wetlands or landslide, avalanche, or floodplain hazards that would prohibit disposal, nor does the disposal conflict with requirements to preserve open space.

The requested amendment to the Land Management Plan designation of parcel 0300 changing “retain” to “retain/dispose” meets all criteria and conforms to CBJ Code requirements for amending the Land Management Plan.

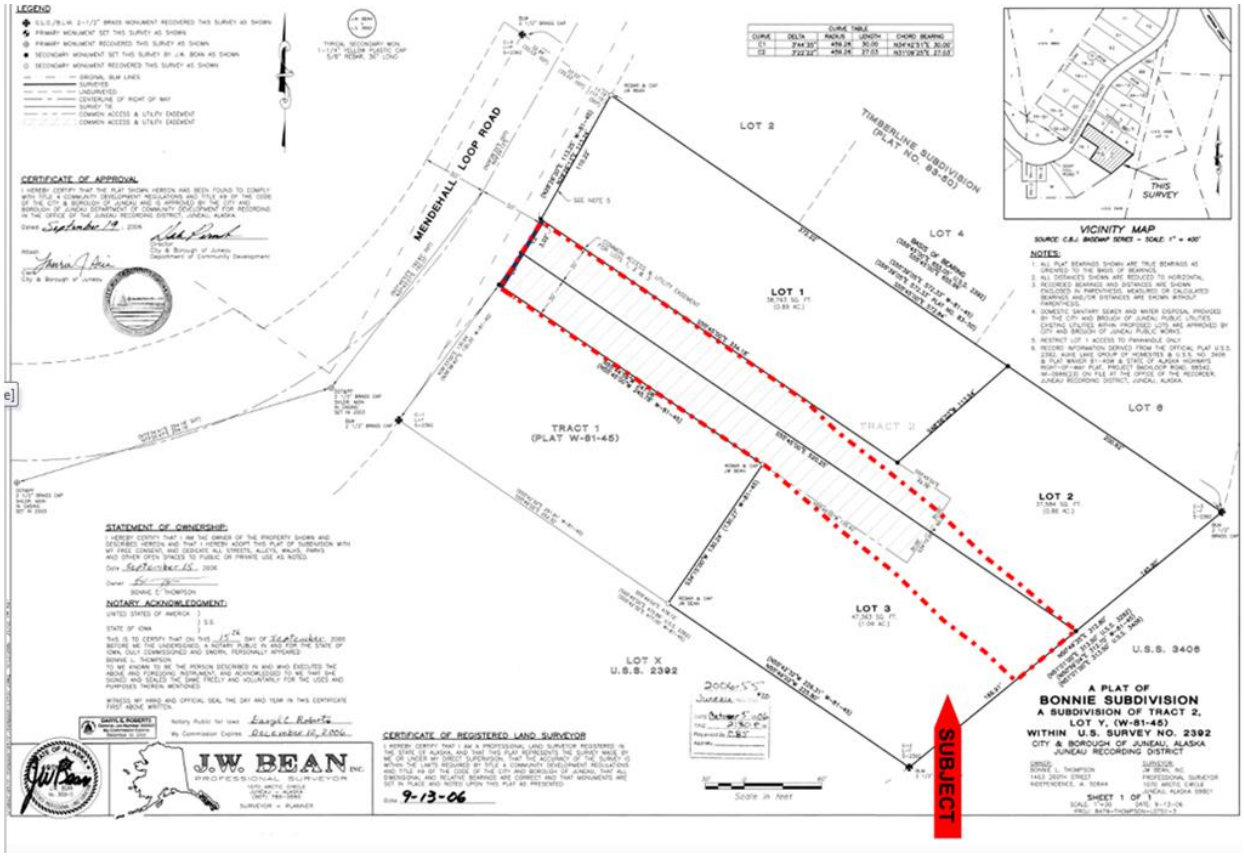
AGENCY REVIEW AND PUBLIC COMMENT

The agency review period took place from September 14 through September 28, 2018. Comments of "no issues" were received from the CBJ Building Division, CBJ Engineering and Public Works, the CBJ Fire Department, and the Alaska Department of Environmental Conservation.

The CBJ Streets Division responded with a few questions, "Would this be a 60' easement or ROW owned by the CBJ, or does it matter? Also will this 60' ROW extend all the way to back of the lots? Some of the drawings included show it stopping short and buildings constructed preventing it from extending to the back of the lots."

CBJ Lands and Resources replied back with, "This would be a 60' wide easement owned by the CBJ, future potential ROW would be 60' and CBJ owned. There is no plan to dedicate this as ROW, but depending on future development plans this easement could come in handy. The easement would extend through the lots and serve the large tract behind these lots. I've attached an image that shows the proposed new easement."

This image is copied below:



The Alaska Department of Transportation and Public Facilities did not respond to the agency review request. Access to the Landscape Alaska business was addressed in the Conditional Use Permit, USE20130027.

No public comments have been received as of this writing.

FINDINGS

Based on the preceding analysis, the proposal to amend the Land Management Plan designation of parcel 0300 changing "retain" to "retain/dispose" meets all criteria and conforms to CBJ Code requirements for amending the Land Management Plan.

With that change to the Land Management Plan and based on the preceding analysis, the proposal to dispose of this parcel is consistent with the 2013 Juneau Comprehensive Plan, Juneau Economic Development Plan, Title 49, and other associated plans mentioned herein. Additionally, the proposed disposal is also consistent with **CBJ 53.09.260(b)**. The subsequent plat approval through the minor subdivision review process will ensure compliance with Title 49.

Based on the preceding analysis, the proposal to dispose of this parcel is consistent with CBJ 53.09.150(c), CBJ 53.09.150(d), and 53.09.160(b) regarding a change from the Juneau Land Management Plan 2016 update to allow disposal of the subject property.

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.

DEVELOPMENT PERMIT APPLICATION

Project Number CSP 2018 0011	CITY and BOROUGH of JUNEAU	Date Received: 8/28
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION

Project Description
Lands Staff have received an application from Dave Lendrum to purchase a piece of City property that is adjacent to the property that him and his wife own.

PROPERTY LOCATION

Street Address	City/Zip
11031 Mendenhall Loop Road	Juneau

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot): Lot 3, Bonnie Subdivison U.S Servey 2392 — Bonnie Lot 3

Assessor's Parcel Number(s): 4B2601010021

LANDOWNER/ LESSEE

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

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

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

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

X Daniel Bleidorn — Landowner/Lessee Signature — Date: 08/27/18

X _____ Landowner/Lessee Signature — Date

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

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

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

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

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

STAFF APPROVALS

✔	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit			
	City/State Project Review and City Land Action		8/28/18	CSP 2018 0011
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)			
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	Variance Case (De Minimis and all other Variance case types)			
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

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

Comments:

Permit Intake Initials: AL 8/27/18

Attachment 1 - DPA

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

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		CSP 2018 0011	8/28/18

TO BE COMPLETED BY THE APPLICANT

TYPE OF PROJECT REVIEW:

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

DESCRIPTION OF PROJECT

Lands Staff have received an application from Dave Lendrum to purchase a piece of City property that is adjacent to the property that him and his wife own, which they use to operate their business, Landscape Alaska. As part of this acquisition ~~of City property, the applicant has offered a 30 foot wide easement though their existing lot. This, combined with an easement though the property currently owned by the City, will allow for a 60 foot access easement that serves the large~~ tracts of City owed property adjacent to these lots. By creating a 60 foot wide access and utility easement though this lot, the City will accomplish the goals and intentions of the original purchase.

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

CURRENT USE OF LAND OR BUILDING(S):

Currently the City owned property is vacant. The City purchased this lot as future access to large tracts of City property uphill of this lot.

PROPOSED USE OF LAND OR BUILDING(S):

The applicant plans on expanding their business onto this property.

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

Is this project associated with any other Land Use Permits? ☐ No ☑ Yes **Case No.:** USE2013 0027, CSP2013 00

Capital Improvement Program # (CIP) _____

Local Improvement District # (LID) _____

State Project # _____

ESTIMATED PROJECT COST: $ $0.00

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.

If you need any assistance filling out this form, please contact the Permit Center at 586-0770.

CITY/STATE PROJECT FEES

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

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

&

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

MEMORANDUM

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

TO: **Assembly Lands Committee**

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

SUBJECT: **Dave Lendrum request to Purchase City Property**

DATE: **July 18, 2018**

Earlier this year Lands staff met with Dave Lendrum regarding a request to purchase City property Lot 3, Bonnie Subdivision adjacent to the property that he and his wife Maragaret Tharp own located at 11029 Mendenhall Loop Road (Lot 2, Bonnie Subdivision). Dave and Maragaret currently own and operate Landscape Alaska from their property at this location.

Previously Dave submitted a request to lease this City property (Lot 3) but has since requested to purchase this property from the City. The lease application, submitted in 2013, was never brought before the Planning Commission or Assembly because of a lengthy appeal of a Conditional Use permit for Landscape Alaska to operate on Lot 2 owned by the applicant at 11029 Mendenhall Loop Road. In June 2017, the Alaska Supreme Court affirmed the Superior Court decision and the Conditional Use permit was finalized.

The CBJ lot (Lot 3) is located adjacent to the applicant's lot at 11031 Mendenhall Loop Road and contains 1.09 acres. Lot 3, Bonnie Subdivision was purchased by the CBJ in 2007 to increase options for accessing large tracts of City property on Pederson Hill. Development of this region is a long term goal and the lot is not anticipated to be utilized for access in the near term.

As part of the proposed purchase of City parcel Lot 3, the applicant has offered to grant the CBJ a 30 foot wide easement though their property, Lot 2. This combined with an easement though the property currently owned by the City (Lot 3), will allow for a 60 foot wide access easement that would provide access to large tracts of City owed property uphill from these lots. By creating a 60 foot wide access and utility easement though these lots, the City will accomplish the goals and intentions of the original 2007 purchase of this property.

Prior to disposal, as required by CBJ§53.260(a) the Assembly will be asked if it would be desirable to sell the property and, if so, whether it is appropriate to negotiate directly with the original applicant or to seek further proposals through a competitive process. If the Assembly makes a motion determining selling the lot is in the best interest of the City, the Planning Commission will review the proposal and provide a recommendation to the Assembly. Once the Planning Commission makes a recommendation, the disposal will then go before the full Assembly for consideration by Ordinance.

Staff recommends that the Lands Committee pass a motion of support to the Assembly to work with the original applicant and dispose of this CBJ property in a manner that would result in platting a 60 foot wide public access and utility easement through Lots 2 and 3 of Bonnie Subdivision, USS 2392.

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

City and Borough of Juneau Land Purchase Applicants

← Go back

Applicant Information

Margaret Tharp and David Lendrum

Mailing Address:
Mailing, P O Box 32654, Juneau AK 99803, residence;11029 Mendenhall Loop Rd, Juneau AK 99801
JUNEAU, AK 99803

Legal Representative: David Lendrum
Phone: (907) 321-4149
Email:
landscapealaska@gmail.com

CBJ Land Information

Site Address: 11031 Mendenhall Loop
Legal Description: 4b2601010021
Map: Map Link
Have you mailed the $500.00 filing fee?: Yes
Provide a brief description of your proposal:
We plan to develop a horticultural education program in partnership with a coupe of local non-profit groups and an educational facility. Our target group will be local young people, especially those who are seeking an occupation in which they can have success influenced by their personal conditions. They may be developmentally disabled, emotionally disabled, or mentally ill, or have some other condition which would make horticulture and gardening a desirable career.
We would include these individuals as well as all other persons interested in learning the particular skills necessary to successfully garden in Southeast Alaska.
This program would take place in a facility where local food production and native plant propagation are taught.
The site will include necessary parking and shielding from neighboring properties

Delete Entry Edit Entry

Attachment 4 - Applicant Information

MEMORANDUM

CITY/BOROUGH OF JUNEAU
Lands and Resources Office
155 S. Seward St., Juneau, Alaska 99801
Greg_Chaney@ci.juneau.ak.us

TO: Assembly Lands Committee

FROM: Greg Chaney
Lands and Resources Manager

SUBJECT: *Landscape Alaska* request to lease CBJ Property

DATE: August 22, 2013

Authorization to Negotiate Leases

CBJ 53.09.260 Negotiated sales, leases, and exchanges.

(a) *Application, initial review, assembly authority to negotiate.* Upon application, approval by the manager, ... a ...business entity, may submit a written proposal to lease, ... City and Borough land for a specified purpose. The proposal shall be reviewed by the assembly for a determination of whether the proposal should be further considered and, if so, whether by direct negotiation with the original proposer or by competition after an invitation for further proposals. Upon direction of the assembly by motion, the manager may commence negotiations for the lease, sale, exchange, or other disposal of City and Borough land.

Background

David Lendrum, owner of *Landscape Alaska*, has proposed to move his landscape company to a residential lot that he owns at 11029 Mendenhall Loop Road near Goat Hill. Mr. Lendrum has requested to lease the adjacent lot which is owned by the City and Borough of Juneau (Attachment 1). The CBJ lot is located at 11031 Mendenhall Loop Road and contains 1.09 acres. The property was purchased by the CBJ in 2007 to increase options for accessing large tracts of City property on Pederson Hill. Development of this region is a long term goal and the lot is not anticipated to be utilized for access in the near term.

Landscape Alaska has applied for a lease which is being reviewed under CSP2013 0024. The site is zoned D3 and nurseries and commercial greenhouses require a Conditional Use Permit for approval. He has applied for a Conditional Use permit (USE2013 0027, Attachment 2). The Conditional Use Permit and the CSP case will be heard at the Planning Commission hearing on September 10, 2013.

A rough schematic of how *Landscape Alaska* will utilize the site was provided in the lease application along with a general description of the proposal (Attachment 3). *Landscape Alaska* is a business that has operated in Juneau for over 30 years and the operation at this site will be generally similar to what has been done at previous locations. Moving the business to this relatively secluded location will conform to *Landscape Alaska's* new business model which relies less on drive-up retail customers and focuses on landscaping installations offsite. The business has also experienced a trend toward more telephone and E-mail sales, as well as a demand to salvage native plant materials to be utilized for restoration projects. The specific layout of the site will develop over time but the basic elements of *Landscape Alaska* operation have been established and will consist of two greenhouses and a couple of small buildings. Mr. Lendrum said that the leased land would also be used for growing of plants, overflow parking and a loading area for his landscaping portion of the business.

Neighborhood Meeting

A neighborhood meeting was held on August 15, 2013 to provide information and discuss the proposal with local residents. The following information was presented at the meeting

- Landscape Alaska has been in Juneau for 35 years and always leased land, now Dave and Margret (Landscape Alaska) own their home and have applied for a conditional use permit to move their greenhouse business onto their residential D3 property.
- Their business will have a small seed storage shed, flower beds, trees, and greenhouses with no heat and no lighting.
- This business does not own any large equipment and they only have one business truck.
- The number of employees will be around 5, but they will not all be on site.
- Traffic and access were major concerns, as was the condition of the driveway.
- The business would have more customers during spring months than the rest of the year.
- There were people in favor of this permit and people opposed to this permit in attendance.

Many residents expressed concerns about potential impacts of having a retail business in their neighborhood. The Planning Commission may modify the proposal through the Conditional Use process to address neighborhood concerns.

Appraisal

As directed by CBJ53.20.040 and CBJ53.20.050, all CBJ lands must be leased for fair market value as established by a recent appraisal. Kasberg Appraisal Services prepared a report dated July 2013 that evaluated the market value for leasing the site for purposes of operating a landscaping business (Attachment 4). The report indicates that the typical annual lease rate for similar properties for commercial purposes statewide would typically be 8-10% of the lot's value while locally the range would be closer to 6-8%. The appraisal was prepared with the assumption that only half of the lot would be leased however, it would be difficult for the CBJ to monitor to ensure only half of the lot was being utilized and Mr. Lendrum has indicated that he would be interested in leasing the entire lot. Based on this information the projected lease rate would be approximately $110,000 x 8% = $8,800 annually ($733 month).

Lands Committee Action

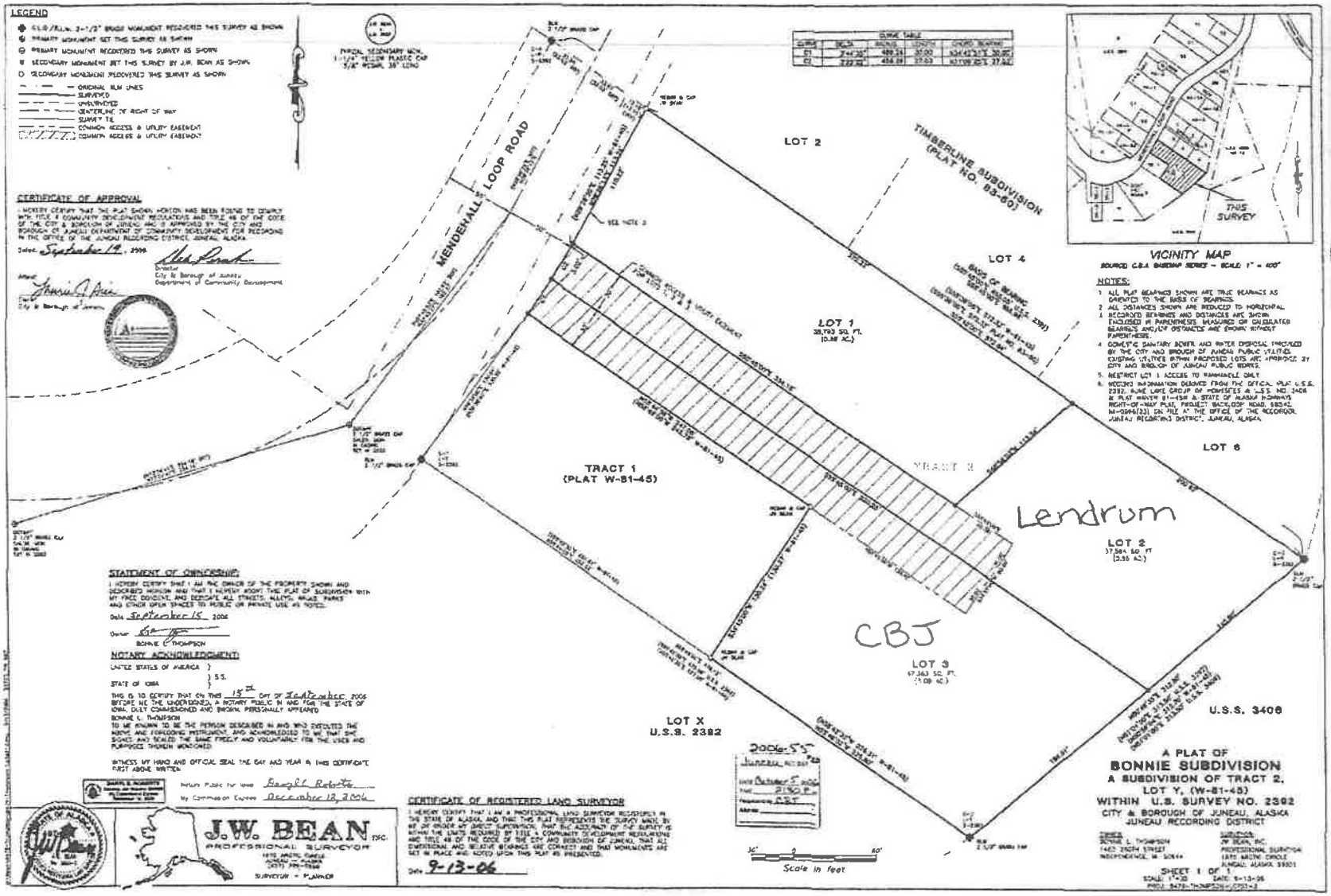
Land Management code sections CBJ53.09.260 and 20.020 direct that all leases must be authorized by the Assembly by Ordinance. Therefore Lands staff is bringing this item forward to the Lands Committee in order to determine if it is appropriate to commence lease negotiations if the Conditional Use Permit is approved, or if more information is needed prior to developing a recommendation for the full Assembly. Final lease terms are subject to review and approval by the Assembly by ordinance, pursuant to CBJ 53.09.260(b) unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance.

Options:

The Lands Committee may adopt a motion similar to the following:

> The Lands Committee recommends the Assembly, by motion, authorizes staff to commence lease negotiations with the owner of *Landscape Alaska* to lease a 1.09 acre lot, located at 11031 Mendenhall Loop Road, to be utilized for operation of a landscape and nursery business.

Alternatively if the Committee finds that more material is needed to reach a conclusion, staff or the applicant could be directed to supplement the record and provide additional information as needed.



Landscape Alaska, Attachment 1

Attachment 6 - Plat

Landscape Alaska, Attachment 1

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION
Date: February 13, 2014
File No.: USE2013 0027

David Lendrum
PO Box 32654
Juneau, AK 99803

Application For:	A Conditional Use Permit for a commercial greenhouse in a D-3 zoning district.
Legal Description:	Bonnie Lot 2 & Lot 3
Property Address:	11029 & 11031 Mendenhall Loop Road
Parcel Code No.:	4-B26-0-101-002-2; 002-1
Hearing Date:	February 11th, 2014

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 31st, 2014, and approved the Conditional Use permit to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The operator of the site shall employ Best Management Practices to protect the adjacent properties from contamination from storm water runoff.

2. Runoff from the site after project completion shall not contribute to the impairment of water quality. Additional water quality mitigation requirements may be placed on the project if the CBJ Engineer finds that this condition has been violated.

3. Prior to any site preparation or construction activity, the applicant shall obtain a grading permit, issued by the Community Development Department.

4. Prior to Certificate of Occupancy improvements to driveway required per DOT Driveway and Approach Road permit are required.

5. The hours of retail operation shall be limited to Tuesday through Saturday 8:00am to 6:00pm (closed Mondays). Sundays 10:00am to 4:00pm. Closed October through March.

6. CBJ-approved signage shall be posted for the accessible parking space and required loading zone prior to commencement of the proposed use.

7. Prior to Certificate of Occupancy water utilities shall be metered.

155 So. Seward Street, Juneau, Alaska 99801-1397

8. Should USE2013 0027 be approved and the CSP2013 0024 approved, a commercial use agreement with CBJ Lands & Resources shall be required prior to issuance of a building permit, and commencement of commercial operations on the CBJ owned land. In addition, any conditions of approval for CSP2013 0024 shall be implemented.

9. Prior to Certificate of Occupancy that applicant shall improve and maintain the shared driveway to 24 feet in width.

Attachments: January 31st, 2014, memorandum from Jonathan Lange, Community Development, to the CBJ Planning Commission regarding USE2013 0027.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain a Lease and City Review Permit approval and any 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 Conditional Use permit is effective upon approval by the Commission, February 11th, 2014.

Expiration Date: The permit will expire 18 months after the effective date, or August 11th, 2015, if no City Review Permit or 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: Jonathan Lange
Jonathan Lange, Planner
Community Development Department

Michael Satre
~~Dennis~~ Watson, Chair
Planning Commission

Elizabeth J. McEwen Deputy
Filed With City Clerk

2/14/14
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.

MINUTES

PLANNING COMMISSION
City and Borough of Juneau
Michael Satre, Chair

REGULAR MEETING
February 11, 2014

I. ROLL CALL

Dennis Watson, Vice Chairman, called the regular meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 pm.

Commissioners present: Dennis Watson, Vice Chairman; Karen Lawfer, Ben Haight, Gordon Jackson, Nicole Grewe (telephonically until 9:50 p.m.), Paul Voelckers, Dan Miller

Commissioners absent: Mike Satre, Chairman; Bill Peters,

A quorum was present

Staff present: Hal Hart, Planning Director; Travis Goddard, Planning Manager; Eric Feldt, Planner II; Jonathan Lange, Planner I; Chrissy McNally, Planner I; Brent Fisher, Parks and Recreation Director

~~II. APPROVAL OF MINUTES~~

- ~~January 14, 2014 – Regular Planning Commission Meeting~~

~~**MOTION:** *by Mr. Miller, to approve the Regular Planning Commission meeting minutes of January 14, 2014, with any minor modifications or corrections by Commission members or by staff.*~~

~~The minutes were approved with no objection.~~

~~III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS~~

~~Melissa Drive resident Andy Hughes told the Commission that when he purchased property and had a house constructed on his lot he understood the area was for single family residences only. He said he had recently discovered by reading an article in the paper that the house next~~

~~VI. CONSENT AGENDA~~

~~CSP2013 0032:~~	~~Transfer of ownership of Kaxdigoowu Heen Dei parking area from DOT&PF to CBJ.~~
~~Applicant:~~	~~State of Alaska DOT & PF~~
~~Location:~~	~~Kaxdigoowu Heen De Trailhead Parking Area~~

~~Staff Recommendation~~

~~Staff recommends that the Planning Commission adopt the analysis and findings and recommend to the Assembly approval of CSP2013 0032, the transfer of ownership of Kaxdigoowu Heen Dei parking area from DOT&PF to CBJ.~~

~~VAR2013 0026:~~	~~Variance request for AKDOT to conduct road rehabilitation along Fritz Cove Road within the 330 foot required setback of six eagle nests.~~
~~Applicant:~~	~~State of Alaska DOT & PF~~
~~Location:~~	~~Fritz Cove Road~~

~~Staff Recommendation~~

~~Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2013 0026. The Variance permit would allow for DOT&PF to conduct road rehabilitation within 330 feet of six eagle nests along Fritz Cove Road.~~

~~MOTION:~~ ~~*by Ms. Lawfer, to approve CSP2013 0032 and VAR2013 0026 on the Consent Agenda, and asked for unanimous consent.*~~

~~The motion was approved by unanimous consent.~~

~~VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS~~ ~~None~~

~~VIII. UNFINISHED BUSINESS~~ ~~None~~

IX. REGULAR AGENDA

Mr. Watson said that item CSP2013 0024, a City project review for the lease of a CBJ lot to Landscape Alaska, was removed from the evening's agenda. That item will be continued and brought back before the Planning Commission at its Regular Meeting scheduled for March 11.

Mr. Goddard explained that under CBJ Code the Planning Commission has authority to review land disposals of CBJ land for compliance with Title 49 and in compliance with the Comprehensive Plan and the Capital Improvement Program.

The lease itself requires that the Assembly make a motion to commence negotiations for the lease, explained Mr. Goddard. The Planning Commission shall review the negotiations prior to the Assembly action by ordinance. Therefore, the Assembly has to first authorize the

engagement in lease negotiations before it can come before the Commission for review, said Mr. Goddard.

The applicant is before the Commission to receive a Conditional Use Permit review, to see if it is in compliance with the code, prior to asking for the lease and beginning negotiations, said Mr. Goddard.

~~USE2013 0027:~~	~~A Conditional Use Permit for a Commercial greenhouse in a D-3 zoning district.~~
~~Applicant:~~	~~David Lendrum~~
~~Location:~~	~~11029 Mendenhall Loop Road~~

~~**Staff Recommendation**~~

~~USE2013 0027 - It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. Further, it is recommended the Planning Commission recommend approval of the City/State Project Review. The permit would allow the development of a commercial greenhouse in a D-3 zoning district; and a recommendation for approval of a City Project Review for the lease of a CBJ lot to Landscape Alaska. The approval is subject to the following conditions:~~

1. ~~The operator of the site shall employ Best Management Practices to protect the adjacent properties from contamination from storm water runoff.~~

2. ~~Runoff from the site after project completion shall not contribute to the impairment of water quality. Additional water quality mitigation requirements may be placed on the project if the CBJ Engineer finds that this condition has been violated.~~

3. ~~Prior to any site preparation or construction activity, the applicant shall obtain a grading permit, issued by the Community Development Department.~~

4. ~~Prior to Certificate of Occupancy improvements to driveway required per DOT Driveway and Approach Road permit are required.~~

5. ~~The hours of operation shall be limited to Wednesday through Sunday 9:00am to 6:00pm (closed Mondays and Tuesdays). After the peak growing season the applicant would then open from 10:00am to 6:00pm, and closed October through March.~~

   ~~Or~~

   ~~The hours of operation shall be limited to Wednesday through Friday 9:00am to 6:00pm, Saturday and Sunday 10:00am to 5:00pm, and Closed Mondays and Tuesdays. After the peak growing season the applicant would then open 10:00am to 6:00pm~~

NOTICE

Memorandum decisions of this court do not create legal precedent. A party wishing to cite such a decision in a brief or at oral argument should review Alaska Appellate Rule 214(d).

THE SUPREME COURT OF THE STATE OF ALASKA

ANTHONY ZENK and RUTH BAUMGARTNER,	)	Supreme Court No. S-16118
Appellants,	)	Superior Court No. 1JU-14-00957 CI
v.	)	MEMORANDUM OPINION AND JUDGMENT*
CITY & BOROUGH OF JUNEAU, DAVID LENDRUM, ELIZABETH MIYASATO, G. OLE OLSON, and DAVID WILSON,	)	No. 1639 – June 28, 2017
Appellees.	)	

Appeal from the Superior Court of the State of Alaska, First Judicial District, Juneau, Philip M. Pallenberg, Judge.

Appearances: Anthony Zenk and Ruth Baumgartner, pro se, Juneau, Appellants. Robert H. Palmer III, Assistant Municipal Attorney, City & Borough of Juneau Law Department, Juneau, for Appellee City & Borough of Juneau. No appearance by Appellees David Lendrum, Elizabeth Miyasato, G. Ole Olson, and David Wilson.

Before: Stowers, Chief Justice, Winfree, Maassen, Bolger, and Carney, Justices.

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* Entered under Alaska Appellate Rule 214.

I. INTRODUCTION

Homeowners in a residential subdivision sought a conditional use permit to relocate their existing greenhouse and landscaping business to their property. They then initiated the process to lease an adjacent municipally owned property and later amended the use permit application to include the municipal property. Neighbors opposed the permit, arguing that the business would negatively impact home values, unduly increase traffic, expose them to increased runoff, and potentially decrease water pressure to their homes. The borough planning commission held a hearing on the use permit without considering the lease application and issued a conditional use permit, subject to a list of conditions, for both lots. The neighbors appealed first to the borough assembly, which affirmed the decision to issue the permit, and then to the superior court, which affirmed the borough's decision. We affirm the superior court's decision.

II. FACTS AND PROCEEDINGS

Anthony Zenk and Ruth Baumgartner (Zenk[1]) own residential property, Lot 1 of Bonnie Subdivision, in Juneau. Their property has two houses, both accessed by a driveway shared with the other two Bonnie Subdivision lots. Margaret Tharp and David Lendrum (Lendrum[2]) own Lot 2, which has one house on it. The City and Borough of Juneau owns Lot 3, which is vacant. The shared driveway crosses Lots 2 and 3. Lot 1 fronts Mendenhall Loop Road, but, according to the City, the subdivision plat restricts Lot 1's road access to the shared driveway. Lot 1 is downslope from Lot 2, and there is apparent agreement that the shared driveway has a steep grade of more

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[1] We refer to both Zenk and Baumgartner as "Zenk" because Zenk is listed as the author of the briefs filed in this court and participated at oral argument before us.

[2] We refer to both Tharp and Lendrum as "Lendrum" because Lendrum participated in the administrative appeal and testified at the public hearing on the permit.

than ten percent at the top. The three subdivision lots share both city water and sewer lines.

Lendrum has owned and operated Landscape Alaska — providing landscaping services and selling plants — for many years in Juneau; he began looking for a place to relocate the business after the land where it had been operating was sold. Lendrum bought the Bonnie Subdivision property with the intent of shifting some business to that site. The property's zoning allows a commercial greenhouse with retail sales if the City issues a conditional use permit.[3]

In July 2013 Lendrum applied for a conditional use permit for a retail greenhouse as well as a residence on Lot 2. Lendrum also applied for a development permit. Drawings in the record show the conditional use permit application was related mainly or only to Lot 2, although an accompanying narrative expressed a desire to lease a portion of the City's Lot 3. On August 9 the City gave notice scheduling an August 15 neighborhood meeting about the proposed commercial greenhouse and indicating the Planning Commission would review the proposal at its August 27 meeting. Eighteen neighbors signed a petition opposing the conditional use permit, raising concerns about traffic, increased noise, and potential "harmful runoff from pesticides and fertilizers." According to a staff memorandum to the Planning Commission, 16 community members, in addition to the applicants and City staff, attended the scheduled neighborhood meeting. At the August 27 meeting the City rescheduled consideration of the application to a later date because Lendrum needed to supply additional information.

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[3] Operating a commercial greenhouse with retail sales is a permissible use in all areas of Juneau except the waterfront districts, although most retail sales require obtaining a conditional use permit like the one at issue here. City and Borough of Juneau Code (CBJ) 49.25.250, (2012); CBJ 49.25.300 & table (2015).

In August 2013 Lendrum expanded the commercial greenhouse proposal to include leasing the City's adjacent Lot 3 and putting one greenhouse, additional parking, and some nursery stock on it.[4] He filed a different type of application for the proposed lease, but that application referenced the conditional use permit at issue in this appeal. A development permit application form, signed by a City employee as the applicant, was filed with the lease application.[5] In October 2013 Lendrum supplemented the conditional use permit application file with more detailed drawings and a longer narrative summary about developing both Lots 2 and 3.

As part of the conditional use permit application Lendrum obtained a permit from the Alaska Department of Transportation (DOT) related to the Mendenhall Loop Road driveway entrance; the entrance required some modification to allow an adequate turning radius. The permit indicated that the maximum number of vehicles "in any [one] hour" was ten; this was Lendrum's estimate, not a limit set by DOT.

Neighbors expressed opposition to the commercial greenhouse operation on Lots 2 and 3 in writing. Concerns focused on: (1) increased traffic, particularly the safety of using the shared driveway to access a business; (2) aesthetic values, such as views and buffering; and (3) issues related to water use and runoff drainage. Only

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[4] He began the lease process earlier, having Lot 3 appraised in July. With some exceptions, CBJ 53.20.040 (1971) requires land leased from CBJ to be appraised before the beginning of a lease term.

[5] The proposal for leasing CBJ's Lot 3 was a separate proceeding with a different file number, although the notice for the rescheduled hearing at which the conditional use permit was eventually approved listed the lease file number as well. The Planning Commission took the lease proposal off the agenda because it was not yet ready for review. The only material in the record related to the lease file is a staff memorandum attachment that was later adopted by the Planning Commission.

Zenk's property shares water access and a driveway with the Lendrum and City properties.

In response to public comments the water utility suggested Lendrum have an engineer evaluate the water supply, noting that answers to the concerns raised in the comments depended on the plumbing code. A mechanical engineer gave the opinion that Lendrum's estimated water use for the greenhouses would not cause Zenk water pressure problems. The engineer also noted the existence of a capped water line to supply the City's Lot 3 if the lease were approved.

A City staff memorandum report recommended approval of both the conditional use permit and a lease for the City's Lot 3. The report suggested addressing some of the neighbors' concerns by limiting retail sales hours and requiring a grading and draining permit. The report found that the proposed greenhouse was consistent with the 2008 Juneau Comprehensive Plan "by providing opportunities for employment and by developing a diverse economy." The report also found that the proposed conditional use permit would not "materially endanger public health and safety" and would "maintain values and . . . not be out of harmony with the neighboring area." The report recommended approval of both the conditional use permit, subject to eight conditions, and the "[p]roject review" associated with the proposed lease of Lot 3, subject to a commercial use agreement between the City and Lendrum "prior to issuance of a building permit." The report indicated that the commercial use agreement would establish "[t]he maximum number of vehicles per hour" and set out a process for modifying the commercial use agreement.

The Planning Commission held a public hearing on the conditional use permit application in February 2014. The notice indicated the hearing was about both the conditional use permit and lease applications, but the Planning Commission took the lease off the agenda and did not hear testimony about it because the City Assembly had

not yet authorized lease negotiations.[6] The Planning Commission nonetheless considered the conditional use permit application for both lots.

At the hearing the City first outlined the staff report recommending approval. Lendrum then made a presentation about the business, its history in Juneau, his qualifications, and the proposed use of the lots; he also discussed some of the neighbors' concerns. The engineer who assessed the water supply testified that Lendrum's proposed use should not cause water pressure problems at Zenk's property. Public comments both supported and opposed the conditional use permit. Public comments were limited to three minutes each to allow everyone an opportunity to speak. Following the public testimony Lendrum was allowed to (and did) offer rebuttal comments. Planning Commission members also commented and asked questions. City staff recommended issuing the permit with easily measurable conditions allowing them to clearly evaluate possible violations.

After the discussion the Planning Commission approved the conditional use permit — listing nine conditions — in a 5-1 vote. The decision notice "adopted the analysis and findings" of the staff memorandum. The notice also stated, "Prior to starting any project, it is the applicant's responsibility to obtain a Lease and City Review Permit approval and any required building permits."

Five neighbors appealed the Planning Commission's decision to the City Assembly. Lendrum intervened in the appeal. After hearing arguments at an August 2014 meeting the City Assembly denied the appeal, deciding that the Planning Commission: (1) relied on substantial evidence for its decision; (2) had made adequate findings; and (3) "properly adhered to its rules of procedure with respect to hearing public testimony."

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[6] CBJ 53.09.260 (2013) sets out the process for negotiated leases.

Four neighbors appealed the City Assembly's decision to the superior court. The court considered arguments about multiple ordinance or regulation violations, due process, privacy and possible nuisance, the City having "a 'significant financial interest' in the approval of this conditional use permit," spot zoning, and a trial de novo request. On the record without a trial de novo the superior court affirmed the City Assembly's decision affirming the Planning Commission's decision.

Zenk — self-represented — appeals.

III. STANDARD OF REVIEW

When the superior court acts as an intermediate court of appeal in a zoning matter, we independently review the record.[7] "[J]udicial review of zoning board decisions is narrow and . . . a presumption of validity is accorded those decisions."[8] We "will uphold the [b]oard's decision as long as it is, 'in the light of the whole record, . . . supported by substantial evidence.' "[9] We review questions of law such as questions of due process using our independent judgment.[10] "In a case that involves a zoning board's interpretation of zoning ordinances and planning documents, [we] will give such interpretations 'considerable deference.' "[11]

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[7] *Native Vill. of Eklutna v. Bd. of Adjustment for Municipality of Anchorage*, 995 P.2d 641, 643 (Alaska 2000) (quoting *S. Anchorage Concerned Coal., Inc. v. Coffey*, 862 P.2d 168, 173 (Alaska 1993)).

[8] *Id.* (second alteration in original) (quoting *Coffey*, 862 P.2d at 173).

[9] *Id.* (alteration in original) (quoting *Coffey*, 862 P.2d at 173).

[10] *Griswold v. City of Homer*, 252 P.3d 1020, 1025 (Alaska 2011) (quoting *May v. State, Commercial Fisheries Entry Comm'n*, 168 P.3d 873, 879 (Alaska 2007)).

[11] *Native Vill. of Eklutna*, 995 P.2d at 643 (quoting *Coffey*, 862 P.2d at 173 n.12).

IV. DISCUSSION

A. The Superior Court Correctly Concluded That The Conditional Use Permit Did Not Constitute Spot Zoning.

Zenk argues that the City engaged in spot zoning by permitting Lendrum to operate a commercial business in a residential area.[12] The City responds that under our precedent a conditional use permit issued by the Planning Commission acting in a quasi-judicial capacity can never be spot zoning. The City is correct.

Zenk relies on *Griswold v. City of Homer*, in which we first considered spot zoning and adopted a three-part test to evaluate whether an ordinance constitutes spot zoning.[13] Zenk contends that each of the three parts of the spot zoning test are met in this case. The City responds that under *Cabana v. Kenai Peninsula Borough*[14] a litigant cannot challenge spot zoning through an administrative appeal but must instead bring an original action in the superior court. Because we have defined spot zoning as "an arbitrary exercise of *legislative* power"[15] and because the City did not act in a legislative capacity here, issuing the conditional use permit cannot be spot zoning.

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[12] "[S]pot zoning is 'the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area . . . .' " *Griswold v. City of Homer*, 925 P.2d 1015, 1020 (Alaska 1996) (quoting 1 ROBERT M. ANDERSON, AMERICAN LAW OF ZONING 3D § 5.12, at 359 (1986)).

[13] *Id.* at 1020 (adopting three evaluation factors: "(1) the consistency of the amendment with the comprehensive plan; (2) the benefits and detriments of the amendment to the owners . . .; and (3) the size of the area 'rezoned.' " (citing 3 EDWARD H. ZIEGLER JR., RATHKOPH'S THE LAW OF ZONING AND PLANNING § 28.01, at 28-3 (4th ed. 1995))).

[14] 21 P.3d 833 (Alaska 2001).

[15] *Griswold*, 925 P.2d at 1020 n.6 (emphasis added).

In *Cabana* a Homer resident challenged a Kenai Peninsula Borough ordinance reclassifying Homer land to light industrial use so that it could be exchanged for privately held land in Anchor Point.[16] Distinguishing our precedent from that of other state courts, we chose "to treat small-scale rezonings [i.e. spot zonings] as legislative decisions"[17] rather than quasi-judicial ones. In contrast "an entity which normally acts as a legislative body" is acting in a quasi-judicial capacity when it "applies general policy to particular persons in their private capacities."[18] So in this case, because the Planning Commission and then the City Assembly were applying general policy to particular persons in their private capacities, their actions were quasi-judicial rather than legislative; thus, this is not a case of spot zoning.

In *Cabana* we also held that a decision of a legislative body, such as the Assembly, "is subject to review by appeal [rather than direct action] *only* where the decision is a quasi-judicial one."[19] When considering conditional use permit appeals we have examined the application of permitting ordinances to the facts of the case, discussing whether substantial evidence supported the decision.[20] Spot zoning, as a legislative act, requires an entirely different type of procedural challenge and legal

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[16] 21 P.3d at 834-35.

[17] *Id.* at 836 (first citing *Balough v. Fairbanks N. Star Borough*, 995 P.2d 245, 249 (Alaska 2000); then citing *Griswold*, 925 P.2d at 1019 n.3).

[18] *Id.* at 835-36 (second alteration in original) (quoting *Kollodge v. State*, 757 P.2d 1028, 1033 (Alaska 1988)).

[19] *Id.* (emphasis added) (citing 4 KENNETH H. YOUNG, ANDERSON'S AMERICAN LAW OF ZONING § 27.06 (4th ed. 1997)).

[20] *E.g.*, *Native Vill. of Eklutna v. Bd. of Adjustment for the Municipality of Anchorage*, 995 P.2d 641, 643-44 (Alaska 2000); *S. Anchorage Concerned Coal. v. Coffey*, 863 P.2d 168, 175-76 (Alaska 1993).

analysis.[21] If granting the conditional use permit were spot zoning, Zenk would have been required to challenge it in an original action in the superior court.[22] He did not, choosing instead to file an administrative appeal and argue about substantial evidence.

Perhaps more problematic for Zenk's contention that the conditional use permit amounted to spot zoning is the list of permissible uses set out in City ordinances. As the City points out, operating a commercial greenhouse with retail sales is a permissible use in nearly all Juneau zoning districts, although most retail sales require obtaining a permit like the one at issue here.[23] Although Zenk correctly observes that our precedent shows that simply because a use is allowed under a zoning ordinance does not mean that the use must be permitted,[24] that statement was made in the context of a conditional use permit appeal — not in the context of a spot zoning challenge — and is thus irrelevant to the spot zoning question.[25] The superior court correctly concluded that this case does not involve spot zoning.

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[21] *Griswold v. City of Homer*, 925 P.2d 1015, 1021-25 (Alaska 1996) (discussing spot zoning test factors and concluding ordinance was not spot zoning).

[22] *See Cabana*, 21 P.3d at 836 & n.12 (affirming dismissal of administrative appeal and noting appellants could "obtain review" of decision through original action).

[23] CBJ 49.25.250, (2012); CBJ 49.25.300 & table (2015).

[24] *See Coffey*, 862 P.2d at 175-76 ("Simply because 'natural resource extraction' is permitted as a conditional use in R-2A areas doesn't mean that large-scale commercial mining must be permitted anywhere in the area so long as the mine operator takes every reasonable precaution to conduct the operation carefully." (citing *Byrum v. Bd. of Supervisors*, 225 S.E.2d 369, 373 (Va. 1976))).

[25] *Id.* at 171-72 (setting out procedural history).

B. The Planning Commission's Decision Was Supported By Substantial Evidence And Permissible Interpretations Of Ordinances.

Zenk contends that the Planning Commission did not comply with all applicable ordinances and that its findings were not all supported by the evidence. The City responds that the Planning Commission complied with the law and that its findings are supported by substantial evidence. The City contends that Zenk's underlying argument has not really changed and that Zenk is effectively asking us to reassess the evidence to reach a different decision than did the Planning Commission.

Our review of zoning board decisions is deferential; we use the reasonable basis standard of review for most legal issues related to zoning ordinances[26] and the substantial evidence standard for factual issues.[27] We may apply our independent judgment to zoning ordinance interpretations when an ordinance is procedural and interpretation "does not 'implicate special agency expertise or the determination of fundamental policies within the scope of the agency's statutory function.' "[28] Because the questions presented here implicate agency expertise, we apply a deferential review.

Zenk first argues that the Planning Commission erred by scheduling a meeting and considering Lendrum's conditional use permit application because the application was not complete and City ordinances permit accepting only complete

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[26] *Lazy Mountain Land Club v. Matanuska-Susitna Borough Bd. of Adjustment & Appeals*, 904 P.2d 373, 385 & n.68 (Alaska 1995).

[27] *Native Vill. of Eklutna v. Bd. of Adjustment for Municipality of Anchorage*, 995 P.2d 641, 643 (Alaska 2000) (quoting *Coffey*, 862 P.2d at 173).

[28] *S. Anchorage Concerned Coal., Inc. v. Municipality of Anchorage Bd. of Adjustment* (*S. Anchorage 2007*), 172 P.3d 768, 771 (Alaska 2007) (quoting *Alaska Pub. Emps. Ass'n v. State*, 831 P.2d 1245, 1247 (Alaska 1992)).

applications.[29] Zenk illustrates this argument with specific items the conditional use permit application form lists as necessary for a "complete" application. For example, Zenk argues "Lendrum's statement that he will plant 'native vegetation' along boundaries does not comply with" requirements that plans "be drawn to scale and clearly show existing and proposed vegetation with location, area, height, and type of plantings."[30] Zenk similarly faults the Planning Commission for failing to "recognize[] that important physical features, such as drainage details, were missing from [the] project development plans," even though drainage and concerns about runoff were discussed in written testimony. These illustrations directly relate to two neighborhood concerns, encroachment on privacy and potential for harmful runoff from the landscaping business. Zenk also contends that the City did "not have discretion to schedule a [Planning Commission] hearing and then accept information to complete the application."

Zenk's arguments related to completeness and the City accepting the application without all of the information detailed on the form implicitly rely on a theory that because the City's application ordinance uses *must* — a mandatory term under another City ordinance[31] — strict, rather than substantial, compliance with the ordinance

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[29] CBJ 49.15.130 (1991) provides that permit applications must be complete and describes a complete application "contain[ing] all of the information necessary to determine if the development will comply with all of the requirements of the permit applied for." The conditional use permit application instructions detail a list of information that should be included in plans as well as formatting expectations.

[30] These requirements are part of the conditional use permit application form instructions and are not, as far as we have been able to determine, set out in an ordinance.

[31] CBJ 49.15.130(a) ("All applications for permits must be complete, signed and accompanied by the applicable fee before the permit-issuing authority can accept the application."); CBJ 01.15.010 ("*Must* and *shall* are each mandatory." (emphasis in original)).

and the application form requirements is necessary. Zenk frames this as a plain meaning and mandatory language argument, but his reasoning assumes that an applicant must provide all the specific details listed on the conditional use permit application form.

City planning staff used substantial, not strict, compliance to evaluate the conditional use permit application's completeness: The staff memorandum adopted by the Planning Commission indicated that the application "substantially conforms to the requirements of CBJ Chapter 49.15."[32] Zenk argues that the statutory language is "clear" and "unambiguous" in requiring a complete application, but he does not explain why strict, rather than substantial, compliance with the statutory requirements is needed. We have permitted substantial rather than strict compliance in a variety of contexts,[33] and nothing here suggests that the City's use of substantial compliance to evaluate the conditional use permit application was impermissible. We give considerable deference

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[32] Substantial compliance can be used with both procedural and substantive statutes, although the doctrine is somewhat different in the two contexts. *Compare Adamson v. Municipality of Anchorage*, 333 P.3d 5, 12-13 (Alaska 2014) (discussing application of substantial compliance doctrine to substantive requirements), *with S. Anchorage 2007*, 172 P.3d at 771-72 (discussing substantial compliance with procedural requirement).

[33] *See, e.g.*, *Adamson*, 333 P.3d at 13-15 (allowing substantial compliance with statutory and regulatory requirements for exposure to toxins because to do otherwise would be contrary to legislative intent); *Kim v. Alyeska Seafoods, Inc.*, 197 P.3d 193, 196 (Alaska 2008) (holding that procedural statute was directory, rather than mandatory, and strict compliance was unnecessary); *S. Anchorage 2007*, 172 P.3d at 771-72 (discussing substantial compliance with procedural requirement); *Grimm v. Wagoner*, 77 P.3d 423, 429 (Alaska 2003) (holding that substantial compliance was consistent with legislative purpose of disclosure law); *Jones v. Short*, 696 P.2d 665, 667 (Alaska 1985) (holding that substantial compliance was appropriate standard to evaluate whether contractor complied with contractor-registration statute).

to zoning board decisions,[34] and we are not persuaded the determination that Lendrum's application substantially complied with the requirements for completeness was erroneous either legally or factually.

As a legal matter the conditional use permit application provided sufficient detail for neighbors to comment, both in writing and orally at the meeting on the permit, and for Planning Commission members to question staff and Lendrum about the proposed land use. The application information thus fulfilled its purpose of giving neighbors and the Planning Commission adequate information about the proposed use for neighbors to make their concerns known and the Planning Commission to address them.[35] The permit itself imposed conditions addressing neighbors' concerns, including use of "Best Management Practices to protect the adjacent properties," a prohibition on water quality impairment, a limitation on retail hours, and improvements to the shared driveway.

As a factual matter the July narrative and plan, dealing only with Lot 2, showed display gardens on the property boundary and discussed drainage. The more detailed drawings and narrative amending the application to include Lot 3, filed after neighbors had voiced concerns, likewise showed gardens and native vegetation along boundaries, discussed runoff and drainage, and indicated that plants would screen

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[34] *See Native Vill. of Eklutna v. Bd. of Adjustment for Municipality of Anchorage*, 995 P.2d 641, 643 (Alaska 2000) (setting out established standards of review for zoning board decisions, including "a presumption of validity" for the decisions and "considerable deference" to "a zoning board's interpretation of zoning ordinances and planning documents" (quoting *S. Anchorage Concerned Coal., Inc. v. Coffey*, 862 P.2d 168, 173 & n.12 (Alaska 1993))).

[35] *Cf. Jones*, 696 P.2d at 667 n.10 (noting in context of contractor-registration statute that "substantial compliance involves conduct which falls short of strict compliance with the statutory registration requirements, but which affords the public the same protection that strict compliance would offer").

neighbors' view of the property. This constitutes substantial evidence to support a determination that the application substantially conformed to the applicable requirements for completeness.

Zenk argues separately that the conditional use permit application should not have been accepted because it was not signed by anyone who owned or leased the City's Lot 3, even though: (1) the October narrative and diagram included development of Lot 3; (2) notice of the permit application public hearing included Lot 3 (and listed the City as an owner); and (3) the conditional use permit listed the City's Lot 3 as part of the property's legal description. The City responds that the signature of Greg Chaney, a City employee, on the development permit application form accompanying the request for a lease sufficiently fulfilled the signature requirement. The City adds that the process resolved "a chicken and egg type of conundrum" by having Chaney sign the form, after which the Planning Commission reviewed the conditional use permit application for both lots before considering the lease application for Lot 3 and "conditioning its approval on Lendrum obtaining a lease before operating on [City] Lot 3." The City also asserts that "[t]o allay any potential confusion, the Planning Commission explicitly imposed a condition that Lendrum could not use [City] Lot 3 until and unless the [City] Assembly authorizes the lease." The City indicated at oral argument before us that the conditional use permit allows Lendrum to use Lot 2 as a commercial greenhouse independently of a lease for Lot 3.

"Applications for permits will be accepted only from persons who have, or upon issuance of the permit, will have the legal authority to take action in accordance with the permit. All applications must be signed by the owners or lessees of the land to

be subject to the permit."[36] Lendrum's July initial conditional use permit application clearly met this requirement because it covered only Lot 2, which Lendrum owned. By the time the conditional use permit application was amended in October to include Lot 3 in the drawing and narrative, Chaney had signed a form in the lease file referencing the conditional use permit application "for project details." In light of the "considerable deference" we give zoning boards when they interpret zoning ordinances and planning documents,[37] the Planning Commission could reasonably conclude that Chaney's signature was adequate for purposes of CBJ 49.15.120(a).

Zenk additionally argues that the applications did not have sufficient detail related to parking, lighting, and structures, contending that these issues "were briefly discussed in testimony." But both the July and October plans show buildings and parking areas; the accompanying narratives indicate no lighting will be used because the business will not operate in winter and specializes in native plants that will not need additional greenhouse lighting. Although it is true that the plans' parking areas do not show each space's exact dimensions, City ordinances have minimum dimensions for parking spaces, with additional specific requirements for van-accessible spaces.[38] The number of parking spaces was, according to the staff memorandum, dependent on the area of the buildings and type of use; the memorandum calculated that at least eight parking spaces were needed for the business, one of which had to be van accessible, and two additional spaces were required for the residence. The ordinance together with the memorandum and plans contained adequate information for the Planning Commission

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[36] CBJ 49.15.120(a) (1987).

[37] *Native Vill. of Eklutna*, 995 P.2d at 643 (quoting *Coffey*, 862 P.2d at 173 n.12).

[38] CBJ 49.40.210(b)(1), (3)(C)-(D) (2010).

to assess whether the proposed development of the lots met parking requirements. Again, we give considerable deference to a zoning board's interpretation of planning documents and ordinances.[39]

In sum the Planning Commission's acceptance of the conditional use permit application and issuance of the permit were supported by substantial evidence and permissible interpretations of the applicable zoning ordinances and documents. The City Assembly's decision affirming the Planning Commission's decision was not erroneous, and we affirm the superior court's decision affirming the City Assembly's decision.

C. The Superior Court Correctly Concluded That No Due Process Violation Occurred.

Zenk argues that the conditional use permit approval process deprived him of procedural due process. In particular he notes that: (1) each member of the public was limited to three minutes of testimony, while Lendrum was given unlimited time; (2) those opposing the conditional use permit were not given an opportunity to rebut what they saw as "false and/or misleading statements made by the applicant"; and (3) "administrative efficiency took precedence over fair and just procedures." The City argues that Zenk does not have a property interest subject to due process or alternatively that the process used was adequate.

We do not need to consider the exact nature of the property interest at stake here because we agree with the City that the process used was more than sufficient to protect Zenk's interests. Zenk received notice of meetings about the conditional use permit, had the opportunity to (and did) submit written comments, testified in opposition to the conditional use permit at the public hearing, and was afforded the opportunity to appeal the decision first to the City Assembly, next to the superior court, and then to this

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[39] *See Native Vill. of Eklutna*, 995 P.2d at 643 (quoting *Coffey*, 862 P.2d at 173 n.12).

court. The record shows that the Planning Commission considered the neighbors' objections to the proposed use and imposed a number of conditions attempting to accommodate concerns.

In a similar case the Maine Supreme Court decided that a town had "adequately protected" the due process rights of a landowner whose property abutted a proposed 17-lot subdivision.[40] As in this case, the abutting landowner received notice of the land-use proposal and testified about the development at public meetings.[41] The landowner's concerns were addressed in some fashion by the town,[42] just as the City considered and attempted to address the neighbors' concerns when it imposed a list of conditions on Lendrum's development of the property. The Maine court observed that the landowner "was able to participate meaningfully throughout the permit approval process,"[43] and the same is true of Zenk.

Because Zenk had notice of the proposed land use and a meaningful opportunity to have his objections to that use considered, we see no due process violation in the specific procedures the City used in this case. We affirm the superior court's decision on this issue.

V. CONCLUSION

We AFFIRM the superior court's decision.

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[40] *Glasser v. Town of Northport*, 589 A.2d 1280, 1281, 1284 (Me. 1991).

[41] *Id.* at 1284.

[42] *Id.*

[43] *Id.*

MEMORANDUM

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

TO: **Planning Commission**

Daniel Bleidron

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

SUBJECT: **Application to dispose of Lot 3, Bonnie Subdivision**

DATE: **October 25, 2018**

Lot 3, Bonnie Subdivision was purchased to provide access to over 600 acres of city and university property above this site. Unfortunately the lower part of Lot 3 is a panhandle that is only 30 feet wide. The neighboring property owner has offered to purchase Lot 3 and combine the 30 foot width of their panhandle to create a 60 foot wide public access easement through the property. This proposal would double the access width to the hundreds of acres of city and university property ("Hill 560") allowing this site to host a full city street if needed. As a result of this opportunity, the sale of Lot 3 to the neighboring property owner would significantly enhance public access.

The Land Management Plan designates this property as "Retain" as the property was purchased to "enhance access options for development of CBJ's 'Hill 560' property east of Auke Lake". Because of this designation, a change to the Land Management Plan is needed in order to dispose of this property even though the disposal will further enhance the access options through granting of an access easement which will double the width of the access through this property. Title 53.09.150(c), 53.09.150(d) and 53.09.160(b) describe the principles that guide the Planning Commission review of changes to the Land Management Plan. Below are the applicable sections of code along with the reasoning behind the request to amend the Land Management Plan.

53.09.150 - Land management plan.

c) When developing a recommended land management plan or a change to the plan, the planning commission shall be guided by the following principles:
(1) Multiple use should be encouraged; *The proposed amendment to the Land Management Plan and disposal do not change what types of uses are allowed on this property.*
(2) Use of land for natural resource extraction or removal should be consistent with future use of the land; *The proposed amendment to the Land Management Plan and disposal do not negatively affect the extraction or removal of natural resources.*
(3) A sound local economy will be promoted; *This particular application to purchase City property allows the City to retain and enhance the access options at this location and allows for City property to be disposed of to an adjacent property owner, who plans on using this lot to increase their locally owned small business.*
(4) Development will be encouraged in areas where public services already exist or can be economically extended or where development of a viable economic base is probable; *Securing a 60 foot wide easement will help facilitate development of City property within the urban service boundary.*

(5) A significant quantity of land of a variety of types and locations should be reserved to provide an opportunity for future decisions; adequate lands for public development and public use, including recreational beaches with appropriate uplands, should be reserved; *The proposed amendment to the Land Management Plan and disposal will allow for greater potential of development of City property in the future for public development and public use.*
(6) Tidelands should be leased only for specific water-dependent and water-related uses and not sold; *Not applicable because this property does not include any tidelands*
(7) Wetlands should be leased only for specific uses and not sold*; Not applicable because this property does not include and wetlands.*
(8) Land should not be made available for residential, commercial, or industrial development in areas that have significant landslide, avalanche, or floodplain hazards unless the development proposal includes adequate mitigation measures to prevent loss of life and property; *Not applicable because this property does not include any areas that have significant landslide, avalanche, or floodplain hazards.*
(9) Land should be made available to encourage a variety of housing opportunities to meet the needs of residents; *The proposed easement will encourage the development of City land in this area which could be used for housing.*
(10) The region's scenic, environmental, and economically valuable natural resources should be protected from the adverse impacts of urban development; *The proposed amendment to the Land Management Plan and disposal do not negatively affect the region's scenic, environmental, and economically valuable natural resources.*
(11) Conflicts between residential and other land uses should be minimized; *The proposed amendment to the Land Management Plan and disposal do not change any existing land uses or zoning.*
(12) Land should be set aside for the provision of transportation, public facilities, and services; By increasing the access width from 30' to 60', *the easement will enhance City use of this property for access.*
(13) Lands and shoreline that possess recreational, scenic, wildlife, and other environmental qualities should be preserved as open space; *This property was not acquired to be open space, and was originally acquired by the City to gain an access corridor to large tracts of City and University property.*

(d) In developing its recommended plan in line with the principles outlined in this section, the planning commission should consider, but without limitation, the following factors:
(1) The supply of publicly owned lands to meet public needs; *The proposed amendment to the Land Management Plan and disposal would remove a single lot from public ownership but would also create a 60 foot wide easement which will provide access to large tracts of City property.*
(2) The supply of privately owned lands to meet the private sector needs of the community; *This proposal will allow for the disposal of publicly owned property to a private citizen while securing a 60 foot wide easement for access to City property.*
(3) The need of public agencies and the private sector for natural resources; *The proposed amendment to the Land Management Plan and disposal will enhance access for public agencies and the private sector to natural resources.*
(4) [Reserved];
(5) The comprehensive plan, the long term capital improvements program, and other plans adopted by the assembly; *This proposed disposal and Land Management Plan amendment are in line with the principles outlined in this section and the original intent for the purchasing of this lot. See "Conformity with Adopted Plans" in the Staff Report for case CSP2018 0011 for more detail.*
(6) Restrictions created by written instruments, zoning, and state and federal regulations; *The proposed amendment to the Land Management Plan will not have any affect on changing restrictions created by written instruments, zoning, and state and federal regulations negatively.*
(7) Physical, economic, resource, population and social factors affecting the area under consideration; *Access to the City owned property adjacent to the proposed disposal has limited access, the easement will provide an additional 60 foot wide corridor for accessing the City property.*
(8) Comments of the general public, affected landowners, state and federal agencies, and local advisory groups; *In order to encourage discussion from agencies, advisory groups, and the general public prior*

to moving forward with this disposal and amendment to the Land Management Plan, public notices were sent to neighbors and posted on the site at my request.

(9) Ownership patterns and the disposal and development plans of private landowners and state and federal agencies; *The proposed amendment to the Land Management Plan does not affect ownership patterns and the disposal and development plans of private landowners and state and federal agencies negatively.*

(10) The development and growth patterns and potentials of different areas of the City and Borough; *The proposed amendment to the Land Management Plan and disposal will improve the development potential of the large tracts of City property adjacent to the proposed disposal.*

(11) [Reserved];

(12) The availability of municipal funds to subdivide or develop lands to facilitate disposal for private development and use; *The applicant will be responsible for paying all the surveying and closing costs.*

(13) The requirements of public access to and along public and navigable bodies of water and the need to reserve public transportation corridors and utility corridors; *The proposed amendment to the Land Management Plan and disposal will increase the access width from 30' to 60' and the expanded easement will enhance public transportation corridors and utility corridors to hundreds of acres of City property in the region.*

(14) Other matters which are relevant to a land use management program. *This disposal fits within the original intent for this property because the applicant is willing to grant an easement through the property proposed for disposal, as well as their own private property, securing a 60 foot wide easement for the City.*

53.09.160 - Contents of the plan.

(b) The plan shall be reviewed by the planning commission if a major unanticipated development affecting basic assumptions occurs and in any case at least every ten years. After a public hearing on the plan, the commission may adopt or modify the proposed plan and shall transmit its recommendations to the assembly. *The request to purchase this property from the adjacent neighbor is a major unanticipated development affecting basic assumptions for this lot. It was designated "retain" in order to enhance access options to large tracts of City property The request includes the neighbor granting an easement through their private property and maintaining an easement through the City owned lot which will provide the City with an additional 30 feet of width which, including the City property, equals 60 feet. This is ideal because 60 feet is needed for a right-of-way.*

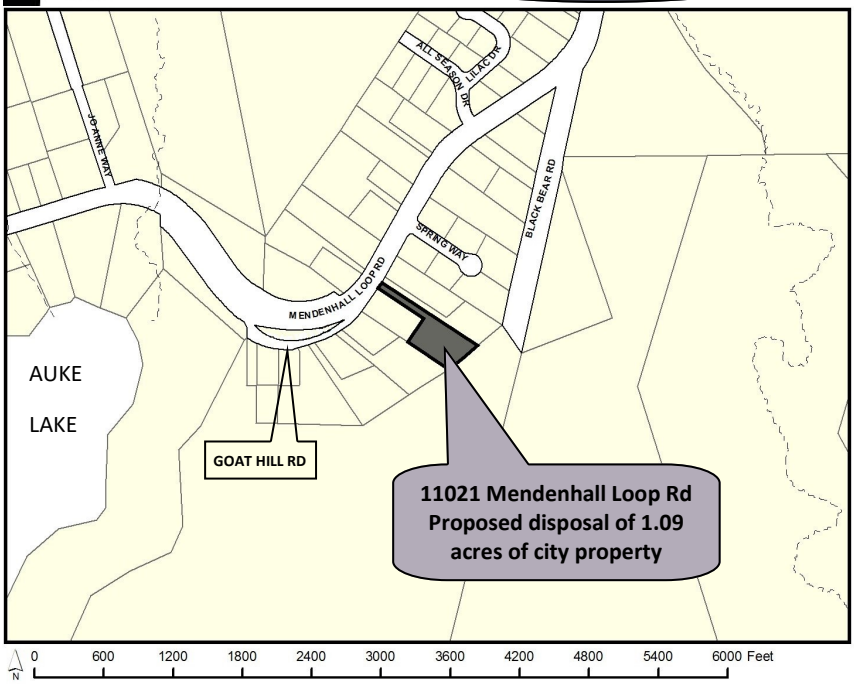
Lands and Resources staff is requesting:

1) The Planning Commission recommend to the Assembly that the Land Management Plan be amended and that the property designation for this parcel be changed from "retain" to "retain/dispose."
2) The Planning Commission recommend to the Assembly that this property be disposed of in a manner that grants the City a 60 foot wide easement through the properties in order to additionally enhance the access options for "Hill 560."

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



CITY AND BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
COMMUNITY DEVELOPMENT
155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **city project review** for **the disposal of 1.09 acres of city property** located at **11031 Mendenhall Loop Road.** If recommended for approval, the request will be sent to the CBJ Assembly for final consideration.

TIMELINE

Staff Report expected to be posted **Monday, November 5,** at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas**
Find hearing results, meeting minutes and more here as well.

Now through 12 noon, Friday, November 9, 2018

Comments received during this period will be shared with the Planner, Teri Camery, as well as sent to the Planning Commissioners to read in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, November 13, 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.

November 14

Results will be posted online, and if recommended for approval, the case will be sent to the CBJ Assembly.

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

Printed October 23, 2018

Case No.: CSP2018 0011
Parcel No.: 4B2601010021
CBJ Parcel Viewer: http://epv.juneau.org

Planning Commission

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

PLANNING COMMISSION
NOTICE OF RECOMMENDATION

Date: November 14, 2018
File No.: CSP2018 0011

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

Proposal:	Planning Commission Recommendation to the City and Borough Assembly for disposal of 1.09 acres of city property and an amendment to the CBJ Land Management Plan 2016 Update.
Property Address:	11031 Mendenhall Loop Road
Legal Description or ROW name:	Bonnie Lot 3
Parcel Code No.:	4B2601010021
Hearing Date:	November 13, 2018

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated November 2, 2018, and recommended that the Assembly approve disposal of 1.09 acres of city property and an amendment to the CBJ Land Management Plan 2016 Update.

Attachments: November 2, 2018 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding CSP2018 0011.

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

Project Planner: _____ _____

Teri Camery, Senior Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

_____ November 19, 2018

Filed With Municipal Clerk

Date

cc: Plan Review

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

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

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

DATE: October 31, 2018

TO: Planning Commission

FROM: Teri Camery, Senior Planner
Community Development Department

FILE NO.: CSP2018 0009

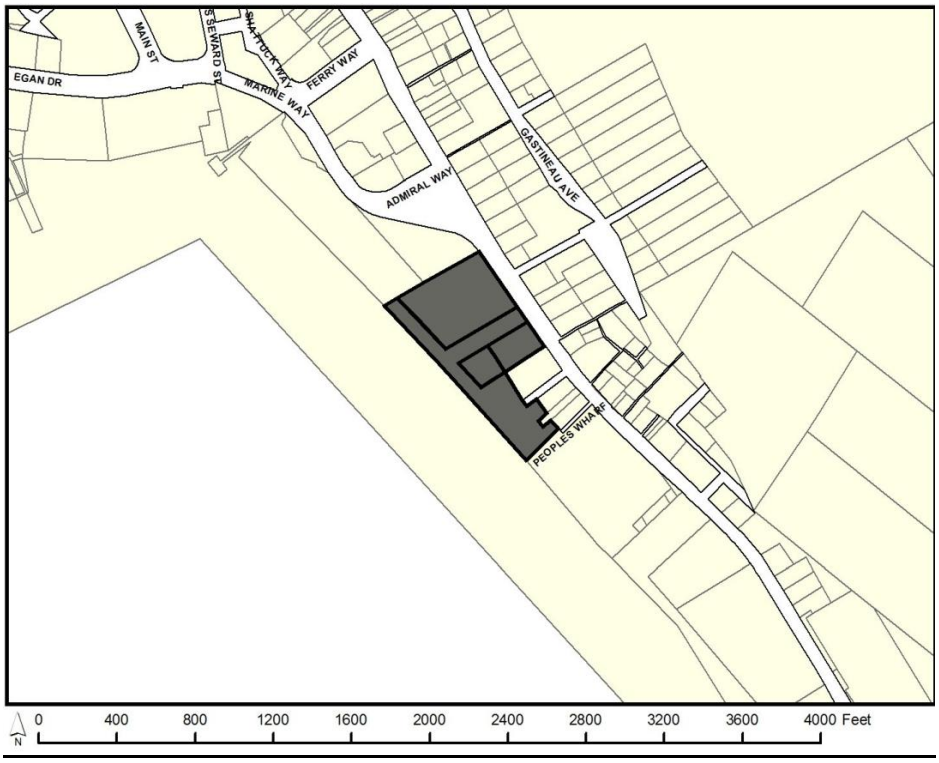
PROPOSAL: A City Project Review for purchase and sale of portions of the Archipelago Property for a coordinated development by Archipelago Properties LLC and CBJ Docks and Harbors

GENERAL INFORMATION

Applicant:	City and Borough of Juneau, Docks & Harbors
Property Owner:	Archipelago Properties LLC and CBJ Docks and Harbors
Property Address:	356 and 388 S. Franklin Street
Legal Description:	Archipelago Lots 1, 2, 3, and 4
Parcel Code Number:	1C070K83003-6; -7; -8; -9
Site Size:	43,508 sq. ft.; 10,305 sq. ft.; 7,267 sq. ft.; 48,265 sq. ft.
Comprehensive Plan Future Land Use Designation:	Marine Commercial
Zoning:	Waterfront Commercial
Utilities:	City Water and Sewer
Access:	South Franklin Street
Existing Land Use:	Vacant

Surrounding Land Use: North – Library and Parking Garage; Waterfront Commercial
South – Retail; Waterfront Commercial
East – Franklin Street; Mixed Use
West – Cruise Ship Dock; Waterfront Commercial

VICINITY MAP



ATTACHMENTS

Attachment 1 Development Permit Application
Attachment 2 City Project Review Application
Attachment 3 Project Narrative
Attachment 4 Property Ownership Diagram
Attachment 5 Site Plans
Attachment 6 Purchase and Sell Diagram
Attachment 7 Appraisal
Attachment 8 Proposed Property Lines
Attachment 9 Planning Process Timeline
Attachment 10 Capital Improvement Program Descriptions

PROPOSAL

The applicant, CBJ Docks and Harbors, proposes purchase and sale of undeveloped property, commonly referred to as the Archipelago Property, adjacent to the downtown library and parking garage.

The purpose of the purchase and sale is to facilitate downtown waterfront improvements through cooperative development by two property owners, CBJ Docks and Harbors and Archipelago Properties LLC (APLLC). Archipelago Property Lots 1 and 2 are owned by APLLC, and lots 3 and 4 are owned by CBJ and managed by Docks and Harbors. Each entity is independently developing their portion of the property, due to public procurement regulations. USE2018 0015/CSP2018 0010, the public portion of the project, is also before the Planning Commission, in addition to FZE2018 0001, a Flood Zone Exception. APLLC development is not yet ready for a Conditional Use Permit application. Review for this portion of the project will take place as a separate Conditional Use Permit in the future.

CBJ Docks and Harbors and APLLC have agreed to a common property line that coincides with the development plan of each entity. A result of the new property line is that some property will be purchased by CBJ from APLLC, and some property will be sold to APLLC. Current property ownership is shown in Attachment 4. A Purchase and Sell diagram is shown in Attachment 6.

An appraisal has been completed of the property which includes both uplands and tidelands (Attachment 7). With the appraised values and the land areas, a preliminary purchase and sale price has been calculated, subject to change. After the final site plan has been determined, the new property line will be surveyed and submitted to CDD as a minor subdivision reviewed and approved by the CDD Director.

CBJ Docks and Harbors and APLLC plan to independently develop their portions of the property. APLLC will generally develop the uplands portion of the property for commercial/retail uses while Docks and Harbors will develop the tidelands portion for a transportation staging area, pedestrian corridor, open space, and covered shelter with restrooms, as addressed in USE2018 0015/CSP2018 0010 currently before the Planning Commission.

BACKGROUND

The subject property is the site of the former Juneau Cold Storage building, which burned in the 1980s. The property has changed ownership a couple of times since then. APLLC purchased the property in 1998. In 2011 and 2013, CBJ purchased the property in increments, as described in the Project Narrative, Attachment 4. The private landowner section of the Archipelago Property has been mostly vacant since APLLC purchased it, however in recent years it has been leased to private businesses for seasonal food and retail uses.

The applicant notes that the proposed development is consistent with the newly completed Marine Park to Taku Dock Urban Design Plan, a long range plan developed for Docks and Harbors property. Attachment 9 includes a detailed timeline of planning efforts, which began in October 2016 and included numerous public meetings and Docks and Harbors board meetings. The CBJ Docks and Harbors Board approved the final plan at the November 30, 2017 board meeting. The Plan was presented to the Assembly Committee of the Whole on December 4, 2017, and to the Planning Commission on March 19, 2018.

ANALYSIS

The Land Use Code, CBJ 49.10.170 (c), *Duties* states:

> *City and borough land acquisitions, disposals and projects. The commission shall review and make recommendations to the assembly on land acquisitions and disposals as prescribed by title 53, or capital improvement project by and City and Borough agency. The report and recommendation of the commission shall be based upon the provisions of this title, the comprehensive plan, and the capital improvements program.*

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

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

Conformity with the Title 49, Land Use Code

The site is zoned Waterfront Commercial. Pending final approval by the Planning Commission of USE20180015/CSP20180010, the proposed use of the Docks and Harbors property has been determined to be compatible with the Waterfront Commercial zoning district and the surrounding neighborhood. The CBJ 49.25.300 Table of Permissible Uses Category 9.600 lists the proposed development as a permissible use within the Waterfront Commercial zoning district with an approved Conditional Use Permit.

CONFORMITY WITH ADOPTED PLANS

2013 Juneau Comprehensive Plan

The 2013 Juneau Comprehensive Plan designates the subject parcel as Marine Commercial, defined as:

> *Land to be used for water-dependent commercial uses such as marinas/boat harbors, marine vessel and equipment sales and repair services, convenience goods and services for commercial and sport fishing, marine recreation and marine tourism activities such as food and beverage services, toilet and bathing facilities, bait and ice shops, small scale fish processing facilities, hotels and motels, and similar goods and services to support mariners and their guests. Float homes, house boats, and live-aboards would be residential uses to be allowed within an MC district.*

The proposed development supports marine tourism amenities substantially consistent with this definition.

Chapter Five, Economic Development, includes the following Policies, Development Guidelines, and Implementing Actions related to the proposed development:

> ***Policy 5.1*** *To develop and sustain a diverse economy, providing opportunities for employment for all residents.*
>
> > ***5.1 1A1.*** *Work with provide-sector industries and businesses and public sector agencies that are interested in locating or expanding within the City and Borough of Juneau, and consider offering land, tax incentives, or other benefits to encourage new development.*
>
> ***Policy 5.5*** *To maintain and strengthen downtown Juneau as a safe, dynamic, and pleasant center for government and legislative activities, public gatherings, cultural and entertainment events, and residential and commercial activities in a manner that complements its rich historic character and building forms.*
>
> > ***5.5 – DG 1.*** *When reviewing applications for new downtown Juneau development, consider the visual impacts on downtown building form, urban design and view corridors, as well as impacts on the livability of downtown with regard to circulation, housing accommodations, air quality, noise and hazard abatement and provision of goods and services, to ensure downtown provides a clean, safe, attractive, dynamic, interesting, enjoyable, walkable, culturally diverse and affordable neighborhood within which to live, work and play.*
> >
> > ***5.5 – DG 2****. Consider the policies, guidelines and development recommendations*

of plans like the CBJ Long Range Waterfront Plan, the Willoughby District Plan, and the Capital Transit Plan when reviewing capital improvement programs and development permits for, or applicable to, the downtown Juneau area.

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 accommodation of the future growth of tourism in a manner that addresses both community and industry concerns.*

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

Policy 5.9 *To facilitate availability of sufficient and suitable water-based facilities and associated land-based acreage to support water-dependent uses, and to work closely with the public and private sectors to facilitate sustainable marine commerce, commercial fishing, seafood processing, recreation, public access to the shoreline, and enjoyment of the waterfront through development of well-designed port facilities.*

Development Guideline 5.9 – DG 1. *Assure public access to the shoreline and water when reviewing development applications.*

Development Guideline 5.9 - DG 2. *To the greatest extent practicable, orient new structures and facilities located on the waterfront in such a way as to preserve views of the water from public roadways and vista points.*

Implementing Action 5.9 - 1A3. *Assist with coordination of cruise ship traffic and commercial fishing operations to minimize conflicts.*

The proposed purchase and sale addresses these policies and actions by utilizing land to provide public open space, transportation staging, pedestrian circulation, public restrooms, and a covered shelter. These features provide tourism amenities, public access to the shoreline, public gathering spaces, and restrooms.

2004 Long Range Waterfront Development Plan

The Long Range Waterfront Development Plan divides the downtown waterfront from the Douglas Bridge to the Little Rock Dump into specific areas with recommendations for future development. The subject property is within Area D, the Franklin Street Corridor. The Plan identifies two options for development in this area, D1 and D2. Option D1 calls for creation of pocket parks, a new visitor information center, cultural facilities, and mixed use redevelopment. Option D2 is similar, except that it calls for city-owned cruise ship docks to be modified to

accommodate larger ships; this option is now complete. The proposed development is generally consistent with both of these options, with public restrooms and shelter amenities, open space, pedestrian walkways, and improved access to the waterfront.

2015 Juneau Economic Development Plan

The 2015 Juneau Economic Development Plan has eight initiatives. Initiative number seven is Revitalize Downtown, which includes an objective to develop a downtown improvement strategy. The proposed development will provide increased tourism and pedestrian amenities and foster a public-private partnership to promote business and increase property tax revenue. The development substantially complies with this plan.

Capital Improvement Program

The development to be conducted on the purchase and sell properties is Project H51-116 in the 2018-2023 Capital Improvement Program, described as "cruise ship uplands staging area" and "downtown restrooms – partial funding to locate/design," funded by marine passenger fees. Page 26 of the program describes these developments in more detail, as shown in Attachment 10. The proposed development conforms with the program.

Habitat

The project site is located in the mapped 'Special Waterfront Area' that runs along the downtown tidelands. The proposed development is a permissible use in this area (CBJ§49.70.960(b)). A special waterfront area is an area that is designated for development and considered to have low habitat value. CBJ Docks and Harbors will obtain all necessary permits from agencies outside of the CBJ.

Flood zone

The property is located within a FEMA-designated Velocity Flood Zone with a base flood elevation of 25 feet. The elevation of the proposed shelter with restrooms is 28 feet, three feet above the base flood elevation. However, the flood regulations prohibit development of structures seaward of the Mean High Tide Line. Docks and Harbors has applied for a Flood Zone Exception (FZE2018 0001) to allow construction of the shelter seaward of the Mean High Tide Line.

PUBLIC COMMENTS

No public comments have been received at the time of writing this.

FINDINGS

Staff finds the sale and purchase of the subject property to be consistent with Title 49 and CBJ adopted plans, specifically the 2013 Juneau Comprehensive Plan, 2004 Long Range Waterfront Plan, 2015 Juneau Economic Development Plan, and Capital Improvement Program.

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.

JUNEAU COMMUNITY DEVELOPMENT

DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant

PROPERTY LOCATION

Physical Address: 356 & 388 S. Franklin Street

Legal Description(s) (Subdivision, Survey, Block, Tract, Lot): Archipelago Lots 1, 2, 3 & 4

Parcel Number(s): 1C070K830036, 0037, 0038 & 0039

☒ This property located in the downtown historic district A portion along S. Franklin

☒ This property located in a mapped hazard area, if so, which Mass wasting

LANDOWNER/ LESSEE

Property Owner: CBJ Docks & Harbors & Archipelago Properties LLC

Contact Person: Gary Gillette

Mailing Address: 155 S. Seward Juneau AK 99801; 725 Broad St. Augusta GA 30901

Phone Number(s): 907-586-0398

E-mail Address: gary.gillette@juneau.org

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

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

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.

B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X _____ Landowner/ Lessee Signature — Date: 6/20/2018

X _____ Landowner/ Lessee Signature — Date: 6/18/18

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"

Applicant: CBJ Docks & Harbors

Contact Person: Gary Gillette

Mailing Address: 155 S. Seward St. Juneau AK 99801

Phone Number(s): 907-586-0398

E-mail Address: gary.gillette@juneau.org

X _____ Applicant's Signature — Date of Application: 16 Aug 18

DEPARTMENT USE ONLY BELOW THIS LINE

Intake Initials	
TC	
Case Number	Date Received
USE18-0015	8/22/18

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

I:\FORMS\PLANFORM\DPA.docx

Updated 2017 – Page 1 of 1

CSP — 2018 0010.

FZE 2018-0001

CSP 2018-0009

Attachment 1 - Development Permit Application

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

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

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

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

To be completed by Applicant

PROJECT SUMMARY

Purchase and sale of portions of the Archipelago Property for a coordinated development by Archipelago Properties LLC (private developer) and CBJ Docks and Harbors (public developer).

TYPE OF PROJECT REVIEW:

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

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

Is this project associated with any other Land Use Permits? ◉ YES Case No.: Not yet assigned ○ NO

Capital Improvement Program # (CIP) H51-116

Local Improvement District # (LID) _____

State Project # _____

ESTIMATED PROJECT COST: $ 2.1M

ALL REQUIRED MATERIALS ATTACHED

- ☑ **Complete application**
- ☑ **Pre-Application notes** (if applicable)
- ☑ **Narrative including:**
  - ☑ Current use of land or building(s)
  - ☑ Proposed use of land or building(s)
  - ☑ How the proposed project complies with the Comprehensive Plan
  - ☑ How the proposed project complies with the Land Use Code (Title 49)
- ☑ **Site Plan** (details on page 2)

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

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

CITY/STATE PROJECT FEES	Fees	Check No.	Receipt	Date
Application Fees	$_____			

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
CSP20180009	8/22/18

Port of Juneau

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

Planning Commission Land Action Review
for
Downtown Waterfront Improvements
Archipelago Property

LAND PURCHASE / SALE NARRATIVE

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

August 16, 2018

INTRODUCTION

The City and Borough of Juneau (CBJ) Docks and Harbors (D&H) proposes improvements to the downtown waterfront consistent with the recently completed *Marine Park to Taku Dock Urban Design Plan (UPD)*[1]. The UPD is a long range plan that features several components that would be completed over time as funding allows. The specific project component subject to this document is the purchase and sale of undeveloped property, commonly referred to as the Archipelago Property, adjacent to the Main Library and Parking Garage.

BACKGROUND

The Archipelago Property is comprised of four lots. Lots 3 and 4 are owned by Archipelago Properties LLC (APLLC). Lots 1 and 2 are owned by CBJ and managed by D&H (see Attachment 1). D&H and APLLC have worked cooperatively in planning an overall project such that each portion of the development complements the other. However, each entity is independently developing their portion. As a result of this approach the existing lots will be reconfigured to accommodate the cooperative development plan.

The APLLC developed portion of the property features commercial/retail uses (see Attachment 2) The D&H project features a transportation staging area; pedestrian circulation; covered shelter with restrooms; and open space (see Attachment 3).

LAND SALE AND PURCHASE

D&H and APLLC have agreed to a common property line that coincides with the development plan of each entity. A result of the new property line is that some property will be purchased by CBJ from APLLC and some property will be sold to APLLC. Preliminary calculations of the area that would be purchased or sold have been determined, subject to minor adjustment as the final design is completed (see Attachment 4).

Horan and Associates, an appraisal firm, has completed an appraisal of the property comprised of two land forms: uplands and tidelands (see Attachment 5). Each type of land form has a different appraised value. With the appraised values and the land areas a preliminary purchase and sale price has been calculated (see Attachment 6). This value is subject to change as the final terms of the purchase and sale agreement are completed and the exact square footage of each land type is determined.

PLANNING COMMISSION REVIEW

The City Code addresses the Planning Commission review of land purchases and sales at Title 49.10.170(c) Duties and at 23.09.26000(b) and (c) Sales, leases, and exchanges... Generally the Planning Commission is asked to review land exchanges (purchases or sales) for compliance with the Comprehensive Plan and the Capital Improvement Plan.

---

1 http://www.juneau.org/harbors/documents/MarineParktoTakuDockUrbanDesignPlanwithAppendixFINALFeb26.pdf

Current Use of Property

The subject property historically featured the Juneau Cold Storage Building which burned in the 1980's. The property has changed hands a couple times since the loss of the cold storage. APLLC purchased the property in December 1998.

In December 2011, CBJ purchased a 5 foot wide by 300 foot long strip of the Archipelago Property along South Franklin Street in order to widen the sidewalk in this heavily used corridor. The overall property featured a 25 foot wide floating public access easement from South Franklin Street to the dock. In August 2013, the city purchased the 25 foot wide floating easement plus an additional 25 feet to provide a 50 foot wide pedestrian link and service access to potential development of the adjacent parcels. In September 2013, the city purchased Lot 3. At the time this parcel was identified for public restrooms and an enhanced USS Juneau Memorial. The recent UPD moved these features to another location near the Visitor's Center to accommodate the transportation staging area.

The Archipelago Property has been primarily vacant since APLLC purchased it but in recent years has been leased to private parties for temporary seasonal food and retail uses.

Proposed Use of Property

As mentioned above, the two owners of the Archipelago Property plan to independently develop their portions of the property. APLLC will generally develop the uplands portion of the property for commercial/retail uses while D&H will develop primarily tidelands portion for uses serving the needs for visitors arriving by cruise ships. The property lines will be adjusted resulting in a purchase and sales agreement between CBJ and APLLC. The purchase and sale of the property will be reviewed by the Planning Commission in a separate application.

The D&H portion of the property that is subject of this CUP and CSP will be developed for transportation staging of twelve vehicles serving the cruise ships that tie up at the adjacent floating berths; pedestrian circulation linking South Franklin Street to the dock; open space; and a covered shelter with restrooms.

Compliance with the Comprehensive Plan

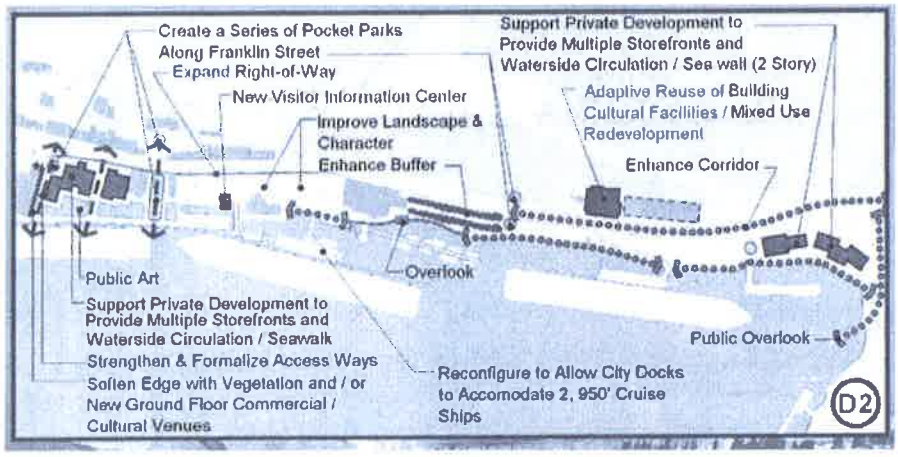
The proposed development of the Archipelago Property is in general compliance with Policy 5.6 of the current Comprehensive Plan[2] (updated 2013). The public open space, transportation staging, pedestrian circulation; public restrooms; and covered shelter are necessary upland elements associated with the newly constructed cruise ship berths. The new berths accommodate larger ships with greater capacity thus the need for upland facilities to provide safe and efficient transfer of people from the ship to the community and the transportation network that connects various tourist related venues in other parts of Juneau.

In 2004 Ordinance 2004-40 amended the Comprehensive Plan by adopting the Long Range Waterfront Plan (LRWP). The LRWP divided the downtown waterfront from the Douglas Bridge to

[2] 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 Accommodation of the Future Growth of Tourism in a Manner that Addresses Both Community and Industry Concerns.

the Little Rock Dump into areas, each with specific recommendations for future development that ultimately would create a vibrant waterfront. The new cruise ship berths and adjacent uplands, including the Archipelago Property, are contained in Area D of the LRWP. The LRWP identified two options for development in this area with the difference being that Option D2 called for the city owned cruise ship docks to be modified to accommodate larger ships which is now complete.

The proposed development of the Archipelago Property is generally consistent with the intent of the LRWP Option D2. The private developer plans to provide multiple storefronts on the uplands portion of the property whereas D&H plans to provide improved pedestrian and vehicular circulation as well as organized open space. The private and public development will provide significant improvements for access from South Franklin Street to the Seawalk and vice versa.



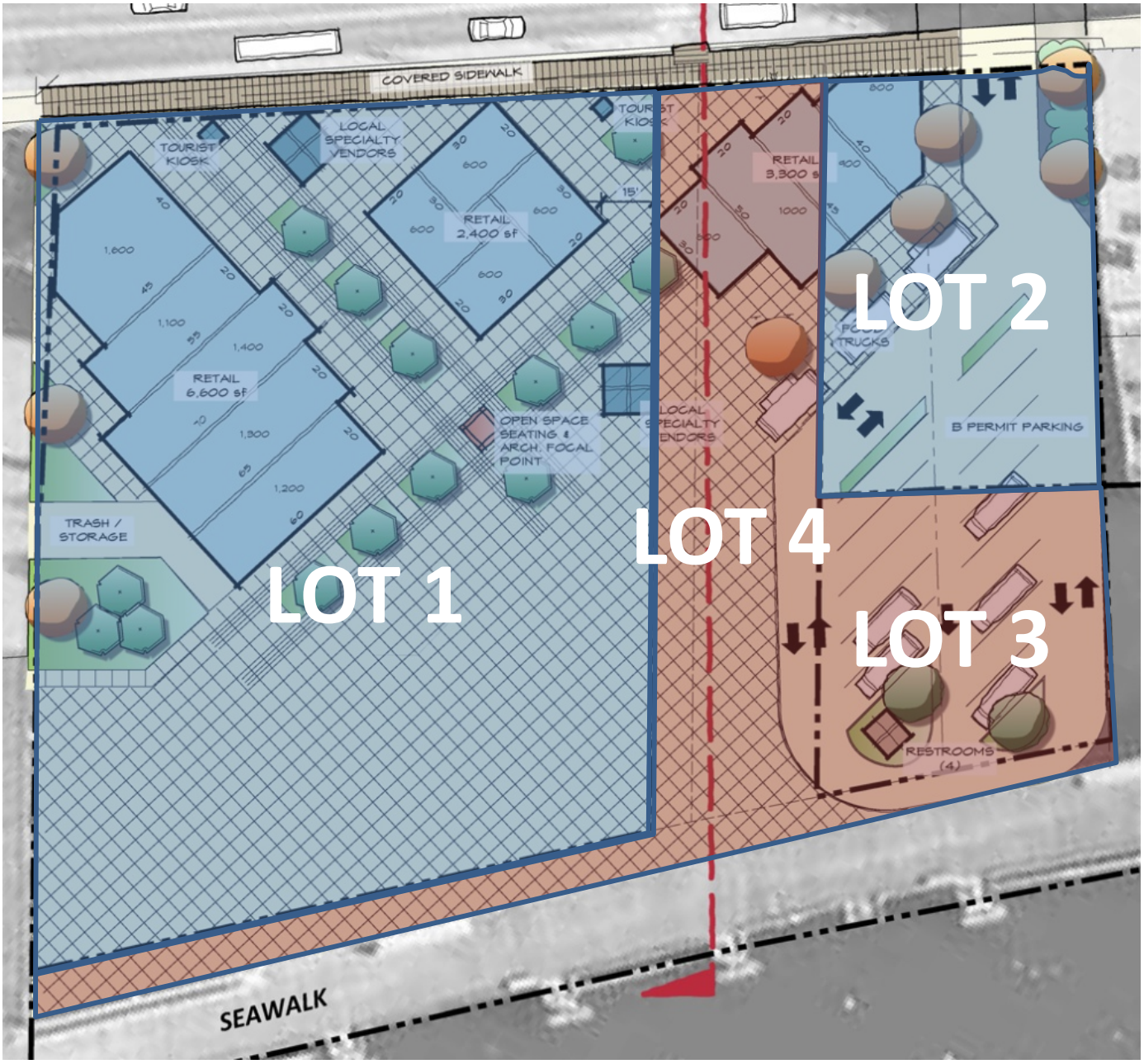
Compliance with the Capital Improvement Plan – The CBJ Capital Improvement Plan (CIP)[3] references this project as Archipelago Property (Acquisition/Development) under Docks projects for future years. Significant events occurred that have moved this project to the current year. These include the interest of the private entity (APLLC) to participate in the overall planning and development of the property and the projection of a substantial increase in numbers of cruise ship passengers arriving in Juneau.

Given these events the timeline of the project has been accelerated. The Assembly has directed D&H to proceed with permitting, final design and preparation of bid documents for the project. In addition they have approved a transfer of $3.3M from the balance of the cruise berth project to be spent on proceeding with the project. The Assembly Finance Committee will be reviewing the overall financial plan to fund the project in coming weeks.

PROPERTY LOT LINE ADJUSTMENT

As mentioned above the current configuration of the Archipelago Property consists of four parcels; two owned by the CBJ and two by APLLC. The owners have agreed to a new property line that will require formalization through a platting process (see Attachment 7). Once the final site plan is determined the new property line will be surveyed and submitted to CDD for a lot line adjustment. The CDD process for this action is handled as minor subdivision reviewed and approved by the CDD Director. After the Director accepts the plat it would be recorded with the State of Alaska.

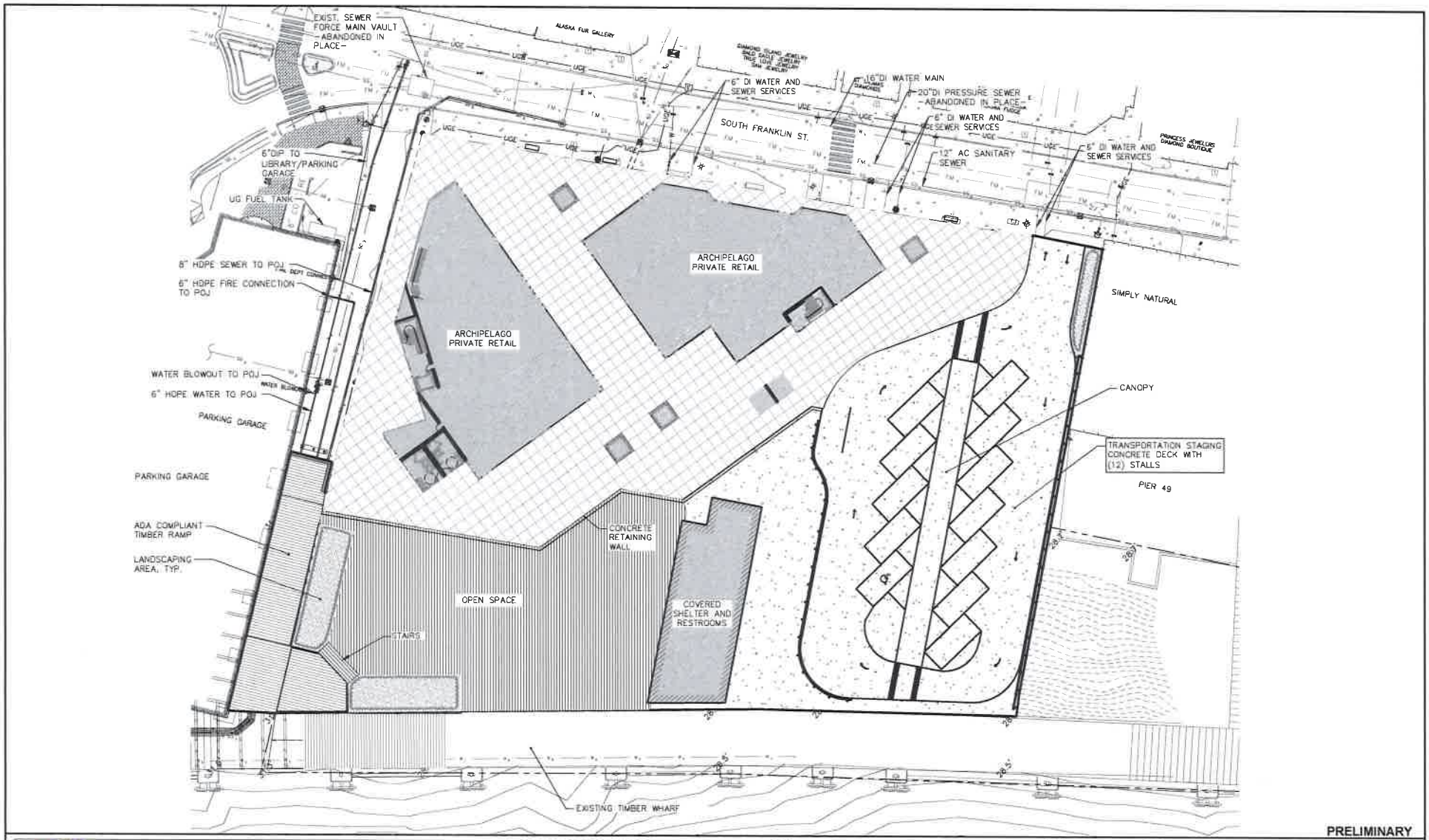
[3] http://www.juneau.org/engineering_ftp/CIP/documents/CIP_FY2019-2024-Final.pdf



PROPERTY OWNERSHIP

- Archipelago Properties LLC
- CBJ Docks and Harbors

Attachment 4 - Property Ownership Diagram



PRELIMINARY

REVISIONS

REV.	DATE	DESCRIPTION	DWN.	CKD.	APP.

PND ENGINEERS, INC.

9360 Glacier Highway Suite 100
Juneau, Alaska 99801
Phone: 907-586-2093
Fax: 907-586-2099
www.pndengineers.com

DESIGN: PND CHECKED: CRS
DRAWN: PND APPROVED: CRS

SCALE: SCALE IN FEET 0 20 40 FT.

DATE: AUG. 08, 2018

DOWNTOWN WATERFRONT IMPROVEMENTS
CITY AND BOROUGH OF JUNEAU

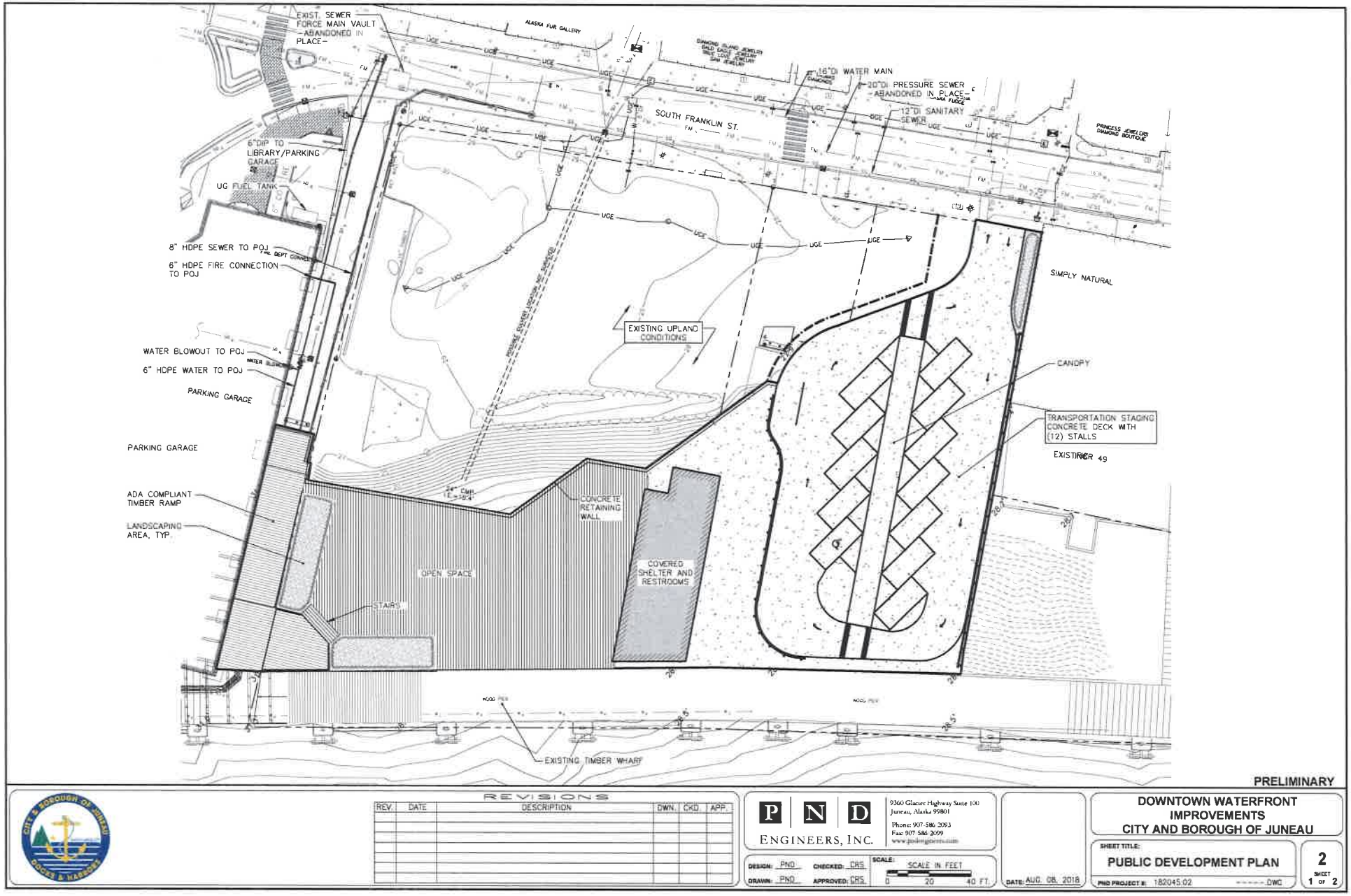
SHEET TITLE:
COMBINED PUBLIC AND PRIVATE DEVELOPMENT PLAN

PND PROJECT #: 182045.02 ------ DWG

SHEET 1 OF 2

1

Attachment 5 - Site Plans



REVISIONS

REV.	DATE	DESCRIPTION	DWN.	CKD.	APP.

PND ENGINEERS, INC.
9360 Glacier Highway Suite 100
Juneau, Alaska 99801
Phone: 907-586-2093
Fax: 907-586-2099
www.pndengineers.com

DESIGN: PND CHECKED: CRS
DRAWN: PND APPROVED: CRS
SCALE: SCALE IN FEET 0 20 40 FT.
DATE: AUG. 08, 2018

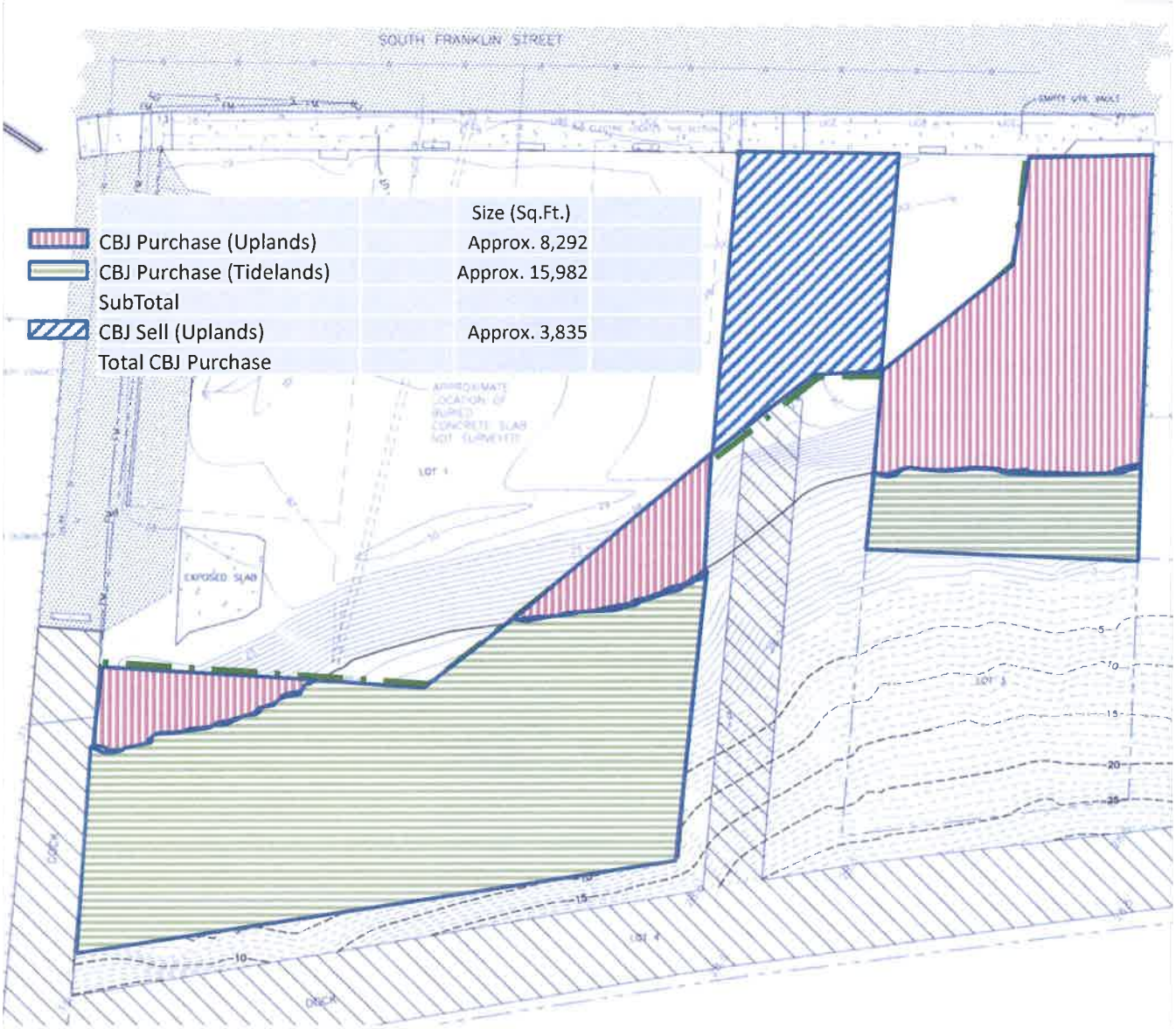
DOWNTOWN WATERFRONT IMPROVEMENTS
CITY AND BOROUGH OF JUNEAU

SHEET TITLE: PUBLIC DEVELOPMENT PLAN

PND PROJECT #: 182045.02 ------ DWG

SHEET 2 OF 2

Attachment 5 - Site Plans



Attachment 6 - Purchase & Sell Diagram

SQUARE FOOT VALUE CONSULTATION
TO ASSIST IN EXCHANGE CONFIGURATION
ARCHIPELAGO SITE
356 SOUTH FRANKLIN STREET
JUNEAU, ALASKA

PREPARED FOR: Carl J. Uchytil, PE, Port Director
City and Borough of Juneau Docks and Harbors
155 South Seward Street
Juneau, Alaska 99801

PREPARED BY: Charles E. Horan, MAI
HORAN & COMPANY, LLC
403 Lincoln Street, Suite 210
Sitka, Alaska 99835

EFFECTIVE DATE: December 4, 2017

REPORT DATE: January 11, 2018

OUR FILE #: 17-142

HORAN & COMPANY

REAL ESTATE APPRAISERS/CONSULTANTS
CHARLES E. HORAN, MAI / WILLIAM G. FERGUSON,
JOSHUA C. HORAN, AND SLATER FERGUSON
403 LINCOLN STREET, SUITE 210, SITKA, ALASKA 99835
PHONE NUMBER: (907)747-6666 FAX NUMBER (907)747-7417 commercial@horanappraisals.com

January 11, 2018

Carl J. Uchytil, PE, Port Director
City and Borough of Juneau Docks and Harbors
155 South Seward Street
Juneau, Alaska 99801 Sent via email to: carl_uchytil@juneau.org

Re: Square Foot Value Consultation to Assist in Exchange Configuration, Archipelago Site, 356 South Franklin Street, Juneau, Alaska,
Our File #17-142

Dear Mr. Uchytil:

At your request, I completed an appraisal analysis of the average square foot value of the uplands and seaward tidelands for the above referenced site which comprises a hypothetical larger area, disregarding improvements, title encumbrances, size and ownership. The subject area encompasses Lots 1 and 2 owned by Archipelago Properties, LLC, controlled by Morris Communications (Morris), and Lot 3 and a portion of Lot 4, currently owned by CBJ Docks and Harbors (CBJ), all within the Archipelago Subdivision plat 2013-22.

The CBJ and Morris wish to negotiate a reconfiguration of these lands for their mutual benefit and possible redevelopment. No formal land trade agreement is in place, but the parties wish to initiate the process for a possible planned development. For the purpose of this planning, the parties wish to have the property lines ignored. The final reconfiguration will be determined at the end of the process and is not yet known.

The described uplands and tidelands components evaluated have different physical or locational characteristics relative to South Franklin Street and the Seawalk as further detailed in this report. Based on our study of market trends in the area and considering the purpose and intended use of this valuation we have concluded that the hypothetical fee simple value as of December 4, 2017 is as follows

Uplands	$275/SF
Tidelands	$ 55/SF.

As outlined in the attached appraisal analysis, these values are based on a blend of market influences from the differing characteristics of the site. These values, as variously applied during the negotiations, may or may not represent the market value of the existing configuration or future configuration. If the hypothetical condition or extraordinary assumptions as outlined in this report and summarized in Section 1.7 are changed, this could impact the estimate of market value.

The attached report includes the Assumptions and Limiting Conditions, Certification of Appraisal, Definitions, and the most pertinent data considered and analyses used in arriving at a final conclusion.

Thank you for this opportunity to be of service. If you have any questions or comments, please feel free to contact me.

Respectfully Submitted,

Charles E. Horan, MAI AA41
HORAN & COMPANY, LLC

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CERTIFICATION OF APPRAISAL

I certify that, to the best of my knowledge and belief: -

- The statements of fact contained in this report are true and correct.

- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.

- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

- My engagement in this assignment was not contingent upon developing or reporting predetermined results.

- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.

- The use of this report is subject to the requirements of the Appraisal Institute relating to the review by its duly authorized representatives.

- I have made a personal inspection of the property that is the subject of this report.

- No one provided significant aid in the development process.

- I have not performed any services regarding the subject property, as an appraiser or in any other capacity, within the three year period immediately preceding acceptance of this assignment.

- As of the date of this report, Charles Horan has completed the continuing education program for Designated Members of the Appraisal Institute.

Charles Horan, MAI
APRG 41

December 4, 2017
Inspection and Effective Date of Appraisal

January 11, 2018
Date of Report

1 INTRODUCTION

1.1 PROPERTY IDENTIFICATION

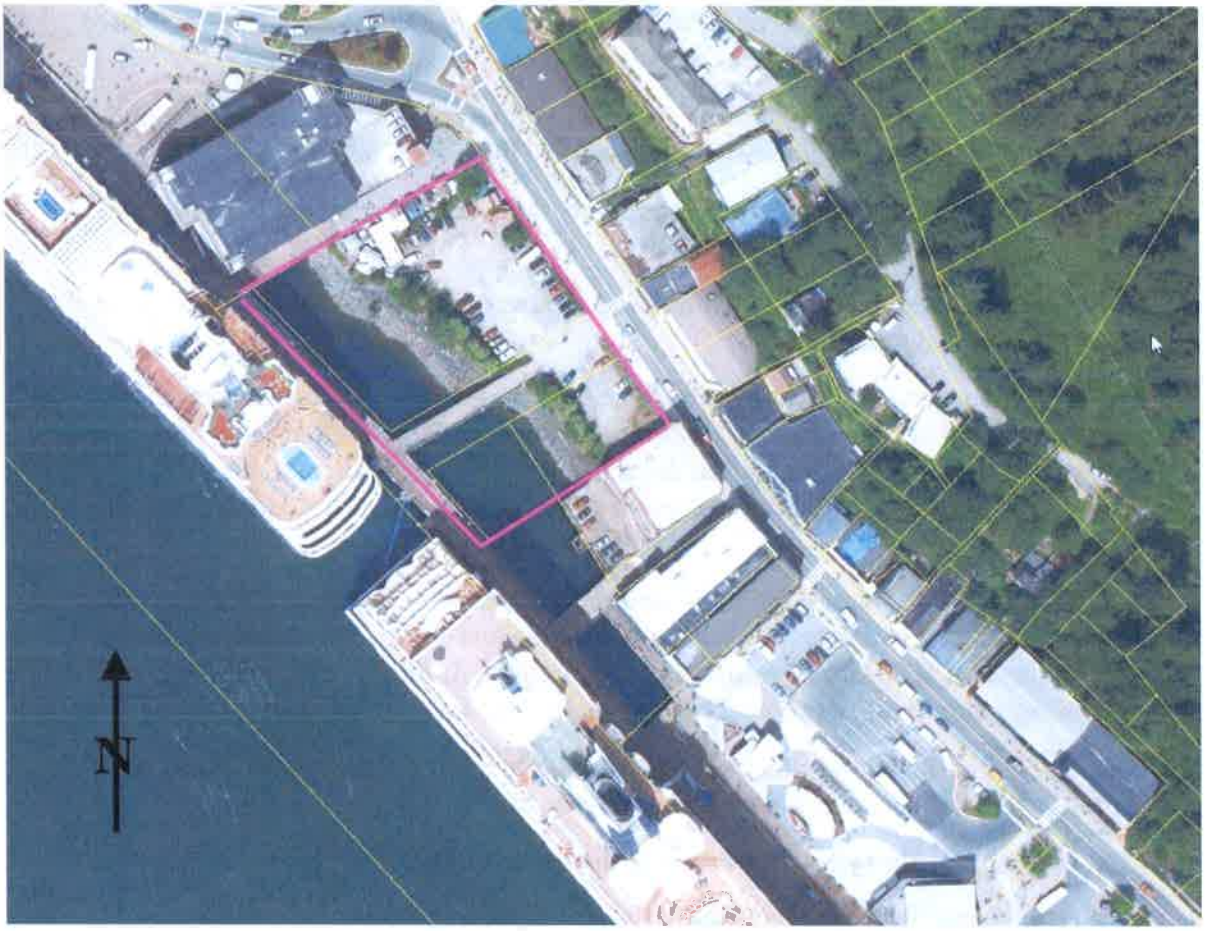


FIGURE 1.1 - LOCATION OF SUBJECT SITE BETWEEN SOUTH FRANKLIN STREET AND THE SEAWALK. NOTE THIS PHOTO OVERLAY IS OUT DATED (2013) AS THE CRUISE SHIP DOCKS HAVE BEEN EXTENDED SEAWARD.

Location

The appraisal involves a large undeveloped area between 356 South Franklin St and 388 South Franklin St, in downtown Juneau, Alaska; between the CBJ parking structure-Library to the north and the Pacific Pier Building (Pier 49 Building) to the south. These lands are in the heart of the Juneau cruise ship pedestrian retail corridor. This block of land extends from South Franklin Street southwest to the Seawalk. See Figure 1.1

Identifying Legal Description

The subject as appraised addresses lands within a hypothetical larger area disregarding improvements, title encumbrances and size. The subject area encompasses Lots 1 and 2 owned by Archipelago Properties, LLC, controlled by Morris Communications (Morris), and Lot 3 and a portion of Lot 4 currently owned by CBJ Docks and Harbors (CBJ), all within the Archipelago Subdivision plat 2013-22.

1.2 BACKGROUND

The two parties owning these adjacent lands; CBJ owning Lot 3 and a portion of Lot 4, and Morris owning Lots 1 and 2 wish to negotiate a reconfiguration of these lands for their mutual benefit and possible redevelopment. No formal land trade agreement is in place, but the parties wish to initiate the process for a possible planned development. For the purpose of this planning the parties wish to have the property lines ignored. The final reconfiguration will be determined at the end of the process and is not yet known. Conceptually it may look something like Figure 1.2 below, but could also change significantly.

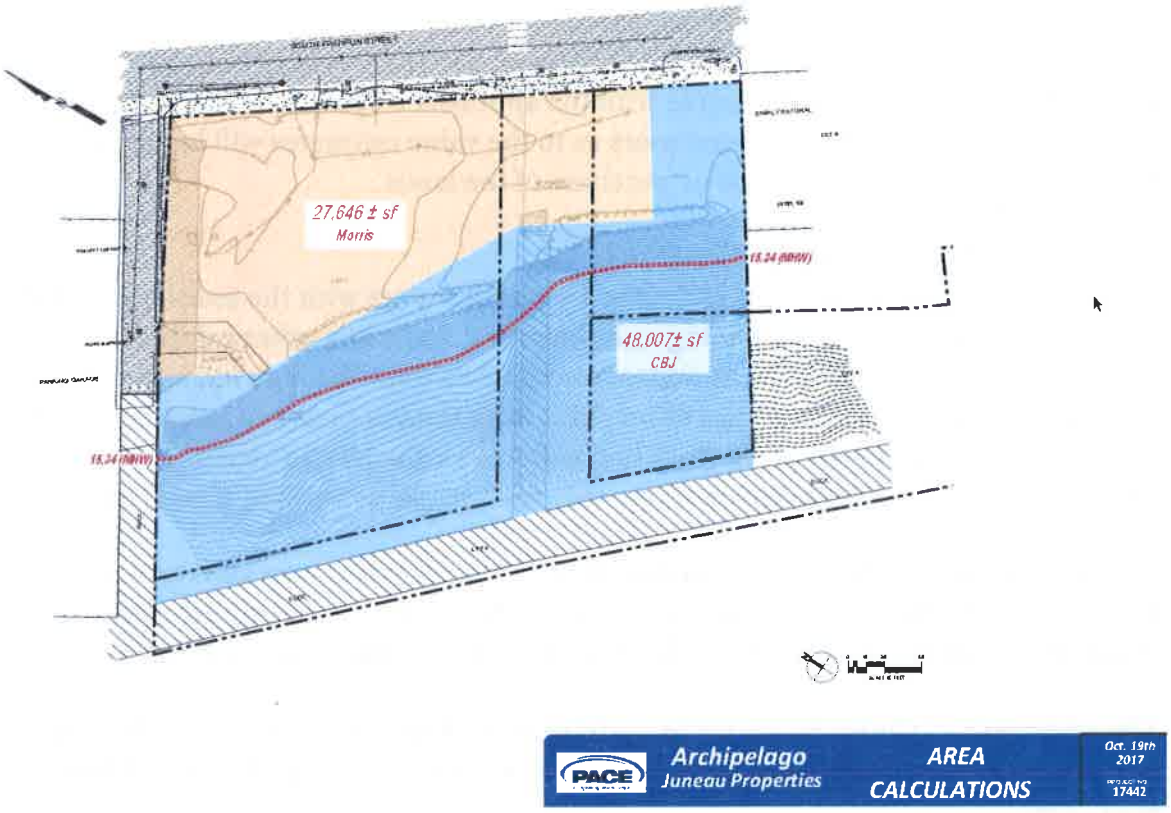


FIGURE 1.2 - CONCEPT EXCHANGE MAP SHOWING LOT LINES, TOPOGRAPHY, AND MEAN HIGH WATER (MHW) LINE SEPARATING UPLANDS AND TIDELANDS.

In order to proceed with the negotiations the parties desire to get a preliminary unit value of the various land characteristics based on certain specific assumptions

1.3 PURPOSE OF APPRAISAL

The purpose of the appraisal is to estimate the market value per square foot of two hypothetical parcels of land located in the subject property. The parcels to be appraised are an upland parcel and a tideland parcel. The parcels are to be appraised as undeveloped land without building improvements or current easement constraints.

The parties acknowledge that these values, as variously applied during the negotiations, may or may not represent the market value of the existing configuration or future configuration. If the hypothetical condition or extraordinary assumptions are changed, this could impact the estimate of market value.

1.4 INTENDED USERS AND INTENDED USE

The client is the City and Borough of Juneau. The intended users are the City and Borough of Juneau and the owner, Archipelago Properties, LLC (Morris).

The intended use of the appraisal, that is the square foot values, is as a basis for calculating a potential land exchange, purchase or sale of portions of the subject properties. Archipelago Properties, LLC (Morris) and the City and Borough of Juneau reserve the right to agree or disagree with the appraiser's opinions of value. Only if there is agreement between the intended users as to the value estimates will be they be used as the basis for an exchange, sale or purchase of the lands.

1.5 SCOPE OF THE APPRAISAL

The character of the property is estimated by the appraiser with the assistance of CBJ-GIS maps, documents, aerial photography, surveys, maps and other exhibits made available to the appraiser. The appraiser also made a walk-through inspection of the subject December 4, 2017 and has observed it from time to time as a neighborhood feature during routine appraisal work in the area over the last 30 years. The site allocation estimates are approximations only and should be verified if need be.

Primary reliance has been made on a price per SF basis based on a variety of market transactions. These include land sales, capitalized land leases and adjustments to improved properties to indicate the land value contribution of particular sales.

The appraisal concludes SF values by certain areas of site value characteristics and location within the larger land area. The value of the entire property has not been estimated.

In order to identify transactions of competitive properties, the appraiser obtained comparable information through interviews with knowledgeable participants in the real estate market such as existing land owners, the city, lenders, brokers, state recorder's office, and others who are familiar with the Juneau real estate market. After finding transfers of property that might be comparable, we attempted to contact the buyer, seller, or other parties knowledgeable of the transaction to determine the details of sale and physical characteristics of the site.

1.6 EFFECTIVE DATE OF APPRAISAL

The property was inspected December 4, 2017 by Charles Horan, MAI Appraiser, with Allen Grinalds of Morris Communications on December 4, 2017, the effective date of the appraisal.

1.7 ASSUMPTIONS AND LIMITING CONDITIONS

Given the intended use and users of the appraisal, our analysis and the concluded SF values are subject to certain hypothetical conditions (HC) and extraordinary assumptions (EA) as follows.

Hypothetical Condition (HC)

HC 1. The property rights appraised are the fee simple interest. The existing easements are ignored.

HC 2. The parcels are to be appraised as two parcels of undeveloped land, one being upland in character and one being tideland in character.

Extraordinary Assumptions

EA 1. The parcels are economic units that are not impaired by size or shape.

EA 2. The upland parcel has frontage on the 300 Block of South Franklin Street near road grade.

EA 3. The upland parcel has suitable soil conditions so that extraordinary piling costs are not necessary to support typical buildings found in the 300/400 Blocks of South Franklin Street.

EA 4. The sloping tideland and submerged parcel may require a piling foundation for development at a cost not to exceed $150 per square foot.

EA 5. All utility services are available to the parcels.

EA 6. The tideland parcel has frontage on the Seawalk.

This appraisal report and valuation contained herein are also expressly subject to the additional following assumptions and/or conditions:

1. It is assumed the data, maps and descriptive data furnished by the client or his representative are accurate and correct. Photos, sketches, maps, and drawings in this appraisal report are for visualizing the property only and are not to be relied upon for any other use. They may not be to scale.

2. The valuations are based on information and data from sources believed reliable, correct and accurately reported. No responsibility is assumed for false data provided by others.

3. No responsibility is assumed for building permits, zone changes, engineering or any other services or duty connected with legally utilizing the subject property. No responsibility is assumed for matters legal in character or nature. No opinion is rendered as to title, which is assumed to be good and marketable. All existing liens, encumbrances, and assessments have been disregarded, unless otherwise noted, and the property is appraised as though free and clear, having responsible ownership and competent management. It is assumed that the title to the property is marketable. No investigation to this fact has been made by the appraiser.

4. The property described herein has been examined exclusively for the purpose of identification and description of the real property. The objective of our data collection is to develop an opinion of the highest and best use of the subject property and make meaningful comparisons in the valuation of the property. The appraiser's observations and reporting of the subject improvements are for the appraisal process and valuation purposes only and should not be considered as a warranty of any component of the property.

5. This appraisal report may or may not note any significant adverse conditions (such as needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) discovered during the data collection process in performing the appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and make no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an

expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.

6. The appraiser obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable public and/or private sources that the appraiser believe to be true and correct. It is assumed that no conditions existed that were undiscoverable through normal diligent investigation which would affect the use and value of the property. No engineering report was made by or provided to the appraiser.

7. The Client is the party or parties who engage an appraiser (by employment contract) in a specific assignment. A party receiving a copy of this report from the client does not, as a consequence, become a party to the appraiser-client relationship. Any person who receives a copy of this appraisal report as a consequence of disclosure requirements that apply to an appraiser's client, does not become an intended user of this report unless the client specifically identified them at the time of the assignment. The appraiser's written consent and approval must be obtained before this appraisal report can be conveyed by anyone to the public through advertising, public relations, news, sales, and other media.

8. The appraisal report may not be properly understood without access to the entire report. The appraisal is to be considered in its entirety, the use of only a portion thereof will render the appraisal invalid.

9. If this valuation conclusion is subject to satisfactory completion, repairs, or alterations, it is assumed that the improvements will be completed competently and without signification deviation.

10. Any distribution of the valuation in the report between land, improvements, and personal property applies only under the existing program of utilization. The separate valuations for land, building, and chattel must not be used in conjunction with any other appraisal and is invalid if so used.

11. One (or more) of the signatories of this appraisal report is a member or associate member of the Appraisal Institute. The bylaws and regulations of the Institute require each member and candidate to control the use and distribution of each appraisal report signed by such member or candidate. Therefore, except as hereinafter provided, the party for whom this appraisal report was prepared may distribute copies of this appraisal report in its entirety to such third parties as selected by the party for whom this appraisal report was prepared; however, selected portions of this appraisal report shall not be given to third parties without the prior written consent of the signatories of this appraisal report.

Further, neither all nor any part of this appraisal report shall be disseminated to the general public by the use of advertising media, public relations media, news media, sales media or other media for public communication without the prior written consent of signatories of this appraisal report.

12. The appraiser shall not be required to give testimony or appear in court by reason of this appraisal with reference to the property described herein unless prior arrangements have been made.

1.8 TERMINOLOGY

Market Value

The definition of Market Value to be used in the appraisal is as follows: "The price in (terms of) money that the property could be sold for on the open market under fair conditions between an owner willing to sell and a buyer willing to buy, with a reasonable time allowed to find a purchaser. State v. 7.026 Acres, Sup. St. Op. No.601, 466 P2d 364, 365; (1970)." The opinion further reads, in part: "The highest and most profitable use for which the property is adaptable is to be considered, to the extent that the prospect of demand for such use affects the market value while the property is privately held. Fair Market value is normally based on the parcel's fee simple value"

The Dictionary of Real Estate Appraisal, 5th Edition, Appraisal Institute, Page 78

Hypothetical Condition

That which is contrary to what exists but is supposed for the purpose of analysis. Hypothetical conditions assume conditions contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis.

(USPAP, 2010-2011 ed.) *The Dictionary of Real Estate Appraisal,* 5th Edition, Appraisal Institute, Page 97

Extraordinary Assumption

An assumption, directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property such as market conditions or trends; or about the integrity of data used in an analysis.

(USPAP, 2010-2011 ed.) *The Dictionary of Real Estate Appraisal,* 5th Edition, Appraisal Institute, Pages 73

2 MARKET AND AREA ANALYSIS

2.1 JUNEAU AREA ANALYSIS

Overall Market

The demand for real property is driven by population, which is in large part driven by employment.

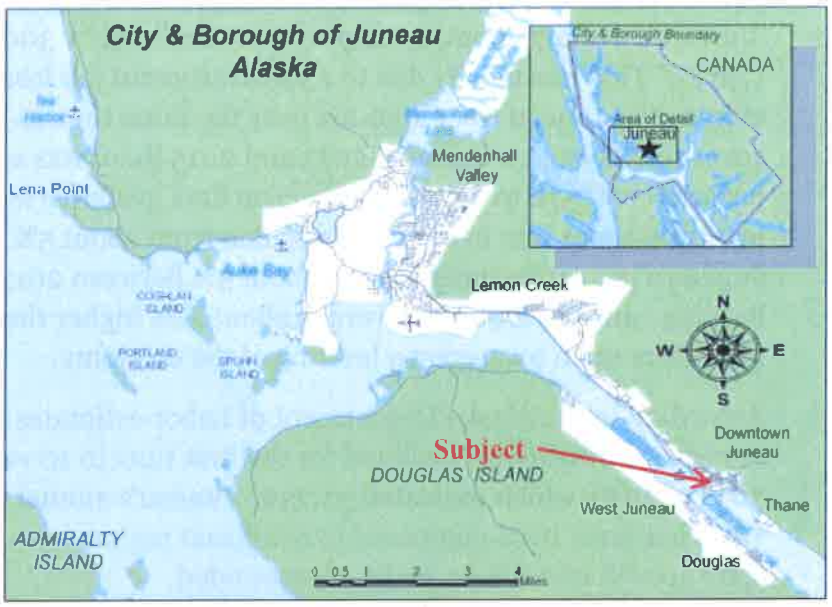


FIGURE 2.1 – JUNEAU LOCATION MAP

The Juneau economy is primarily driven by the government. 38% of all jobs and 46% of all wages in Juneau are Federal, State or Tribal Government, based on the Juneau Economic Development Council (JEDC) 2017 report on the 2016 numbers. This shows a decline from prior years, when 40% of all jobs and 50% of wages were in the combined government sector. The private sector has been growing, but remains flat from 2015 to 2016. Despite continued cuts in state employment, Juneau's economy shows resilience due to diversifying elements such as

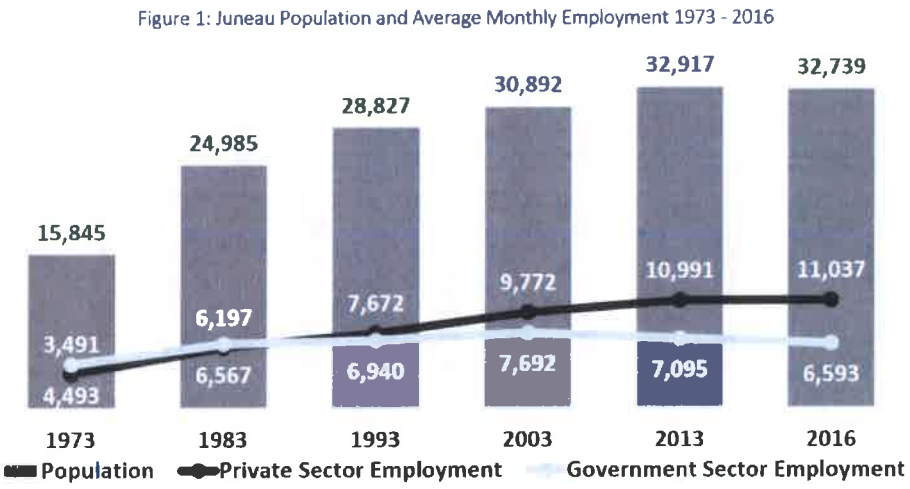


FIGURE 2.2 - POPULATION AND AVERAGE MONTHLY EMPLOYMENT FOR JUNEAU, PUBLISHED BY THE JUNEAU ECONOMIC DEVELOPMENT COUNCIL, SEPTEMBER 2017 REPORT PAGE 4.

tourism, mining (Greens Creek and Kensington), and regional and local health care. The seafood industry had an off year but this is relatively cyclical.

The Juneau and Southeast Alaska Economic Indicators September 2017, released by the Juneau Economic Development Council (JEDC-2017), indicates that from 2016 "Juneau's average monthly employment declined by 300, from 17,930 in 2015 to 17,630." This was mostly due to 239 government job losses. Despite these losses, earnings in Juneau went up 0.2% over the same time as a result of increased annual government wages. Between 2013 and 2015 there was a rise in self employment by sole proprietors (2572 to 2773). There is no data available for the more recent years. The unemployment rate in Juneau has fallen from about 5% to 4.5% from 2013 to 2017. Juneau's per capita income grew about 5% between 2013 and 2015, but appears to be leveling. Juneau is still on average about 12% higher than the state average. These indicators seem to suggest a leveling of the economy.

According to the Alaska Department of Labor estimates included in JEDC's report, Juneau's **population** declined for the first time in 10 years, dropping almost 400 from 2015 to 2016, which indicated 32,739. Juneau's annual growth rate over the past 10 years has been 0.1% compared to southeast regional growth of 0.3% and the overall state growth of 0.8% annually compounded.

2.2 JUNEAU CRUISE SHIP PASSENGER TRENDS

Juneau's downtown waterfront has developed over the past several decades in response to the increasing cruise ship tourism to the area. The volume has increased over time from a low in 2010 of 878,000 passengers, topping 1,036,000 for the 2017 season as indicated by Figure 2.4, Cruise Ship Passenger Visitation Numbers.

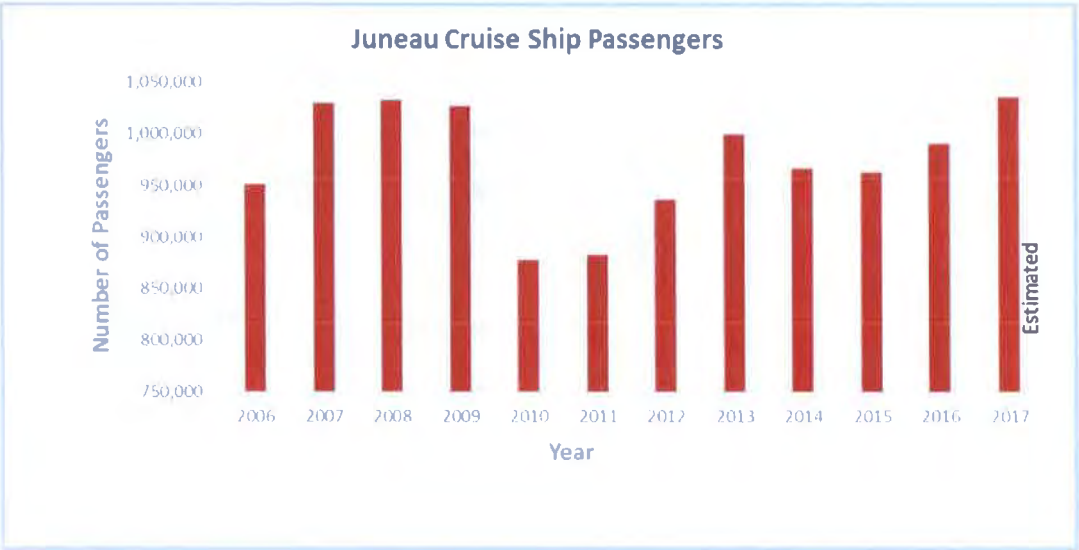


FIGURE 2.3 – JUNEAU CRUISE SHIP PASSENGER VISITATION 2006 THROUGH 2017.

FIGURE 2.4 - A CONCEPTUAL SITE PLAN FROM A COMMUNITY PRESENTATION SHOWING EXISTING NEIGHBORHOOD FEATURES, THE POSITION OF TWO NEW CRUISE SHIP DOCKS, WHERE PASSENGERS ENTER THE SEAWALK, AND THE SOUTH FRANKLIN STREET TOURIST RETAIL AREA.

This growth has been accommodated by the expansion of cruise ship berths along Juneau Harbor to accommodate larger Panamax class vessels. The new south berth opened for the 2016 season just south of the subject and the new north berth opened for the 2017 season just north of the subject as indicated in Figure 2.4.

2.3 SOUTH FRANKLIN RETAIL

The retail core area is along South Franklin Street, with primary retail activity closer to the city docks where more passengers are concentrated in the drop off and pickup areas.

Overall retail spending in the area has increased to coincide with the increased visitation from cruise ships. According to the Juneau Economic Development Council's last published indicators in 2017 the Gross Business Sales by Tourist-Related Businesses have steadily grown since 2010. See Figure 2.5 which reflects selective business sales that would most impact retail in the immediate area.

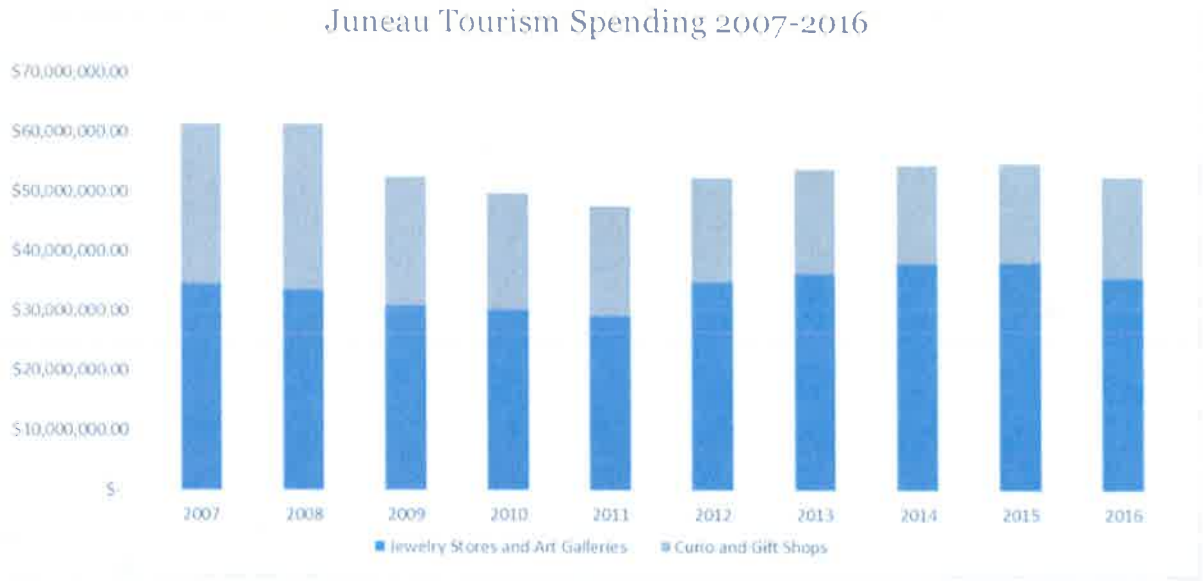


FIGURE 2.5 –JUNEAU TOURIST SPENDING 2007-2016. SOURCE: JUNEAU SALES TAX OFFICE. COMPILED BY: HORAN & CO

The demand for shore-side retail locations in this area is highest in the 300 and 400 block of South Franklin and tends to trail off to the north in the 200 block of South Franklin Street. Demand for retail space appears to stop at the Taku Smokery Building in the 500 block.

Rents had trended upwards in the early parts of 2000, peaking out when the ship traffic stalled after 2009. They have gradually increased and are stabilizing for most properties. It appears that small jewelry shops have a higher SF rent than larger general tourist oriented retail shops. There have been very few property sales, but this rental trend suggests that sale value indicators of the last several years would be relatively stable.

A current updated rent survey of the prime competitive area to the subject between the 200 block and 500 block of South Franklin (See Fig. 2.6) indicate rent contracts for the 2018 season have been negotiated between $6.50/SF and nearly $11.00/SF. The best located newer buildings with small space rented to jewelry shops have achieved the highest rents. The lesser quality buildings with larger spaces or with obsolete features are at the lower end. North of the Red Dog Saloon toward the end of the 200 block of South Franklin Street, rents are in the $3.00/SF to $5.00/SF range for first floor retail.

In a neighborhood such as the subject, rents drive the demand for land. If building construction costs are the same at any location, but rents change due to location, higher values can be paid for the land at locations achieving the higher rents. Our recent rent

survey indicates rents in the 300 to 400 South Franklin Street blocks across from the subject achieve the highest rents.

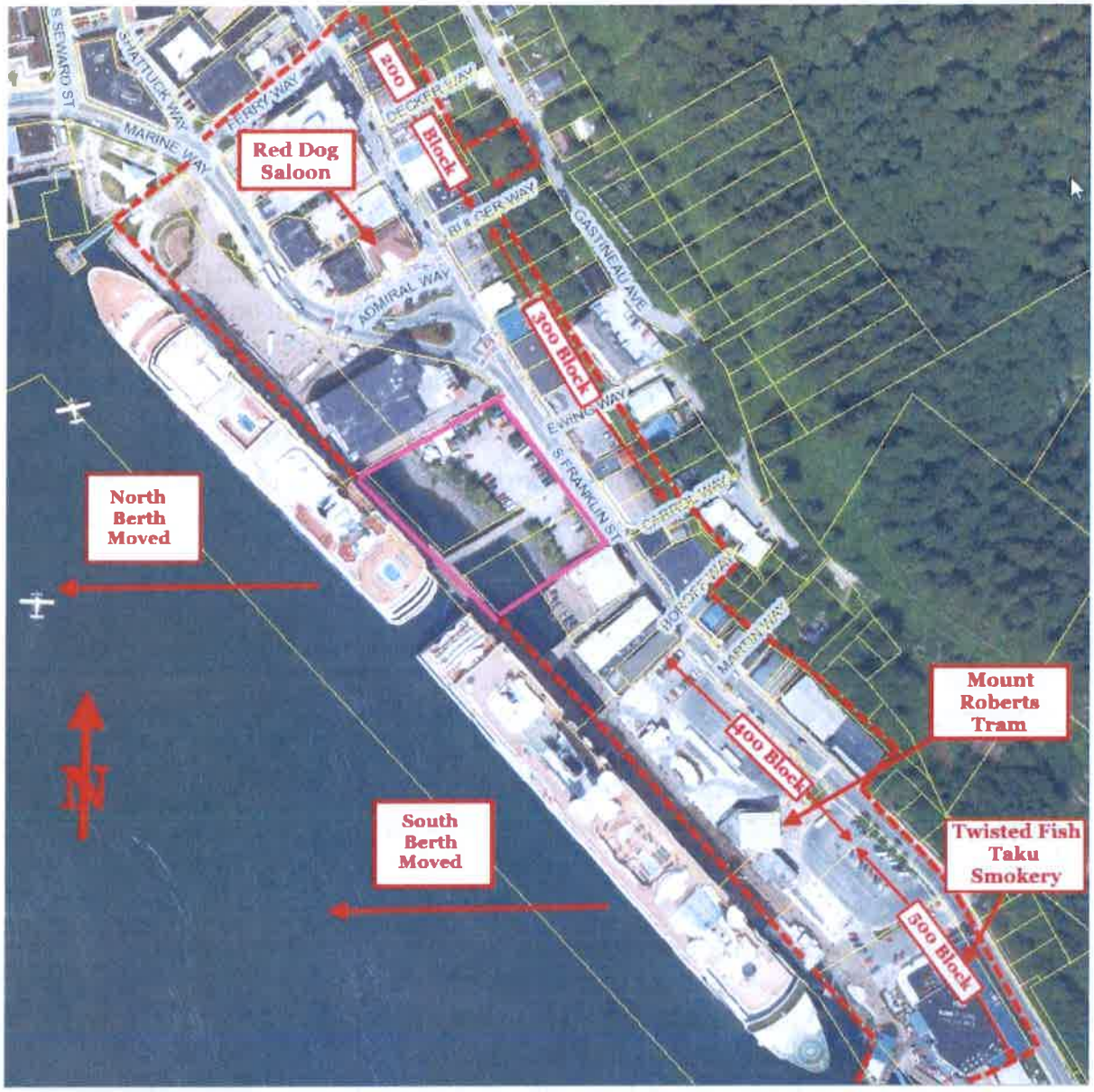


FIGURE 2.6 - SOUTH FRANKLIN STREET NEIGHBORHOOD SHOWING THE 200 BLOCK TO THE 500 BLOCK LIMITS OF PROPERTY INVENTORY.

The immediate neighborhood is pretty much built out with no vacant developable sites except for the subject 75,000 SF site. We have inventoried over three dozen properties in the immediate area as noted in Fig. 2.6, from the 200 to 500 block of South Franklin Street. This represents about 240,000 SF of privately owned land. A significant portion of that is steep hillside above South Franklin Street. These properties are developed

with nearly 320,000 SF of gross building areas of which about 123,000 SF represent first floor retail building area. The 31-building sampling shows that the first floor retail building space size ranges from 1,000 SF to just over 9,000 SF. The median first floor retail gross building area (GBA) size is about 3,500 SF and typically comprises several rental spaces. The small retail spaces along South Franklin Street produce the highest SF rents. It's interesting to note that the typical depth of the retail spaces in these prime locations is about 50 feet from the street. Vacancies are difficult to determine as most of these properties are vacated for seven months or so of the off-season. Some of the properties in our inventory are known to have vacancies. This is due to poor building condition, layout or excessive asking rent. With typical market rent rates the vacancy is expected to be very low. Some building managers said several recently rented retail spaces had backed up rent offers. It appears the 2018 season will be stronger than the 2017 season, which was a little better than the 2016 season. At competitive rents in a well-managed building, vacancy rate in this prime sub-market should be less than 5%.

2.4 LAND VALUE INDICATORS

The competitive neighborhood is built out with the exception of the subject lots. There has been no significant land sales for new construction in the area since 2006. Land values have gone up significantly in the early 2000s.

425 South Franklin 2004 Land Sale

For instance 425 South Franklin Street (#5193) sold as a vacant lot in 2001 for one million dollars. A partnership by an indicated a price of $1,200,000 for the same site in 2004. This was an 8,420 SF lot indicating $142/SF. In addition to the value paid for the land, an additional $500,000 was spent in site work digging into and shoring up the steep hillside.

265 South Franklin 2005 Land Sale

265 South Franklin Street (#3900) sold in 2005 for $960,000 for a 15,500 SF steep hillside site which had about 3,200 SF of immediately developable area. Applying a price to the development area indicated about $300/SF. This property was developed with two retail spaces on the first floor and two large apartments above.

307 South Franklin 2006 Land Sale

307 South Franklin, (#4761), a multi-story split level concrete structure, sold in 2006 for $1,500,000. This indicates about $333/SF for this 4,500 SF lot. Some value in this transaction may be attributed to the building.

Rents continued to rise for several more years after these sales into 2009. However, the commercial property market stagnated since that time with a downturn in tourism which caused a reduction in retail sales and a series of renegotiating rents through 2012 or so. The rent market has since stabilized. The expected rent levels at the time of these last two sales, in 2005 and 2006, are similar to what they would be in the current market.

The most recent sales transactions occurred in 2011 to 2013 are from the Archipelago Properties, LLC (Morris) to the City and Borough of Juneau involving portions of the subject site or adjacent to it. These were negotiated sales that appear to reflect market prices. Also since that time there have been several land leases in the area which, when capitalized, indicate uplands and tidelands values in the immediate vicinity. Some of these indicators were on South Franklin Street, and some were in the tidelands closer to the Seawalk. They confirm the market trend that the highest prices are paid for lands likely to achieve the highest rents if developed for retail no more than 100 feet from South Franklin Street. Land beyond this distance or with development challenges over the water indicate values significantly less per SF

2.5 LAND USE REGULATIONS
Parking Districts

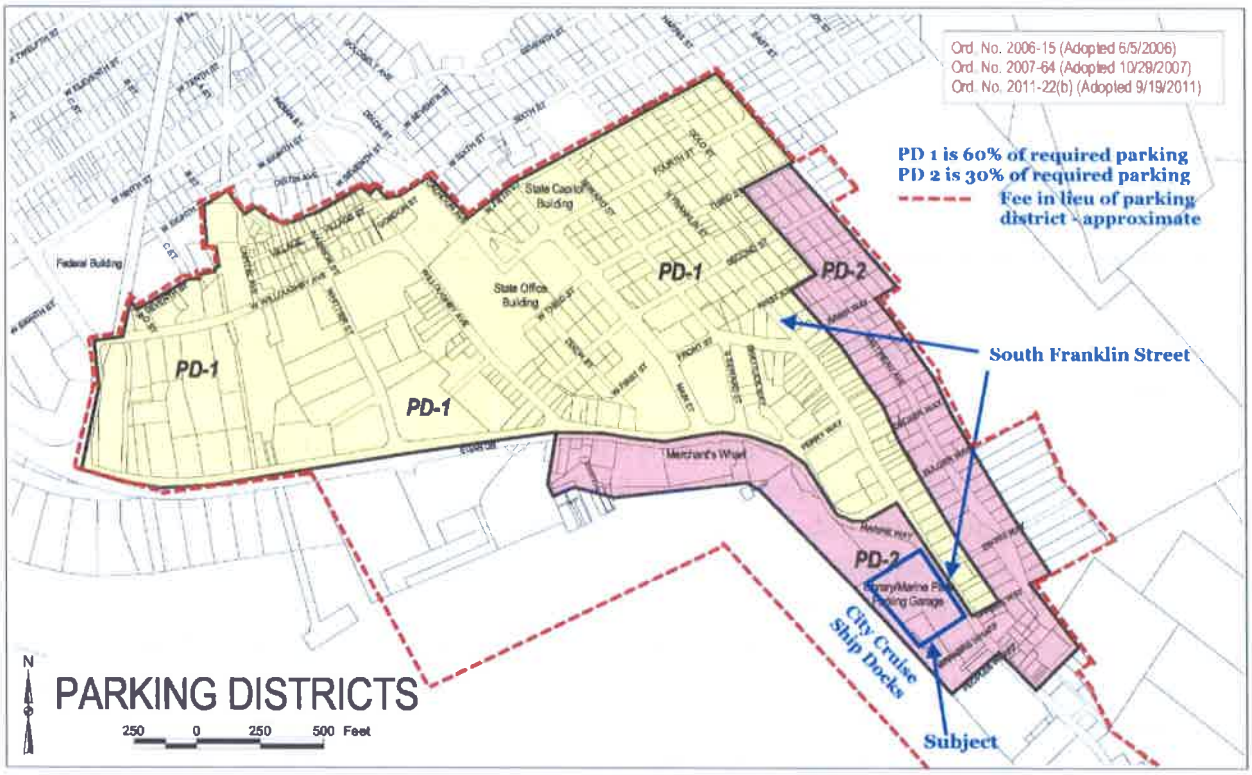


FIGURE 2.7 – NEIGHBORHOOD LOCATION MAP SHOWING DOWNTOWN JUNEAU PARKING DISTRICTS –

The subject is in the Fee In Lieu of Parking District and the PD-2 Parking District. The Fee In Lieu of Parking District allows owners or property developers the option to pay a onetime fee to the CBJ in lieu of providing required onsite parking for redevelopment or use. The fees collected are intended to be spent on projects to increase the parking supply within the district. The PD-2 Parking District allows the standard parking requirements to be reduced by 30%. This allows denser development on the subject site as compared to sites without this advantage.

Zoning

The property is zoned Waterfront Commercial (WC). The WC, Waterfront Commercial District, is intended to provide both land and water space for uses which are directly related to or dependent upon a marine environment. Such activities include private boating, commercial freight and passenger traffic, commercial fishing, floatplane operations, and retail services directly linked to a maritime clientele. Other uses may be permitted if water-dependent or water-oriented.

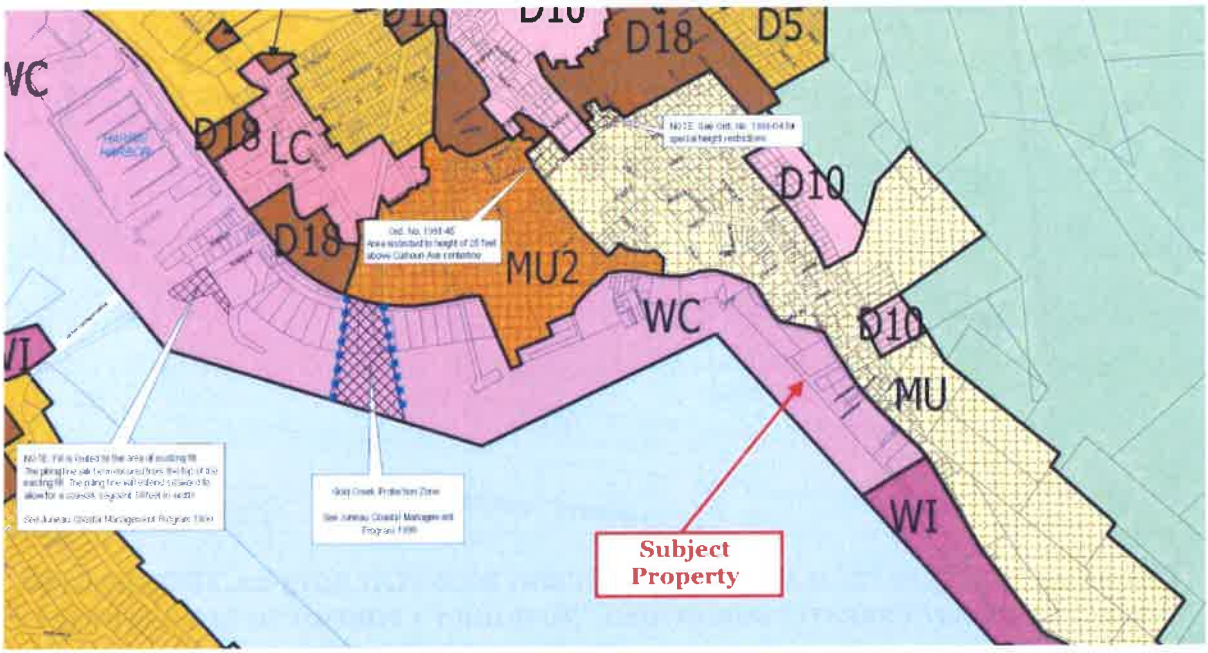


FIGURE 2.8 - ZONING MAP

FEMA Requirements

Legal constraints on this site include a FEMA prohibition on non-waterfront dependent uses below the 15.4' high tide mark, not precluding the construction of a dock.

3 SITE DESCRIPTION

3.1 DESCRIPTION OF SITE

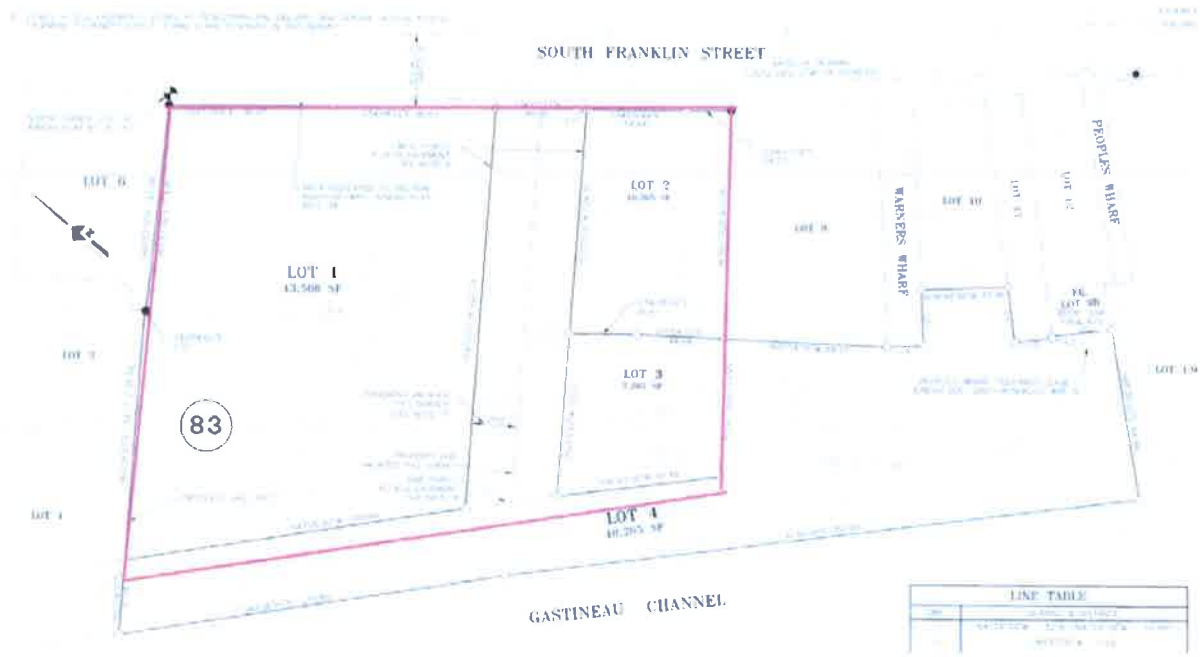


FIGURE 3.1 - EXCERPT FROM ARCHIPELAGO SUBDIVISION PLAT 2013-22, JRD SHOWING SUBJECT LANDS AS CURRENTLY SUBDIVIDED. NOTE ONLY A PORTION OF LOT 4 IS INCLUDED IN OUR ANALYSIS.

The subject includes Lot 3 and a portion of Lot 4 currently owned by CBJ Docks and Harbors (CBJ), and Lots 1 and 2 currently owned by Archipelago Properties, LLC (Morris) all within the Archipelago Subdivision plat 2013-22.

As currently configured and subdivided, the city's portion of Lot 4, which extends from South Franklin Street SW to the Seawalk, is encumbered by a public access easement defined as a pedestrian and delivery and service vehicle access easement to benefit Lots 1, 2, and 3 (Plat note 8). The unit value developed for the purpose of this appraisal is made under the hypothetical condition that this easement does not exist.

Additional plat notes include but are not limited to the following:

5. PARTS OF THIS SUBDIVISION ARE LOCATED IN A VELOCITY FLOOD ZONE, ACCORDING TO THE ADOPTED FLOOD INSURANCE RATE MAPS OF THE CITY & BOROUGH OF JUNEAU (FLOOD PANEL #020009 725 B, DATED FEBRUARY 4, 1981). SPECIAL REGULATIONS MAY APPLY.

6. ACCORDING TO THE ADOPTED CITY & BOROUGH OF JUNEAU LANDSLIDE AND AVALANCHE MAPS, ADOPTED DATE 1987, THIS SUBDIVISION IS LOCATED IN A MODERATE LANDSLIDE/ MASS WASTING ZONE. SPECIAL REGULATIONS MAY APPLY.

As hypothetically appraised the larger site is allocated for its uplands and sloping and tidal lands as generally indicated in Figure 3.2.

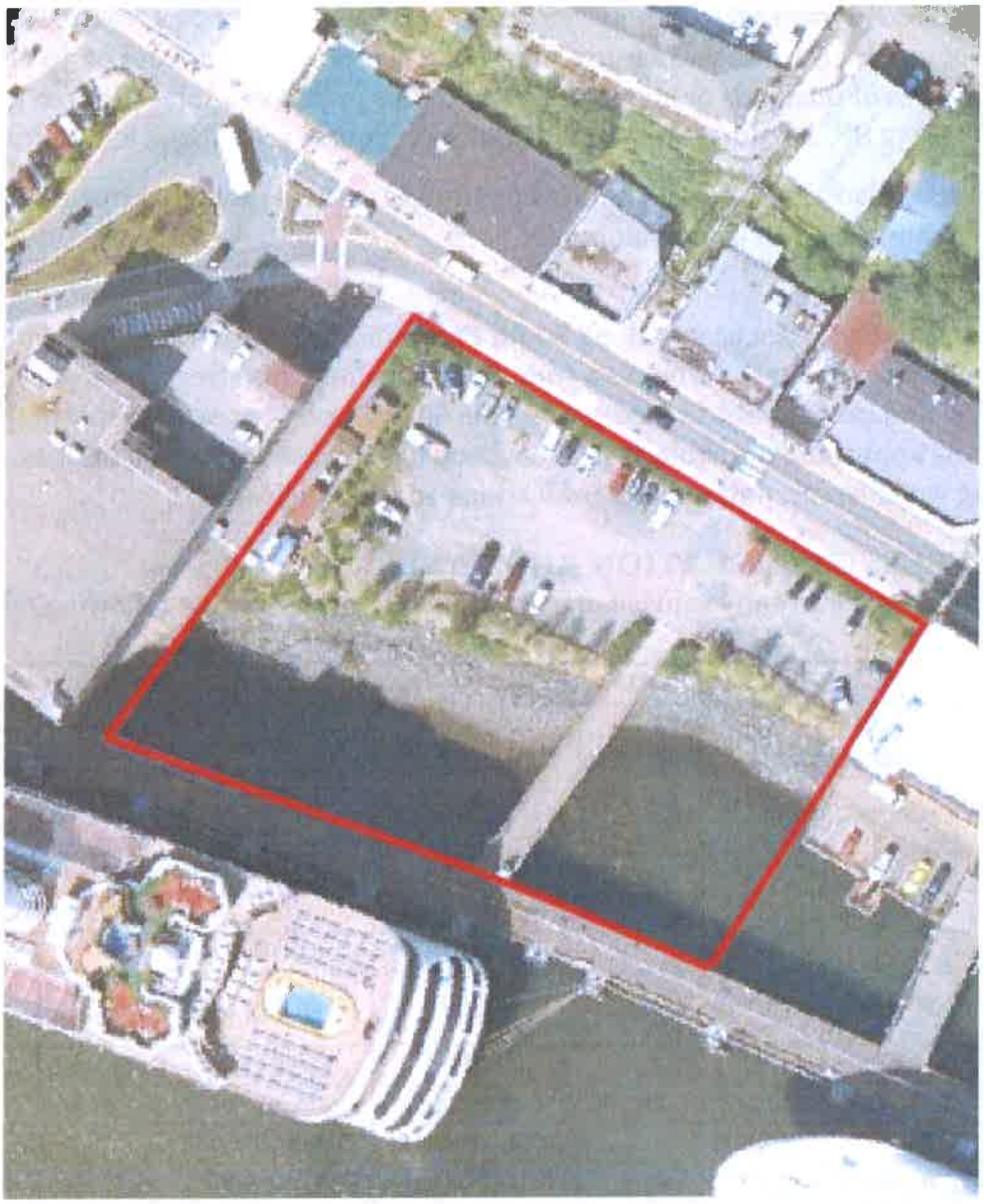


FIGURE 3.2 - HYPOTHETICAL OUTLINE OF THE SITE, NOT TO SCALE, OVER AERIAL PHOTO SHOWING UPLANDS AND TIDELANDS FEATURES. SOURCE PHOTO TAKEN 2006.

The hypothetical composite site has a total of 309.86 feet along South Franklin Street according to Plat 2013-22. The appraiser roughly estimates the northern boundary extends about 260 feet from South Franklin Street to the existing Seawalk and the southern boundary about 208 feet based on the CBJ GIS map measuring tool. The site

appears to be slightly wider along the Seawalk, about 332 feet more or less. The appraisal instruction suggests about 75,650 SF total site area and various indicators from the CBJ GIS maps suggest between 72,000 SF and just over 74,000 SF. For the purpose of our analysis we will assume about 0.90 acres of filled upland or 39,204 SF, and 0.80 acres of tidelands or about 34,848 SF. This indicates a total site area of 1.70 acres or 74,052 SF. All these areas and distances of course are subject to verification.

The appraisal disregards any site improvements and assumes soil is competent for a feasible highest and best use development.

Access and Utilities

The site has public street access along South Franklin Street which is paved, with concrete curbs and gutters. There's a wide sidewalk along this street frontage. There is pedestrian and service vehicle access along the Seawalk on the seaward side of the subject. As appraised, the subject neighborhood has private and public utilities including water sewer, power, communications and fuel delivery.

3.2 ASSESSED VALUATION AND TAXES

The CBJ assessor currently values Lots 1, 2 and 3 as outlined on the following table.

TABLE 3.1 - 2017 CBJ ASSESSOR'S ALLOCATION OF VALUES FOR PLAT 2013-22, LOTS 1, 2 AND 3

Owner	Parcel Account #	Plat 2013 -22	Land Description	SF Area	Value /SF	Assessed Value
Morris Comm.	1C070K830036	Lot 1	Filled	20,013.68	$ 255.00	$ 5,103,488
			Unfilled	13,487.48	$ 27.50	$ 1,719,654
			Submerged	10,006.84	$ 32.00	$ 320,219
			Subtotal	**43,508.00**		$ 7,143,361
Morris Comm.	1C070K830037	Lot 2	Filled	5,153.00	$ 300.00	$ 1,545,900
			Unfilled	3,864.00	$ 150.00	$ 579,600
			Submerged	1,237.00	$ 37.50	$ 46,388
			Subtotal	**10,254.00**		$ 2,171,888
CBJ	1C070K830038	Lot 3	**Submerged**	**7,267.00**	**$ 37.50**	$ 272,513
CBJ		Lot 4	Not allocated			
Totals without Lot 4				61,029		$ 9,587,761

4 VALUATION

4.1 HIGHEST AND BEST USE

The highest and best use is defined as the reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity. Alternatively, the probable use of land or improved property– specific with respect to the user and timing of the use–that is adequately supported and results in the highest present value.

The Dictionary of Real Estate Appraisal, 5th Edition, Appraisal Institute, page 93

The highest and best use for the subject lands would be those allowable uses in the Waterfront Commercial (WC) zone including "uses which are directly related to or dependent upon a marine environment." The commercial waterfront uses in the immediate area include waterfront related tourism uses such as float plane docks, marinas and access to nearby adjacent retail, restaurants and tour facilities that cater to the seasonal cruise ship tourism.

This site, which by definition of the assignment, is considered as a whole has access to the high pedestrian traffic volume along South Franklin Street and access from the Seawalk on the water side. The highest rents achieved along South Franklin Street are across the street from the subject. It is in the prime block. These rents range from $6.00/SF for the larger poorer quality spaces to over $10.00/SF for the smallest good quality jewelry store spaces. This rent range is found in building spaces which extend approximately 50 feet or so distance from South Franklin Street. The lower end of this rent range may be achieved for buildings of up to 100 feet depth off South Franklin Street at the most. Based on typical space, size influence of rents and the average depth of buildings developed over the last 15 years we conclude that the prime South Franklin Street rental influence extends to a depth of 100 feet into the site.

Site development along the Seawalk side has been for less intense uses including lower volume retail building, restaurant, outdoor restaurant seating, tour attractions, and open air and food cart vendors. These are all types of feasible allowable uses which could occur on the site. Uses developed over the tidal and submerged land areas would need to incorporate the development of a deck to support those uses.

It's beyond the scope of this appraisal to define the optimum blend of uses for the entire site. The size of the site is outside the market norm. Typical site sizes would be 5,000 to 10,000 SF. This study disregards the influence of size.

The highest and best use for those lands influenced by South Franklin Street would be for retail tourist oriented elements on the first floor with the possibility of second floor

support for storage or employee housing. Those lands more closely associated with the Seawalk would be for lesser intense retail with appropriate open areas or other tourism oriented venues.

4.2 LAND VALUE SQUARE FOOT INDICATORS

As indicated earlier, the most recent sales transactions involve portions of the subject site or areas adjacent to it and capitalized land leases. The square foot value indicators are summarized in the Table 4.1 below and identified in Figure 4.1. Details of these indicators are summarized in the addenda of this appraisal.

Table 4.1 displays the adjusted sales or lease value indicators on a price per SF basis. The lease rents have been capitalized (capped at) into an indicator of value by dividing the annual rent by the stated contract percentage lease rate as is the case with Comps 1 (9%) and 7 (10%), or market lease rate (8%) as is the case with Comps 5 and 6. This results in the adjusted SF value. Comp 3 was a sale of a strip of property that had uplands (3A) and tidelands (3B) characteristics which was allocated as indicated in the table.

TABLE 4.1 - SUMMARY MARKET SF VALUE CALCULATION

Comp No./ ID No.	Address	Sales Date	Transaction Type	Price	SF Size	Adjustment	Adjusted SF Value
1 - 7341	490 S. Franklin	3/2015	Lease	$270,000	10,000	Capped at 9%	$300
2 - 7238	356 S. Franklin	12/2011	Sale Price	$498,300	1,650	None	$302
3 - 7740	356 S. Franklin	8/2013	Sale Price	$910,352	5,287	See Below	$172
3A			Upland	$760,500	2,535	Allocated Upland	$300
3B			Tideland	$149,852	2,752	Allocated Tideland	$54
4 - 7889	386 S. Franklin	9/2013	Sale Price	$298,035	7,267	None	$41
5 - 7062	406 S. Franklin	5/2013	Lease	$26,082	7,245	Capped at 8%	$45
6 - 5012	422 S. Franklin	7/2016	Lease	$15,638	1,955	Capped at 8%	$100
7 - 7659	432 S. Franklin	7/2012	Lease	$5,950	476	Capped at 10%	$125

FIGURE 4.1 - SF VALUE INDICATORS COMP LOCATION MAP

This sales map confirms there are several areas with different value characteristics which influence the nominal SF values between $41.00/SF and $300/SF. Based on our extensive analysis of sales of development sites, Comps 1 through 7, typical retail building depth characteristics and the value indicators along the Seawalk, we have developed several value indication areas based on this market evidence as applied to the character of the subject site for tidelands and uplands.

Our study of the subject indicates the following value influence areas with a generalized percentage of the site contributed to each area. These SF allocations are generalized and not based on precise mapping but help to guide our judgement of the nominal SF value for the uplands and the tidelands.

TABLE 4.2 - APPROXIMATE SITE ALLOCATION BY VALUE CHARACTERISTIC AREAS

Area ID	Land character-location	% of Site	Acres	SF Area
Area A	Uplands on S. Franklin	39%	0.67	29,185.20
Area B	Uplands off S. Franklin	14%	0.23	10,018.80
Area C	Sloping South Franklin	3%	0.05	2,178.00
Area D	Sloping middle lands	6%	0.10	4,356.00
Area E	Tidelands off Seawalk	38%	0.65	28,314.00
	Totals	100%	1.7	74,052.00

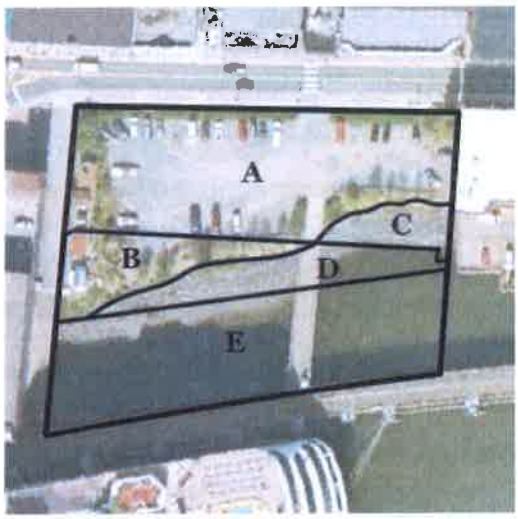


FIGURE 4.2 – NOT TO SCALE.

Following the discussion of the contributory value of the various areas, the weighted value of the uplands and the tidelands will be calculated and divided by the area to give the average indicated value of the upland and tideland area. The appraiser will then conclude the contributory SF values.

One of the market strategies to develop on the tidelands is to build a decking platform. Over the last decade the cost of these have ranged from about $100/SF to about $200/SF depending on the design capacity and construction materials used. As stipulated we will use $150/SF to adjust for decking as an aid to guide our judgment in selecting nominal SF values for these various value influence areas.

Area A is the prime South Franklin Street land. Comp 1 is at the tram site, ground zero of pedestrian tourism traffic. This site is approximately 50 feet deep, and reflective of the prime Franklin Street frontage valued at $300/SF. Comps 2 and 3A are uplands with access directly on South Franklin Street, with a site depth of 100 feet or less. These indicators suggest the primary influence off South Franklin Street, the first 100 feet of depth of uplands has a nominal value of $300/SF. Area A is given a value of $300/SF. The small **Area C** is within this 100 feet of influence but unfilled tidelands are given a value of $150/SF, considering the cost of decking this area at $150/SF, putting it on par with uplands ($300/SF $-150/SF for deck equals $150/SF for tideland).

The remaining uplands, **Area B,** is beyond the first 100 feet area of influence and is discounted based on the lower expected rents and discounted values reflected for secondary locations. The prime rents within the 300 block which extend in buildings about 50 feet to 100 feet deep, are in the $6.00/SF to $10.00/SF Range. Rents then drop to $3.00/SF to $5.00/SF at the north end of the 200 block of South Franklin Street. This suggests a 50% discount which appears to be higher than what would be warranted in this instance since the subject has the potential to be influenced by the Seawalk or design characteristics to funnel traffic from South Franklin Street into this area. A 33% discount would be reasonable suggesting a value of the remaining filled lands, Area B, at $200/SF ($300/SF -33%).

The bulk of the remaining lands are in the **Area E** and are influenced by their location on the Seawalk. The best indicators for this area would be Comps 3B, 4 and 5. They range between $41/SF to $54/SF. The middle of this range at $45.00/SF is given most weight for the nominal influence of the Area E.

The remaining **Area D** is a small sliver of sloping lands between these outer submerged lands (E) and the more valuable uplands and the South Franklin Street-influenced lands. Discounting Area B which was $200/SF by the decking cost of $150, suggests $50.00/SF for these adjacent lands. It can be seen by the indicators of Comps 6 and 7 that these in between tidelands have a greater value. This small sliver of land would have increasing influence by South Franklin Street the further it moves south. Comps 6

and 7 indicate closer tidelands values of $100/SF to $125/SF. The suggested range of value for the sliver of land is between $50 and $100/SF. It contributes an estimated $75/SF.

The breakdown characteristics of the subject site have aided the appraiser's judgment in considering the overall SF value for the uplands and the tidelands. This weighting is summarized in the following table.

TABLE 4.3 - WEIGHTED SF VALUES UPLANDS AND TIDELANDS

Area ID	Land Character-Location	Square Feet	SF Value	Weighted Value
Area A	Uplands on S. Franklin	29,185.20	$300	$8,755,560
Area B	Uplands off S. Franklin	10,018.80	$200	$2,003,760
	Total up land indicators	39,204.00	**$274.44**	$10,759,320
Area C	Sloping South Franklin	2,178.00	$150	$326,700
Area D	Sloping middle lands	4,356.00	$ 75	$326,700
Area E	Tidelands off Seawalk	28,314.00	$ 45	$1,274,130
	Total tide land indicators	34,848.00	**$ 55.31**	$1,927,530

Conclusion

Based on the foregoing discussion and analysis, the concluded nominal SF values based on the hypothetical conditions and extraordinary assumptions outlined for the purpose of the initial phase of exchange planning, effective December 4, 2017, are as follows:

Uplands $275/SF

Tidelands $55/SF

ADDENDA

SUBJECT PHOTOGRAPHS

PHOTO 1 – PANORAMA VIEW OF SUBJECT LOOKING SOUTHWEST AS IT FACES SOUTH FRANKLIN STREET. (120417_3106)

PHOTO 2 – SOUTH FRANKLIN STREET SCENE LOOKING SOUTHEAST. SUBJECT PHOTO RIGHT. (120417_3100).

SUBJECT PHOTOGRAPHS

PHOTO 3 – LOOKING SOUTH ACROSS THE NORTHERN FILLED UPLAND PORTION OF THE SUBJECT FROM CITY SERVICE ALLEY ADJACENT TO THE LIBRARY PARKING LOT. (120417_3099).

PHOTO 4 – LOOKING EAST FROM CITY SERVICE ALLEY ADJACENT TO LIBRARY PARKING LOT (PHOTO LEFT) ACROSS SUBJECT TIDELANDS ONTO FILLED LANDS. NOTE SLOPING RIP RAP WHERE TIDELANDS MEET VEGETATED UPLANDS. (120417_3096).

SUBJECT PHOTOGRAPHS

PHOTO 5 –LOOKING NORTH ACROSS NORTHERN TIDELANDS AND UPLANDS ADJACENT TO LIBRARY PARKING LOT. (120417_3086)

PHOTO 6 – LOOKING SOUTHEAST ACROSS THE TIDELANDS ADJACENT TO SEAWALK PHOTO RIGHT. NOTE PIER PHOTO CENTER IS DISREGARDED FOR THE PURPOSE OF THIS APPRAISAL. (120417_3097).

SUBJECT PHOTOGRAPHS

PHOTO 7 – VIEW OF SEAWALK LOOKING IN A NORTHWESTERLY DIRECTION ADJACENT TO SUBJECT WHICH IS PHOTO RIGHT OF SEAWALK. NOTE RECENTLY COMPLETED CRUISE SHIP DOCK OFFLOADING RAMP PHOTO LEFT OF SEAWALK, WHICH EXITS PASSENGERS JUST NORTH OF LIBRARY PARKING STRUCTURE PHOTO CENTER BACKGROUND. (120417_3080)

PHOTO 8 – LOOKING IN A NORTHWESTERLY DIRECTION AT SUBJECT TIDELANDS PHOTO RIGHT OF SEAWALK. NOTE PIER PHOTO CENTER IS DISREGARDED FOR THE PURPOSE OF THIS APPRAISAL. (120417_3078)

SUBJECT PHOTOGRAPHS

PHOTO 9 – LOOKING SOUTHEAST FROM PIER TO SOUTHERN PART OF SUBJECT. UPLANDS PHOTO LEFT AND SLOPING TIDELANDS PHOTO RIGHT. (120417_3092)

Record Number: 7341

HORAN & COMPANY, LLC — **LAND COMPARABLE NUMBER 1**

Community: 17 CBJ - Town - CBD - Retail **Recording District:** Juneau
Address: 490 490 South Franklin **City:** **State:** **Zip:**
Location: 490 South Franklin Street, Mt. Roberts Tram
Legal: Leased Site. Portions Lots 13, 16 & 17, Block 83, ATS 3, Plat 355 & a portion of Lot 1, Plat 89-9; Parcel Number: 1C100K830011

Instrument: Land **Serial:** 1995-004154-0
Trans.Type: Land Lease
Rights: Lease Fee, Air Rights
Terms: Typical Juneau lease; 5 year renewal

Annual Rent: **$270,000**
Trans. Date: March 2, 2015
Grantor: City and Borough of Juneau
Grantee: Goldbelt

Size (SF): 10,000
Frontage: ±175' on Gastineau Channel
Zone: WI

Utilities: Water, Sewer, Electric, Telephone
Access: Road, paved
Improvements: Tramway
Land Class: Waterfront, Tidelands, Commercial

Topography: Level
Vegetation: None
Soil: Typical, See Comments

Present Use: Tramway
Intended Use: Tramway
Highest and Best Use: Valued as Commercial retail per lease

Comments
This form shows fee land & rent only. Estimated values set by Harbor Board. 10,000 SF Fee land for base tram site. In addition the air rights, 21,815 SF is rented for $2,000/ year.

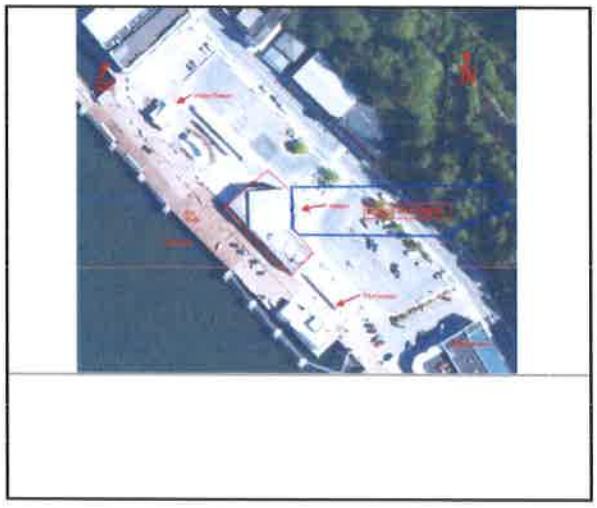
Analysis:

land rent-value as follows set by Harbor Board:
Fee land rent $270,000/year/ 10,000 SF = $27/SF/yr. cap @9% = $300/SF Value
Air Rights rent $2,000/year. $2,000/9% land cap rate refered to in lease amendment $22,222.22 = $1.02/SF value (21,815SF)

Marketing Info: Revised rent effective 3/2/15 (30 days after effective date of CBJ Ordnance 2015-06) based on negotiations. Rent is retroactive to July 1, 2013 to June 30, 2020. from 2012 -2014. Going forward lease formula 9% of land value. $2,000/yr air rights. To be reappraised in 5 years. Port memo noted the revised lease effective 7/1/2006, with the removal of royalties as $104,000 annually, or as capitalized; $1,300,000 for the site; $130/SF at 8%. Original lease recorded 6/30/1995, rent 10% based on $30/SF plus

Confirmed with:	Teena, lease docs	Teena, Ports
Confirmed date:	3/31/2017	8/21/2011
Confirmed by:	C.Horan	T.Riley

Revision Date: 1/2/2018
Record Number: 7341



Record Number: 7238

HORAN & COMPANY, LLC — LAND COMPARABLE NUMBER 2

Community: 17 CBJ - Town - CBD - Retail
Recording District: Juneau
Address: 356 South Franklin St
City: Juneau
State:
Zip:
Location: 356 South Franklin St.
Legal: Ptn Lot 7A1, Plat 2011-38;

Instrument: SWD - **Serial:** 2011-007713-0
Trans.Type: Sale
Rights: Fee Simple
Terms: Assume Cash

Sale Price: $498,300
Trans. Date: December 16, 2011
Grantor: Archipelago Properties LLC
Grantee: City and Borough of Juneau

Size (SF): 1,650
Frontage: 309.86
Zone: WC

Utilities: All
Access: Road, paved, See Comments
Improvements: None
Land Class: Vacant, Commercial, Waterfront

Topography: Level
Vegetation: None
Soil: Typical

Present Use: Parking
Intended Use: Sidewalk
Highest and Best Use: Sidewalk

Comments
This was an acquisition of a 5 foot strip of land along the South Franklin street frontage to widen the sidewalk. The size of this parcel varied somewhat based on whether it considered a small area encumbered by an existing easement. In the end the sales price was calculated on 1651 SF which is used for our analysis.

Analysis:
$498,300/1651 SF = $300/SF

Marketing Info: This parcel along with two others is sold to the City Borough of Juneau were negotiated over a period of one to two years. Both buyer and seller felt these were market transactions. The price was allocated at $41/ SF. They have no direct access to sell Franklin street. These totally submerged lands were considered somewhat isolated by the Sellers and would have been more difficult to market to others. The se seller felt the purchase was a good fit for the CBJ which would need land for public areas with its planned

Confirmed with: Bud Simpson
Confirmed date: 4/25/2014
Confirmed by: C.Horan

Revision Date: 1/11/2018
Record Number: 7238

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use plat

Record Number: 7740

HORAN & COMPANY, LLC **LAND COMPARABLE NUMBER 3**

Community: 17 CBJ - Town - CBD - Retail **Recording District:** Juneau
Address: 356 South Franklin St **City:** Juneau **State:** **Zip:**
Location: ROW expansion from S Franklin to Sea walk
Legal: Purchased existing Easement and additional 25' strip of fee land;

Instrument: SWD - **Serial:** 2013-005909-0
Trans.Type: Sale
Rights: Fee Simple, Easement
Terms: Assume Cash

Sale Price: $910,352
Trans. Date: August 20, 2013
Grantor: Archipelago Properties LLC
Grantee: City and Borough of Juneau

Size (SF): 5,287
Frontage: 309.86
Zone: WC

Utilities: All
Access: Road, paved, See Comments
Improvements: None
Land Class: Vacant, Commercial, Waterfront

Topography: Level, Submerged
Vegetation: None
Soil: Typical

Present Use: Walk way & undeveloped strip of vacant land
Intended Use: access from South Franklin street to the cruise ship dock which it plans to expand.
Highest and Best Use: Commercial- Retail

Comments
This purchase consisted of the about 10,913 SF of which approximately 5496.2 SF was encumbered by a 25 foot access easement held by the purchaser, CBJ, and a fee simple 5416.8 SF adjacent 25 foot strip which would then give the purchaser the fee simple 50 foot wide parcel it intends to use for access from South Franklin street to the cruise ship dock which it plans to expand. The closing documents allocated all the value to the fee 25 foot wide fee simple strip.

Analysis:

Although the entire transaction was approximately 10,913 SF. The parties agreed the easement area approximately 5496.2 SF contributed no value. The unencumbered 5416.8 SF was allocated as follows
$300/ SF for 2535 SF = $760,500
$52/SF for 2881.8 SF ~ $149,853

Marketing Info: This parcel along with two others is sold to the City Borough of Juneau were negotiated over a period of one to two years. Both buyer and seller felt these were market transactions. The price was allocated at $300/SF for the filled up lands and $52/SF for the tidelands from the city perspective with no value attributed to the existing 25 foot access easement.
According to Bud Simpson representative of the seller he felt the encumbered 25' access easement had some value to the transaction

Confirmed with: Bud Simpson, Seller
Confirmed date: 4/25/2014
Confirmed by: C.Horan

Revision Date: 1/2/2018
Record Number: 7740

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use plat.

Record Number: 7889

HORAN & COMPANY, LLC **LAND COMPARABLE NUMBER 4**

Community: 17 CBJ - Town - CBD - Retail **Recording District:** Juneau
Address: 386 386 South Franklin St **City:** Juneau **State:** **Zip:**
Location: Adjecnt to 386 S Franklin on the Sea walk
Legal: Lot 3, Archipelago Subdivision, a subdivision of Lot 7A1, Lot 9A, and fraction of Lot 9B, Block 83, Juneau Tidelands Addition, ATS No. 3, Plat 2013-22;

Instrument: SWD - **Serial:** 2013-006640-0
Trans.Type: Sale
Rights: Fee Simple, Easement
Terms: Assume Cash

Sale Price: $298,035
Trans. Date: September 25, 2013
Grantor: Archipelago Properties LLC
Grantee: City and Borough of Juneau

Size (SF): 7,267
Frontage:
Zone: WC

Utilities: All
Access: Road, paved
Improvements: None
Land Class: Vacant, Commercial, Waterfront

Topography: Submerged
Vegetation: None
Soil: Typical

Present Use: undeveloped
Intended Use: Public Memorial nad pedestrian way
Highest and Best Use: Commercial- Retail

Comments
These are completely submerged lands having access from adjacent boardwalk public right of way adjacent to crew ship dock. There's no frontage on vehicular right-of-way South Franklin Street. Site development would require piling in dock development.

Analysis:
$298,035/7,267 SF= $41.01/SF

Marketing Info: This parcel along with two others is sold to the City Borough of Juneau were negotiated over a period of one to two years. Both buyer and seller felt these were market transactions. The price was allocated at $41/ SF. They have no direct access to S. Franklin Street. These totally submerged lands were considered somewhat isolated by the Sellers and would have been more difficult to market to others. The se seller felt the purchase was a good fit for the CBJ which would need land for public areas with its planned

Confirmed with: Bud Simpson
Confirmed date: 4/25/2014
Confirmed by: C.Horan

Revision Date: 11/8/2017
Record Number: 7889

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Untitled.bmp 1
use plat

Record Number: 7062

HORAN & COMPANY, LLC

LAND COMPARABLE NUMBER 5

Community: 17 CBJ - Town - CBD - Retail **Recording District:** Juneau
Address: 406 South Franklin St **City:** Juneau **State:** AK **Zip:** 99901
Location: Seaward of 406 South Franklin Street, Alaska Pacific Pier Building
Legal: Seaward of Lot 8, Block 83, Tidelands addition to the Juneau Townsite
Noted as ATS 3, Lot 9B, Block 83 (14-105); Parcel Number: 1C070K830041

Instrument: Lease **Serial:**
Trans.Type: Land Lease
Rights: Lease Fee
Terms: Original Lease Date 5/1/03 with first adjustment due 5/1/14 and every 3 years thereafter. 35 years term of lease.

Annual Rent: $26,082
Trans. Date: May 1, 2013
Grantor: CBJ
Grantee: Alaska Pacific LLC (Tripp/Timberwolf)

Size (SF): 7,245
Frontage: 95.3 Water Front
Zone: WC

Utilities: All
Access: See Comments
Improvements: Dock
Land Class: Waterfront, Tidelands, Commercial

Topography: Submerged, Sloping, Gradual sloping/beach
Vegetation: None
Soil: Buildable

Present Use: Retail
Intended Use: Retail
Highest and Best Use: Retail

Comments
Ongoing dock lease. Access is adjacent Werner's Wharf, area not built on as of November 2016, in PD2 Parking District..

Analysis:

Annual rent estimated based on 8% of $45.00/SF.

Marketing Info: 35 year lease. Rent based on Market fixed for 10 years at $7,180/ year then adjusts every three years to market effective starting 5/1/2013 rent Changed to $26,082/per year based on appraisal of estimated land $45/SF and market lease % rate of 8%.

Confirmed with:	Teena Scoville CBJ Port	Teena Scoville, CBJ Port
Confirmed date:	10/01/2016	9/29/2011
Confirmed by:	C.Horan	S. Aday

Revision Date: 1/2/2018
Record Number: 7062

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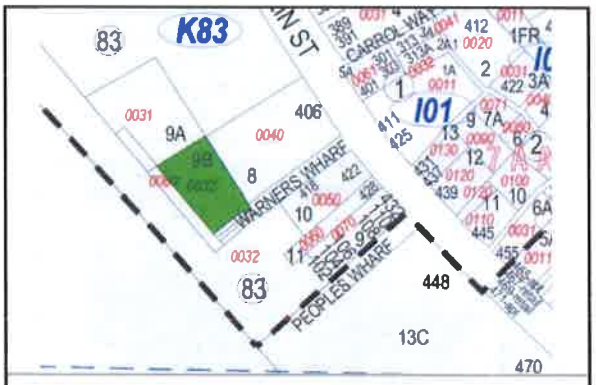

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Record Number: 5012

HORAN & COMPANY, LLC — LAND COMPARABLE NUMBER 6

Community: 17 CBJ - Town - CBD - Retail **Recording District:** Juneau
Address: 422 South Franklin St **City:** Juneau **State:** AK **Zip:** 99801
Location: Seawaerd of 422 South Franklin Street
Legal: Portion of Lot 9, Block 83 Tidelands Addition, Juneau Townsite; Our File #12-034; Parcel Number: 1C-070-K830-050

Instrument: Land **Serial:**
Trans.Type: Land Lease
Rights: Lease
Terms: May 2006 Start date, adjustment every 5 years, 35 years total

Annual Rent: $15,637.6
Trans. Date: July 1, 2016
Grantor: City and Borough of Juneau
Grantee: JNY, LLC,- Diamonds Int. (partners-Roeland &

Size (SF): 1,954.7
Frontage: 47' wide
Zone: WC

Utilities: Water, Telephone, Sewer, Electric
Access: Road, paved
Improvements: None
Land Class: Tidelands, Waterfront, Commercial

Topography: Tidelands
Vegetation: None
Soil: Gravel

Present Use: Vacant
Intended Use: Extend adjacent commercial improvements.
Highest and Best Use: Develop retail structure.

Comments
Legal constraints on this site is a FEMA prohibition on non-waterfront dependent uses below the 15.4' high tide mark, not precluding the construction of a dock.

Analysis:
$15,637.60/1954.7 = $8.00/SF. Cap Rate @ 8% = $100/SF Value.

Marketing Info: Based on wold appraisal (see filse 11-051)
Tidelands valued by Wold appraisal, effective date of October 2005, at $125/SF. Wold further concluded if sidewalk access was hypothetically developed, value would be $225/SF.
CBJ tidelands lease effective 5/1/06 of 1,954.7 SF @ $19,547/yr; Fee simple value capitalized at 8% lease rate indicates $125/SF. Effective 11/7/2011, $15,500/ year (12-034) value capitalized at 8% indicates $99.12/SF. Rent adjusted (file16-142) Based on $8/SF

Confirmed with:	Teena Scovill, CBJ	Teena Scovill, CBJ
Confirmed date:	3/31/2017	5/1/2014
Confirmed by:	C.Horan	C.Horan

Revision Date: 1/2/2018
Record Number: 5012

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Record Number: 7659

HORAN & COMPANY, LLC — **LAND COMPARABLE NUMBER 7**

Community: 17 CBJ - Town - CBD - Retail **Recording District:** Juneau
Address: 432 South Franklin St **City:** Juneau **State:** AK **Zip:** 99801
Location: People's Wharf
Legal: Portion of Lot 9B & Lot 13B, Block 83, ATS No.3 (See (13-049); Parcel Number: 1C070K830071

Instrument: Land **Serial:**
Trans.Type: Land Lease
Rights: Fee Simple, Lease Fee, Permit/License
Terms:

Annual Rent: $5,950
Trans. Date: July 1, 2012
Grantor: CBJ
Grantee: Bill Heumann

Size (SF): 476
Frontage:
Zone: WC

Topography: Level
Vegetation: None
Soil:

Utilities: All
Access: Road, paved
Improvements: transitional - see notes
Land Class: Commercial, Waterfront

Present Use: retail/apartments
Intended Use: retail/apartments
Highest and Best Use:

Comments

Analysis:

$5,950 Cap at 10%=$59,500
$59,500/476=$125/SF

Marketing Info: Previous rent was $4,760? Apprised (13-049) for annual lease renewal effective June 1, 2013 with market value estimate at $59,500 or $125/SF. Contract annual rent is 10% or $5,950.

These sloping tideland were estimated at 40% of the value of filled uplands.

Confirmed with:	Teena Scovill	CBJ
Confirmed date:	5/1/2014	9/20/2006
Confirmed by:	C.Horan	CH & TR

Revision Date: 12/3/2017
Record Number: 7659

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QUALIFICATIONS OF CHARLES E. HORAN, MAI

Professional Designation	MAI, Member Appraisal Institute, No. 6534
State Certification	State of Alaska General Appraiser Certification, No. APRG41
Bachelor of Science Degree	University of San Francisco, B.S., Business Administration, 1973

Employment History:

8/04 – now	Owner, HORAN & COMPANY, LLC
3/87 –7/04	Partner, HORAN, CORAK AND COMPANY
1980 –2/87	Partner, The PD Appraisal Group, managing partner since November 1984 (formerly POMTIER, DUVERNAY & HORAN)
1976 – 80	Partner/Appraiser, POMTIER, DUVERNAY & COMPANY, INC., Juneau and Sitka, Alaska
1975 – 76	Real Estate Appraiser, H. Pomtier & Associates, Ketchikan, AK
1973 – 75	Jr. Appraiser, Ketchikan Gateway Borough, Ketchikan, AK

Lectures and Educational Presentations:

2007, "Conservation Easements" Presentation - Alaska Association of Assessing Officers, Fairbanks, AK
1998, "Easement Valuation Seminar," Alaska Chapter Appraisal Institute, Anchorage, AK
1998, "Easement Valuation Seminar," Seal Trust, Juneau, Alaska
1997, "Sitka Housing Market," Sitka Chamber of Commerce
1997, developed and taught commercial real estate investment seminar for Shee Atika, Inc.
1994, developed and taught seminar "Introduction to Real Estate Appraising," UAS, Sitka Campus
1985, Speaker at Sitka Chamber of Commerce, "What is an Appraisal? How to Read the Appraisal"
1984, Southeast Alaska Realtor's Mini Convention, Juneau, Alaska
Day 1: Introduction of Appraising, Cost and Market Data Approaches
Day 2: Income Approach, Types of Appraisals, AIREA Accredited Course
1983, "The State of Southeast Alaska's Real Estate Market"
1982, "What is an Appraisal?"

Types of Property Appraised:

Commercial - Retail shops, enclosed mall, shopping centers, medical buildings, restaurants, service stations, office buildings, auto body shops, schools, remote retail stores, liquor stores, supermarkets, funeral home, mobile home parks, camper courts. Appraised various businesses with real estate for value as a going concern with or without fixtures such as hotels, motels, bowling alleys, marinas, restaurants, lounges.
Industrial - Warehouse, mini-warehouse, hangars, docks barge loading facilities, industrial acreage, industrial sites, bulk plant sites, and fish processing facility. Appraised tank farms, bulk terminal sites, and a variety of waterfront port sites.
Special Land - Partial Interest and Leasehold Valuation - Remote acreage, tidelands with estimates of annual market rent. Large acreage land exchanges for federal, state, municipal governments and Alaska Native Corporations; retail lot valuations and absorption studies of large subdivisions; gravel and rock royalty value estimates; easements, partial interests, conservation easements; title limitations, permit fee evaluations. Appraised various properties under lease to determine leasehold and leased fee interests. Value easements and complex partial interests.
Special Projects - Special consultation for Federal land exchanges. Developed Land Evaluation Module (LEM) to describe and evaluate 290,000 acres of remote lands. Renovation feasibilities, residential lot absorption studies, commercial, and office building absorption studies. Contract review appraiser for private individuals, municipalities, and lenders. Restaurant feasibility studies, Housing demand studies and overall market projections. Estimated impact of nuisances on property values. Historic appreciation / market change studies. Historic barren material royalty valuations, subsurface mineral and timber valuation in conjunction with resource experts. Mass appraisal valuations for Municipality of Skagway, City of Craig, Ketchikan Gateway Borough and other Alaska communities. Developed electronic/digital

assessment record system for municipalities. Developed extensive state-wide market data record system which identified sales in all geographic areas.

Expert Witness Experience and Testimony:

2016 Expert Witness – D's Investment Group, LLC vs Erwin Enterprises, et al 1JU-15-971CI, settled
2012 Expert Witness – Dukowitz vs Chamberlain and First American Title Insurance Co. 1JU-12-778CI, settled
2011 Expert Witness – Wise and Wise vs City and Borough of Juneau. 1JU-10-584CI, settled
2009 Expert at mediation - Talbot's Inc vs State of Alaska, et al. IKE-07-168CI
2008 Albright vs Albright, IKE-07-265CI, settled
2006 State of Alaska vs Homestead Alaska, et al, 1JU-06-572, settled
2006 State of Alaska vs Heaton, et al, 1JU-06-570CI, settled
2006 State of Alaska vs Jean Gain Estate, 1JU-06-571, settled
2004 Assessment Appeal, Board of Equalization, Franklin Dock vs City and Borough of Juneau
2000 Alaska Pulp Corporation vs National Surety - Deposition
U.S. Senate, Natural Resources Committee
U.S. House of Representatives, Resource Committee
Superior Court, State of Alaska, Trial Court and Bankruptcy Courts
Board of Equalization Hearings testified on behalf of these municipalities: Ketchikan Gateway Borough, City of Skagway, City of Pelican, City and Borough of Haines, Alaska
Witness at binding arbitration hearings, appointed Master for property partitionment by superior state court, selected expert as final appraiser in multi parties suit with settlements of real estate land value issues

Partial List of Clients:

Federal Agencies
Bureau of Indian Affairs
Bureau of Land Mngmnt
Coast Guard
Dept. Of Agriculture
Dept. Of Interior
Dept. Of Transportation
Federal Deposit Ins Corp
Federal Highway Admin.
Fish & Wildlife Service
Forest Service
General Service Agency
National Park Service
USDA Rural Develop.
Veterans Administration

Municipalities
City & Borough of Haines
City & Borough of Juneau
City & Borough of Sitka
City of Akutan
City of Coffman Cove
City of Craig
City of Hoonah
City of Ketchikan
City of Klawock
City of Pelican
City of Petersburg
City of Thorne Bay
City of Wrangell
Ketchikan Gateway Borg.
Municipality of Skagway

Lending Institutions
Alaska Growth Capital
Alaska Pacific Bank
Alaska Ind. Dev. Auth.
ALPS FCU
First Bank
First National Bank AK
Key Bank
Met Life Capital Corp.
National Bank of AK
Rainier National Bank
SeaFirst Bank
True North Credit Union
Wells Fargo
Wells Fargo RETECHS

Other Organizations
BIHA
Central Council for Tlingit & Haida Indian Tribes of Alaska (CCTHITA)
Diocese of Juneau
Elks Lodge
Hoonah Indian Assoc.
LDS Church
Moose Lodge
SE AK Land Trust (SEAL)
SEARHC
Sitka Tribe of Alaska
The Nature Conservancy

ANCSA Corporations
Cape Fox, Inc.
Doyon Corporation
Eyak Corporation
Goldbelt
Haida Corporation
Huna Totem
Kake Tribal Corporation
Klawock-Heenya Corp.
Klukwan, Inc.
Kootznoowoo, Inc.
Sealaska Corporation
Shaan Seet, Inc.
Shee Atika Corporation
TDX Corporation
The Tatitlek Corporation
Yak-Tat Kwan

State of Alaska Agencies
Alaska State Building Authority (formerly ASHA)
Attorney General
Dept. of Fish & Game
Dept. of Natural Service, Div. of Lands
Dept. of Public Safety
DOT&PF
Mental Health Land Trust
Superior Court
University of Alaska

Companies
AK Electric Light & Power
AK Lumber & Pulp Co.
AK Power & Telephone
Allen Marine
Arrowhead Transfer
AT&T Alascom
Coeur Alaska
Delta Western
Gulf Oil of Canada
Hames Corporation
HDR Alaska, Inc.
Holland America
Home Depot
Kennecott Greens Creek
Kennedy & Associates
Madsen Construction, Inc.
Service Transfer
Standard Oil of CA
The Conservation Fund
Union Oil
Ward Cove Packing
White Pass & Yukon RR
Yutana Barge Lines

Education

Valuation of Conservation Easements, Fairfield, CA, Sept 2016
Business Practices and Ethics, Seattle, WA, Jan 2016
7-Hour National USPAP Update Course, Seattle, WA, Jan 2016
Online Small Hotel/Motel Valuation, Chicago, IL June 2015
Advanced Spreadsheet Modeling for Valuation Applications, Rockville, MD April 2015
7-Hour National USPAP Update Course, Seattle, WA January 2015
7-Hour National USPAP Update Course, Mount Vernon, WA, April 2013
Fall Real Estate Conference 2012, Seattle, Wa November, 2012
Appraising the Appraisal: Appraisal Review-General, Rockville, MD, May 2012
Information Security Awareness for Appraisal Professionals Webinar, December, 2012
Fall Real Estate Conference 2011 Seattle, WA October, 2011
Appraisal Curriculum Overview (2-day General) Milwaukee, WI, August 2011
Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA), Rockville, MD, Oct 2010
Business Practices and Ethics, Seattle, WA, Apr 2010
Fall Real Estate Conference, Seattle, WA, Dec 2009
7-hour National USPAP Update Course, Seattle, WA, May 2009
Fall Real Estate Conference, Seattle, WA, Nov 2008
Attacking and Defending an Appraisal in Litigation, Kent, WA, Sep 2008
Sustainable Mixed-Use N.I.M., Seattle, WA, Feb 2008
Appraising 2-4 Unit Properties, Bellevue, WA, Sep 2007
Business Practices and Ethics, Seattle, WA, Jun 2007
7-hour National USPAP Update Course, Seattle, WA, Jun 2007
Residential Market Analysis and Highest and Best Use, Seattle, WA, Apr 2007
Basic Appraisal Procedures, Seattle, WA, Feb 2007
USPAP Update Course, Anchorage, AK, Feb 2005
Rates & Ratios: Making Sense of GIMs, OARs, and DCF, Anchorage, AK, Feb 2005
Best Practices for Residential Appraisal Report Writing, Juneau, AK, Apr 2005
Scope of Work - Expanding Your Range of Services, Anchorage, AKMay 2003
Litigation Appraising - Specialized Topics and Applications, Dublin, CA, Oct 2002
UASFLA: Practical Applications for Fee Appraisers, Jim Eaton, Washington, D.C., May 2002
USPAP, Part A, Burr Ridge, IL, Jun 2001
Partial Interest Valuation - Undivided, Anchorage, AK, May 2001
Partial Interest Valuation - Divided, Anchorage, AK, May 2001
Easement Valuation, San Diego, CA, Dec 1997
USPAP, Seattle, WA, Apr 1997
The Appraiser as Expert Witness, Anchorage, AK, May 1995
Appraisal Practices for Litigation, Anchorage, AK, May 1995Forestry Appraisal Practices, Atterbury Consultants,
Beaverton, OR, Apr 1995
Advanced Sales Comparison & Cost Approaches, Univ. of Colorado, Boulder, CO, Jun 1993
Computer Assisted Investment Analysis, University of Maryland, MD, Jul 1991
USPAP, Anchorage, AK, Apr 1991
General State Certification Review Seminar, Anchorage, AK, Apr 1991
State Certification Review Seminar, Dean Potter, Anchorage, AK, Apr 1991
Highest and Best Use and Market Analysis, Baltimore, MA, Mar 1991
Financial Institution Reform, Recovery & Enforcement Act of 1989, Doreen Fair Westfall, Appraisal Analyst, OTS, Juneau, AK, Jul 1990
Real Estate Appraisal Reform, Gregory Hoefer, MAI, OTS, Juneau, AK, Jul 1990
Standards of Professional Practice, Anchorage, AK, Oct 1987
Federal Home Loan Bank Board Memorandum R41C
Seminar, Catherine Gearhearth, MAI, FHLBB District Appraiser, Juneau, AK, Mar 1987
Market Analysis, Boulder, CO , Jun 1986
Federal Home Loan Bank Board Regulation 41b,
Instructor Bob Foreman, MAI, Seattle, WA, Sep 1985
Litigation Valuation, Chapel Hill, North CA, Aug 1984
Standards of Professional Practices, Bloomington, IN, Jan 1982
Course 2B, Valuation Analysis & Report Writing, Stanford, CA, Aug 1980
Course 6, Introduction to Real Estate Investment Analysis, Aug 1980
Course 1B, Capitalization Techniques, San Francisco, CA, Aug 1976
Course 2A, Case Studies in Real Estate Valuation, Aug 1976
Course 1A, Real Estate Principles and Valuation, San Francisco, CA, Aug 1974

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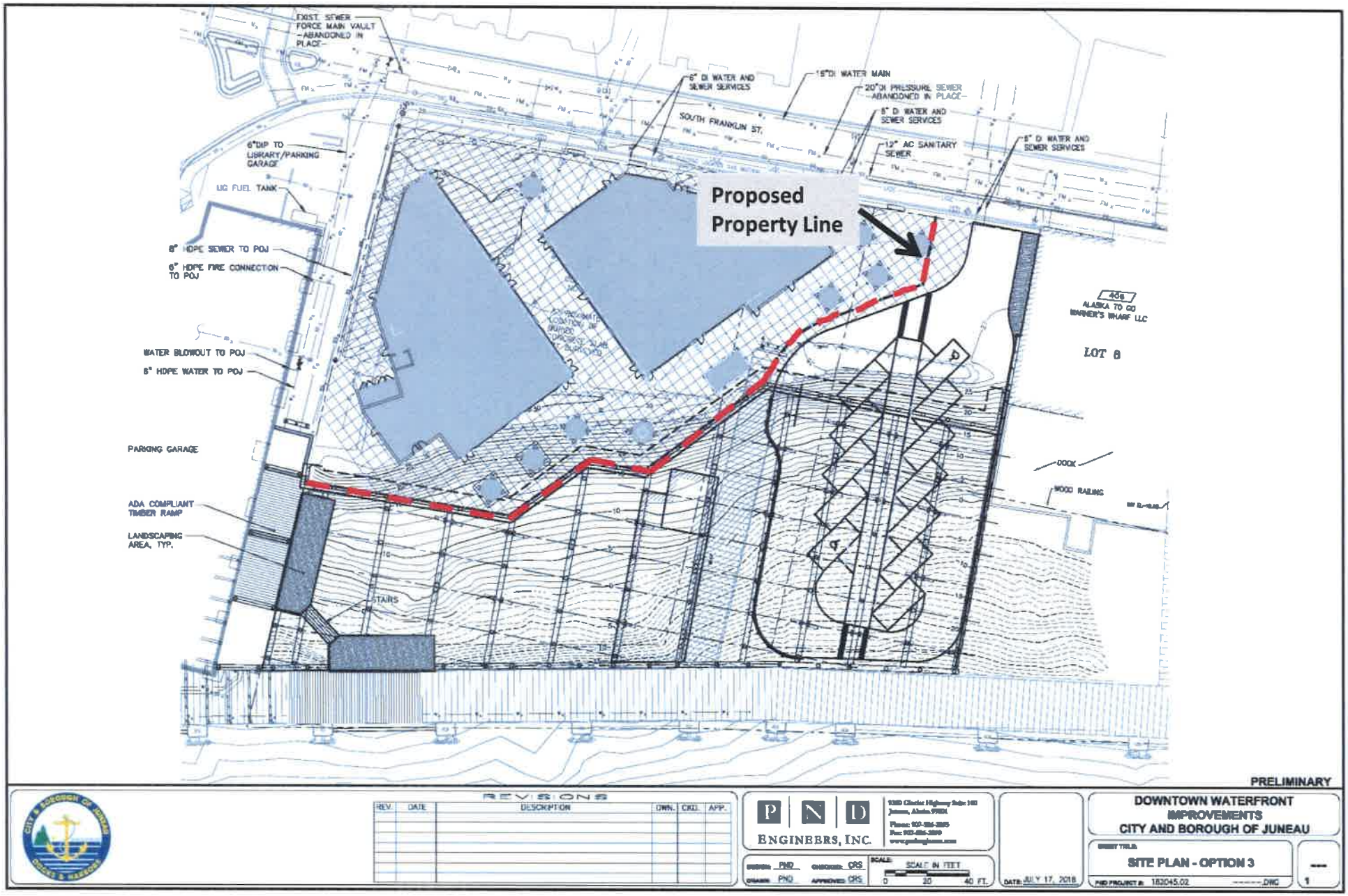


Attachment 8 - Proposed Property Lines

Board Discussion:	October 27, 2016 – Discuss need for Archipelago property for staging
Board Discussion:	November 17, 2016 – Discuss need for MP to Taku Dock Plan
Board Approval:	December 15, 2016 – Seek term contractor for MP to Taku Dock Plan
Board Advisory:	February 23, 2017 - Selected Corvus Design as term contractor
Consultant Contract:	NTP April 3, 2017
Planning Consultant:	Corvus Design – Chris Mertl
Sub-Consultants:	Rain Coast Data - Meilani Schijvens NorthWind Architects – James Bibb PND Engineers – Dick Somerville
May 21, 2017	Planning Team met with CBJ Docks and Harbors staff to discuss issues, constraints, opportunities, vision and goals from D&H perspective.
May 25, 2017	Docks and Harbors Board is introduced to the project and planning team.
June 8, 2017	Received Site Conditions Maps for Staff Review
June 15, 2017	Received draft Economic Analysis for Staff Review
June 15, 2017	Meeting with Transportation Providers (Holland America-Princess, Alaska Coaches, Juneau Tours, Cruise Line Agencies). Providers say they could use additional A Zone staging at Alaska Steamship Wharf if space available – noted that if B Zone were provided with 12 to 15 spaces at Archipelago Lot the A Zone spaces could be accommodated at the BrickYard.
June 22, 2017	Updated Docks and Harbors Board on tentative planning schedule: • August 29 – Board Workshop • September 6 – Public Presentation • September 7 – Open Studio • September 28 – Presentation to Board of Plan Concepts • October 26 – Presentation to Board of modified Plan Concepts • November 30 – Final Approval by Board
July 2017	First discussions with Morris Communications Company regarding their plans to develop Archipelago property. MCC provides various concepts for their development options. Agreed to work together to develop plan that would fulfill both MCC and Docks and Harbors needs.
August 29, 2017	Presentation of Economic Trends, planning objectives, issues, constraints at Board Workshop to solicit input for planning direction

September 6, 2017	Presentation of Economic Trends, planning objectives, issues, constraints at Public meeting to solicit input for planning direction
September 7, 2017	Held day-long open studio at Senate Building for one-on-one input from public to planning team
September 28, 2017	Presented four planning alternatives to Board and public based on input received in previous Board Workshop, Public Meeting and Open Studio. Received comments from Board and public on various elements within the four different planning concepts
November 3, 2017	Presented one preferred plan based on comments received from Board and public at the September 28, 2017 meeting
November 30, 2017	Present Final Plan for Board approval
December 4, 2017	Presented Plan to Assembly Committee of the Whole
March 19, 2018	Presented Plan to Planning Commission

FY 2018 CIP PROJECT DESCRIPTIONS

Department	Division	Priority	Project Description
Administration	**Manager's Office**	1	**INFOR/LAWSON & OTHER MIS SOFTWARE UPDATES -** Necessary updates & upgrades to the City's financial & information management system.
		2	**IT SOFTWARE UPDATES & UPGRADES -** Provide funding for the updates and upgrades to the CBJ operational software.
		3	**VEHICLE & EQUIPMENT WASH BAYS PLANNING & DESIGN -** This project will construct environmentally friendly wash bays for all CBJ vehicles and equipment to be washed. There is currently no specific location for departments to wash and care for the vehicle and equipment that CBJ has spent millions of dollars purchasing. It is imperative this equipment be cleaned and cared for to prevent corrosion and premature failures. This facility will not only provide a needed location to clean equipment but will also provide a wash facility that will contain the run off from such activity.
		4	**CAPITOL PLAZA PLANNING** - Evaluate the impacts of removing traffic from downtown Fourth Street in front of the Capitol Building, between Seward and Main Street, to create a pedestrian only plaza in that block.
		5	**BONDED DEBT SERVICE -** These funds will be used for bond debt repayment.
		6	**BUDGET RESERVE** - These funds will be used to increase the City's budget reserve.
	Mayor & Assembly	1	**WILLOUGHBY ARTS CENTER -** Provide supplemental/match funding for the new Willoughby Arts Center.
Airport		1	**SREF MATCH -** Phase I-a will construct a heated garage of approximately 37,000 sf for the Airport's snow removal equipment in accordance with Federal Aviation Administration (FAA) requirements. The FAA will fund 93.75% of eligible costs; a local match is required to fund the remaining 6.25%. Phase 1-b is not eligible for FAA funding. It includes critical vehicle maintenance and operational components that will be constructed from existing funds. Future phases will be added as funding becomes available. The non-FAA-eligible portion of the building is approximately 17,500 s.f.
		2	**RSA (PH 12) CONSTRUCT NE/NW AREAS -** This project is a continuation of the RSA series of projects to construct aircraft parking in the NE Development Area and the NW Development area. These areas were filled during previous phases of the RSA projects. This phase would provide the additional construction of the aprons and utilities in these public areas.
		3	**DESIGN TAXIWAY A AND E-1 REHAB -** The main taxiway to access the runway is scheduled for rehabilitation. This taxiway was heavily used during the runway rehabilitation project which had all aircraft landing on the taxiway while the runway was under construction. Several areas are starting to fail as well as cracking too wide for traditional sealant repair. Small taxiways (intersection) are also in need of repair as well as correction to their geometry to meet FAA specifications. The rehabilitation of the taxiways is scheduled to start in 2018.

FY 2018 CIP PROJECT DESCRIPTIONS

Department	Division	Priority	Project Description
		4	**FLOAT POND IMPROVEMENTS SOUTH ROAD/INLET VALVE/BANK STABILIZATION -** The Airport is in need of replacing the water inlet/outlet valve to control levels in the Aircraft Float pond, as well as provide bank stabilization to the south float pond road. Wind and waves continuously deteriorate the south embankment and the south docks. The valve is old and in danger of failing (draining) in the near future. The FAA would like the Airport to move this up on the priority for Airport CIP
		5	**PASSENGER BOARDING BRIDGE GATE 2 -** As air carriers transition from combi aircraft (aircraft service both passengers and freight configuration) to full passenger configuration, there is a need for another passenger boarding bridge (jetway). At this time, full passenger configured aircraft that utilize Gate 2 must board their passenger by going down the stairs, walk across the ramp, and back up the aircraft aft stairs.
		6	**TERMINAL CAMERA SURVEILLANCE SYSTEM DESIGN & INSTALL -** This would be an upgrade to current camera system as well as additional recording devices.
		7	**EXIT LANE IMPROVEMENTS DESIGN & INSTALL -** The airport is in need of a new security exit lane which would allow one-way flow of passengers out of the departure lounge.
		8	**23 MALSR -** The Airport currently has an abbreviated MALS system on the Runway 26 approach which goes out to the 800' station. Installing the remaining system out to 2400' on the approach would decrease the minimums for instrument equipped airlines to approximately one-half mile, thus increasing safety and efficiency into JNU.
		9	**SPACE RECONVIG (OLD DINING ROOM/KITCHEN) TENANTS & ADMIN -** This construction project will reconfigure the old abandoned restaurant kitchen and dining areas into office spaces for airport business and construction projects personal. Also included will be the construction of storage space for food and gift shop concessionaires, additional tenant office lease space, and a new public meeting room.
		10	**FIRST FLOOR MENS RESTROOM RENOVATION -** This construction project will to replace worn out finishes that have reached the end of their useful life including ceramic tile flooring throughout, ceramic wall tile and countertop at the lavatory area. New sinks and toilet/urinal partitions will be installed. The existing toilet, urinals and toilet accessories will be salvaged and reused.
		11	**TERMINAL EAST END DOORS / VESTIBULE -** The first floor east end sliding door at the Baggage Claim area is locked out of operation during the fall and winter months due to its severe southeast wind and rain exposure. Frequent water intrusion at the jamb/sill of this door opening has caused damage. This construction project will remove the sliding door assembly and replace the opening with wall infill to match the adjacent construction.

FY 2018 CIP PROJECT DESCRIPTIONS

Department	Division	Priority	Project Description
BRH		1	**MUNICIPAL ROAD REPLACEMENT (NORTH) -** Repair and reconstruct existing campus roadway that are deteriorating.
		2	**PARKING RAMP (200 SPACES) -** Enhance parking on the BRH campus.
		3	**REMODEL EMERGENCY DEPARTMENT -** Evaluate and plan for the remodel of the Emergency Department.
		4	**DETOX BAY AT RAINFOREST RECOVERY CENTER -** Evaluate and plan for detox facility within Rainforest. A center that will provide on sight detoxification and single point of entry for assessment and treatment.
		5	**OPERATING ROOM RENOVATION -** Evaluate and plan for the renovation of the Operating Rooms.
		6	**INFORMATION SERVICES FACILITY WITH GENERATOR -** Bartlett's Information Technology Department and its I.T. infra-structure must be relocated to a new facility to provide the needed redundancy, security, environmental safeguards and additional work space.
		7	**RRC AND BOPS REPLACEMENT -** Scope of work and budget to be determined.
		8	**REMODEL LABORATORY (5000 SQ. FT.) -** Scope of work and budget to be determined.
Docks & Harbors		1	**VISITOR INFORMATION KIOSK REPLACEMENT - DESIGN -** The visitor information kiosk serves cruise ship passengers needing information about Juneau. It is located in a strategic location near one of the two city owned docks that support the cruise industry. The current kiosk has exceeded its design life. The facility does not meet ADA standards, has inadequate heating, and does not provide adequate shelter for patrons. This request would provide funding for planning, design, and cost estimate for a new kiosk facility. Once costs are known it is anticipated a future funding request would be made for construction.
		2	**CRUISE SHIP UPLANDS STAGING AREA -** This project would be located in the downtown area near the cruise ship dock, an area that serves over one million cruise ship passengers each year. The project entails identifying and procurement of available downtown lands necessary to accommodate additional staging areas required to accommodate the larger post-Panamax sized cruise ships and greater passenger counts.
		3	**DOWNTOWN RESTROOMS - PARTIAL FUNDING TO LOCATE/DESIGN -** This funding would begin the design phase of the project. This project has been brought forward at the request of the Assembly to address the lack of adequate restroom facilities in the downtown waterfront area.
		4	**STATTER HARBOR BREAKWATER SAFETY IMPROVEMENTS -** to infill the open areas of the breakwater structure with fiberglass reinforced plastic grates that would close the open cells to allow pedestrian traffic yet allow the structure to adequately provide wave reduction to the overall harbor.

FY 2018 CIP PROJECT DESCRIPTIONS

Department	Division	Priority	Project Description
		5	**TAKU HARBOR DEFERRED MAINTENANCE -** to de-water and re-drive several piles that have become out of alignment. Re-install steel pile caps and weld to form seal that deflects rainwater from entering the pile pipe.
		6	**ADFG GRANT - AMALGA HARBOR FISH CLEANING FLOAT**- to design and construct an additional float to the existing loading float system to provide greater launch potential at low tides and to provide fish cleaning tables at the end of the loading float system.
		7	**AUKE BAY PASSENGER FOR HIRE FACILITY -** this project includes installation of a boarding float, gangway, and passenger loading zone to serve cruise ship passengers connecting with whale watching and fish charter operators.
Eaglecrest		1	**DEFERRED MAINTENANCE - LIFT/MOUNTAIN OPERATIONS IMPROVEMENTS** - which include the following projects:
			Mountain Operations – Hiking Trails – The Master Plan outlines hiking trails/multi-use trails as a top priority for the future of Eaglecrest. We will continue a multi-year plan to create more hiking/multi-use trails within the CBJ/Eaglecrest Boundary. ($15,000)
			Mountain Operations -- Trail Maintenance -- The trail network at Eaglecrest was overgrown after many years of little annual maintenance. We have begun a program of yearly maintenance to reclaim the ski trail network enabling Eaglecrest to open as early as possible with the safest conditions possible. This will include cutting and trimming by hand all trails at Eaglecrest on a rotating basis. ($30,000)
			Mountain Operations – Snowmaking & Water Line Replacement/Improvement - We will begin multi-year plan to repair/replace the current snowmaking system and increase snowmaking coverage of the lower mountain. This snowmaking will allow Eaglecrest to better handle low snow years and open as early as possible. In addition the snowmaking lines feed the hydroelectric system which significantly lowers our electric usage annually. The pipeline from Cropley Lake is showing increasing signs of decay and patching and welding is becoming less effective. The plan calls for replacement with new pipe in sections over the next few years. ($40,000)
			Lift Operations - The Ptarmigan Summit Ramp - As one of the oldest pieces of infrastructure at Eaglecrest the Ptarmigan ramp is showing signs of age and has begun shifting. In order to secure the long term operation of the Ptarmigan Chair Lift we need to replace the ramp with an earthen structure which will ensure its operation for the long term. This is a two year project with funding in FY17 & FY18. ($75,000)
Fire Department		1	**DOWNTOWN FIRE STATION ROOF REPLACEMENT -** Juneau Station engine bay roof is rotting and in danger of blowing off in a wind storm. It is in place due to the rubber membrane.

FY 2018 CIP PROJECT DESCRIPTIONS

Department	Division	Priority	Project Description
Lands & Resources		1	**STABLER QUARRY INFRASTRUCTURE AND EXPANSION** - This project will work towards updating infrastructure and expanding the permitted area of the Stabler Point Rock Quarry.
Parks & Rec	**Bldg Maintenance**	1	**DEFERRED BUILDING MAINTENANCE -** Funds are for on-going capital funded projects to repair CBJ buildings. Reduce maintenance costs and enhance building components by correcting a backlog of problems that have surfaced from aging of buildings.
	Rec Buildings	1	**TREADWELL ARENA PARKING LOT LIGHTING -** Current lighting is inadequate in some areas of the parking lot, and in other areas of the parking lot no lighting exists, which is a safety hazard for users who are walking between their cars and the facility.
	Parks/Rec Areas	1	**PARK AND PLAYGROUND REPAIRS-DEFERRED MAINTENANCE** - This CIP funds repairs to park facilities throughout Juneau, including replacement of playground equipment that has outlived its useful life. Many of Juneau's playgrounds are more than 25 years old. Due to their age, these playgrounds do not comply with modern safety standards or the Americans with Disabilities Act.
		2	**SPORTS FIELD RESURFACING & REPAIRS** - This CIP funds repairs and replacement of sports fields throughout Juneau, including softball, baseball, soccer, and football fields. Sports fields require repair and replacement as surfacing is worn away and drainage problems develop. If fields surfaces are not properly maintained, adult and student athletes will suffer injuries and Juneau will not be eligible to host tournaments. High-priority projects include resurfacing Melvin Park Field #1 and Adair-Kennedy Field #1, as well fence repairs.
		3	**HUT TO HUT -** Funds to be used for a cooperative project with the U.S. Forest Service to plan, permit and determine governance of a hut-to-hut system within the CBJ.
		4	**TWIN LAKE PARK AND ADA REPAIRS -** Project includes shoring up the foundation for the fishing pier, trail and asphalt repairs and lighting upgrades.
	Trail Maintenance	1	**KAX TRAIL BRIDGE RIVER BANK STABILIZATION -** Realign the portion of the Kax trail near Brotherhood Bridge that currently runs along the edge of the Mendenhall River and is sloughing into the river because the meandering river is undercutting the bank under the trail.

FY 2018 CIP PROJECT DESCRIPTIONS

Department	Division	Priority	Project Description
Public Works and Engineering Department			
	Capital Transit	1	**BUS SHELTERS/INTERIM VALLEY TRANSIT CENTER IMPROVEMENTS -** Add three new bus shelters, one on the North side of Back Loop Rd at the Glacier spur Rd, one on Glacier Hwy at or near the Gastineau Humane Society and one at the airport on Yandukin Rd.
		2	**VALLEY PUBLIC TRANSIT TRANSFER STATION -** Purchase property in the Vintage Park area and construct a Public Transit Transfer Station for residents to transfer from valley routes to down town routes. The intent is to apply for an FTA Grant to fund a majority of this expense.
	Engineering	1	**AREAWIDE EV CHARGING STATIONS** - Evaluate locations to install additional electric vehicle charging stations and implement as funds allow.
		2	**STEPHEN RICHARDS / RIVERSIDE INTERSECTION DOT MATCH -** provide 9.45% funding match for AK DOT Congestion Mitigation and Air Quality (CMAQ)funding to reconstruct this intersection. This project would construct a signalized intersection or modified round-about if warranted.
		3	**DOWNTOWN STREET IMPROVEMENTS** - This funding will provide for street reconstruction of Phase II of the Downtown Street Improvement project. This phase includes Front Street, North Franklin Street from Front Street to Second Street, and a portion of First Street.
		4	**WATERFRONT SEAWALK** - This funding would provide additional funding for on-going seawalk planning, permitting, design, easement or land acquisition and construction. As of the writing of this memo, the next seawalk project has not yet been designated.
	Streets	1	**PAVEMENT MANAGEMENT -** This is an on-going pavement management program to provide chip seal, asphalt overlays, and other preventative maintenance treatments to CBJ streets. Pavement maintenance is required to extend the functional life of the road surfaces an additional 5 to 10 years. The program also provides capital funding to purchase and repair specialized asphalt maintenance equipment and to purchase necessary paving materials (oil, aggregates, chemicals) for pavement maintenance.
		2	**SIDEWALK AND STAIRWAY REPAIRS -** Reconstruct and repair areawide stairs and sidewalks. Programmed repair of sidewalks and stairs reduces maintenance costs and promotes pedestrian safety.
		3	**MCGINNIS SUBDIVISION IMPROVEMENTS, PHASE III -** This project will continue with the improvements to streets within the McGinnis subdivision. Improving the road sub-base adding sidewalks and replacing utilities as needed. Also improve drainage systems as needed.

FY 2018 CIP PROJECT DESCRIPTIONS

Department	Division	Priority	Project Description
		4	**DOWNTOWN STREET IMPROVEMENTS - FRONT, FRANKLIN, DOWNTOWN CORE, PHASE II -** Reconstruct roadway, replace storm drain system, utilities, street lighting and improve pedestrian facilities and pedestrian movement.
		5	**SHAUNE DRIVE IMPROVEMENTS - ANKA TO BARROW -** Reconstruct roadway, improve drainage and replace utilities as needed. Roadway base to be excavated and replaced with shot rock to improve drainage under roadway and new asphalt applied.
		6	**BIRCH LANE IMPROVEMENTS - MENDENHALL TO JULEP, PHASE I -** Reconstruct roadway, improve drainage and replace utilities as needed. Roadway base to be excavated and replaced with shot rock to improve drainage under roadway and new asphalt applied.
		7	**CALHOUN AVE IMPROVEMENTS - MAIN TO GOLD CREEK (DESIGN) -** Reconstruct roadway, sidewalk and curb and gutter. Replace Water Main, valves and services connects as needed. Replace sewer main and service connects as needed. Evaluate street light coverage and possible need for additional lights or moving existing. Roadway base to be excavated and replaced with shot rock to improve drainage under roadway and new asphalt.
		8	**AREAWIDE DRAINAGE IMPROVEMENTS -** This is a multi-phase project that involves permitting, design, and construction of storm drainage improvements to both surface and underground infrastructure throughout the Juneau area to reduce the impacts from seasonal flooding and ground water damage to private and public property. Failure to repair or replace failing culverts and storm sewer piping may result in significant damage to roadways and adjacent private properties.
		9	**DOUGLAS SIDE STREETS - D and E STREETS -** Reconstruct roadway, improve drainage and replace utilities as needed. Roadway base to be excavated and replaced with shot rock to improve drainage under roadway and new asphalt applied.
	Wastewater Utility	1	**MWWTP BELT FILTER PRESS REPLACEMENT -** Provide funding for replacing the existing Belt Filter Press for dewatering sludge at Mendenhall Treatment Plant.
		2	**MWWTP ODOR CONTROL -** Provide funding for improved odor control at Mendenhall Treatment Plant.
		3	**JDTP NEW VACTOR DUMP -** Provide funding for evaluation, design, and construction of an upgraded/new vactor dump facility. The existing vactor dump facility, located at the Juneau Douglas Wastewater Treatment Plant, is a receiving station and treatment facility for sand, grit, gravel, and solids that are removed from sewer collections lines, manholes, and lift station wetwells via vactor (vacuum/jet) trucks. Removal and disposal of such debris is necessary to maintain operations of the sewer lines and collections pump systems.

FY 2018 CIP PROJECT DESCRIPTIONS

Department	Division	Priority	Project Description
		4	**REAL TIME CRUISE SHIP WASTEWATER DISCHARGE MONITORING -** This funding would provide partial funding to begin a project to scope out improvements required to perform real time wastewater monitoring at the Franklin Dock. Detailed knowledge of the strength and volume of flows being sent to the wastewater treatment plant would allow CBJ staff to maximize the number of ships using the discharge system. This summer, it is anticipated that multiple ships will not desire to concurrently use the wastewater system. As the desirability of the use of the wastewater system could rapidly change, partial funding is recommended for this year.
		5	**MWWTP ROOF REPAIR -** Repair the aging roof at Mendenhall Treatment Plant.
		6	**CALHOUN (8TH TO GOLD CREEK) SEWER REPLACEMENT -** Provide funds to adjust Wastewater Utility infrastructure with the associated street reconstruction project.
		7	**PAVEMENT MANAGEMENT UTILITY ADJUSTMENTS -** Provide funds to adjust Wastewater Utility infrastructure with the associated street reconstruction project.
		8	**MCGINNIS SUBDIVISION IMPROVEMENTS, PHASE III-** Provide funds to adjust Wastewater Utility infrastructure with the associated street reconstruction project.
		9	**SCADA (SUPERVISORY CONTROL AND DATA ACQUISITION) -** This ongoing project will continue to upgrade and replace the outdated SCADA system that operates the treatment plants and infrastructure.
		10	**BIRCH LANE SEWER REPLACEMENT -** Provide funds to adjust Wastewater Utility infrastructure with the associated street reconstruction project.
		11	**DOUGLAS SIDE STREETS 2017 (D AND E STREETS) -** Provide funds to adjust Wastewater Utility infrastructure with the associated street reconstruction project.
		12	**DOWTOWN STREET IMPROVEMENTS - FIRST STREET SEWER -** Provide funds to adjust Wastewater Utility infrastructure with the associated street reconstruction project.
		13	**SHAUNE DRIVE SEWER IMPROVEMENTS - ANKA TO BARROW -** Provide funds to adjust Wastewater Utility infrastructure with the associated street reconstruction project.
	Water Utility	1	**DOUGLAS HIGHWAY WATER - (CORDOVA-DAVID) -** Replace the failing water system within Douglas Highway between Cordova Street and David Street in advance of the ADOT repaving project.
		2	**CALHOUN (8TH TO GOLD CREEK) WATER REPLACEMENT -** Replace the failing water system within Calhoun Avenue between the Governor's house and Cope Park.

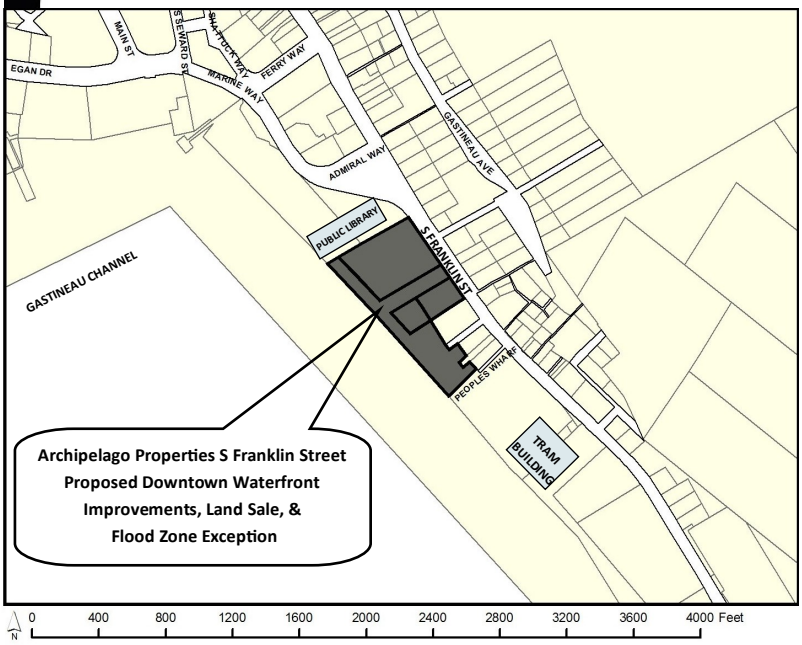
FY 2018 CIP PROJECT DESCRIPTIONS

Department	Division	Priority	Project Description
		3	**SCADA (SUPERVISORY CONTROL AND DATA ACQUISITION) SYSTEM UPGRADES/IMPROVEMENTS -** This ongoing project will continue to upgrade and replace the existing 1991 vintage SCADA system that operates the CBJ water system.
		4	**MCGINNIS SUBDIVISION, PH III UTILITY ADJUSTMENTS -** Provide funds to adjust Water Utility infrastructure with the associated street reconstruction project.
		5	**PAVEMENT MANAGEMENT UTILITY ADJUSTMENTS -** Provide funds to adjust Water Utility infrastructure with the associated street reconstruction project.
		6	**SHAUNE DRIVE - ANKA TO BARROW - UTILITY ADJUSTMENTS -** Provide funds to adjust Water Utility infrastructure with the associated street reconstruction project.
Schools		1	**SCHOOL DISTRICT DEFERRED MAINTENANCE -** to fund ongoing civil, architectural, mechanical and electrical deferred maintenance and small projects.

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



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

155 S. Seward Street Juneau, Alaska 99801

TO:

Applications have been submitted for consideration and public hearing by the Planning Commission for the **development of the Archipelago Property by Archipelago Properties LLC and CBJ Docks & Harbors** located at **388 and 356 S Franklin Street** in a Waterfront Commercial (WC) Zone.

TIMELINE

Staff Report expected to be posted **Monday, November 5, 2018** at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas**
Find hearing results, meeting minutes and more here as well.

Now through October 22, 2018

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

Oct 23 through 12 noon, Friday, Nov 9

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, November 13, 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.

November 14

The results of the hearing will be posted online.

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

Printed October 10, 2018

Case No.: CSP2018 0009, CSP2018 0010, FZE2018 0001, USE2018 0015
Parcel No.: 1C070K830036
CBJ Parcel Viewer: http://epv.juneau.org

Planning Commission

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

PLANNING COMMISSION
NOTICE OF RECOMMENDATION

Date: November 14, 2018
File No.: CSP2018 0009

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

Proposal:	Planning Commission Recommendation to the City and Borough Assembly regarding purchase and sale of portions of the Archipelago Property for a coordinated development by Archipelago Properties LLC and CBJ Docks and Harbors
Property Address:	356 and 388 S. Franklin Street
Legal Description or ROW name:	Archipelago Lots 1, 2, 3, and 4
Parcel Code No.:	1C070K83003-6; -7; -8; -9
Hearing Date:	November 13, 2018

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated October 31, 2018, and recommended that the Assembly approve purchase and sale of portions of the Archipelago Property for a coordinated development by Archipelago Properties LLC and CBJ Docks and Harbors of CBJ property located on portions of Archipelago Lots 1, 2, 3, and 4.

Attachments: October 31, 2018 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding CSP2018 0009.

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

Project Planner: _____ _____

Teri Camery, Senior Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

_____ November 19, 2018

Filed With Municipal Clerk

Date

cc: Plan Review

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

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

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

DATE: October 30, 2018

TO: Board of Adjustment

FROM: Teri Camery, Senior Planner

Community Development Department

FILE NO.: FZE2018 0001

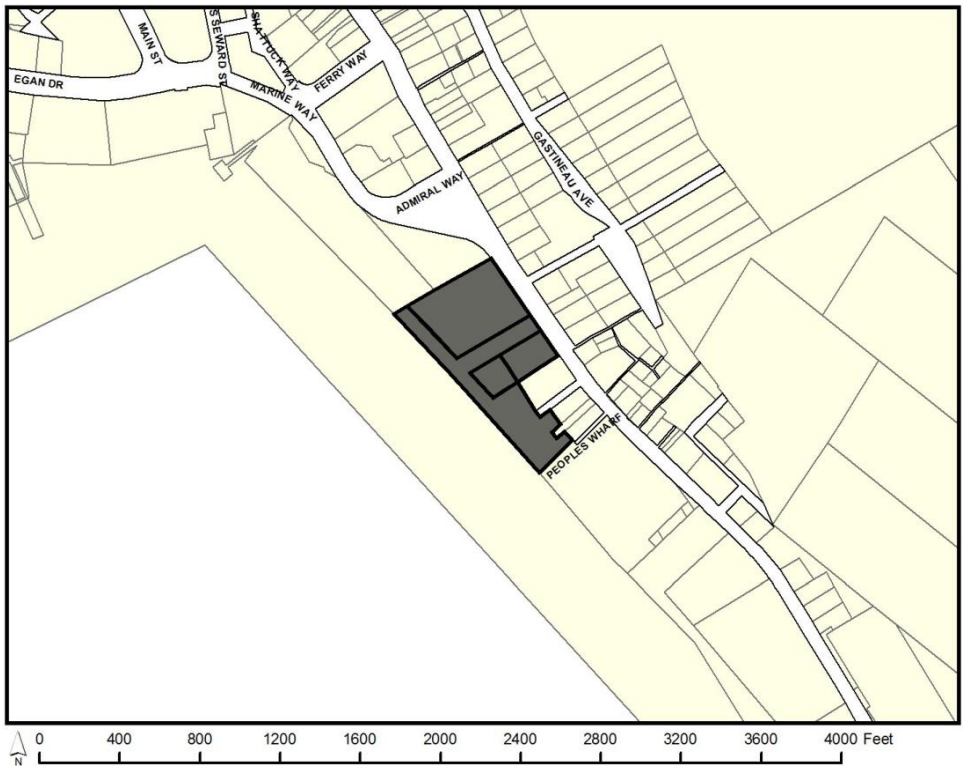
PROPOSAL: A Flood Zone Exception for development of a covered shelter with restrooms seaward of the mean high tide line

GENERAL INFORMATION

Applicant:	City and Borough of Juneau Docks & Harbors
Property Owner:	Archipelago Properties LLC and CBJ Docks and Harbors
Property Address:	356 and 388 S. Franklin Street
Legal Description:	Archipelago Lots 1, 2, 3, and 4
Parcel Code No.:	1C070K83003-6; -7; -8; -9
Site Size:	43,508 sq. ft.; 10,305 sq. ft.; 7,267 sq. ft.; 48,265 sq. ft.
Comprehensive Plan Future Land Use Designation:	Marine Commercial
Zoning:	Waterfront Commercial
Utilities:	City Water and Sewer
Access:	South Franklin Street
Existing Land Use:	Vacant

Surrounding Land Use:	North	-	Library and Parking Garage; Waterfront Commercial
	South	-	Retail; Waterfront Commercial
	East	-	South Franklin Street; Mixed Use
	West	-	Cruise ship dock; Waterfront Commercial

VICINITY MAP



ATTACHMENTS

Attachment 1 Development Permit Application
Attachment 2 Flood Zone Exception Application
Attachment 3 Project Narrative
Attachment 4 Combined Public and Private Development Plan
Attachment 5 Public Development Plan
Attachment 6 FEMA Flood Map
Attachment 7 11-20-16 Planning Commission Minutes
Attachment 8 Map showing Mean High Tide Line
Attachment 9 Existing Property Lines
Attachment 10 Proposed Property Lines
Attachment 11 CBJ Engineering Comment Regarding Infiltration Standard

PROJECT DESCRIPTION

The applicant, CBJ Docks and Harbors, requests a Flood Zone Exception, per CBJ 49.40.410, to allow a covered shelter with public restrooms to be constructed seaward of the mean high tide line in the downtown waterfront area known as the Archipelago Property.

The 3,000 square foot one-story structure includes 2,500 square feet of open area and 800 square feet of restrooms. The shelter would have walls of glass all around, with several large doors to allow free free-flowing access. The glass doors could be locked down for security or inclement weather protection.

The Federal Emergency Management Agency (FEMA) flood maps categorize the project area as Zone VE with a velocity flood elevation of 25 feet above Mean Lower Low Water (MLLW) in the 2013 adopted flood maps. Zone VE indicates an area with a one percent annual chance flooding with velocity hazard (wave action). This categorization is shown in the map below:

There are no changes proposed for this area in the 2017 flood map revision currently under review.

CBJ 49.70.400(g)(2) prohibits habitable construction in areas seaward of the reach of mean high tide (15.4 feet) in velocity flood zones due to the increased potential for damage from a 100-year storm event. However with an approved flood zone exception, habitable construction may exist in this area. The proposed shelter with restrooms meets the FEMA definition of a habitable structure, as follows:

> *Finished (habitable) area means an enclosed area having more than 20 linear feet of finished interior walls (paneling, etc.) or used for any purpose other than solely for parking or vehicles, building access, or storage.*

The structure is proposed for construction seaward of the mean high water line, therefore a Flood Zone Exception is required from the Planning Commission to ensure that the development meets the exception criteria listed in 49.70.410, Exceptions.

The covered shelter/restrooms building would be constructed on top of the steel pile-supported deck with a finished elevation of approximately 28 feet, three feet above the designated Base Flood Elevation of 25 feet in this area. The steel pile-supported deck would be designed and built to withstand flood level wave action forces.

BACKGROUND

The proposed development within the flood zone is under review as a Conditional Use Permit and City Project Review for downtown waterfront improvements, and an additional City Project Review for purchase and sale of portions of the Archipelago Property. (USE2018 0015, CSP20180009, and CSP20180010)

The subject property is the site of the former Juneau Cold Storage building, which burned in the 1980s. The property has changed ownership a couple of times since then. Archipelago Properties, LLC (APLLC) purchased the property in 1998. In 2011 and 2013, CBJ purchased the property in increments, as described in the Project Narrative, Attachment 3. The private landowner section of the Archipelago Property has been mostly vacant since APLLC purchased it, but in recent years it has been leased to private businesses for seasonal food and retail uses.

The development of the Archipelago Property is a cooperative effort of Docks and Harbors and APLLC. Lots 1 and 2 are owned by APLLC, and lots 3 and 4 are owned by CBJ and managed by Docks and Harbors. Each entity is independently developing their portion of the property, due to public procurement regulations. The Conditional Use Permit and City Project Review are only for the public portion of the project. APLLC development is not yet ready for a Conditional Use Permit application; review for this portion of the project will take place as a separate Conditional Use Permit in the future. APLLC will generally develop the uplands portion of the property for

commercial/retail uses, while Docks and Harbors will develop primarily tidelands for cruise ship visitor needs. Specifically, the Docks and Harbors development subject to review includes a transportation staging area, pedestrian circulation, covered shelter with restrooms, and open space.

Staff notes that all four reviews include all Archipelago Property lots and landowner signatures of both APLLC and CBJ, because lot lines will change in the future. The sale and purchase is the subject of CSP2018 0009. The temporary retail shops in this area are located on APLLC property through leases, not on CBJ property.

The first part of the project to be constructed would be the concrete retaining wall. The pile-supported deck area will be constructed from the uplands portion to provide staging for equipment and materials. After the deck portion of the property is completed the restroom/shelter building and commercial buildings will be constructed. The intent is to begin construction of the Docks and Harbors project in the fall/winter of 2018.

ANALYSIS

The potential flood event of this coastal area is from wave action.

49.70.400 Floodplain

CBJ Code 49.70.400(a) states the purpose of the CBJ flood regulations, which may provide guidance for the Planning Commission in its review.

> *Purpose. The purpose of this article is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. Other purposes are to:*
> *(1) Reserved;*
> *(2) Prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions, or other hazards;*
> *(3) Minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage;*
> *(4) Reduce the financial burdens imposed on the community, its governmental units, and its individuals by frequent and periodic floods and overflow of lands;*
> *(5) Reserved;*
> *(6) Ensure that potential buyers are notified that property is in a special flood hazard area; and*
> *(7) Ensure that those who occupy the special flood hazard area assume financial responsibility for their development.*

Section 49.70.410 (b) lists 11 evaluation criteria for the Board of Adjustment to consider in its review of Flood Zone Exceptions, which will be reviewed below. Section 49.70.410(d) states:

> *Upon consideration of the factors of subsection (b) of this section and the purposes of this article, the board may deny or grant the application and may attach such conditions to the grant of an exception as it deems necessary to further the purposes of this article*.

At the November 30, 2016 Planning Commission meeting, Commissioners had an extensive discussion regarding whether all eleven criteria must be met, or just considered. This discussion occurred during deliberations on FZE2016 0001, a flood zone exception for an outdoor restaurant structure. Final minutes indicate that the Commission concluded that all criteria needed to be considered, but not met. These minutes are included here for reference (Attachment 7).

49.70.410 Exceptions.

(a)The board of adjustment shall hear all applications for an exception from the provisions of this article, and shall be limited to the powers granted in this article and those necessarily implied to ensure due process and to implement the policies of this article.

(b) In passing upon such application, the board of adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article, and:

(1) The danger that materials may be swept onto other lands and cause injury to other persons or property;

The proposed restroom structure would be constructed on top of the steel pile-supported deck with a finished flood elevation of 28 feet, three feet above the Base Flood Elevation of 25 feet. The application indicates that potential wave forces will be dissipated by cruise ship moorage facilities. The application indicates that the steel pile-supported deck will be engineered and constructed to withstand the 100-year storm force, therefore minimizing the likelihood of materials being swept away during a flood event.

Though already noted in the applicant's project description, staff recommends an additional condition to confirm that the steel pile-supported deck will be built to withstand a velocity flood, as follows:

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

Because the development includes a restroom, CBJ must also confirm conformance with CBJ Code 49.700.400(d)(3) Utilities, which states:

(3) Utilities.

(A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

(C) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Docks and Harbors verified that the restroom would use welded HDPE pipe systems with no mechanical joists, thus eliminating the possibility for infiltration. CBJ Engineering confirmed that this measure is in compliance with CBJ Code, and also noted that the pump station can be turned off or the manual valve at the property line could be closed, in the event of a flood (Attachment 11).

This criterion is met.

(2) The danger to life and property due to flooding or erosion damage;

With the proposed project design and recommended conditions, no evidence indicates that granting the Flood Zone Exception will endanger life or property.

This criterion is met.

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

The proposed structure will not be susceptible to flood damage because it will be located at an elevation of approximately 28 feet, 3 feet above the designated base flood elevation. With the proposed project design and recommended conditions, no evidence indicates that the restroom or its contents will be susceptible to flood damage.

This criterion is met.

(4) The importance of the services provided by the proposed facility to the community;

The restrooms and shelter structure is an integral piece of the Marine Park to Taku Dock Master Plan. In addition, there is an established demand for more public restrooms downtown.

This criterion is met.

(5) The necessity to the facility of a waterfront location, where applicable;

The proposed site of the structure is on currently vacant submerged lands owned by CBJ. The Archipelago Property is the last undeveloped parcel along the entire waterfront from Marine Park to Taku Dock. No other location in this waterfront corridor offers the space needed for the proposed structure, which must be located in conjunction with the adjacent transportation area, open space, and pedestrian corridors. Furthermore, the structure must be located seaward of the Mean High Water line to avoid placement in the driveway entrance of the transportation staging facility. There is no other location on public property for the proposed structure that would not be seaward of the Mean High Water line. (Attachments 8-10)

This criterion is met.

(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

As noted under the previous criterion, no other location in this waterfront corridor offers the space needed for the proposed structure, which must be located in conjunction with the adjacent transportation area, open space, and pedestrian corridors. Furthermore, the structure must be located seaward of the Mean High Water line to avoid placement in the driveway entrance of the transportation staging facility. There is no other location on public property for the proposed structure that would not be seaward of the Mean High Water line. (Attachments 8-10)

This criterion is met.

(7) The compatibility of the proposed use with existing and anticipated development;

The structure must be located near the existing cruise ship dock to serve tourists. The proposed structure is compatible with existing and anticipated development and is necessary to support it.

This criterion is met.

(8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;

The site is designated as Marine Commercial in the 2013 Juneau Comprehensive Plan. This designation is appropriate for the proposed structure. The Comprehensive Plan does not have any flood-related policies specifically relating to development along Velocity flood zones. Recommended staff conditions will ensure that the structure is built to withstand a 100-year

flood force, consistent with general flood-related policies in the Comprehensive Plan that call for regulation of development in floodplains.

This criterion is met.

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

Access to the property is provided from South Franklin Street. The proposed restroom can be accessed safely during a flood event.

This criterion is met.

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

The proposed structure will have an elevation of approximately 28 feet, three feet above the Base Flood Elevation of 25 feet. Therefore *expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action,* are not applicable. Furthermore, recommended staff conditions will ensure that the structure is built to withstand 100-year storm force.

This criterion is met.

(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

The CBJ facility will be insured. No evidence indicates that the costs of providing governmental services during and after flood conditions will be significant.

This criterion is met.

Criterion B, numbers 1-11, has been met.

(c) Exceptions may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (b)(1)—(b)(11) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the exception increases.

The proposed structure is 3,000 square feet. After purchase and sale adjustments have been made to the Archipelago lots, the final Docks and Harbors area will be approximately 41,715 square feet or .96 acres. The code states that "as the lot size increases beyond the one-half acre, the technical justification required for issuing the exception increases."

The lot is larger than one half acre, which does not meet the first threshold. The second threshold, "contiguous to and surrounded by lots with existing structures constructed below the base flood level," has been met because the adjacent parking garage and library, visitor information center, port/customs building, and entire dock system has been constructed below the base flood elevation. The third threshold has been met because subsections (b)(1-11) have been fully considered and staff analysis indicates they have been met. The applicant has provided significant justification to support the exception by explaining why the structure must be located seaward of Mean High Water. Furthermore, the proposed restroom and shelter will be located at an elevation of 28 feet, three feet higher than the base flood elevation, and will be designed to withstand 100-year storm forces. Lastly, municipal development can scarcely be accommodated on parcels of a half-acre or less as required in this section.

In conclusion, there is sufficient evidence to recommend compliance with this criterion despite the larger parcel acreage.

This criterion is met.

(d) Upon consideration of the factors of subsection (b) of this section and the purposes of this article, the board may deny or grant the application and may attach such conditions to the grant of an exception as it deems necessary to further the purposes of this article.

Staff analysis indicates that all sub-criterion of (b)(1-11) have been met, with approval of recommended staff conditions.

This criterion is met.

(e) Exceptions may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.

The proposed development is not located on the National Register of Historic Places.

This criterion is not applicable.

(f) Exceptions shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

There are no floodways along the downtown waterfront.

This criterion is not applicable.

(g) Exceptions shall only be issued upon a determination that the exception is the minimum necessary, considering the flood hazard, to afford relief.

As noted under the previous criterion, no other location in this waterfront corridor offers the space needed for the proposed structure, which must be located in conjunction with the adjacent transportation area, open space, and pedestrian corridors. Furthermore, the structure, even if substantially reduced in size, must be located seaward of the Mean High Water line to avoid placement in the driveway entrance of the transportation staging facility. There is no other location on public property for the proposed structure that would not be seaward of the Mean High Water line. Finally, the structure will be located three feet above the base flood elevation; therefore the flood hazard is minimal. The requested exception is the minimum necessary to afford relief. (Attachments 8-10)

This criterion is met.

(h) Exceptions shall only be issued upon:
(1) A showing of good and sufficient cause;

As noted previously, no other location in this waterfront corridor offers the space needed for the proposed structure, which must be located in conjunction with the adjacent transportation area, open space, and pedestrian corridors. Furthermore, the structure, even if substantially reduced in size, must be located seaward of the Mean High Water line to avoid placement in the driveway entrance of the transportation staging facility. There is no other location on public property for the proposed structure that would not be seaward of the Mean High Water line. The structure will be located three feet above the base flood elevation; therefore the flood hazard is minimal. There is high demand for public restrooms in this area, and the development is supported by the 2013 Juneau Comprehensive Plan and 2004 Waterfront Development Plan. The exception is justified by a showing of good and sufficient cause.

This criterion is met.

(2) A determination that failure to grant the exception would result in exceptional hardship to the applicant; and

No other location in this waterfront corridor offers the space needed for the proposed structure, which must be located in conjunction with the adjacent transportation area, open

space, and pedestrian corridors. Furthermore, the structure, even if substantially reduced in size, must be located seaward of the Mean High Water line to avoid placement in the driveway entrance of the transportation staging facility. There is no other location on public property for the proposed structure that would not be seaward of the Mean High Water line. Failure to grant the exception would result in exceptional hardship to the applicant.

This criterion is met.

(3) A determination that the granting of an exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances or conflict with existing local laws or ordinances.

The project will not increase flood heights, threats to public safety, extraordinary public expense, or create nuisances. If the Board of Adjustment grants the requested exception the project will not conflict with existing local laws or ordinances.

This criterion is met.

FINDINGS

Staff concludes that Section 49.70.410 (b), (c), (d), (e), and (f) Exception criteria have all been met.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and grant the requested Flood Zone Exception, FZE2017 0001. The Flood Zone Exception would allow construction of a public restroom in a Velocity Flood Zone, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a letter from a licensed professional engineer indicating that the 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.

JUNEAU DEVELOPMENT PERMIT APPLICATION

COMMUNITY DEVELOPMENT

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

To be completed by Applicant

PROPERTY LOCATION

Physical Address: 356 & 388 S. Franklin Street

Legal Description(s) (Subdivision, Survey, Block, Tract, Lot): Archipelago Lots 1, 2, 3 & 4

Parcel Number(s): 1C070K830036, 0037, 0038 & 0039

☒ This property located in the downtown historic district A portion along S. Franklin

☒ This property located in a mapped hazard area, if so, which Mass wasting

LANDOWNER/ LESSEE

Property Owner: CBJ Docks & Harbors & Archipelago Properties LLC

Contact Person: Gary Gillette

Mailing Address: 155 S. Seward Juneau AK 99801; 725 Broad St. Augusta GA 30901

Phone Number(s): 907-586-0398

E-mail Address: gary.gillette@juneau.org

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

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

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.

B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X _____ Landowner/Lessee Signature — Date: 6/20/2018

X _____ Landowner/Lessee Signature — Date: 6/18/18

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"

Applicant: CBJ Docks & Harbors

Contact Person: Gary Gillette

Mailing Address: 155 S. Seward St. Juneau AK 99801

Phone Number(s): 907-586-0398

E-mail Address: gary.gillette@juneau.org

X _____ Applicant's Signature — Date of Application: 16 Aug 18

DEPARTMENT USE ONLY BELOW THIS LINE

Intake Initials	
TC	
Case Number	Date Received
USE18-0015	8/22/18

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.

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Updated 2017 – Page 1 of 1

CSP — 2018 0010.

EZE 2018-0001

CSP 2018-0009

CITY AND BOROUGH OF JUNEAU
COMMUNITY DEVELOPMENT

FLOOD ZONE EXCEPTION 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

Development of a transportation staging area; covered gathering structure; public restrooms; and open space.

Base Flood Elevation 25'

Flood Insurance Rate Map Panel # 02110C15670

Elevation of Lowest Floor of all Structures Including Basement 28'

Elevation to which the Structure has been Floodproofed 28'

ALL REQUIRED MATERIALS ATTACHED

- ☑ **Complete application per CBJ 49.70.410**
- ☑ **Narrative including:**
  - ☑ Exceptional hardship if not granted
  - ☑ Elevation at lowest floor
  - ☑ Elevation structure(s) have been floodproofed
  - ☑ Certification that floodproofing meets generally accepted standards
  - ☑ Extent to which any watercourse will be altered or relocated
  - ☑ Plan for maintenance of altered or relocated watercourse
  - ☑ If the base flood elevation will change as a result of the proposed activity, and why
  - ☑ Why a flood zone exception is needed
  - ☑ How the proposed exception will effect life and property in the event of a flood
  - ☑ How susceptible the proposed facility is to flooding
  - ☑ How the proposed facility/use serves the public
  - ☑ If the facility/use requires a waterfront location
  - ☑ Availability of alternative locations
  - ☑ Compatibility of proposed use with surrounding existing and proposed uses
  - ☑ Relationship of proposed use to the Comprehensive Plan and Flood Management programs
  - ☑ Expected heights, velocity, duration, rate of rise, and sediment transport
  - ☑ Other applicable information as outlined in CBJ 49.70.410(b)
- ☑ **Plans** (details on page 2)

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

FLOOD ZONE EXCEPTION FEES	Fees	Check No.	Receipt	Date
Application Fees	$			
Admin. of Guarantee	$			
Adjustment	$			
Total Fee	$			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number	Date Received
FZE20160001	8/22/16

Port of Juneau

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

Application for an Exception to the Limit of Seaward Development

for

Downtown Waterfront Improvements *Archipelago Property*

EXCEPTION NARRATIVE

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

August 16, 2018

INTRODUCTION

The City and Borough of Juneau (CBJ) Docks and Harbors (D&H) proposes improvements to the downtown waterfront consistent with the recently completed *Marine Park to Taku Dock Urban Design Plan (UPD)*[1]. The UPD is a long range plan that features several components that would be completed over time as funding allows. The specific development component subject to this document is the construction of a pile supported deck and a covered shelter with restrooms which would be built atop the deck structure. These improvements would be built on the public portion of a currently undeveloped parcel, commonly referred to as the Archipelago Property, adjacent to the Main Library and Parking Garage.

PROJECT SUMMARY

The overall development of the Archipelago Property (see Attachment A) will generally consist of tidelands development by D&H and uplands development by Archipelago Properties LLC (APLLC). CBJ D&H owns Lots 3 and 4 of the Archipelago Subdivision while APLLC owns Lots 1 and 2. D&H and APLLC are working cooperatively so that each portion of the development complements the other. However, each entity is independently developing their portion. Reasoning for this approach is due to city charter restrictions on public procurement where consultant and construction services must be competitively obtained. PND Engineers was selected through a Request for Proposals (RFP) process and is now actively engaged as D&H's consultant. Construction of D&H's portion of the project will occur after a competitive bid process.

The D&H portion of the project features a transportation staging area; pedestrian circulation; covered shelter with restrooms; and open space (see Attachment B). The covered shelter and restrooms facility would provide an important service to the cruise ship passengers. This open air building would provide a covered area for passengers to gather for their land based tours while awaiting their transportation to those venues. The concept for the building is to include movable walls or doors to provide security and protection when windy conditions occur. The restrooms portion of the building would fulfill a desire of D&H to provide more restroom facilities along the seawalk.

FLOOD HAZARD AREAS

The City Code addresses flood hazard areas at Title 49 Article IV. The D&H portion of the overall Archipelago Property is located in a FEMA designated flood zone (see Attachment C). There are two issues to be addressed within the flood zone area: 1) flood elevation and 2) development is to be landward of mean high water (elevation 15.4 feet).

Flood Elevation - The flood designation for this area is VE with a flood elevation of 25 feet. The proposed project is a steel pile supported structure with wooden and concrete decking. The structure would be designed and built to withstand flood level wave action forces.

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1 http://www.juneau.org/harbors/documents/MarineParktoTakuDockUrbanDesignPlanwithAppendixFINALFeb26.pdf

The covered shelter/restrooms building would be constructed atop of the pile supported deck with a finished floor elevation of approximately 28 feet, thus above the designated flood elevation for the site therefore meeting the flood elevation criteria.

Development Landward of Mean High Water - The city code at 49.70.400(g)(2) states; "...all new habitable construction shall be located landward of mean high water (15.4' elevation). The covered shelter/restrooms building is planned to be constructed beyond the line of mean high water thus requiring an exception to the landward development provision. The code provides that the Planning Commission may make exceptions to provisions in the flood hazard zone with criteria established at Title 49.70.410 - Exceptions. An exception to the limit of the seaward development provision is the subject of this document.

The site selected for the covered shelter/restrooms is ideal as it is easily accessible to the cruise ship berths and the adjacent land based transportation staging area. The covered shelter/restrooms building will be constructed on a steel pile structure designed to withstand the wave action forces in the VE flood zone. The building will be built above the flood elevation thus would be safe from flood action. Flood waters would not reach the building thus no damage to it or surrounding facilities are anticipated. The covered shelter/restrooms building will serve a vital function for visitors by providing safe and comfortable respite from Juneau's temperate rainforest climate and adding to the existing restrooms along the waterfront.

For the above stated reasons, CBJ Docks and Harbors hereby requests an exception to the provision that new construction must be located landward of mean high water.

EXCEPTION TO LIMIT OF SEAWARD DEVELOPMENT

The Community Development Department (CDD) Flood Zone Exception Application requires a number of items to be discussed in the application narrative. Most of these items refer to issues that relate to a building constructed within a flood impacted area. Since the building proposed by D&H is above the flood elevation for this site many of the items in the application do not apply. The ask for this project is to be allowed to develop the covered shelter/restrooms building beyond the Mean High Water line. Below is a discussion of the listed items required by the application.

- *Exceptional hardship if not granted*: The proposed project is an important element of the overall cruise ship related services located adjacent to the city owned cruise berths. The covered shelter provides protection from our rainforest climate that is a particular benefit to visitors. The restrooms serve an important service to visitors that frequent the seawalk and gathering spaces along the waterfront. The Assembly identified the need for additional restrooms along the waterfront many years ago.

  Nearly all of the property being obtained from APLLC for this project is beyond mean high water. If the exception to the limit of seaward development is not granted the planned project at the Archipelago Property would suffer exceptional hardship as planned infrastructure serving the visitor industry would not be able to be developed.

- *Elevation at lowest floor*: Elevation of the lowest floor of the covered shelter/restrooms building would be approximately 28' which is three feet above the flood elevation at this site.

- *Elevation Structures(s) have been floodproofed*: The structural steel piling and wood deck infill structure is being designed to withstand flood velocity impact loads and will have a top deck elevation of approximately 28 feet above mean lower low water (MLLW).

- *Certification that floodproofing meets generally accepted standards*: Upon final design and submittal of building permit the design engineer will certify the structure has been designed in accordance with flood standards of the city code.

- *Extent to which any watercourse will be altered or relocated*: N/A

- *Plan for maintenance of altered or relocated watercourse*: N/A

- *If the base flood elevation will change as a result of the proposed activity, and why*: Base flood elevation is not expected to change as a result of the proposed activity.

- *Why a flood zone exception is needed*: The city code limits the location of buildings on the waterfront to the line of mean high water thus an exception to this limit is needed to allow the construction of the covered shelter/restrooms building in its planned location.

- *How the proposed exception will effect life and property in the event of a flood*: No detrimental effects are expected because the building will be constructed above the flood elevation and built on a structure designed to withstand flood forces identified by city code.

- *How susceptible the proposed facility is to flooding*: The proposed covered shelter/restrooms building would not be susceptible to flooding as it is above the flood elevation. The pile structure upon which it sits will be designed to withstand the impact loading of velocity flooding in accordance with city code.

- *How the proposed facility/use serves the public*: The proposed covered shelter/restrooms will serve visitors providing shelter from rain and wind during inclement weather.

- *If the facility/use requires a waterfront location*: The primary function of the proposed building is to serve as a shelter from the typical rainy weather. This serves visitors while gathering to load onto vehicles for tours at the adjacent transportation staging area.

- *Availability of alternative locations*: The proposed site of the covered shelter/restrooms building is on currently vacant Archipelago Property submerged lands. The Archipelago Property is the last undeveloped parcel along the entire waterfront from Marine Park to Taku Dock. The need for the uses provided by this building are generated from the cruise ship passengers connecting with shoreside services. No other location in this waterfront corridor offers the space necessary for the proposed covered shelter/restrooms building in conjunction with adjacent transportation staging area, open space, and pedestrian corridors.

- *Compatibility of proposed use with surrounding existing and proposed uses*: The proposed covered shelter/restrooms building is compatible with surrounding uses that provide information or

services to cruise ship passengers including the Visitor Information Center; Visitor Information Kiosk; and U.S. Customs and Port Field Office. The publically operated building is compatible and does not compete with the surrounding existing and proposed private sector retail shops.

- *Relationship of proposed use to the Comprehensive Plan and Flood Management programs*: The proposed development of the Archipelago Property is in general compliance with Policy 5.6 of the current Comprehensive Plan[2] (updated 2013). The public open space, transportation staging, pedestrian circulation; public restrooms; and covered shelter are necessary upland elements associated with the newly constructed cruise ship berths. The new berths accommodate larger ships with greater capacity thus the need for upland facilities to provide safe and efficient transfer of people from the ship to the community and the transportation network that connects various tourist related venues in other parts of Juneau.

  In 2004 Ordinance 2004-40 amended the Comprehensive Plan by adopting the Long Range Waterfront Plan (LRWP). The LRWP divided the downtown waterfront from the Douglas Bridge to the Little Rock Dump into areas, each with specific recommendations for future development that ultimately would create a vibrant waterfront. The new cruise ship berths and adjacent uplands, including the Archipelago Property, are contained in Area D of the LRWP. The LRWP identified two options for development in this area with the difference being that Option D2 called for the city owned cruise ship docks to be modified to accommodate larger ships which is now complete.

  The proposed development of the Archipelago Property is generally consistent with the intent of the LRWP Option D2 (see Attachment D). The private developer plans to provide multiple storefronts on the uplands portion of the property whereas D&H plans to provide improved pedestrian and vehicular circulation as well as organized open space. The private and public development will provide significant improvements for access from South Franklin Street to the Seawalk and vice versa.

- *Expected heights, velocity, duration, rate of rise, and sediment transport*: The proposed covered shelter/restrooms will be above flood elevation thus not subject to these impacts.

- *Other applicable information as outlined in CBJ 49.70.410(b)*: N/A

ATTACHMENTS

A. Overall Archipelago Site Plan
B. Site Plan of Docks and Harbors Project
C. FEMA Flood Map
D. Long Range Waterfront Plan – Section D2

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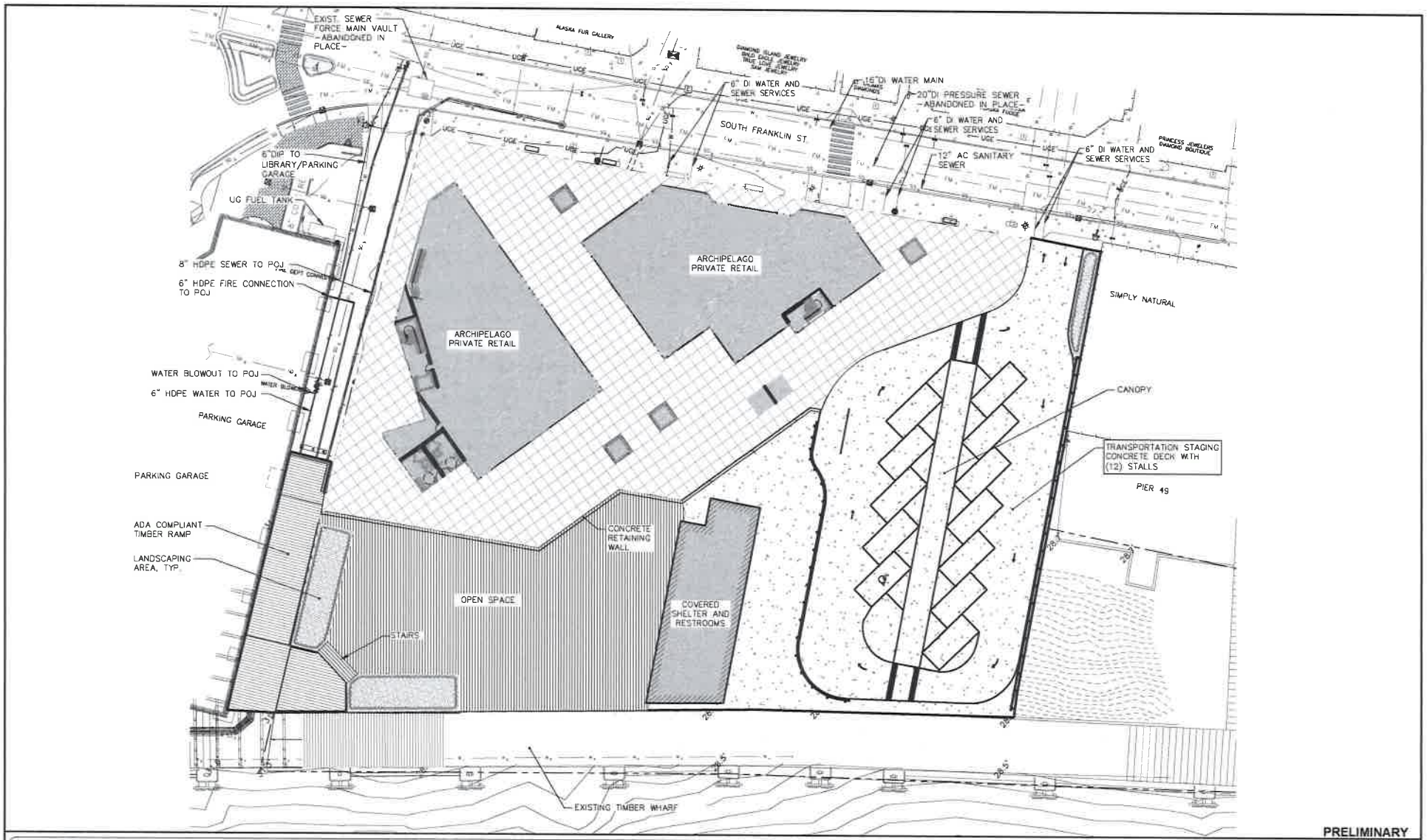
[2] POLICY 5.6. To Encourage Tourism, Convention and Other Visitor-related Activities Through The Development of Appropriate Facilities and Services, While Protecting Juneau's Natural, Cultural and Economic Attractions for Local Residents and Visitors Alike, and to Participate in the Accommodation of the Future Growth of Tourism in a Manner that Addresses Both Community and Industry Concerns.



PRELIMINARY

REVISIONS

REV.	DATE	DESCRIPTION	DWN.	CKD.	APP.

PND ENGINEERS, INC.
9360 Glacier Highway Suite 100
Juneau, Alaska 99801
Phone: 907 586 2093
Fax: 907 586-2099
www.pndengineers.com

DESIGN: PND CHECKED: CRS
DRAWN: PND APPROVED: CRS
SCALE: SCALE IN FEET 0 20 40 FT.
DATE: AUG. 08, 2018

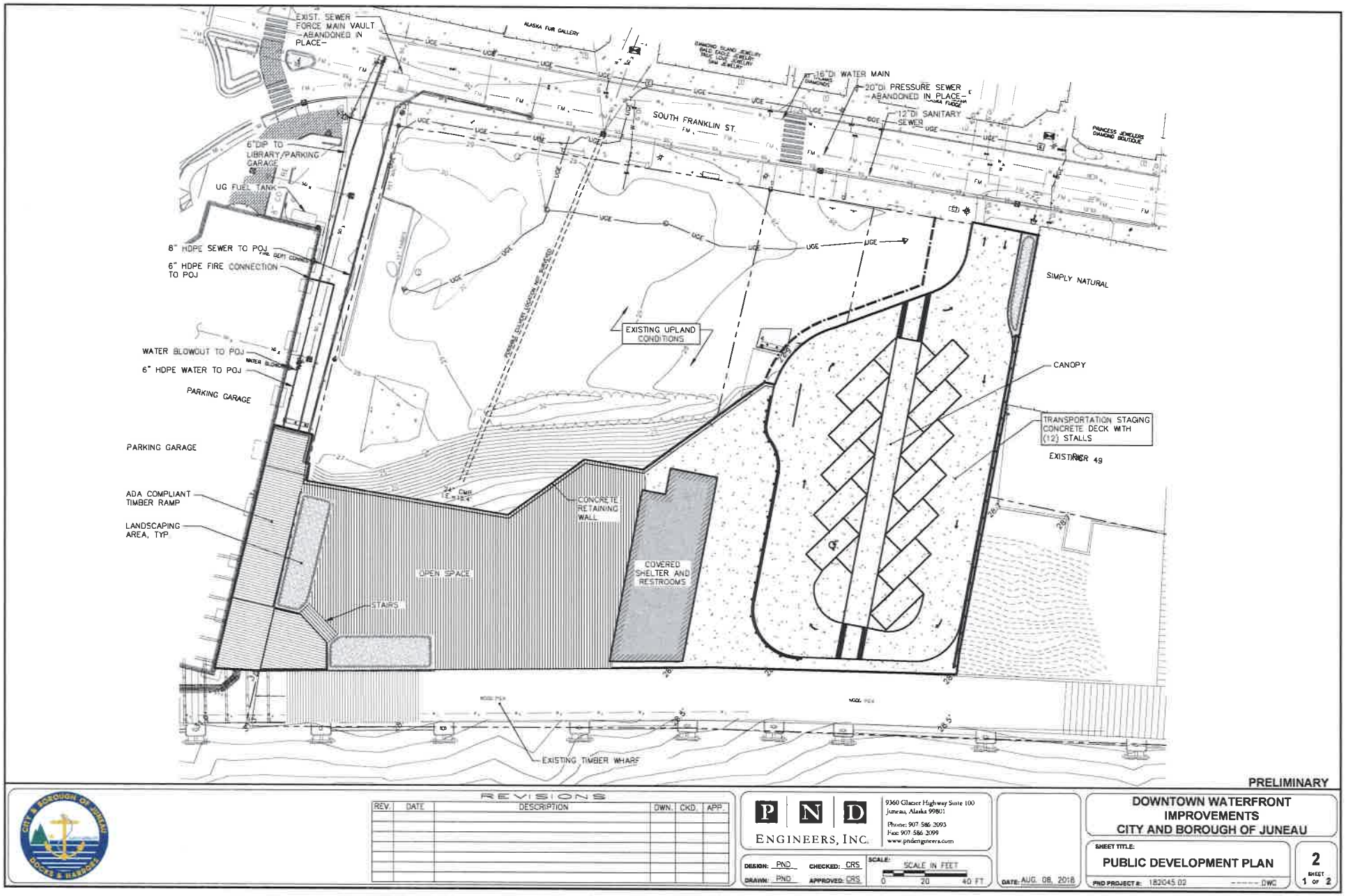
DOWNTOWN WATERFRONT IMPROVEMENTS
CITY AND BOROUGH OF JUNEAU

SHEET TITLE: COMBINED PUBLIC AND PRIVATE DEVELOPMENT PLAN

PND PROJECT #: 182045.02 DWG

SHEET 1 OF 2

Attachment 4 - Combined Public & Private Development Plan



Attachment 5 - Public Development Plan

Attachment 6 - FEMA Flood Map

Public testimony – none.

MOTION: *by Mr. Levine, to approve AME2016 0018 accepting the staff's analysis and findings.*

Mr. Frisby seconded the motion.

The motion passed with no objection.

Mr. Haight recessed the body as a Planning Commission and took up business as the Board of Adjustment at 9:15 pm.

X. BOARD OF ADJUSTMENT

A. **FZE2016 0001:** A Flood Zone Exception to allow new restaurant buildings to be built on a dock seaward of the man high tide in a Velocity flood zone.
Applicant: James Bibb
Location: 406 South Franklin Street

Staff Recommendation
Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Flood Zone Exception, FZE2016-0001.

If the Board of Adjustment makes findings to grant the applicant's project, staff recommends the following conditions:

1. Prior to issuance of a Building permit, the applicant shall submit plans showing how improvements to the deck will be made, consistent with the attached 2016 engineer's letter.
2. Prior to issuance of a building permit the applicant shall submit plans showing that the existing footings on the beach will be improved to withstand forces from a 100-year storm event.
3. Prior to issuance of a Certificate of Temporary Occupancy, the applicant shall make improvements consistent with Conditions 1 & 2.

Mr. Feldt explained that the proposal before the commission is similar to a variance but is not through the land use code. Rather it is a variance of the flood zone regulations.

The reason why the flood zone exception is brought to the commission at this time is that the structures of the previous restaurant on this deck were smaller and substantially different from the new proposed structures. This requires a new flood zone exception to be filed, reviewed and taken action upon.

The focal point of the review was that the proposed buildings are located on an area seaward of mean high tide and the property is in a velocity flood zone, which means that during a 100-year storm event the shoreline would experience either a combination of three-foot tall waves or higher or a wave of lesser height that, when it hits the shoreline, has a high wave run up. There are more stringent building

regulations in such an area to withstand the greater wave force as compared to a building located near a river.

Mr. Feldt presented a PowerPoint of the project and staff's findings. He noted that there were three findings in the flood zone exception of the land use code that were found to be unmet. One of these would be met automatically if the other two were found to be met. There are 11 items to consider under CBJ 49.70.410(b). Staff found items 4 and 5 unmet:

(4) The importance of the services provided by the proposed facility to the community
(5) The necessity to the facility of a waterfront location, where applicable

Because of these unmet conditions, staff recommends denial. But if the Board of Adjustment makes findings to grant the applicant's proposal, staff recommends three conditions. Staff reviewed these conditions with the applicant, who in turn had a conversation with their clients, and they found it would be viable to meet conditions 1 and 2.

Board of Adjustment questions and comments:
Mr. Voelckers remembers seeing this exemption a few years ago and recollects one of the reasons there was favorable sympathy to the applicant in granting this was because there had not been FEMA loading criteria established yet for how strong a dock had to be to survive a 100-year event. Has this been clarified any more, he asked?

Mr. Feldt said the FEMA regulations were in place in 2014 when the exception was heard. In order for the community to have flood insurance for business owners and property owners, the city has to adopt very specific flood regulations through FEMA to participate in the national flood insurance program. The program is the tool where flood insurance is enabled for the local community. When a mortgage is issued or when a property is involved with a lender, the lender is the mechanism that triggers flood insurance. FEMA regulations that are in CBJ's land use code were established well before 2014. There were different findings to get to the approval of the flood zone exception by the previous Board of Adjustment instead of being explained by FEMA regulations being flexible.

Mr. Voelckers asked if Mr. Feldt could describe how the features being added are treated as a building. Would they remain permanently on the dock? Mr. Feldt said the structures are enclosed areas, but he deferred the question to the applicant.

Mr. Voelckers said he does not understand the logic regarding Criteria 6, which the staff report said had been met in the review. There is a burden on proving that there is not an alternative location for the proposed use which is not subject to flooding or erosion damage. The conclusion in the report is that it is non-applicable because the restaurant is sitting on top of dock, above the high water mark. He said it seems like faulty logic because of the vulnerability of a dock to wave action below. Mr. Feldt said once the fact that the deck will be able to withstand a 100-year storm force, there will likely be some degree of erosion and damage, but structurally the deck will be intact because of the conditions on the permit, if the flood zone exception is approved.

Mr. Levine asked if the intent of the criterion is more narrowly focused. Mr. Feldt said staff's focus was on the improvement seaward of mean high tide. Once structural integrity is established, strong enough to withstand a 100-year storm force, anything on top would not be damaged. Furthermore, the decking and the lowest horizontal members of the deck itself are above the base foot elevation, meaning that if a 100-year storm event were to impact the property it would only surround the piers, the waves would not impact the deck itself.

Mr. Levine asked if the natural extension of this logic would be that they don't need the flood zone exception at all. Mr. Feldt said the origin of the requirement to not build seaward of mean high tide is along more open shore lines and where fill is brought in to raise the starting point of the foundation, which could erode away in a storm event. Juneau's South Franklin development does not have that amount of fill projecting out into the channel. There are piers instead. There are shoreline areas consisting of fill that is decades old and have withstood a lot of storm force.

Mr. Voelckers said there was some narrative about the new 16-B dock adding greater buffering. He wonders if this is considered; does FEMA make this sort of subjective determinations? Mr. Feldt said the second dock will create some buffering. The process to prove to FEMA to change the maps behind the loading dock will have to go through a map amendment. Staff can pursue this with FEMA and work with Docks & Harbors and their engineers, etc. Mr. Voelckers said he doesn't understand how FEMA could allow one to make subjective judgements about whether an area was more or less dangerous. He thought it was just a question of vertical height. Mr. Feldt said they do draw the line which they say that the community has some given flexibility through a flood zone exception, so long as all the findings are met. Certainly you have to build above the base foot elevation, but along a velocity flood zone, it also adds another limitation above and behind the mean high tide line.

Mr. Haight said it seems we have come to a technical review of what we think the velocity condition might present to the site in determining this exception. That is correct, said Mr. Feldt.

Mr. James Bibb of Northwind Architects, the applicant representing his client who is the restaurant owner, came forward to speak along with Kate Nichols of Numan Development, the design consultant on the project specifically the container portion of the project.

Mr. Bibb said that the engineer on the project was not present but can answer questions and follow up as necessary. Mr. Bibb said he wanted to follow up regarding the two unmet criteria on the exception and address these similarly to how they were addressed two years ago when Northwind Architects represented the previous client/restaurant owner and the board ruled in favor. The question is for the community, where does Juneau see the waterfront going? A goal for the city is to become more pedestrian-oriented along the waterfront, as evidence by the development of the sea walk and the long-range waterfront plan. Therefore, development along that edge is critical to economic success and needs to be done in a manner according to the Comprehensive Plan, building codes, and so forth. This project is a verification of that.

Mr. Bibb shared a handout to commission members that included his bullet points. His points go to the question of why waterfront development is taking place and why that is critical in supporting Juneau's visitation industry. The growth of this industry puts some pressure on us to make sure that amenities along the sea walk, specifically along South Franklin Street, are encouraged.

The reason why this project is critical in this location is because that is the success or failure of businesses. A seafood restaurant marketing local product has to be near the waterfront, that makes sense and the market itself, the private sector, is making that determination. Location is critical for this, said Mr. Bibb.

Regarding number 5, Mr. Bibb said the reason why two years ago they proposed the dock had a lot to do with the operation of the restaurant. There are very few locations with dock waterfront south-facing venues and that character and atmosphere. Also, he said, one would not expect fresh, local seafood to be served internally; the success of that is the ability to go out on deck and have that connection to the waterfront. This is how you market the main asset.

Mr. Bibb pulled up the graphic he had handed out, which compared the previous restaurant layout to the proposed one. He noted that for the most part, they tried to pull the structures back from the flood zone line but their final plan reflects the best way that a restaurant operates. They also had a structural engineer do an assessment of the existing dock. Upgrades were done to the dock two years ago and so they leveraged the existing qualities of the dock itself, finding the best places that make the most structural sense. This gets to the idea that the dock is going to maintain a design that supports the resistance for the loading criteria based on a 100-year flood zone or seismic occurrence. This is similar to the criteria that they had to meet last time, and they were successful in arguing these points then.

Kate Nichols spoke and stated that she is an engineer by education and has been involved in all of the discussion with Bruce Berryhill regarding this project. She spoke to comments regarding the 100-year flood concern and the mean tide issue. It has been determined that the criteria can be met for the pier to withstand a 100-year storm which means that since the mean tide is beneath the pier that anything above the pier would be safe. She believes this is the key requirement being looked at for the FEMA requirement. Also if trying to elevate the waterfront to a world class status, she said she has yet to be in a place better suited for a marriage of this method of architecture and an environment. Structurally and operationally the modules that are beyond the mean high-tide line need to be there. The combination of the fact that the pier can withstand a 100-year storm event, that no one is being put in harm's way and that it is required for the project to proceed successfully and capitalize on the magnificent nature of Juneau's waterfront are key points.

Mr. Voelckers asked if the intent is that the structures would not move seasonally. Ms. Nichols said although they could be moved, the intent is not to move them seasonally. Are they heavier than what was there before, asked Mr. Voelckers? Yes, said Ms. Nichols, but those lateral loads and their effects come more into play in a seismic situation than in a storm situation. They will be adequately addressed in the building permit process. There should be no concern there.

Public testimony – none.

Commission Comments and Questions:
Mr. Voelckers said he had staff questions, perhaps best directed to law staff. He said he buys the focus on a vital waterfront but he was having trouble reconciling the criteria the board is supposed to review. He wondered who takes the liability from what might happen from this decision.

Mr. Palmer took the floor. He referred the board to CBJ 49.75.10(J). There is a wording and disclaimer of liability specifically in code, "This article shall not create liability on the part of the city and borough or in the office thereof or the Federal Insurance Administration." Hopefully that resolves the question about liability. Liability, if it exists, is with the users and/or owners of the property. Mr. Voelckers asked if the lender is satisfied that the applicant has made appropriate corrections to take this design load then everybody is cool. On the private market side, yes, said Mr. Palmer. Mr. Voelckers asked if there was any cautionary in terms of precedent setting, similar to issues raised with variances about making sure all of the readings can be justified because of further legal consequences or the potential of something being overturned. There could be, said Mr. Palmer. The general guidance is what is specific about this application as evaluated by the criteria. He said that Mr. Feldt has provided one set of proposed analysis, but the board can make a change if they believe there is something else that is more unique or that needs to be emphasized.

Mr. Levine said he was also conflicted about this application. He wondered how previous findings of this body which granted the exemption two years ago might bind this board. And, if so, what were those conclusions? Mr. Palmer said they are not bound by the previous approval; however they can look to those conclusions for precedential value. One of the inherent reasons why this applicant came before the board is because staff determined that this application is significantly different from the prior application. If the board wants to address that finding tonight, and if the board articulates that this applicant is not so significantly different, then the board might determine that the presumption in the staff report that a prior land use permit goes with the land, not the applicant, does not apply here. The board might determine that this application is so similar to the past that there is no need for this application tonight.

Mr. Levine asked Mr. Feldt how this application is different. Mr. Feldt said the differences lie in the amount of enclosed versus un-enclosed structures and there are more enclosed structures seaward of mean high tide than other project. These are the two primary differences that led to staff's conclusion. Mr. Levine asked if the board decides the projects are substantially similar, then would they eliminate the obligation to address the Conditional Use permit that is also before the other body of the Planning Commission.

Mr. Palmer said the answer is yes. The Community Development Department has focused on the use above the dock. The board might also consider whether the use below the dock has changed and whether or not that is the focal point for this application or if it may also be the focal point for the CUP.

Mr. Voelckers said it seems the fundamental difference is that the last project did not involve wholesale dock strengthening and additional lateral and seismic upgrades while this one does.

Mr. Feldt spoke to the Conditional Use permit. He said that regardless of the similarity to the previous restaurant, this is new development and new structures which trigger the need for obtaining a new CUP for development in a mapped landslide and avalanche hazard zone.

Mr. Levine said he just heard two different answers to the question. Ms. McKibben said that Mr. Feldt explained the rationale for the CUP application. You are not evaluating the use; you are evaluating the development within the hazard era, which is required. She said that what Mr. Palmer said, and which she agrees with, is if it is determined that the use is substantially similar and the flood exception evaluation is substantially the same, then the same would be true for the development within the hazard area.

MOTION: *Mr. Peters moved to adopt the Director's analysis and findings and deny the requested Flood Zone Exception, FZE2016-0001, recognizing that criteria B, 4 & 5 are not met. Looking at the plans before the board, the use has substantially changed in design and elements on the deck.*

Mr. Haight said that he felt the applicant has proposed modifications and upgrades to the dock to offset the increased loading to the dock in a manner that would bring it back into a compliance to meet that exception. In that manner, he opposed Mr. Peters' motion.

Mr. Levine said he remains conflicted. He said he thinks there ought to be a restaurant in this location but he finds himself beholden to the criteria and is still not fully confident that this satisfies the criteria. He also feels beholden to the previous grant of the exception. Therefore, he will vote reluctantly in favor of Mr. Peters' motion.

Mr. Dye asked to clarify that the two items not met are not regarding the structural aspects of the dock. Items 4 and 5 are about land use, correct? He asked Mr. Haight if he had any language for 4 and 5 to find in the affirmative. Mr. Haight said with regard to 4, the economics and use of the area would be broadened with more diversity of market that brings and holds visitors in that area. He said that if the city is reliant on singular types of stores then he thinks the people will move on through. In this respect it becomes an important service to that part of the community. The necessity of being on the waterfront falls into the same argument. We want to hold visitors to this area. The other part of it, as the applicant has brought forward, is that the project works well with the sea walk that the city is promoting. Mr. Haight said that from his perspective those two criterion are met.

Mr. Voelckers said that he is conflicted but will oppose the motion and agree with the chair. This is a good use with the city's new, revitalized sea walk and would add pedestrian usage to this area. He did not think item 6 and maybe item 10 are technically met, however he took satisfaction from Mr. Palmer's remarks that imply that this is not the same level of rigorous point-of-the-knife issue that the board might have in some other type of variance. There is a little bit of figuring out relative to FEMA

regulations which, he thinks, have been structured too oppressively. He is satisfied that the dock itself is going to be taken care of.

Mr. Bell stated he was also torn trying to justify supporting this application. He said he sees economic value in the rejuvenation of the area. The dock is a critical issue, he said. It is a substantial investment on the community's part. It has the opportunity to create a pleasant atmosphere for the area, yet all criteria are not met.

Mr. Steedle asked a technical question of Mr. Palmer. Are these to be treated as criteria all of which must be met or does the board simply have to consider each of them and if the general intent is met, would that be sufficient? Mr. Palmer read the introductory language and said ultimately it is a question for the board. "In passing upon such application, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article and then it lists the eleven criteria and they are in the conjunctive with the 'and' between 10 and 11." Mr. Palmer said that if the board wants to say all must be met to pass, there is basis for that. If the board wants to go to a different conclusion, there may be a basis for that but the board would have to articulate it.

Mr. Levine said Mr. Steedle's question changes the way the board might think about this. He paraphrased what Mr. Palmer read and asked if his understanding was correct. He said that the way he read the staff report, it has been treated the way a variance criteria works, where the applicant has to meet all 5 of the things or a variance cannot be granted. He believes Mr. Palmer is suggesting that if the board wants to interpret the code, the board could interpret their obligation to consider the 10 or 11 factors and make their own determination based on a consideration of those factors. Mr. Palmer said that is a fair representation. He emphasized that there is an easier basis for him to say that the board has to bind all 11 to be found in the positive. If the board wants to articulate some reason that means there is an 'or', it is for this body to do so.

Mr. Frisby said he would disagree with the motion on the floor for the same reasons that Mr. Levine agreed. He wondered if the board could table this as he feels they are talking about issues that they don't really have answers to regarding load and structural integrity. He said he thinks the board needs more information. He said he feels they would be making a decision with insufficient information.

Mr. Peters made a point of order in terms of precedence. His question to staff was what is the past history in terms of looking at these 11 criteria? He said he believes in the past all 11 had to be met. He raised the issue that they will be setting precedent moving forward as to how the board considers these criteria.

Mr. Feldt explained that in the past they have treated it very similar to a variance and have put variance findings in addition to the flood zone exception findings in the same report. This is the first one that staff has not done this because of the different interpretation staff has made recently about the use of variances. Ultimately staff concluded to remove the variance findings and depart from past practices

and, now, only has the flood exception findings in this report. The two are very different even though they sound kind of similar.

Mr. Haight restated that there was a motion on the floor.

Mr. Bell asked if the board would consider tabling this for further evaluation. Mr. Haight said yes if the board is looking for additional information. If so, what is that information that we would hand to the staff to bring back to the board.

Mr. Voelckers said the board has had information from Mr. Palmer and staff that this is different from the normal variance that is explicit that the board has to find in the affirmative for all criteria. He said in the language that a couple of times it talks about 'upon consideration' which implies that this is different.

Ms. McKibben pointed out some other language that she felt might provide guidance. She directed the board's attention to 49.70.410(d): *Upon consideration of the factors of subsection (b) of this section and the purposes of this article, the board may deny or grant the application and may attach such conditions to the grant of an exception as it deems necessary to further the purposes of this article*.

She directed the board's attention to 49.70.400(a) *Purpose. The purpose of this article is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. Other purposes are to:*
2) Prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions, or other hazards;
(3) Minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage;
4) Reduce the financial burdens imposed on the community, its governmental units, and its individuals by frequent and periodic floods and overflow of lands;
(6) Ensure that potential buyers are notified that property is in a special flood hazard area; and
(7) Ensure that those who occupy the special flood hazard area assume financial responsibility for their development.

Ms. McKibben said this section is followed by a whole section on interpretation the board might want to read. She quoted from 49.70.400(b); 1) . . . *provisions shall be considered as the minimum requirements and shall be liberally construed in favor of the governing body*. She quoted other points in this section of the code regarding the purposed of the chapter.

Mr. Haight said that there was still have a motion on the floor. He asked for a roll call vote.

Yes Votes	**No Votes**
Mr. Dye	Mr. Levine
Mr. Peters	Mr. Frisby
	Mr. Voelckers
	Mr. Bell
	Mr. Haight

The motion failed.

MOTION: *Mr. Levine moved as follows: The Board of Adjustment has considered all relevant factors including those set forth in 49.70.410(b). Upon such consideration, the board grants FZE2016 0001 and includes staff's recommended conditions:*

1. Prior to issuance of a Building permit, the applicant shall submit plans showing how improvements to the deck will be made, consistent with the attached 2016 engineer's letter.

2. Prior to issuance of a building permit the applicant shall submit plans showing that the existing footings on the beach will be improved to withstand forces from a 100-year storm event.

3. Prior to issuance of a Certificate of Temporary Occupancy, the applicant shall make improvements consistent with Conditions 1 & 2.

Mr. Levine said he now reads the provision of the language as allowing the board to award this exception upon fully considering all of those factors and, when alleviated of the responsibility of having to find that all of them were affirmatively met, he concurs that this project is one that ought to go forward. He said he is satisfied that it qualifies for the flood zone exception.

Mr. Dye asked for clarification that the board will not find different findings for 4 or 5 or try and fix 6 or 10. No, said Mr. Levine.

Mr. Frisby seconded the motion.

Mr. Voelckers spoke in favor of the motion. He said it was a well-phrased way to finesse the problem where it gets away from trying to look at the 11 issues individually but, on balance, the board believes public safety and welfare and the general good of community has been met.

Mr. Peters wanted to renew his concern and acknowledge that not 11 items under (b) have been met. He was concerned that the board would pass this, acknowledging that comments have been put in the record that 6 and 10 may or may not be met. He said he will oppose the motion.

Mr. Levine said that he agrees that not all criteria have been strictly met, but it is his reading that they do not need to be.

Mr. Dye asked if this decision will carry over to the board's on-going struggles with variances and their interpretation or are we leaving that well enough alone. Mr. Palmer responded that if this motion passes with the analysis that was done in this case, it could be used for persuasive authority in similar cases in the future.

Mr. Voelckers asked Mr. Palmer if he was talking about a FEMA determination, not broadly in other land use categories. Mr. Palmer said specific to the analysis and requirements of 49.70.410.

Mr. Haight called the motion with a roll call vote.

Yes Votes	No Votes
Mr. Levine	Mr. Peters
Mr. Frisby	
Mr. Voelckers	
Mr. Bell	
Mr. Haight	
Mr. Dye	

The motion passed.

Mr. Haight adjourned the Board of Adjustment at 10:24 pm and reconvened the body as the Planning Commission.

A. **USE2016 0029:** A Conditional Use Permit request for a new outdoor seasonal restaurant in a landslide and avalanche zone
Applicant: James Bibb
Location: 406 South Franklin Street

Staff Recommendation
It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of outdoor restaurant uses within a mapped landslide hazard zone.

Mr. Feldt said he did not prepare a presentation but was happy to go over the findings. He asked if the commission wished for staff to provide a presentation but the commissioners did not want this.

Mr. Haight asked for questions from commissioners for staff or for the applicant. There were none.

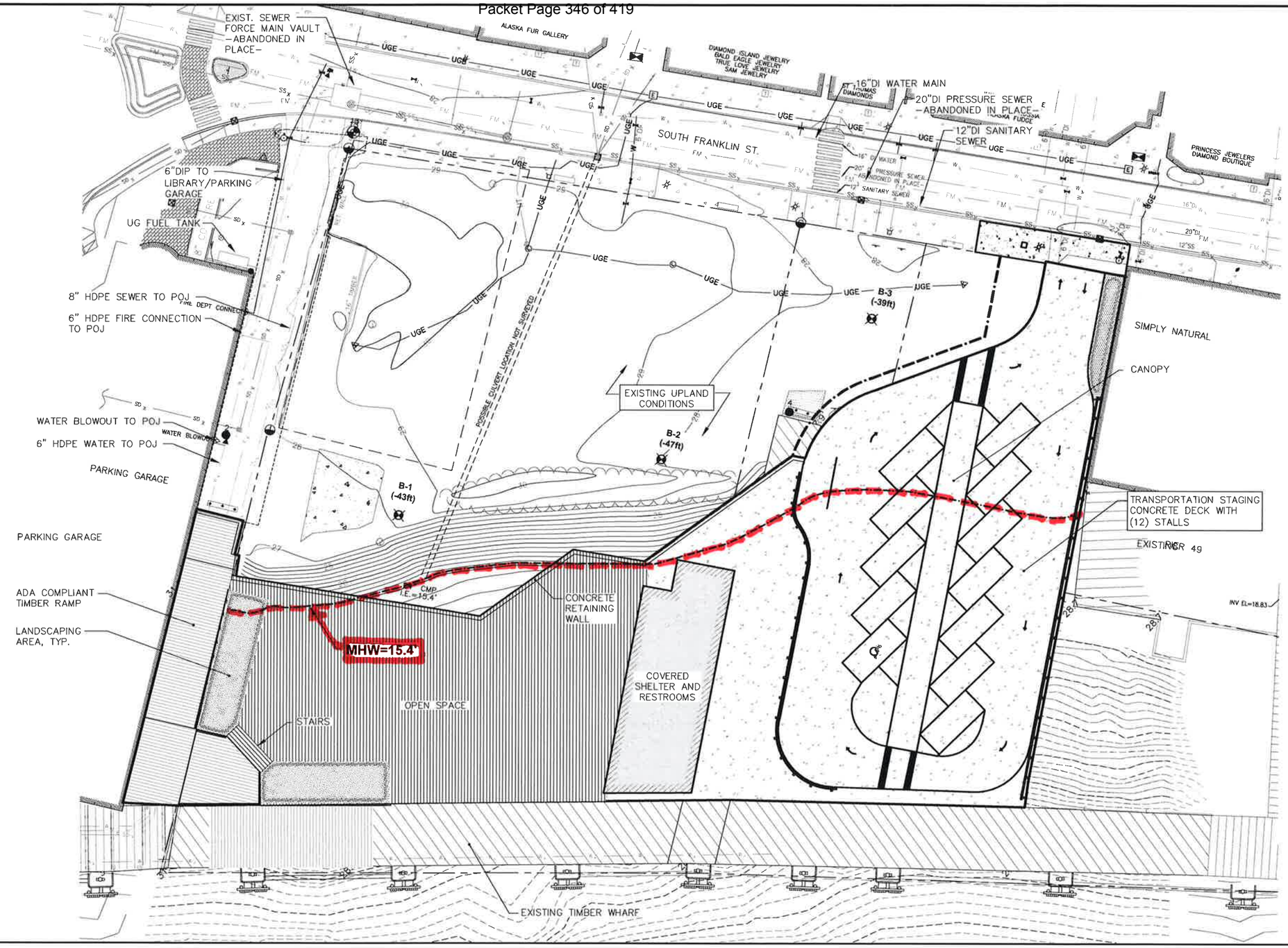
Public comments – none.

MOTION*: by Mr. Voelckers to approve USE2016 0029 accepting the staff's analysis and findings and asked for unanimous consent.*

The motion passed with no objection.

XI. OTHER BUSINESS

Mr. Voelckers said that they are on track with the CIP Ad Hoc Committee meeting at 5:30 on December 1 in Assembly Chambers. Mr. Steedle said that Mr. Healy and Mr. Watt will be present at that meeting. If that meeting is brief, Mr. Steedle said there will be time to make it to the Lemon Creek Steering Committee meeting at 6:00 at Gruening Park Community Hall.



PRELIMINARY

CITY & BOROUGH OF JUNEAU DOCKS & HARBORS

REVISIONS

REV.	DATE	DESCRIPTION	DWN.	CKD.	APP.

P N D ENGINEERS, INC.
9360 Glacier Highway Suite 100
Juneau, Alaska 99801
Phone: 907-586-2093
Fax: 907-586-2099
www.pndengineers.com

DESIGN: PND CHECKED: CRS
DRAWN: PND APPROVED: CRS
SCALE: SCALE IN FEET 0 20 40 FT.
DATE: AUG. 08, 2018

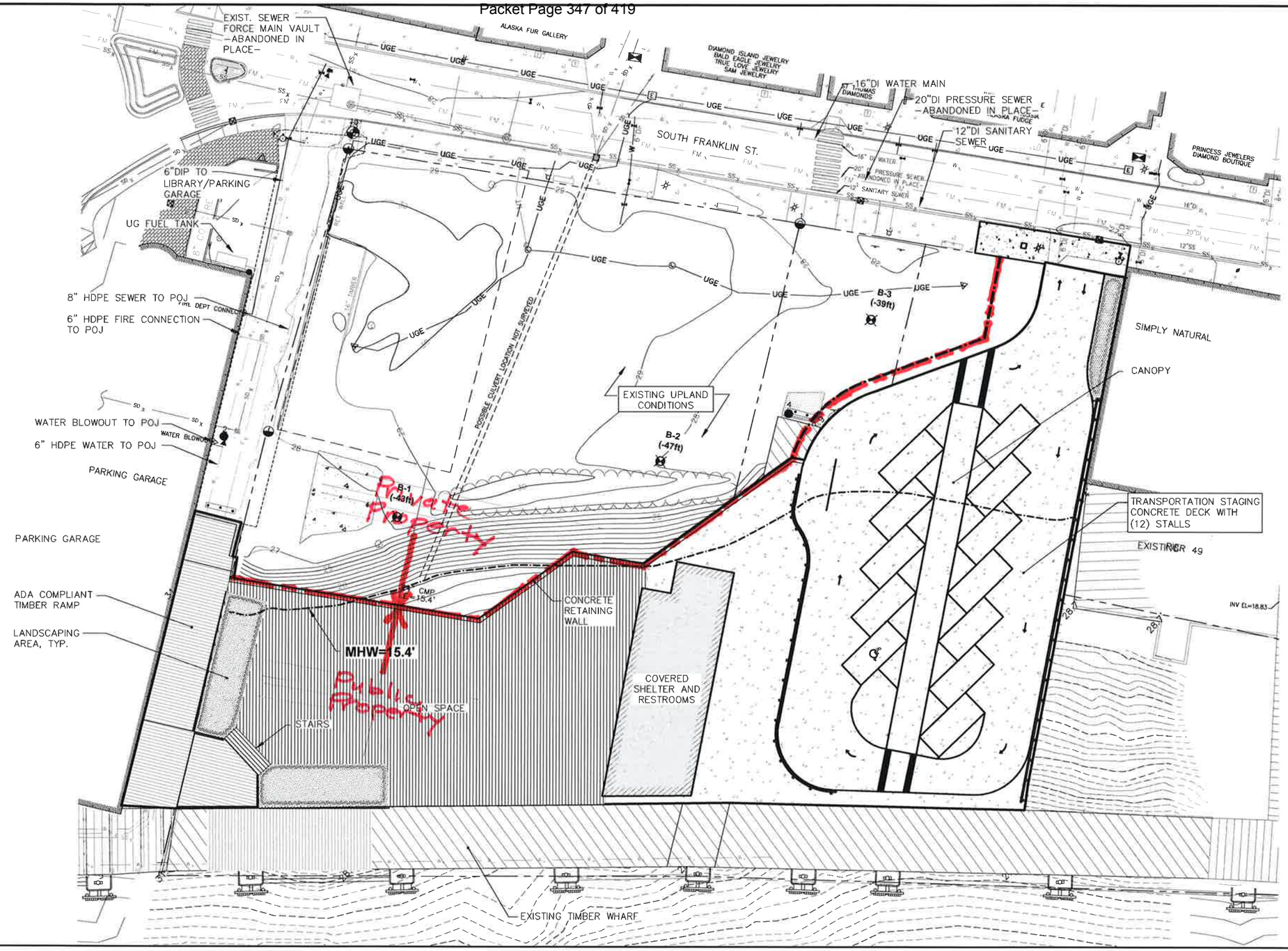
DOWNTOWN WATERFRONT IMPROVEMENTS
CITY AND BOROUGH OF JUNEAU

SHEET TITLE:
PUBLIC DEVELOPMENT PLAN

PND PROJECT #: 182045.02 -----.DWG

SHEET 2 OF 2

Attachment 8 - Map Showing Mean High Tide Line



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SHEET 2 OF 2

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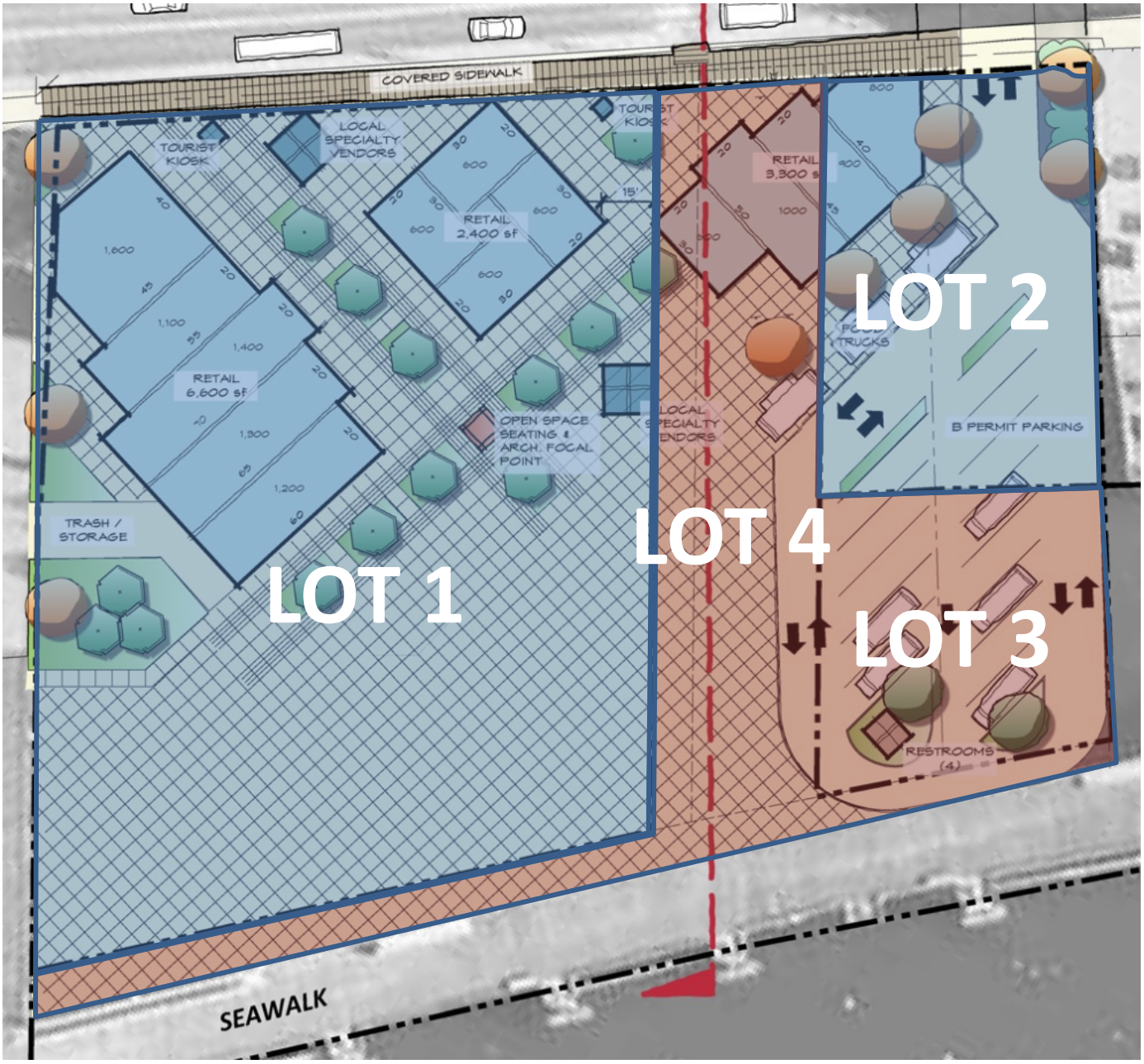
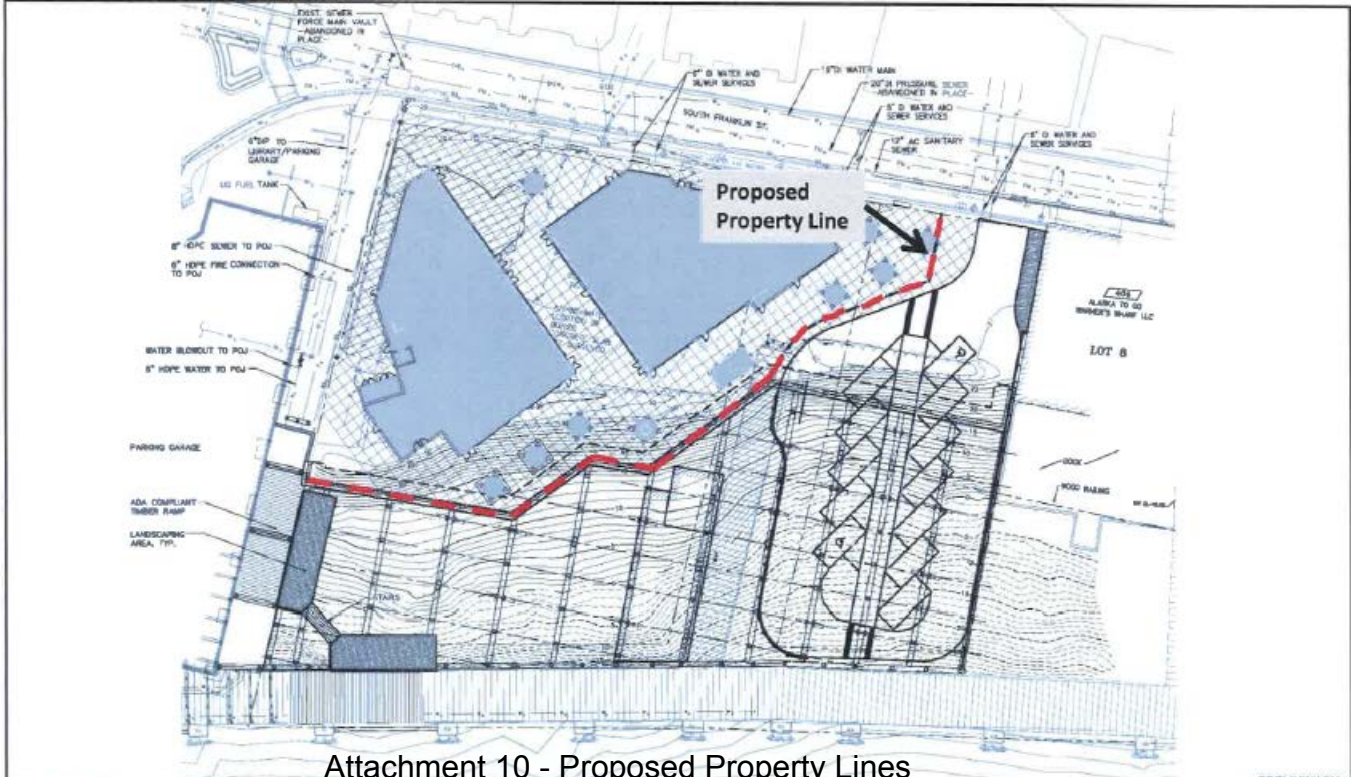


PROPERTY OWNERSHIP

- Archipelago Properties LLC
- CBJ Docks and Harbors

Attachment 9 - Existing Property Lines



Attachment 10 - Proposed Property Lines

From: Autumn Sapp
To: Teri Camery
Cc: Beth McKibben
Subject: RE: condition regarding utilities for FZE staff report
Date: Thursday, October 25, 2018 12:02:56 PM

Teri,

Thank you for the clarification. The condition for a backflow device beyond what is required for by our existing CBJ standards, is not advised for this application. As Gary relayed, the piping will be a continuous line (once welded) into the pump station and out of the pump station to the point of connection of the sewer service at the property line. Prior to the manually operated valve at the property line a flow control redundant swing check valve is required and listed under CBJ Standard Detail 219. There are no further precautions necessary. To prevent flood waters infiltrating the CBJ system or wastewater discharging into the flood zone, the pump station can be turned off or the manual valve at the property line closed.

Let me know if you need anything further or have any questions.

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

From: Teri Camery
Sent: Thursday, October 25, 2018 11:03 AM
To: Autumn Sapp
Cc: Beth McKibben
Subject: RE: condition regarding utilities for FZE staff report

Hi Autumn,

I'm sorry I wasn't clear.

I first recommended this condition:

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

And then this condition:

The sanitary sewage system(s) shall be designed to minimize or eliminate infiltration of floodwaters into the system(s) and discharge from the system(s) into floodwaters.

In both cases Gary explained that this wasn't possible. I can't accurately articulate his argument here. So I just gave him the code section and asked him how he would address it, which led to the proposal below.

I have attached the full application, but you'll see that the FZE case is for development seaward of the mean high tide line so you will only see the basic drawing of the restroom and shelter. The restroom itself is not the primary focus, since it is located 3 feet above the base flood elevation. But since it is still considered to be in the flood zone, the utility section in code needs to be addressed.

I hope that helps. Please let me know if you need anything else.

Teri

Teri Camery | Senior Planner
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0755

From: Autumn Sapp
Sent: Thursday, October 25, 2018 9:48 AM
To: Teri Camery
Cc: Beth McKibben
Subject: RE: condition regarding utilities for FZE staff report

Teri,

I am at a bit of a loss, was there supposed to be a plan attached? You stated that in the first email you recommended a backflow condition. What was recommended?

Let me know.

Thanks,

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

From: Teri Camery
Sent: Tuesday, October 23, 2018 6:06 PM
To: Autumn Sapp
Cc: Beth McKibben
Subject: FW: condition regarding utilities for FZE staff report

Hello Autumn,

Beth suggested that we should get Engineering's comments regarding Docks and Harbors proposed method to address our infiltration standard in code, which you'll see in this email chain.

This is in regards to a restroom within a flood zone. The restroom is three feet above the base flood elevation with minimal risk, but it is still in the flood zone and thus must meet the code standard.

Please let me know if Docks/Dowl's approach is acceptable to Engineering.

If you'd like more context and information, my draft staff report is addressed for reference.

I would appreciate receiving your response by Thursday if possible. I hope this is a quick one for you.

Thanks very much,
Teri

Teri Camery | Senior Planner
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0755

From: Gary Gillette
Sent: Monday, October 22, 2018 2:16 PM
To: Teri Camery
Cc: Jill Maclean
Subject: RE: condition regarding utilities for FZE staff report

Teri

I spoke to Dick Somerville, PE at PND (our consultants) on this issue. He indicated that we will use welded HDPE pipe systems with no mechanical joints on both systems thus eliminating the possibility for infiltration.

I hope this addresses the issue.

Thanks

Gary H Gillette, Architect
Port Engineer
155 S. Seward Street
Juneau, Alaska 99801
907-586-0398
907-586-0295 (fax)
gary.gillette@juneau.org **Please Note New E-Mail Address**

From: Teri Camery
Sent: Saturday, October 20, 2018 4:11 PM
To: Gary Gillette
Cc: Jill Maclean
Subject: condition regarding utilities for FZE staff report

Hello Gary,

When I last talked with you on 9/28, we discussed how CDD has to address code section 49.700.400(d)(3) in our review, below:

(3) Utilities.
(A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
(B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
(C) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

You disagreed with the backflow condition we were recommending, so we agreed that you would talk with DOWL and come up with some other way to address this. Please let me know the status. The staff report deadline for the November 13 Planning Commission is coming soon, and we're all set with these cases except for that condition. I am open to whatever you would like to propose.

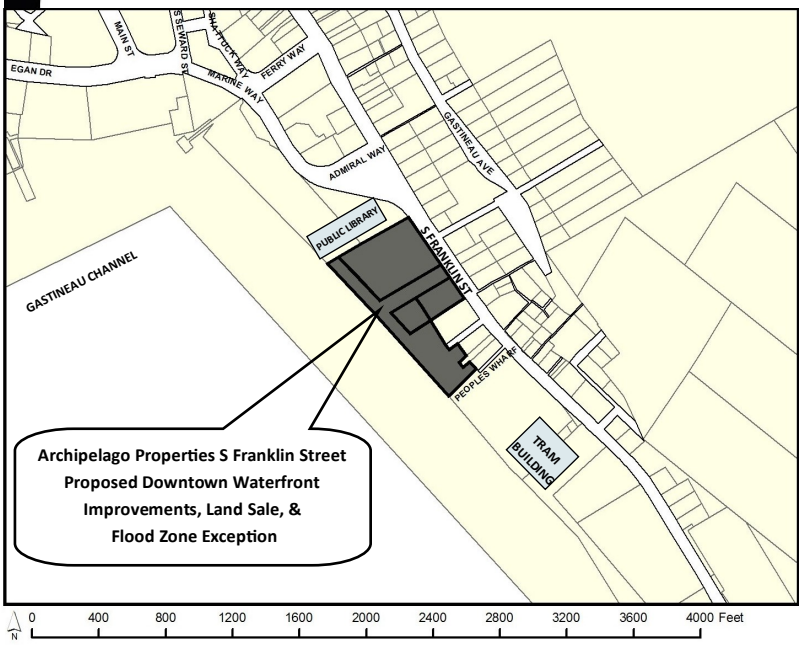
Thanks very much,
Teri

Teri Camery | Senior Planner
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0755

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



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

155 S. Seward Street Juneau, Alaska 99801

TO:

Applications have been submitted for consideration and public hearing by the Planning Commission for the **development of the Archipelago Property by Archipelago Properties LLC and CBJ Docks & Harbors** located at **388 and 356 S Franklin Street** in a Waterfront Commercial (WC) Zone.

TIMELINE

Staff Report expected to be posted **Monday, November 5, 2018** at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas**
Find hearing results, meeting minutes and more here as well.

Now through October 22, 2018

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

Oct 23 through 12 noon, Friday, Nov 9

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, November 13, 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.

November 14

The results of the hearing will be posted online.

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

Printed October 10, 2018

Case No.: CSP2018 0009, CSP2018 0010, FZE2018 0001, USE2018 0015
Parcel No.: 1C070K830036
CBJ Parcel Viewer: http://epv.juneau.org

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

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: November 15, 2018
File No.: FZE2018 0001

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

Proposal:	A Flood Zone Exception for development of a covered shelter with restrooms seaward of the mean high tide line
Property Address:	356 and 388 S. Franklin Street
Legal Description:	Archipelago Lots 1, 2, 3, and 4
Parcel Code No.:	1C070K83003-6; -7; -8; -9
Hearing Date:	November 13, 2018

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated October 30, 2018, and approved the Flood Zone Exception to be conducted as described in the project description and project drawings submitted with the application and with the following condition:

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.

Attachment: October 30, 2018 memorandum from Teri Camery, Community Development, to the CBJ Board of Adjustment regarding FZE2018 0001.

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

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 pm

on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030 (c). Any action by the applicant in reliance on the decision of the Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Effective Date: The permit is effective upon approval by the Board, November 13, 2018

Expiration Date: The permit will expire 18 months after the effective date, or May 13, 2020, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:

Teri Camery, Senior Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

Filed With Municipal Clerk

November 19, 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.

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

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

DATE: October 31, 2018

TO: Planning Commission

FROM: Teri Camery, Senior Planner
Community Development Department

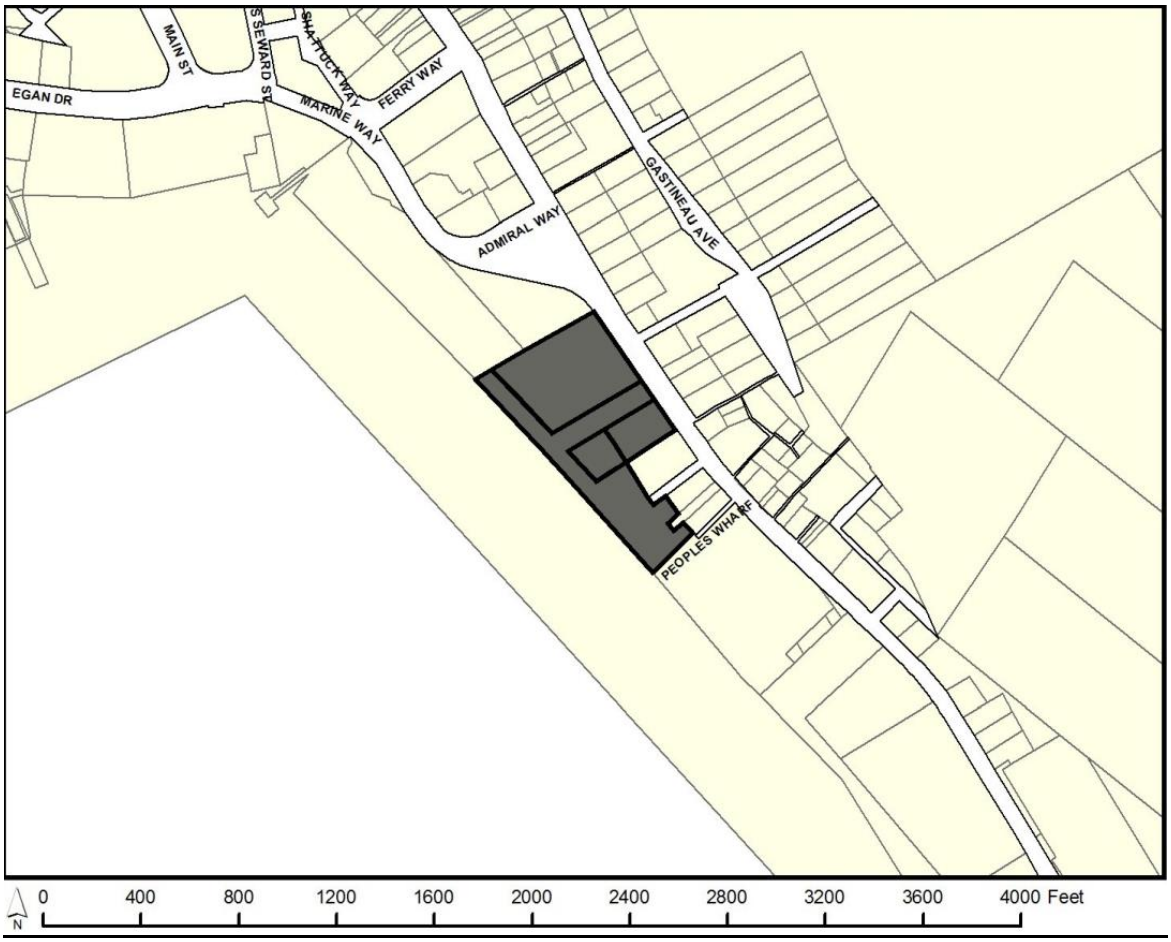
CASE NO.: USE2018 0015 and CSP2018 0010

PROPOSAL: A Conditional Use Permit and City Project Review for downtown waterfront improvements

GENERAL INFORMATION

Applicant:	City and Borough of Juneau, Docks & Harbors
Property Owner:	Archipelago Properties LLC and CBJ Docks and Harbors
Property Address:	356 and 388 S. Franklin Street
Legal Description:	Archipelago Lots 1, 2, 3, and 4
Parcel Code Number:	1C070K83003-6; -7; -8; -9
Site Size:	43,508 sq. ft.; 10,305 sq. ft.; 7,267 sq. ft.; 48,265 sq. ft.
Comprehensive Plan Future Land Use Designation:	Marine Commercial
Zoning:	Waterfront Commercial
Utilities:	City Water and Sewer
Access:	South Franklin Street
Existing Land Use:	Vacant
Surrounding Land Use:	North - library and parking garage; Waterfront Commercial South - retail; Waterfront Commercial East - South Franklin Street; Mixed Use West - cruise ship dock; Waterfront Commercial

VICINITY MAP



ATTACHMENTS

Attachment 1 Development Permit Application
Attachment 2 Conditional Use Permit Application
Attachment 3 City Project Review Application
Attachment 4 Project Narrative
Attachment 5 Combined Public and Private Development Plan
Attachment 6 Public Development Plan
Attachment 7 Concept Drawing
Attachment 8 Hazard Map Amendment Notice of Decision
Attachment 9 Shelter design
Attachment 10 Planning process timeline
Attachment 11 Downtown Historic District Map
Attachment 12 Agency Comments
Attachment 13 Capital Improvement Program description

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit and City Project Review for downtown waterfront improvements. The specific component subject to this Conditional Use Permit and City Project Review is development of tidelands and a portion of uplands on a currently undeveloped parcel commonly referred to as the Archipelago Property, adjacent to the downtown library and parking garage. The Docks and Harbors property, subject to this review, is vacant.

The development of the Archipelago Property is a cooperative effort of Docks and Harbors and Archipelago Properties LLC (APLLC). Lots 1 and 2 are owned by APLCC, and lots 3 and 4 are owned by CBJ and managed by Docks and Harbors. Each entity is independently developing their portion of the property, due to public procurement regulations. **The Conditional Use Permit and City Project Review are only for the public portion of the project.** APLCC development is not yet ready to submit a Conditional Use Permit application; review for their portion of the project will take place when a separate Conditional Use Permit is applied for in the future. In general, APLLC will develop the uplands portion of the property for commercial/retail uses, while Docks and Harbors will develop primarily tidelands for cruise ship visitor needs. Specifically, the Docks and Harbors development subject to this review includes a transportation staging area, pedestrian circulation, covered shelter with restrooms, and open space.

Staff notes that this Conditional Use Permit and City Project Review includes all Archipelago Property lots and the application contains landowner signatures of both APLCC and CBJ, because lot lines will change in the future. The sale and purchase of land is the subject of CSP2018 0009. The temporary retail shops in this area are located on APLCC property through leases. They are not located on CBJ owned property.

The proposed development would require construction of a concrete retaining wall at about a 20’ elevation. The decking at the transportation staging area would be structural concrete topped with asphalt. This type of construction would control run-off and filter hydrocarbons before pollutants reach the waterbody. The proposed staging area would be sloped to catch basins with oil/water separators to meet clean water standards. The proposed staging area would accommodate 12 vehicles serving the cruise ships that tie up to the adjacent floating berths. The remainder of the deck area would be wood timbers of the type typically seen on the docks and seawalk and the area would be reserved for pedestrian circulation and open space. The shelter would provide a covered area for summer visitors and also provide public restrooms. (Attachment 4) The shelter with restrooms is subject to FZE2018 0001, a Flood Zone Exception for development seaward of the mean high tide line.

The covered shelter is planned as an open space area for pedestrians to get out of rainy weather while awaiting transportation. The footprint of the building would be approximately 3,000 square feet. The building would be one story with 2,500 square feet of open area and 800

square feet of restrooms. The shelter would have walls of glass all around, with several large doors to allow free-flowing access. The glass doors could be locked down for security or inclement weather protection. (Attachments 4 and 9)

The concrete retaining wall would be constructed first, followed by the pile supported deck area as the foundation for the shelter. The uplands portion would provide staging for equipment and materials. Docks and Harbors intends to begin construction in the fall/winter of 2018.

The project requires a Conditional Use Permit per CBJ 49.25.300, Section 9.600 "Marine commercial facilities including fisheries support, commercial freight, and passenger traffic."

The project also requires a City Project Review, in accordance with CBJ 49.15.580(a) – City Project Review:

> *The commission shall review all proposed City and Borough capital improvement projects estimated to cost $500,000 or more for consistency with this title. The commission may review, at the director's discretion, all proposed City and Borough capital projects estimated to cost more than $250,000 but less than $500,000. The commission may recommend conditions on and modifications to any project reviewed by the commission through a notice of recommendation. The notice of recommendation shall be forwarded to the assembly for further action.*

Because the proposed development is a Capital Improvement Project (H51-116), CBJ 49.10.170(c) also applies:

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

BACKGROUND

The subject property is the site of the former Juneau Cold Storage building, which burned in the 1980s. The property has changed ownership a couple of times since then. APLLC purchased the property in 1998. In 2011 and 2013, CBJ purchased the property in increments, as described in the project narrative. (Attachment 4) The private landowner section of the Archipelago Property has been primarily vacant since APLLC purchased it, but in recent years it has been leased to private businesses for seasonal food and retail uses.

The proposed project requires the following permits: U.S. Army Corps of Engineers Permit; Alaska Department of Environmental Conservation Clean Water Certificate; CBJ Conditional Use

Permit and City Project Review; Alaska Department of Transportation/Public Facilities Driveway and Utility Connection Permits; and a CBJ Building Permit. (Attachment 4)

Docks and Harbors has applied for a Flood Zone Exception (FZE2018 0001) to allow construction of the shelter seaward of the mean high tide line. Approval of the shelter is therefore contingent on approval of FZE2018 0001. The project is also subject to an additional City Project Review, CSP2018 0009, to address the purchase and sale of portions of the Archipelago Property to accommodate the final property line configuration needed for the joint partnership.

Public meetings

The applicant notes that the proposed development is consistent with the newly completed Marine Park to Taku Dock Urban Design Plan, a long range plan developed for Docks and Harbors property. Attachment 10 includes a detailed timeline of planning efforts, which began in October 2016 and included numerous public meetings and Docks and Harbors Board meetings. The CBJ Docks and Harbors Board approved the final plan at the November 30, 2017, board meeting. The Plan was presented to the Assembly Committee of the Whole on December 4, 2017, and to the Planning Commission on March 19, 2018.

ANALYSIS

Project Site and Design

The project site is surrounded by a cruise ship dock to the west, the CBJ parking garage and library to the north, Franklin Street and Mixed Use retail to the east, and Waterfront Commercial retail to the south. As described in the project description, the Docks and Harbors proposed development would create a transportation staging area, pedestrian circulation, covered shelter with restrooms, and open space. Only the public portion of the joint partnership is subject to review in this Conditional Use Permit.

The property lies within the Downtown Historic District, however the proposed structures are not within the boundaries. In this area, the historic district extends 40 feet from South Franklin Street. The proposed covered shelter and restrooms are approximately 120 feet from the street and therefore not subject to Historic District requirements. (Attachments 6 and 11)

The site is zoned Waterfront Commercial, which requires uses to be water-dependent, water-related, or water-oriented. These definitions are listed in CBJ 49.80.120 as follows:

> Water-dependent *means a use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body.*

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.

Water-related *means 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.*

The proposed development is consistent with the water-dependent definition because the activities support the water-dependent cruise ship mooring facility.

Setbacks

Waterfront Commercial requires 10-foot setbacks on all sides with a zero-foot setback from tidewater. Waterfront Commercial also has a 35-foot height limit. The proposed shelter is approximately 24 feet high, in conformance with these requirements. However, the drawings in Attachment 6 indicate that the 10-foot front-yard setback has not been met; the structure appears to be at the proposed property line. To ensure that the final design conforms with setbacks and is addressed during plan review, staff recommends the following condition:

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.

Traffic and Circulation

The development features a transportation staging area to accommodate visitor industry vehicles. Access to the staging area is through a driveway from South Franklin Street, which requires a permit from the Alaska Department of Transportation and Public Facilities. Docks and Harbors is in the process of obtaining this permit. The development is not expected to result in increased traffic because it serves existing cruise ship activities and will not create new uses

that would increase traffic. The staging area would reduce tour bus crowding in other areas, which could potentially improve downtown traffic flow.

Parking

City code does not have a requirement for cruise ship berth parking spaces or for cruise passengers. The twelve spaces provided by the development were determined from consultation with shore-side transportation operators. The staging area would serve vehicles that are 25 feet or shorter.

Noise

No significant noise is expected from the development except during construction. The construction schedule will comply with the CBJ Noise Ordinance.

Vegetative Cover

The public property subject to this review is primarily on decking over water. Therefore, the vegetative cover requirement will be met with planters as shown in Attachments 6 and 7. Staff recommends conditions to require a final landscaping plan prior to issuance of a building permit and to maintain live vegetative cover as follows:

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.

Lighting

04 CBJAC 050.020 establishes performance standards for commercial and industrial uses. Section (b) requires that industrial and exterior lighting not create glare on public highways or neighboring property. Docks and Harbors has proposed typical full cut-off lighting fixtures to reduce glare and projection. Specific fixtures have not been selected. Staff recommends the following conditions:

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.

Public Health or Safety

The Archipelago property is within an area originally designated in code as a moderate hazard zone. CBJ Docks and Harbors applied to CDD for removal of the area from the hazard zone, with supporting analysis. The CDD Director approved the amendment to remove the Archipelago property from the hazard zone, per the attached Notice of Decision. (Attachment 8)

In addition, the project is located within a FEMA-designated Velocity Flood Zone with a base flood elevation of 25 feet. The elevation of the shelter with restrooms is 28 feet, three feet above the base flood elevation. However, the flood regulations prohibit development of structures seaward of the mean high tide line. Docks and Harbors has applied for a Flood Zone Exception (FZE2018 0001) to allow construction of the shelter seaward of the mean high tide line. Approval of the shelter is therefore contingent upon approval of FZE2018 0001 which staff has noted as a condition as follows:

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.

Provided that FZE2018 0001 is approved, no evidence indicates any public health or safety impacts from the proposed development.

Habitat

The project site is located in the mapped 'Special Waterfront Area' that runs along the downtown tidelands. The project is a permissible use in this area (CBJ 49.70.960(b)). A special waterfront area is an area that is designated for development and considered to have low habitat value. CBJ Docks and Harbors will obtain all necessary permits from agencies outside of the CBJ.

Property Value or Neighborhood Harmony

As noted earlier, the project site is surrounded by a cruise ship dock to the west, the CBJ parking garage and library to the north, Franklin Street and Mixed Use retail to the east, and Waterfront Commercial retail to the south. Only the public portion of the joint partnership is subject to review in this Conditional Use Permit and City Project Review. The proposed development is typical of waterfront developments in the Waterfront Commercial zoning district and will provide amenities including a shelter with restrooms, transportation staging, and pedestrian walkways. The CBJ Assessor commented that the development will enhance the value of nearby property. (Attachment 12)

No evidence indicates that the proposed development will adversely impact property value or neighborhood harmony.

AGENCY AND PUBLIC COMMENTS

An agency review period was conducted from August 31 through September 19, 2018. Agency comments are found in Attachment 12. No concerns or issues were raised.

At the time of writing this staff report, no public comments had been received.

CONFORMITY WITH ADOPTED PLANS

2013 Juneau Comprehensive Plan

The 2013 Juneau Comprehensive Plan designates the subject parcel as Marine Commercial, defined as:

> *Land to be used for water-dependent commercial uses such as marinas/boat harbors, marine vessel and equipment sales and repair services, convenience goods and services for commercial and sport fishing, marine recreation and marine tourism activities such as food and beverage services, toilet and bathing facilities, bait and ice shops, small scale fish processing facilities, hotels and motels, and similar goods and services to support mariners and their guests. Float homes, house boats, and live-aboards would be residential uses to be allowed within an MC district.*

The proposed development supports marine tourism amenities that are substantially consistent with this definition.

Chapter Five, Economic Development, includes the following Policies, Development Guidelines, and Implementing Actions related to the proposed development:

> **Policy 5.1** *To develop and sustain a diverse economy, providing opportunities for employment for all residents.*
>
> > **5.1–1A1.** *Work with provide-sector industries and businesses and public sector agencies that are interested in locating or expanding within the City and Borough of Juneau, and consider offering land, tax incentives, or other benefits to encourage new development.*
>
> **Policy 5.5** *To maintain and strengthen downtown Juneau as a safe, dynamic, and pleasant center for government and legislative activities, public gatherings, cultural and entertainment events, and residential and commercial activities in a manner that complements its rich historic character and building forms.*

5.5–DG 1. *When reviewing applications for new downtown Juneau development, consider the visual impacts on downtown building form, urban design and view corridors, as well as impacts on the livability of downtown with regard to circulation, housing accommodations, air quality, noise and hazard abatement and provision of goods and services, to ensure downtown provides a clean, safe, attractive, dynamic, interesting, enjoyable, walkable, culturally diverse and affordable neighborhood within which to live, work and play.*

5.5–DG 2. *Consider the policies, guidelines and development recommendations of plans like the CBJ Long Range Waterfront Plan, the Willoughby District Plan, and the Capital Transit Plan when reviewing capital improvement programs and development permits for, or applicable to, the downtown Juneau area.*

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 accommodation of the future growth of tourism in a manner that addresses both community and industry concerns.*

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

Policy 5.9 *To facilitate availability of sufficient and suitable water-based facilities and associated land-based acreage to support water-dependent uses, and to work closely with the public and private sectors to facilitate sustainable marine commerce, commercial fishing, seafood processing, recreation, public access to the shoreline, and enjoyment of the waterfront through development of well-designed port facilities.*

Development Guideline 5.9–DG 1. *Assure public access to the shoreline and water when reviewing development applications.*

Development Guideline 5.9–DG 2. *To the greatest extent practicable, orient new structures and facilities located on the waterfront in such a way as to preserve views of the water from public roadways and vista points.*

Implementing Action 5.9–1A3. *Assist with coordination of cruise ship traffic and commercial fishing operations to minimize conflicts.*

The proposed development addresses these policies and actions by providing public open space, transportation staging, pedestrian circulation, public restrooms, and a covered shelter. These features provide tourism amenities, public access to the shoreline, public gathering spaces, and restrooms.

2004 Long Range Waterfront Development Plan

The Long Range Waterfront Development Plan divides the downtown waterfront from the Douglas Bridge to the Little Rock Dump into specific areas with recommendations for future development. The subject property is within Area D, the Franklin Street Corridor. The Plan identifies two options for development in this area, D1 and D2. Option D1 calls for the creation of pocket parks, a new visitor information center, cultural facilities, and mixed use redevelopment. Option D2 is similar except that it calls for city-owned cruise ship docks to be modified to accommodate larger ships; this option is now complete. The proposed development is generally consistent with the Waterfront Development Plan with public restrooms and shelter amenities, open space, pedestrian walkways, and improved access to the waterfront.

2015 Juneau Economic Development Plan

The 2015 Juneau Economic Development Plan has eight initiatives. Initiative Seven is *Revitalize Downtown*, which includes an objective to develop a downtown improvement strategy. The proposed development will provide increased tourism and pedestrian amenities, potential space for local off-season events, and will foster a public-private partnership to promote business and increase property tax revenue. The development substantially complies with this plan.

Capital Improvement Program

The development is Project H51-116 in the 2018-2023 Capital Improvement Program, described as “cruise ship uplands staging area” and “downtown restrooms – partial funding to locate/design”, funded by marine passenger fees. Page 26 of the program describes these developments in more detail, as shown in Attachment 13. The proposed development conforms with the program.

<u>FINDINGS</u>

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

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

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

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

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

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

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

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 9.600 for the Waterfront Commercial zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the November 2, 2018, and November 12, 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. Provided that FZE2018 0001, a Flood Zone Exception, is approved by the Planning Commission, no evidence indicates that the proposed development will materially endanger the public health or safety.

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

No. Based on the preceding analysis, no evidence indicates that the proposed development will substantially decrease the value of or be out of harmony with property in the neighboring area. The proposed development is typical of waterfront developments in the Waterfront Commercial zoning district and will provide amenities including a shelter with restrooms, transportation staging, and pedestrian walkways.

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, the proposed development is in general conformity with the 2013 Juneau Comprehensive Plan, the 2004 Waterfront Development Plan, the 2015 Juneau Economic Development Plan, and the Capital Improvement Program.

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

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

Yes. The project site is located in the mapped 'Special Waterfront Area' that runs along the downtown tidelands. The project is a permissible use in this area (CBJ 49.70.960(b)).

RECOMMENDATION FOR USE2018 0015

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.

RECOMMENDATION FOR CSP2018 0010

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.

CITY AND BOROUGH OF JUNEAU
COMMUNITY DEVELOPMENT

DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant

PROPERTY LOCATION

Physical Address: 356 & 388 S. Franklin Street

Legal Description(s) (Subdivision, Survey, Block, Tract, Lot): Archipelago Lots 1, 2, 3 & 4

Parcel Number(s): 1C070K830036, 0037, 0038 & 0039

☒ This property located in the downtown historic district: A portion along S. Franklin

☒ This property located in a mapped hazard area, if so, which: Mass wasting

LANDOWNER/ LESSEE

Property Owner: CBJ Docks & Harbors & Archipelago Properties LLC

Contact Person: Gary Gillette

Mailing Address: 155 S. Seward Juneau AK 99801; 725 Broad St. Augusta GA 30901

Phone Number(s): 907-586-0398

E-mail Address: gary.gillette@juneau.org

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

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

A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.

B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.

X _____ Landowner/Lessee Signature — Date: 6/20/2018

X _____ Landowner/Lessee Signature — Date: 6/18/18

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"

Applicant: CBJ Docks & Harbors

Contact Person: Gary Gillette

Mailing Address: 155 S. Seward St. Juneau AK 99801

Phone Number(s): 907-586-0398

E-mail Address: gary.gillette@juneau.org

X _____ Applicant's Signature — Date of Application: 16 Aug 18

DEPARTMENT USE ONLY BELOW THIS LINE

Intake Initials	
TC	
Case Number	Date Received
USE18-0015	8/22/18

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.

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Updated 2017 – Page 1 of 1

CSP — 2018 0010.

FZE 2018-0001

CSP 2018-0009

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

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

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

To be completed by Applicant

PROJECT SUMMARY

Development of a transportation staging area; covered gathering structure; public restrooms; and open space.

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: 15.610 Transit Center

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 41,700 square feet Total Area of Existing Structure(s) 0 square feet

Total Area of Proposed Structure(s) 3,300 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

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

ALLOWABLE/CONDITIONAL USE FEES

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number	Date Received
USE 18-0015	8/22/18.

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

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

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

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

To be completed by Applicant

PROJECT SUMMARY

Construct a new pile supported deck for use as transportation staging; covered gathering structure; public restrooms; and open space.

TYPE OF PROJECT REVIEW:

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

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

Is this project associated with any other Land Use Permits? ◉ YES Case No.: Not Yet Assigned ○ NO

Capital Improvement Program # (CIP) H51-116

Local Improvement District # (LID) _____

State Project # _____

ESTIMATED PROJECT COST: $ 18M

ALL REQUIRED MATERIALS ATTACHED

- ☑ **Complete application**
- ☑ **Pre-Application notes** (if applicable)
- ☑ **Narrative including:**
  - ☑ Current use of land or building(s)
  - ☑ Proposed use of land or building(s)
  - ☑ How the proposed project complies with the Comprehensive Plan
  - ☑ How the proposed project complies with the Land Use Code (Title 49)
- ☑ **Site Plan** (details on page 2)

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

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

CITY/STATE PROJECT FEES	Fees	Check No.	Receipt	Date
Application Fees	$_____			

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
CSP 2018-0010	8/22/18

Port of Juneau

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

Application for a
Conditional Use Permit
and
City/State Project Review
for
Downtown Waterfront Improvements
Archipelago Property

PROJECT NARRATIVE

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

August 16, 2018

INTRODUCTION

The City and Borough of Juneau (CBJ) Docks and Harbors (D&H) proposes improvements to the downtown waterfront consistent with the recently completed *Marine Park to Taku Dock Urban Design Plan (UPD)*[1]. The UPD is a long range plan that features several components that would be completed over time as funding allows. The specific plan component subject to this Conditional Use Permit (CUP) and City/State Project Review (CSP) is the development of primarily tidelands and a portion of uplands on a currently undeveloped parcel, commonly referred to as the Archipelago Property, adjacent to the Main Library and Parking Garage.

BACKGROUND

The development of the Archipelago Property is a cooperative effort of D&H and Archipelago Properties LLC (APLLC). The current ownership of the property consists of Lots 1 and 2 owned by APLLC and Lots 3 and 4 owned by CBJ and managed by D&H. The two parties are working cooperatively so that each portion of the development complements the other.

Each entity is independently developing their portion of the property. Reasoning for this approach is due to city charter restrictions on public procurement where consultant and construction services must be competitively obtained. PND Engineers was selected through a Request for Proposals (RFP) process and is now actively engaged as D&H's consultant. Construction of D&H's portion of the project will occur after a competitive bid process.

The two owners jointly met with CBJ Community Development Department in a Pre-Application Conference on December 6, 2017 (see Attachment A). Once it was determined that the project would not be jointly developed by the two parties D&H attended a second Pre-Application Conference held on June 27, 2018 (see Attachment B).

PROJECT SUMMARY

The overall development of the Archipelago Property will result in new commercial/retail facilities built by the private entity (APLLC) and new visitor industry support facilities built the public entity (D&H) (see Attachment C). The subject of this document is the public portion of the project which features a transportation staging area; pedestrian circulation; covered shelter with restrooms; and open space (see Attachment D).

Construction of a concrete retaining wall would occur at about 20' elevation and coincides generally with the new proposed property line except for the area at the entrance to the transportation staging area. The decking at the transportation staging area would be of structural concrete topped with asphalt. The primary reason for this construction type is to be able to control run-off and filter any hydrocarbons out of the run-off prior to depositing into the water body. The transportation staging area would be sloped to catch basins with oil/water separators to meet clean water standards.

---

1 http://www.juneau.org/harbors/documents/MarineParktoTakuDockUrbanDesignPlanwithAppendixFINALFeb26.pdf

The balance of the decking would be wood timbers as typically seen on the docks and the Seawalk. These areas are for pedestrian circulation and open space. The covered shelter would be built on a concrete pad that in turn sits on a steel and wood deck structure. The shelter structure would provide a covered area for summer visitors awaiting departures to outlying venues. The building would also feature public restrooms.

DEVELOPMENT SEQUENCE

The two owners of the property are cooperating and coordinating the development of the overall project for maximum efficiency and economy. The first component of the project to be constructed would be the concrete retaining wall which generally separates the two developments. The pile supported deck area will be constructed from the uplands portion to provide staging for equipment and materials. Once the deck portion of the property is completed the commercial buildings would be constructed. The intent is to begin construction of the D&H project in the fall/winter of 2018. Once that is complete APLLC will begin construction of the buildings with intent to complete by spring of 2021.

CURRENT USE OF PROPERTY

The subject property historically featured the Juneau Cold Storage Building which burned in the 1980's. The property has changed hands a couple times since the loss of the cold storage. APLLC purchased the property in December 1998.

In December 2011, CBJ purchased a 5 foot wide by 300 foot long strip of the Archipelago Property along South Franklin Street in order to widen the sidewalk in this heavily used corridor. The overall property featured a 25 foot wide floating public access easement from South Franklin Street to the dock. In August 2013, the city purchased the 25 foot wide floating easement plus an additional 25 feet to provide a 50 foot wide pedestrian link and service access to potential development of the adjacent parcels. In September 2013, the city purchased Lot 3. At the time this parcel was identified for public restrooms and an enhanced USS Juneau Memorial. The recent UPD moved these features to another location near the Visitor's Center to accommodate the transportation staging area.

The Archipelago Property has been primarily vacant since APLLC purchased it but in recent years has been leased to private parties for temporary seasonal food and retail uses.

PROPOSED USE OF PROPERTY

As mentioned above, the two owners of the Archipelago Property plan to independently develop their portions of the property. APLLC will generally develop the uplands portion of the property for commercial/retail uses while D&H will develop primarily tidelands portion for uses serving the needs for visitors arriving by cruise ships. The property lines will be adjusted resulting in a purchase and sales agreement between CBJ and APLLC. The purchase and sale of the property will be reviewed by the Planning Commission in a separate application.

The D&H portion of the property that is subject of this CUP and CSP will be developed for transportation staging of twelve vehicles serving the cruise ships that tie up at the adjacent floating

berths; pedestrian circulation linking South Franklin Street to the dock; open space; and a covered shelter with restrooms.

PERMITTING

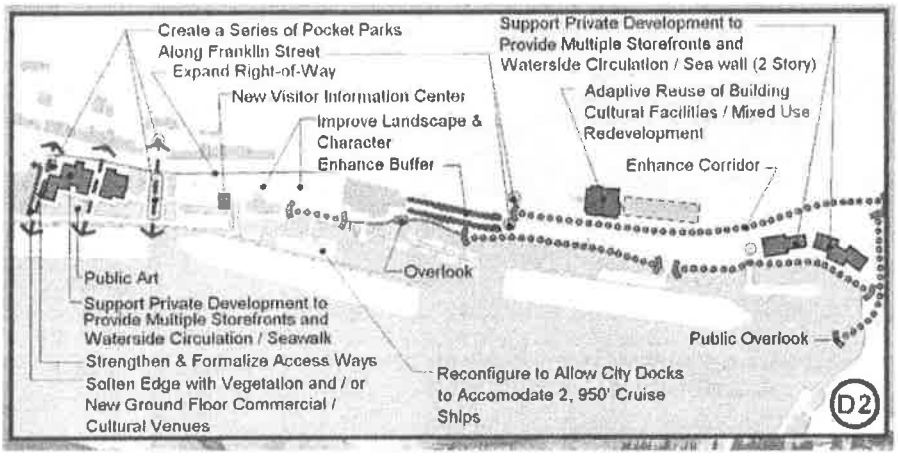
The proposed project requires a number of permits and reviews prior to construction. These permits include an Army Corps of Engineers (ACOE) permit; an Alaska Department of Environmental Conservation (ADEC) clean water certificate; a City and Borough of Juneau (CBJ) Conditional Use Permit and City/State Project Review; Alaska Department of Transportation/Public Facilities (ADOT/PF) driveway and utility connection permits; and a CBJ Building Permit.

The ACOE permit is required for construction of a pile supported deck and a concrete retaining wall that separates the uplands from the tidelands. A very small amount of fill of large armor rock will be placed seaward of the retaining wall. Concurrently with the ACOE permitting process, ADEC will review the project for potential impacts to water quality in the area of the projected in-water work. D&H has been working with ADOT to prepare the applications for driveway and utility permits that would access or be located within the ADOT Franklin Street right-of-way.

The Planning Commission would review and approve the proposed project under the CU and CSP process which is the subject of this document. A local building permit would be sought once final design is completed and prior to construction of the facility.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed development of the Archipelago Property is in general compliance with Policy 5.6 of the current Comprehensive Plan[2] (updated 2013). The public open space, transportation staging, pedestrian circulation; public restrooms; and covered shelter are necessary upland elements associated with the newly constructed cruise ship berths. The new berths accommodate larger ships with greater capacity thus the need for upland facilities to provide safe and efficient transfer of people from the ship to the community and the transportation network that connects various tourist related venues in other parts of Juneau.



In 2004 Ordinance 2004-40 amended the Comprehensive Plan by adopting the Long Range Waterfront Plan (LRWP). The LRWP divided the downtown waterfront from the Douglas Bridge to the Little Rock Dump into areas, each with specific

[2] 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 Accommodation of the Future Growth of Tourism in a Manner that Addresses Both Community and Industry Concerns.

recommendations for future development that ultimately would create a vibrant waterfront. The new cruise ship berths and adjacent uplands, including the Archipelago Property, are contained in Area D of the LRWP. The LRWP identified two options for development in this area with the difference being that Option D2 called for the city owned cruise ship docks to be modified to accommodate larger ships which is now complete.

The proposed development of the Archipelago Property is generally consistent with the intent of the LRWP Option D2. The private developer plans to provide multiple storefronts on the uplands portion of the property whereas D&H plans to provide improved pedestrian and vehicular circulation as well as organized open space. The private and public development will provide significant improvements for access from South Franklin Street to the Seawalk and vice versa.

COMPLIANCE WITH THE LAND USE CODE

Zoning – The Archipelago Property is within the Waterfront Commercial (WC) zoning district. The proposed uses by D&H include transportation staging in support of the adjacent cruise ship berths, public open space, pedestrian circulation, public restrooms, and a covered shelter. These facilities primarily support the recently constructed cruise ship berths but also would provide opportunities for off season use by the community. The planned activities are consistent with the WC zoning district as they are in support of the water dependent cruise ship mooring facility.

Setbacks – The WC zoning district requires ten foot setbacks on all sides except that yard setbacks are not required from tidewater lot lines. The proposed covered shelter meets the setback requirements.

Vehicular Access - The proposed project features a transportation staging area to accommodate transport vehicles related to the visitor industry. Access to the staging area is via a driveway from South Franklin Street. During the development of the UDP, the Alaska Department of Transportation (ADOT) was presented four options being considered for development of the transportation staging area. The option now being presented was by far the preferred option by ADOT for ingress/egress to the transportation staging facility. The driveway into the transportation staging area requires a permit from ADOT. D&H and its consultant, PND Engineers, are working with ADOT to obtain the required driveway permit.

Snow Removal and Storage – The primary purpose of the proposed development is to serve seasonal operations related to the visitor industry. As with other similar facilities managed by D&H, if snow removal is determined necessary for special occasions it would be removed from the site with loaders and trucked to the Little Rock Dump which is a facility managed by D&H.

Parking – The transportation staging area will be developed to serve the shore side transport operations serving the visitor industry. The city code has no requirement for parking spaces relative to cruise ship berths or the passengers disembarking from the ships. Twelve spaces are provided with a short term loading space. The number of spaces provided is based on consulting with the shore-side transportation operators. This transportation staging area would serve transportation vehicles of twenty-five feet or less. The transportation operators have indicated a need for more transportation staging area to accommodate the greater numbers of passengers arriving at the Alaska Steamship Wharf.

Vegetative Cover – The city code requires 10% vegetative cover for the subject project. Given that the portion of the property being developed by D&H is primarily on decking over water the vegetative cover would be contained in planters created within the overall design of the project (see Attachment E). The area of the D&H project is approximately 41,700 square feet thus 4,170 square feet are required for vegetative cover. The conceptual landscaping plan as shown on the submitted drawing features approximately 4,260 square feet in a variety of locations throughout the site.

Lighting – The lighting plan has not been developed at this time but would be limited to minimal needed to provide safe and secure conditions throughout the site of the development. D&H typically uses full cut-off lighting fixtures to reduce glare and off-site projection. Low height light standards in the 12' to 15' range would be used to avoid excessive light projection. Exterior lighting on the covered shelter would be kept to a minimum and would include full cut-off fixtures.

Landslide and Avalanche Areas – The Archipelago Property is located in an area which is identified in Title 49 as a moderate hazard zone. This code designation was based on the 1972 report *Geophysical Hazards Investigation for the City and Borough of Juneau, Alaska.*

City code Title 49.70.300(a)(4) provides that a developer may seek relocation of the landslide and avalanche boundaries by the CBJ Community Development Department. D&H has contracted with PND Engineers to evaluate the hazard risk to the Archipelago Property. The PND report along with other pertinent information has been submitted to the CDD Director for consideration. The CDD Director issued a Notice of Decision to amend the hazard map thus removing the Archipelago Property from the Moderate Hazard area (see Attachment F).

Flood Zone Development – The D&H project is located in a FEMA designated flood zone as shown on the map below. The flood designation for the site is VE with a flood elevation of 25 feet. The proposed project is a steel pile supported structure with wooden and concrete decking.

The covered shelter/restrooms building would be constructed atop a pile supported deck with a finished floor elevation of approximately 28 feet thus above the flood elevation for the site. The pile structure would be designed and built to withstand flood level wave action forces. The covered shelter/restrooms building would be constructed beyond the line of mean high water as designated by the flood zone criteria.

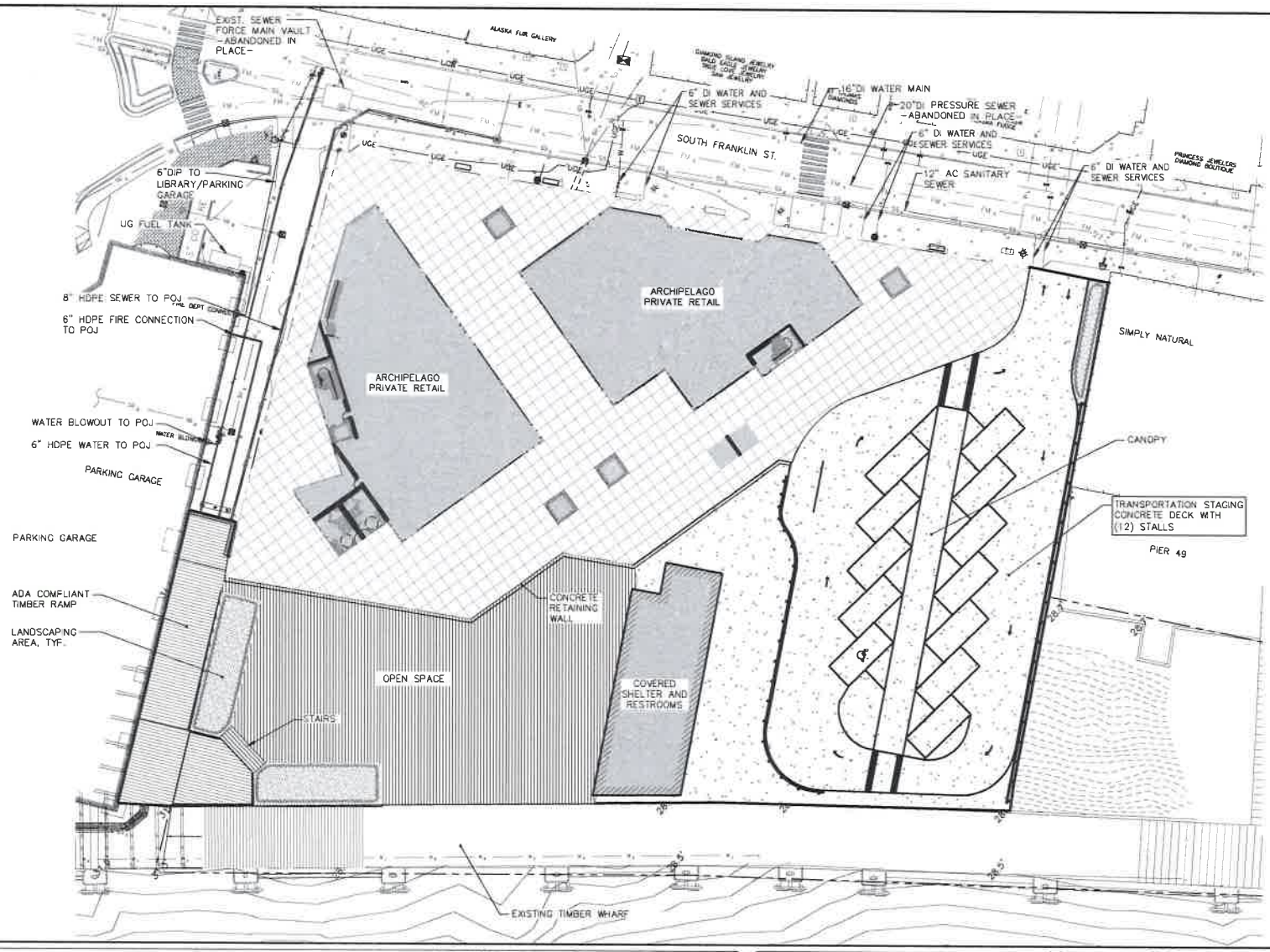
A Flood Zone Exception request, for development seaward of the mean high water line, is being submitted under a separate application to CDD for Planning Commission consideration.

Covered Shelter/Restrooms Building Plan – The covered shelter/restrooms building is planned as an open air space for folks to get out of the rainy weather while awaiting transportation to outlying venues. The footprint of the building would be approximately 3,300 square feet (see Attachment G). The building would be a single story plan with approximately 2500 square feet of open area and 800

square feet of restrooms. The walls would be punctuated with large glass hinged or folding doors. The doors would generally be open for easy access but could be closed for security or inclement weather conditions. The general architectural character of the building would reflect a maritime theme.

ATTACHMENTS

A. Pre-Application Notes of December 6, 2017
B. Pre-Application Notes of June 27, 2018
C. Overall Archipelago Site Plan
D. Site Plan of Docks and Harbors Project
E. Landscape Plan
F. Hazard Map Amendment Notice of Decision
G. Covered Shelter/Restrooms Building Plan



PRELIMINARY

REVISIONS

REV.	DATE	DESCRIPTION	DWN.	CKD.	APP.

PND ENGINEERS, INC.
9360 Glacier Highway Suite 100
Juneau, Alaska 99801
Phone: 907 586 2093
Fax: 907 586 2099
www.pndengineers.com

DESIGN: PND CHECKED: CRS
DRAWN: PND APPROVED: CRS
SCALE: SCALE IN FEET 0 20 40 FT.
DATE: AUG. 06, 2018

DOWNTOWN WATERFRONT IMPROVEMENTS
CITY AND BOROUGH OF JUNEAU

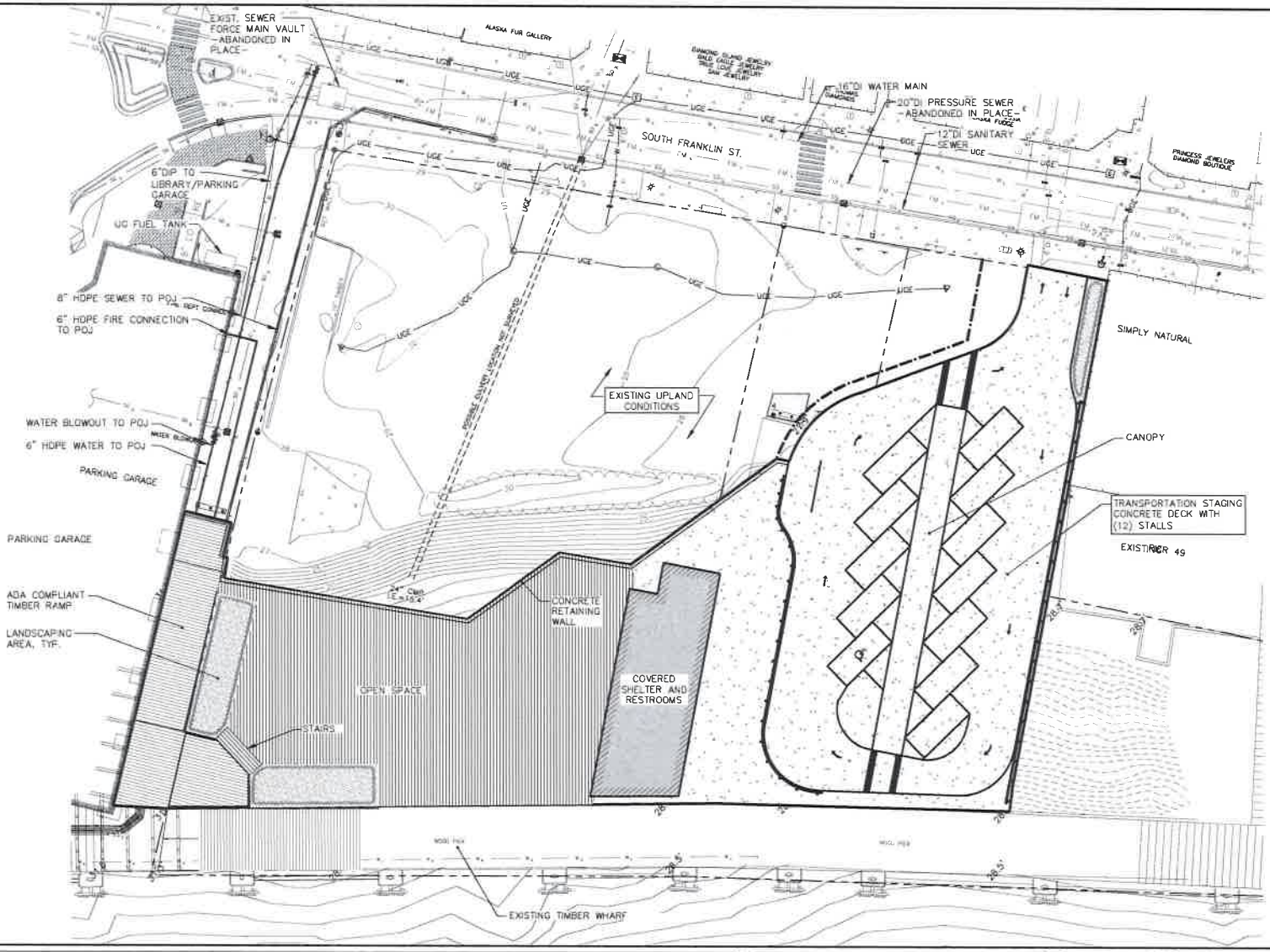
SHEET TITLE:
COMBINED PUBLIC AND PRIVATE DEVELOPMENT PLAN

PND PROJECT #: 182045.02 ----- DWG

1
SHEET 1 OF 2

Attachment 5 - Combined Plan

Attachment 6 - Public Plan



PRELIMINARY

REVISIONS

REV.	DATE	DESCRIPTION	DWN.	CKD.	APP.

PND ENGINEERS, INC.
9360 Glacier Highway Suite 100
Juneau, Alaska 99801
Phone: 907 586 2093
Fax: 907-586-2399
www.pndengineers.com

DESIGN: PND CHECKED: CRS
DRAWN: PND APPROVED: CRS
SCALE: SCALE IN FEET 0 20 40 FT
DATE: AUG. 08, 2018

DOWNTOWN WATERFRONT IMPROVEMENTS
CITY AND BOROUGH OF JUNEAU

SHEET TITLE:
PUBLIC DEVELOPMENT PLAN

PND PROJECT #: 182045.02 ------ DWG

SHEET 2
1 OF 2

Attachment 7 - Concept

Downtown Waterfront Improvements

Concept Plan

REV: 07/11/2018

PND ENGINEERS, INC.

Corvus Design

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

NOTICE OF DECISION
Date: August 14, 2018
Case No.: AME2018 0010

Gary Gillette, Port Engineer
Docks & Harbors
City and Borough of Juneau
155 South Seward Street
Juneau, AK 99801

Proposal:	Hazard map amendment to remove Archipelago Lots 1, 2, 3 and 4 from the Moderate Hazard zone.
Property Address:	356 S. Franklin Street
Legal Description:	Archipelago Subdivision, Lots 1, 2, 3, 4
Parcel Code Number:	1C070K830036; 1C070K830037; 1C070K830038; 1C070K830039

The Director of the Community Development Department has granted the requested hazard map amendment to remove the subject properties from the Moderate Hazard area as described in the site specific studies submitted with the application.

This Notice of Decision does not authorize any construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain a building permit for any and all improvements requiring such.

This Notice of Decision constitutes a final decision of the Director of the CBJ Community Development Department. Appeals must be brought to the CBJ Planning Commission in accordance with CBJ 49.20.110. Appeals must be filed by 4:30 PM on the day twenty days from the date the decision is filed.

Project Planner: Amy Liu
Amy Liu, Planner
Community Development Department

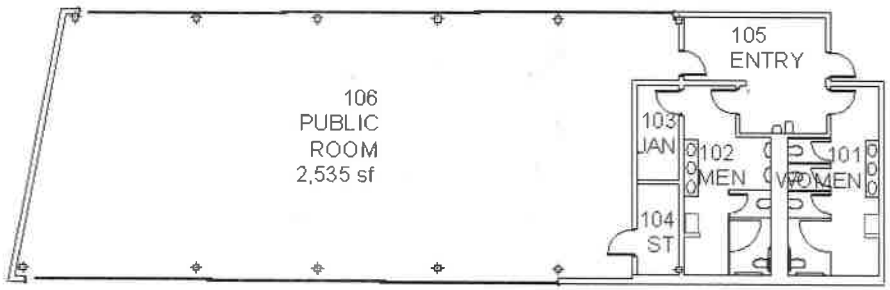
Jill Maclean
Jill Maclean, Director
Community Development Department

Beth McEuen
Filed With Municipal Clerk

8/15/2018
Date

cc: **Plan Review**

Attachment 9 - Shelter Design



1 1st FLOOR PLAN
SCALE: 1/16" = 1'-0"

#Project Status

NorthWind Architects LLC
126 Seward St
Juneau, AK 99801
Ph #907.586.6150
Fx #907.586.6181
www.northwindarch.com

© NorthWind Architects, LLC

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

CBJ UPLANDS SHELTER BUILDING
#Pln
#Site City, #Site State

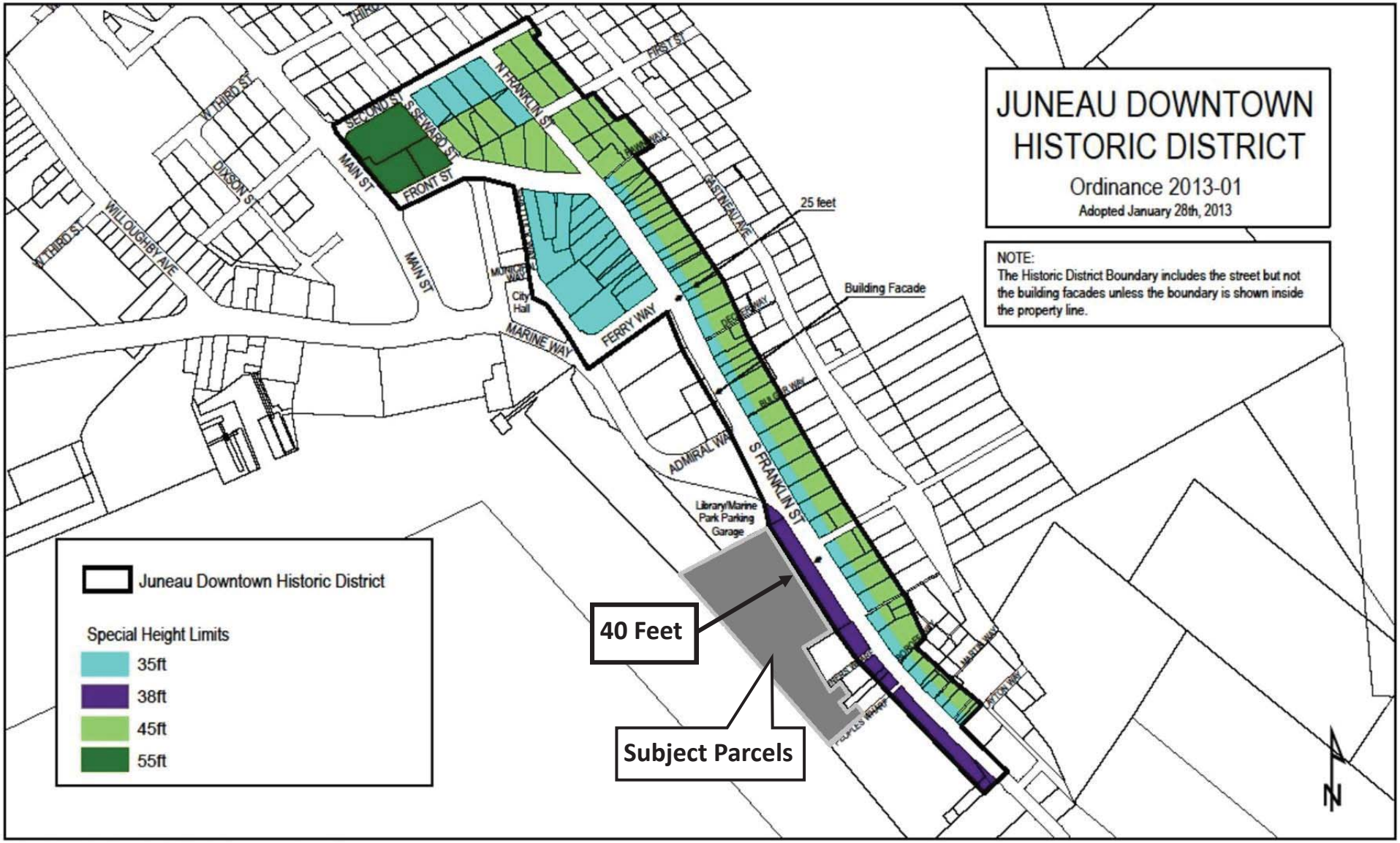
SHEET TITLE
GROUND FLOOR PLAN

DATE
REVISION
DRAWN BY
DRAWN

SHEET #
SK-00
PLOT DATE 8/2/18

Board Discussion:	October 27, 2016 – Discuss need for Archipelago property for staging
Board Discussion:	November 17, 2016 – Discuss need for MP to Taku Dock Plan
Board Approval:	December 15, 2016 – Seek term contractor for MP to Taku Dock Plan
Board Advisory:	February 23, 2017 - Selected Corvus Design as term contractor
Consultant Contract:	NTP April 3, 2017
Planning Consultant:	Corvus Design – Chris Mertl
Sub-Consultants:	Rain Coast Data - Meilani Schijvens NorthWind Architects – James Bibb PND Engineers – Dick Somerville
May 21, 2017	Planning Team met with CBJ Docks and Harbors staff to discuss issues, constraints, opportunities, vision and goals from D&H perspective.
May 25, 2017	Docks and Harbors Board is introduced to the project and planning team.
June 8, 2017	Received Site Conditions Maps for Staff Review
June 15, 2017	Received draft Economic Analysis for Staff Review
June 15, 2017	Meeting with Transportation Providers (Holland America-Princess, Alaska Coaches, Juneau Tours, Cruise Line Agencies). Providers say they could use additional A Zone staging at Alaska Steamship Wharf if space available – noted that if B Zone were provided with 12 to 15 spaces at Archipelago Lot the A Zone spaces could be accommodated at the BrickYard.
June 22, 2017	Updated Docks and Harbors Board on tentative planning schedule: • August 29 – Board Workshop • September 6 – Public Presentation • September 7 – Open Studio • September 28 – Presentation to Board of Plan Concepts • October 26 – Presentation to Board of modified Plan Concepts • November 30 – Final Approval by Board
July 2017	First discussions with Morris Communications Company regarding their plans to develop Archipelago property. MCC provides various concepts for their development options. Agreed to work together to develop plan that would fulfill both MCC and Docks and Harbors needs.
August 29, 2017	Presentation of Economic Trends, planning objectives, issues, constraints at Board Workshop to solicit input for planning direction

September 6, 2017	Presentation of Economic Trends, planning objectives, issues, constraints at Public meeting to solicit input for planning direction
September 7, 2017	Held day-long open studio at Senate Building for one-on-one input from public to planning team
September 28, 2017	Presented four planning alternatives to Board and public based on input received in previous Board Workshop, Public Meeting and Open Studio. Received comments from Board and public on various elements within the four different planning concepts
November 3, 2017	Presented one preferred plan based on comments received from Board and public at the September 28, 2017 meeting
November 30, 2017	Present Final Plan for Board approval
December 4, 2017	Presented Plan to Assembly Committee of the Whole
March 19, 2018	Presented Plan to Planning Commission



Attachment 11 - Map

From: Autumn Sapp
To: Teri Camery
Subject: RE: Downtown Waterfront Development Agency Review
Date: Friday, August 31, 2018 1:20:23 PM

Teri,

General Engineering is on board with their development and have no concerns.

Thank you,

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

From: Teri Camery
Sent: Friday, August 31, 2018 1:03 PM
To: verne.skagerberg@alaska.gov; Dan Jager; Sven Pearson; Autumn Sapp; Charlie Ford; Ed Foster; Greg Chaney; Robin Potter; Timothy, Jackie L (DFG) (jackie.timothy@alaska.gov); Pikul, Gretchen M (DEC) (gretchen.pikul@alaska.gov); Brody, Matthew T POA; sean.eagan@noaa.gov
Subject: Downtown Waterfront Development Agency Review

Hello everyone,

We have received a Conditional Use Permit application from CBJ Docks and Harbors for downtown waterfront improvements in the area known as the Archipelago Property. The application includes development of a transportation staging area, covered gathering structure, public restrooms, and open space. Application materials are attached.

The project also requires a Flood Zone Exception for development within the flood zone. This application is also attached.

Please provide comments by Wednesday September 19, and please let me know if you have questions. Thanks very much for your time.

Cheers,
Teri Camery

Teri Camery | Senior Planner
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0755

From: Pikul, Gretchen M (DEC)
To: Teri Camery
Cc: Sullivan, Hannah L (DEC); Ashton, William S (DEC)
Subject: FW: Downtown Waterfront Development Agency Review
Date: Wednesday, September 12, 2018 10:50:27 AM
Attachments: image002.png
APP_USE18-15; CSP18-10.pdf
APP_FZE18-01.pdf

Good morning Teri,
The Department of Environmental Conservation, Division of Water, Non-Point Source section has no issues with the Conditional Use Permit application from CBJ Docks and Harbors for downtown waterfront improvements in the area known as the Archipelago Property.

This application has been forwarded to DEC's Solid Waste and Stormwater sections.

Thank you for the review opportunity.

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

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

From: Teri Camery [mailto:Teri.Camery@juneau.org]
Sent: Friday, August 31, 2018 1:03 PM

Subject: Downtown Waterfront Development Agency Review

Hello everyone,

We have received a Conditional Use Permit application from CBJ Docks and Harbors for downtown waterfront improvements in the area known as the Archipelago Property. The application includes development of a transportation staging area, covered gathering structure, public restrooms, and open space. Application materials are attached.

The project also requires a Flood Zone Exception for development within the flood zone. This application is also attached.

Please provide comments by Wednesday September 19, and please let me know if you have questions. Thanks very much for your time.

Cheers,
Teri Camery

Teri Camery | Senior Planner
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0755

From: Ashton, William S (DEC)
To: Sullivan, Hannah L (DEC); Pikul, Gretchen M (DEC); Teri Camery
Subject: RE: Downtown Waterfront Development Agency Review
Date: Wednesday, September 12, 2018 3:48:48 PM
Attachments: image001.png
image002.png

Division of Water, storm water permitting has no issues with this conditional use permit.

William Ashton
Storm Water & Wetlands
Division of Water, Wastewater Discharge Authorization Program
Alaska Dept. of Environmental Conservation
555 Cordova St.
Anchorage, AK 99501
Ph 907-269-6283
William.ashton@alaska.gov

From: Sullivan, Hannah L (DEC)
Sent: Wednesday, September 12, 2018 11:53 AM
To: Pikul, Gretchen M (DEC) <gretchen.pikul@alaska.gov>; Teri Camery (teri.camery@juneau.org) <teri.camery@juneau.org>
Cc: Ashton, William S (DEC) <william.ashton@alaska.gov>
Subject: RE: Downtown Waterfront Development Agency Review

The Department of Environmental Conservation, Division of Environmental Health, Solid Waste Program has no issues with this Conditional Use Permit application from CBJ Docks and Harbors.

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

From: Robin Potter
To: Teri Camery
Subject: RE: Downtown Waterfront Development Agency Review
Date: Wednesday, September 26, 2018 4:17:42 PM
Attachments: image002.png

What a great plan this is. I was involved in the development of the property back in 2011 when the CBJ was purchasing sidewalk frontage along this property and I worked with Horan appraisal on the proposed increase in value of this development. I think this will provide much needed community area for the cruise ship passengers, other visitors and local residents as well.

I have no objection to this project and think it will enhance the value of the neighboring properties as well.

Robin

Robin Potter ACAA V
Assessor, Finance Department
City & Borough of Juneau
155 S. Seward Street
Juneau, AK 99801
907.586.0333
http://www.juneau.org/financeftp/assessor_main.php

From: Teri Camery
Sent: Monday, September 17, 2018 5:31 PM
To: Robin Potter
Subject: FW: Downtown Waterfront Development Agency Review

Hello Robin,

I don't recall seeing comments from you on this one, and the Assessor's opinion is always particularly important on Conditional Use Permits. Could you have a look and get back to me soon please?

Thanks very much!
Teri

Teri Camery | Senior Planner
Community Development Department ¦ City & Borough of Juneau, AK
Location: 230 S. Franklin Street, 4th Floor Marine View Building
Office: 907.586.0755

FY 2018 CIP PROJECT DESCRIPTIONS

Department	Division	Priority	Project Description
Administration	**Manager's Office**	1	**INFOR/LAWSON & OTHER MIS SOFTWARE UPDATES -** Necessary updates & upgrades to the City's financial & information management system.
		2	**IT SOFTWARE UPDATES & UPGRADES -** Provide funding for the updates and upgrades to the CBJ operational software.
		3	**VEHICLE & EQUIPMENT WASH BAYS PLANNING & DESIGN -** This project will construct environmentally friendly wash bays for all CBJ vehicles and equipment to be washed. There is currently no specific location for departments to wash and care for the vehicle and equipment that CBJ has spent millions of dollars purchasing. It is imperative this equipment be cleaned and cared for to prevent corrosion and premature failures. This facility will not only provide a needed location to clean equipment but will also provide a wash facility that will contain the run off from such activity.
		4	**CAPITOL PLAZA PLANNING** - Evaluate the impacts of removing traffic from downtown Fourth Street in front of the Capitol Building, between Seward and Main Street, to create a pedestrian only plaza in that block.
		5	**BONDED DEBT SERVICE -** These funds will be used for bond debt repayment.
		6	**BUDGET RESERVE** - These funds will be used to increase the City's budget reserve.
	Mayor & Assembly	1	**WILLOUGHBY ARTS CENTER -** Provide supplemental/match funding for the new Willoughby Arts Center.
Airport		1	**SREF MATCH -** Phase I-a will construct a heated garage of approximately 37,000 sf for the Airport's snow removal equipment in accordance with Federal Aviation Administration (FAA) requirements. The FAA will fund 93.75% of eligible costs; a local match is required to fund the remaining 6.25%. Phase 1-b is not eligible for FAA funding. It includes critical vehicle maintenance and operational components that will be constructed from existing funds. Future phases will be added as funding becomes available. The non-FAA-eligible portion of the building is approximately 17,500 s.f.
		2	**RSA (PH 12) CONSTRUCT NE/NW AREAS -** This project is a continuation of the RSA series of projects to construct aircraft parking in the NE Development Area and the NW Development area. These areas were filled during previous phases of the RSA projects. This phase would provide the additional construction of the aprons and utilities in these public areas.
		3	**DESIGN TAXIWAY A AND E-1 REHAB -** The main taxiway to access the runway is scheduled for rehabilitation. This taxiway was heavily used during the runway rehabilitation project which had all aircraft landing on the taxiway while the runway was under construction. Several areas are starting to fail as well as cracking too wide for traditional sealant repair. Small taxiways (intersection) are also in need of repair as well as correction to their geometry to meet FAA specifications. The rehabilitation of the taxiways is scheduled to start in 2018.

FY 2018 CIP PROJECT DESCRIPTIONS

Department	Division	Priority	Project Description
Attachment 13 - CIP		4	**FLOAT POND IMPROVEMENTS SOUTH ROAD/INLET VALVE/BANK STABILIZATION -** The Airport is in need of replacing the water inlet/outlet valve to control levels in the Aircraft Float pond, as well as provide bank stabilization to the south float pond road. Wind and waves continuously deteriorate the south embankment and the south docks. The valve is old and in danger of failing (draining) in the near future. The FAA would like the Airport to move this up on the priority for Airport CIP
		5	**PASSENGER BOARDING BRIDGE GATE 2 -** As air carriers transition from combi aircraft (aircraft service both passengers and freight configuration) to full passenger configuration, there is a need for another passenger boarding bridge (jetway). At this time, full passenger configured aircraft that utilize Gate 2 must board their passenger by going down the stairs, walk across the ramp, and back up the aircraft aft stairs.
		6	**TERMINAL CAMERA SURVEILLANCE SYSTEM DESIGN & INSTALL -** This would be an upgrade to current camera system as well as additional recording devices.
		7	**EXIT LANE IMPROVEMENTS DESIGN & INSTALL -** The airport is in need of a new security exit lane which would allow one-way flow of passengers out of the departure lounge.
		8	**23 MALSR -** The Airport currently has an abbreviated MALS system on the Runway 26 approach which goes out to the 800' station. Installing the remaining system out to 2400' on the approach would decrease the minimums for instrument equipped airlines to approximately one-half mile, thus increasing safety and efficiency into JNU.
		9	**SPACE RECONVIG (OLD DINING ROOM/KITCHEN) TENANTS & ADMIN -** This construction project will reconfigure the old abandoned restaurant kitchen and dining areas into office spaces for airport business and construction projects personal. Also included will be the construction of storage space for food and gift shop concessionaires, additional tenant office lease space, and a new public meeting room.
		10	**FIRST FLOOR MENS RESTROOM RENOVATION -** This construction project will to replace worn out finishes that have reached the end of their useful life including ceramic tile flooring throughout, ceramic wall tile and countertop at the lavatory area. New sinks and toilet/urinal partitions will be installed. The existing toilet, urinals and toilet accessories will be salvaged and reused.
		11	**TERMINAL EAST END DOORS / VESTIBULE -** The first floor east end sliding door at the Baggage Claim area is locked out of operation during the fall and winter months due to its severe southeast wind and rain exposure. Frequent water intrusion at the jamb/sill of this door opening has caused damage. This construction project will remove the sliding door assembly and replace the opening with wall infill to match the adjacent construction.

FY 2018 CIP PROJECT DESCRIPTIONS

Department	Division	Priority	Project Description
BRH		1	**MUNICIPAL ROAD REPLACEMENT (NORTH) -** Repair and reconstruct existing campus roadway that are deteriorating.
		2	**PARKING RAMP (200 SPACES) -** Enhance parking on the BRH campus.
		3	**REMODEL EMERGENCY DEPARTMENT -** Evaluate and plan for the remodel of the Emergency Department.
		4	**DETOX BAY AT RAINFOREST RECOVERY CENTER -** Evaluate and plan for detox facility within Rainforest. A center that will provide on sight detoxification and single point of entry for assessment and treatment.
		5	**OPERATING ROOM RENOVATION -** Evaluate and plan for the renovation of the Operating Rooms.
		6	**INFORMATION SERVICES FACILITY WITH GENERATOR -** Bartlett's Information Technology Department and its I.T. infra-structure must be relocated to a new facility to provide the needed redundancy, security, environmental safeguards and additional work space.
		7	**RRC AND BOPS REPLACEMENT -** Scope of work and budget to be determined.
		8	**REMODEL LABORATORY (5000 SQ. FT.) -** Scope of work and budget to be determined.
Docks & Harbors		1	**VISITOR INFORMATION KIOSK REPLACEMENT - DESIGN -** The visitor information kiosk serves cruise ship passengers needing information about Juneau. It is located in a strategic location near one of the two city owned docks that support the cruise industry. The current kiosk has exceeded its design life. The facility does not meet ADA standards, has inadequate heating, and does not provide adequate shelter for patrons. This request would provide funding for planning, design, and cost estimate for a new kiosk facility. Once costs are known it is anticipated a future funding request would be made for construction.
		2	**CRUISE SHIP UPLANDS STAGING AREA -** This project would be located in the downtown area near the cruise ship dock, an area that serves over one million cruise ship passengers each year. The project entails identifying and procurement of available downtown lands necessary to accommodate additional staging areas required to accommodate the larger post-Panamax sized cruise ships and greater passenger counts.
		3	**DOWNTOWN RESTROOMS - PARTIAL FUNDING TO LOCATE/DESIGN -** This funding would begin the design phase of the project. This project has been brought forward at the request of the Assembly to address the lack of adequate restroom facilities in the downtown waterfront area.
		4	**STATTER HARBOR BREAKWATER SAFETY IMPROVEMENTS -** to infill the open areas of the breakwater structure with fiberglass reinforced plastic grates that would close the open cells to allow pedestrian traffic yet allow the structure to adequately provide wave reduction to the overall harbor.

Attachment 13 - CIP

FY 2018 CIP PROJECT DESCRIPTIONS

Department	Division	Priority	Project Description
		5	**TAKU HARBOR DEFERRED MAINTENANCE -** to de-water and re-drive several piles that have become out of alignment. Re-install steel pile caps and weld to form seal that deflects rainwater from entering the pile pipe.
		6	**ADFG GRANT - AMALGA HARBOR FISH CLEANING FLOAT**- to design and construct an additional float to the existing loading float system to provide greater launch potential at low tides and to provide fish cleaning tables at the end of the loading float system.
		7	**AUKE BAY PASSENGER FOR HIRE FACILITY -** this project includes installation of a boarding float, gangway, and passenger loading zone to serve cruise ship passengers connecting with whale watching and fish charter operators.
Eaglecrest		1	**DEFERRED MAINTENANCE - LIFT/MOUNTAIN OPERATIONS IMPROVEMENTS** - which include the following projects:
			Mountain Operations – Hiking Trails – The Master Plan outlines hiking trails/multi-use trails as a top priority for the future of Eaglecrest. We will continue a multi-year plan to create more hiking/multi-use trails within the CBJ/Eaglecrest Boundary. ($15,000)
			Mountain Operations -- Trail Maintenance -- The trail network at Eaglecrest was overgrown after many years of little annual maintenance. We have begun a program of yearly maintenance to reclaim the ski trail network enabling Eaglecrest to open as early as possible with the safest conditions possible. This will include cutting and trimming by hand all trails at Eaglecrest on a rotating basis. ($30,000)
			Mountain Operations – Snowmaking & Water Line Replacement/Improvement - We will begin multi-year plan to repair/replace the current snowmaking system and increase snowmaking coverage of the lower mountain. This snowmaking will allow Eaglecrest to better handle low snow years and open as early as possible. In addition the snowmaking lines feed the hydroelectric system which significantly lowers our electric usage annually. The pipeline from Cropley Lake is showing increasing signs of decay and patching and welding is becoming less effective. The plan calls for replacement with new pipe in sections over the next few years. ($40,000)
			Lift Operations - The Ptarmigan Summit Ramp - As one of the oldest pieces of infrastructure at Eaglecrest the Ptarmigan ramp is showing signs of age and has begun shifting. In order to secure the long term operation of the Ptarmigan Chair Lift we need to replace the ramp with an earthen structure which will ensure its operation for the long term. This is a two year project with funding in FY17 & FY18. ($75,000)
Fire Department		1	**DOWNTOWN FIRE STATION ROOF REPLACEMENT -** Juneau Station engine bay roof is rotting and in danger of blowing off in a wind storm. It is in place due to the rubber membrane.

Attachment 13 - CIP

FY 2018 CIP PROJECT DESCRIPTIONS

Department	Division	Priority	Project Description
Lands & Resources		1	**STABLER QUARRY INFRASTRUCTURE AND EXPANSION** - This project will work towards updating infrastructure and expanding the permitted area of the Stabler Point Rock Quarry.
Parks & Rec	**Bldg Maintenance**	1	**DEFERRED BUILDING MAINTENANCE -** Funds are for on-going capital funded projects to repair CBJ buildings. Reduce maintenance costs and enhance building components by correcting a backlog of problems that have surfaced from aging of buildings.
	Rec Buildings	1	**TREADWELL ARENA PARKING LOT LIGHTING -** Current lighting is inadequate in some areas of the parking lot, and in other areas of the parking lot no lighting exists, which is a safety hazard for users who are walking between their cars and the facility.
	Parks/Rec Areas	1	**PARK AND PLAYGROUND REPAIRS-DEFERRED MAINTENANCE** - This CIP funds repairs to park facilities throughout Juneau, including replacement of playground equipment that has outlived its useful life. Many of Juneau's playgrounds are more than 25 years old. Due to their age, these playgrounds do not comply with modern safety standards or the Americans with Disabilities Act.
		2	**SPORTS FIELD RESURFACING & REPAIRS** - This CIP funds repairs and replacement of sports fields throughout Juneau, including softball, baseball, soccer, and football fields. Sports fields require repair and replacement as surfacing is worn away and drainage problems develop. If fields surfaces are not properly maintained, adult and student athletes will suffer injuries and Juneau will not be eligible to host tournaments. High-priority projects include resurfacing Melvin Park Field #1 and Adair-Kennedy Field #1, as well fence repairs.
		3	**HUT TO HUT -** Funds to be used for a cooperative project with the U.S. Forest Service to plan, permit and determine governance of a hut-to-hut system within the CBJ.
		4	**TWIN LAKE PARK AND ADA REPAIRS -** Project includes shoring up the foundation for the fishing pier, trail and asphalt repairs and lighting upgrades.
	Trail Maintenance	1	**KAX TRAIL BRIDGE RIVER BANK STABILIZATION -** Realign the portion of the Kax trail near Brotherhood Bridge that currently runs along the edge of the Mendenhall River and is sloughing into the river because the meandering river is undercutting the bank under the trail.

Attachment 13 - CIP

FY 2018 CIP PROJECT DESCRIPTIONS

Department	Division	Priority	Project Description
Public Works and Engineering Department			
	Capital Transit	1	**BUS SHELTERS/INTERIM VALLEY TRANSIT CENTER IMPROVEMENTS -** Add three new bus shelters, one on the North side of Back Loop Rd at the Glacier spur Rd, one on Glacier Hwy at or near the Gastineau Humane Society and one at the airport on Yandukin Rd.
		2	**VALLEY PUBLIC TRANSIT TRANSFER STATION -** Purchase property in the Vintage Park area and construct a Public Transit Transfer Station for residents to transfer from valley routes to down town routes. The intent is to apply for an FTA Grant to fund a majority of this expense.
	Engineering	1	**AREAWIDE EV CHARGING STATIONS** - Evaluate locations to install additional electric vehicle charging stations and implement as funds allow.
		2	**STEPHEN RICHARDS / RIVERSIDE INTERSECTION DOT MATCH -** provide 9.45% funding match for AK DOT Congestion Mitigation and Air Quality (CMAQ)funding to reconstruct this intersection. This project would construct a signalized intersection or modified round-about if warranted.
		3	**DOWNTOWN STREET IMPROVEMENTS** - This funding will provide for street reconstruction of Phase II of the Downtown Street Improvement project. This phase includes Front Street, North Franklin Street from Front Street to Second Street, and a portion of First Street.
		4	**WATERFRONT SEAWALK** - This funding would provide additional funding for on-going seawalk planning, permitting, design, easement or land acquisition and construction. As of the writing of this memo, the next seawalk project has not yet been designated.
	Streets	1	**PAVEMENT MANAGEMENT -** This is an on-going pavement management program to provide chip seal, asphalt overlays, and other preventative maintenance treatments to CBJ streets. Pavement maintenance is required to extend the functional life of the road surfaces an additional 5 to 10 years. The program also provides capital funding to purchase and repair specialized asphalt maintenance equipment and to purchase necessary paving materials (oil, aggregates, chemicals) for pavement maintenance.
		2	**SIDEWALK AND STAIRWAY REPAIRS -** Reconstruct and repair areawide stairs and sidewalks. Programmed repair of sidewalks and stairs reduces maintenance costs and promotes pedestrian safety.
		3	**MCGINNIS SUBDIVISION IMPROVEMENTS, PHASE III -** This project will continue with the improvements to streets within the McGinnis subdivision. Improving the road sub-base adding sidewalks and replacing utilities as needed. Also improve drainage systems as needed.

Attachment 13 - CIP

FY 2018 CIP PROJECT DESCRIPTIONS

Department	Division	Priority	Project Description
Attachment 13 - CIP		4	**DOWNTOWN STREET IMPROVEMENTS - FRONT, FRANKLIN, DOWNTOWN CORE, PHASE II -** Reconstruct roadway, replace storm drain system, utilities, street lighting and improve pedestrian facilities and pedestrian movement.
		5	**SHAUNE DRIVE IMPROVEMENTS - ANKA TO BARROW -** Reconstruct roadway, improve drainage and replace utilities as needed. Roadway base to be excavated and replaced with shot rock to improve drainage under roadway and new asphalt applied.
		6	**BIRCH LANE IMPROVEMENTS - MENDENHALL TO JULEP, PHASE I -** Reconstruct roadway, improve drainage and replace utilities as needed. Roadway base to be excavated and replaced with shot rock to improve drainage under roadway and new asphalt applied.
		7	**CALHOUN AVE IMPROVEMENTS - MAIN TO GOLD CREEK (DESIGN) -** Reconstruct roadway, sidewalk and curb and gutter. Replace Water Main, valves and services connects as needed. Replace sewer main and service connects as needed. Evaluate street light coverage and possible need for additional lights or moving existing. Roadway base to be excavated and replaced with shot rock to improve drainage under roadway and new asphalt.
		8	**AREAWIDE DRAINAGE IMPROVEMENTS -** This is a multi-phase project that involves permitting, design, and construction of storm drainage improvements to both surface and underground infrastructure throughout the Juneau area to reduce the impacts from seasonal flooding and ground water damage to private and public property. Failure to repair or replace failing culverts and storm sewer piping may result in significant damage to roadways and adjacent private properties.
		9	**DOUGLAS SIDE STREETS - D and E STREETS -** Reconstruct roadway, improve drainage and replace utilities as needed. Roadway base to be excavated and replaced with shot rock to improve drainage under roadway and new asphalt applied.
	Wastewater Utility	1	**MWWTP BELT FILTER PRESS REPLACEMENT -** Provide funding for replacing the existing Belt Filter Press for dewatering sludge at Mendenhall Treatment Plant.
		2	**MWWTP ODOR CONTROL -** Provide funding for improved odor control at Mendenhall Treatment Plant.
		3	**JDTP NEW VACTOR DUMP -** Provide funding for evaluation, design, and construction of an upgraded/new vactor dump facility. The existing vactor dump facility, located at the Juneau Douglas Wastewater Treatment Plant, is a receiving station and treatment facility for sand, grit, gravel, and solids that are removed from sewer collections lines, manholes, and lift station wetwells via vactor (vacuum/jet) trucks. Removal and disposal of such debris is necessary to maintain operations of the sewer lines and collections pump systems.

FY 2018 CIP PROJECT DESCRIPTIONS

Department	Division	Priority	Project Description
Attachment 13 - CIP		4	**REAL TIME CRUISE SHIP WASTEWATER DISCHARGE MONITORING -** This funding would provide partial funding to begin a project to scope out improvements required to perform real time wastewater monitoring at the Franklin Dock. Detailed knowledge of the strength and volume of flows being sent to the wastewater treatment plant would allow CBJ staff to maximize the number of ships using the discharge system. This summer, it is anticipated that multiple ships will not desire to concurrently use the wastewater system. As the desirability of the use of the wastewater system could rapidly change, partial funding is recommended for this year.
		5	**MWWTP ROOF REPAIR -** Repair the aging roof at Mendenhall Treatment Plant.
		6	**CALHOUN (8TH TO GOLD CREEK) SEWER REPLACEMENT -** Provide funds to adjust Wastewater Utility infrastructure with the associated street reconstruction project.
		7	**PAVEMENT MANAGEMENT UTILITY ADJUSTMENTS -** Provide funds to adjust Wastewater Utility infrastructure with the associated street reconstruction project.
		8	**MCGINNIS SUBDIVISION IMPROVEMENTS, PHASE III-** Provide funds to adjust Wastewater Utility infrastructure with the associated street reconstruction project.
		9	**SCADA (SUPERVISORY CONTROL AND DATA ACQUISITION) -** This ongoing project will continue to upgrade and replace the outdated SCADA system that operates the treatment plants and infrastructure.
		10	**BIRCH LANE SEWER REPLACEMENT -** Provide funds to adjust Wastewater Utility infrastructure with the associated street reconstruction project.
		11	**DOUGLAS SIDE STREETS 2017 (D AND E STREETS) -** Provide funds to adjust Wastewater Utility infrastructure with the associated street reconstruction project.
		12	**DOWTOWN STREET IMPROVEMENTS - FIRST STREET SEWER -** Provide funds to adjust Wastewater Utility infrastructure with the associated street reconstruction project.
		13	**SHAUNE DRIVE SEWER IMPROVEMENTS - ANKA TO BARROW -** Provide funds to adjust Wastewater Utility infrastructure with the associated street reconstruction project.
	Water Utility	1	**DOUGLAS HIGHWAY WATER - (CORDOVA-DAVID) -** Replace the failing water system within Douglas Highway between Cordova Street and David Street in advance of the ADOT repaving project.
		2	**CALHOUN (8TH TO GOLD CREEK) WATER REPLACEMENT -** Replace the failing water system within Calhoun Avenue between the Governor's house and Cope Park.

FY 2018 CIP PROJECT DESCRIPTIONS

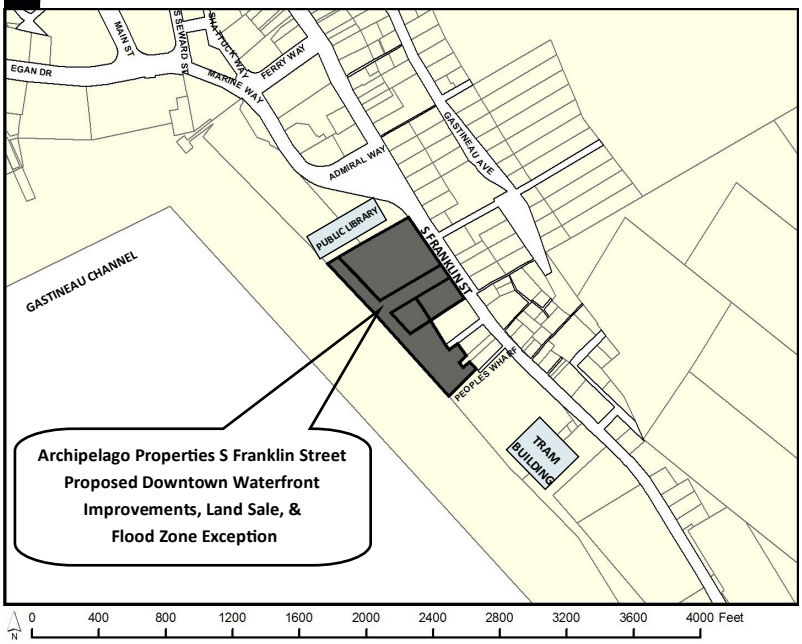
Department	Division	Priority	Project Description
		3	**SCADA (SUPERVISORY CONTROL AND DATA ACQUISITION) SYSTEM UPGRADES/IMPROVEMENTS -** This ongoing project will continue to upgrade and replace the existing 1991 vintage SCADA system that operates the CBJ water system.
		4	**MCGINNIS SUBDIVISION, PH III UTILITY ADJUSTMENTS -** Provide funds to adjust Water Utility infrastructure with the associated street reconstruction project.
		5	**PAVEMENT MANAGEMENT UTILITY ADJUSTMENTS -** Provide funds to adjust Water Utility infrastructure with the associated street reconstruction project.
		6	**SHAUNE DRIVE - ANKA TO BARROW - UTILITY ADJUSTMENTS -** Provide funds to adjust Water Utility infrastructure with the associated street reconstruction project.
Schools		1	**SCHOOL DISTRICT DEFERRED MAINTENANCE -** to fund ongoing civil, architectural, mechanical and electrical deferred maintenance and small projects.

Attachment 13 - CIP

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



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

155 S. Seward Street Juneau, Alaska 99801

TO:

Applications have been submitted for consideration and public hearing by the Planning Commission for the **development of the Archipelago Property by Archipelago Properties LLC and CBJ Docks & Harbors** located at **388 and 356 S Franklin Street** in a Waterfront Commercial (WC) Zone.

TIMELINE

Staff Report expected to be posted **Monday, November 5, 2018** at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas**
Find hearing results, meeting minutes and more here as well.

Now through October 22, 2018

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

Oct 23 through 12 noon, Friday, Nov 9

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, November 13, 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.

November 14

The results of the hearing will be posted online.

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

Printed October 10, 2018

Case No.: CSP2018 0009, CSP2018 0010, FZE2018 0001, USE2018 0015
Parcel No.: 1C070K830036
CBJ Parcel Viewer: http://epv.juneau.org

USE2018 0015, CSP2018 0009, CSP2018 0010, FZE2018 0001: A Conditional Use Permit, Flood Zone Exception, and City Project Reviews for waterfront development

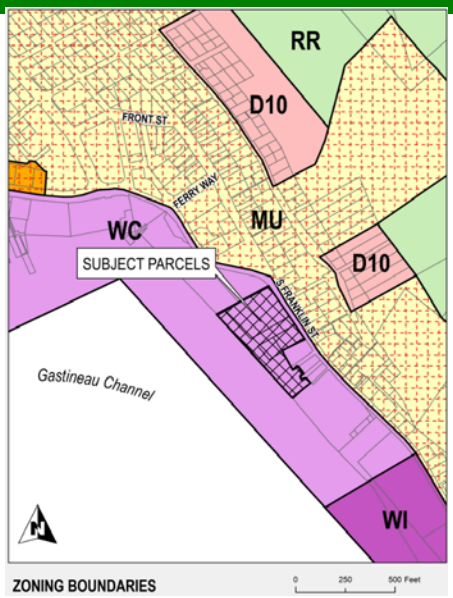
Planning Commission Meeting
November 13, 2018

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Vicinity Map

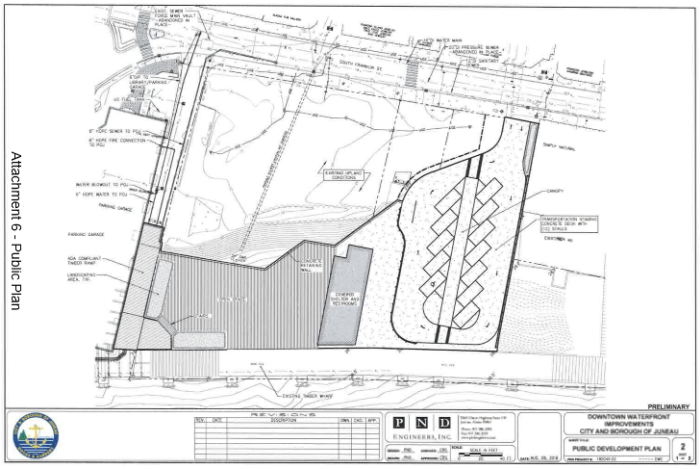
Applicant /Property Owner:	Docks and Harbors
Property Address:	356 and 388 S. Franklin Street
Legal Description:	Archipelago Lots 1, 2, 3, and 4
Site Size:	43,508 Square Feet
Comprehensive Plan Future Land Use Designation:	Marine Commercial
Zoning:	Waterfront Commercial
Utilities:	City water & sewer
Access:	South Franklin
Existing Land Use:	Vacant

Zoning Map

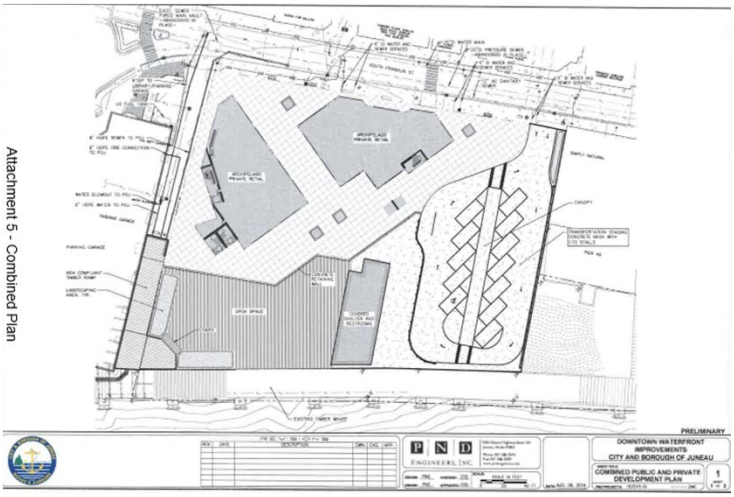


Aerial

Site Plan



Attachment 6 - Public Plan



Attachment 5 - Combined Plan

CSP2018 0009 Project Summary

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 and Harbors

CSP2018 0009 Findings

Staff finds the sale and purchase of the subject property to be consistent with Title 49 and CBJ adopted plans, specifically the 2013 Juneau Comprehensive Plan, 2004 Long Range Waterfront Plan, 2015 Juneau Economic Development Plan, and Capital Improvement Program.

CSP2018 0009 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.

USE2018 0015/CSP2018 0010 Summary

A Conditional Use Permit and City Project Review for downtown waterfront improvements.

Includes:

- Construction of a concrete retaining wall
- Development of a transportation staging area to accommodate 12 vehicles
- Restroom and shelter building

Temporary retail shops have been located on APLCC property, not CBJ property.

USE2018 0015/CSP2018 0010 Findings

1. Application is complete and conforms to CBJ 49.15
2. Appropriate according to the Table of Permissible Uses, 49.25.300 Section 9.600
3. Complies with other requirements of the chapter.
4. No evidence indicates that the development will endanger public health or safety, provided that FZE2018 0001, Flood Zone Exception, is approved.

USE2018 0015/CSP2018 0010 Findings

5. No evidence indicates that the development will substantially decrease the value of or be out of harmony with property in the neighborhood.

6. Proposed development is in general conformity with the 2013 Juneau Comprehensive Plan, 2004 Waterfront Development Plan, 2015 Juneau Economic Development Plan, and Capital Improvement Program.

7. Project complies with the Juneau Coastal Management Program

USE2018 0015/CSP2018 0010 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.

USE2018 0015/CSP2018 0010 Recommendation

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.

USE2018 0015/CSP2018 0010 Recommendation

RECOMMENDATION FOR CSP2018 0010

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:

(same as previous)

FZE2018 0001 Project Summary

Docks and Harbors requests a Flood Zone Exception, per CBJ 49.40.410, to allow a covered shelter with public restrooms to be constructed seaward of the mean high tide line.

The 3,000 square foot one-story structure includes 2,500 square feet of open area and 800 square feet of restrooms.

FZE2018 0001 Findings

Staff concludes that Section 49.70.410 (b), (c), (d), (e), and (f) Exception criteria have all been met.

FZE2018 0001 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 condition:

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.

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: November 15, 2018
Case No.: USE2018 0015

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

Proposal:	A Conditional Use Permit and City Project Review for downtown waterfront improvements
Property Address:	356 and 388 S. Franklin Street
Legal Description:	Archipelago Lots 1, 2, 3, and 4
Parcel Code No.:	1C070K83003-6; -7; -8; -9
Hearing Date:	November 13, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated October 31, 2018, and approved the Conditional Use Permit and City Project Review for downtown waterfront improvements to be conducted as described in the project description and project drawings submitted with the application and 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 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.

Attachments: October 31, 2018, memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding USE2018 0015.

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, November 13, 2018.

Expiration Date: The permit will expire 18 months after the effective date, or May 13, 2020, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:

Teri Camery, Senior Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

Filed With Municipal Clerk

November 19, 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.

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

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

DATE: October 31, 2018

TO: Planning Commission

FROM: Teri Camery, Senior Planner
Community Development Department

CASE NO.: USE2018 0015 and CSP2018 0010

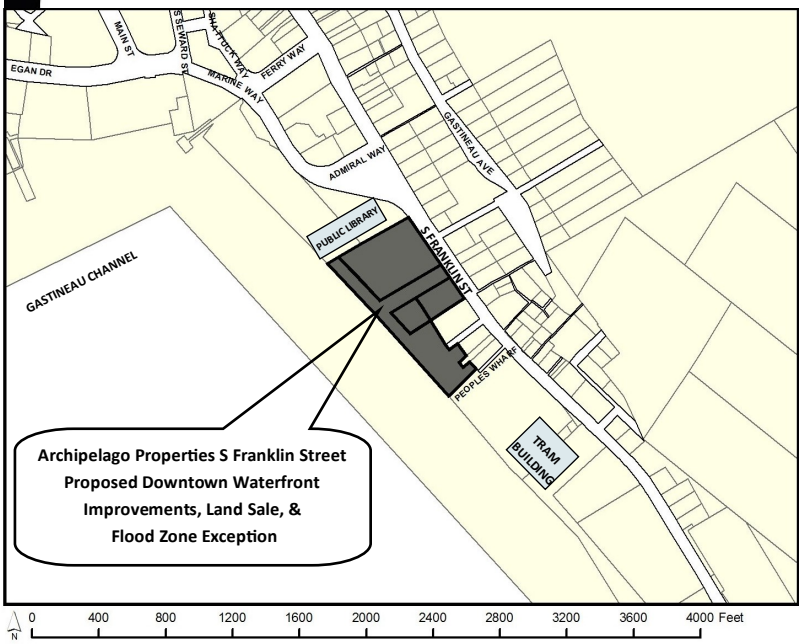
PROPOSAL: A Conditional Use Permit and City Project Review for downtown waterfront improvements

NOTE: Please refer to case USE2018 0015 to read the staff report for CSP2018 0010, as these two cases are combined in one report.

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



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

155 S. Seward Street Juneau, Alaska 99801

TO:

Applications have been submitted for consideration and public hearing by the Planning Commission for the **development of the Archipelago Property by Archipelago Properties LLC and CBJ Docks & Harbors** located at **388 and 356 S Franklin Street** in a Waterfront Commercial (WC) Zone.

TIMELINE

Staff Report expected to be posted **Monday, November 5, 2018** at **https://beta.juneau.org/assembly/assembly-minutes-and-agendas**
Find hearing results, meeting minutes and more here as well.

Now through October 22, 2018

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

Oct 23 through 12 noon, Friday, Nov 9

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, November 13, 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.

November 14

The results of the hearing will be posted online.

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

Printed October 10, 2018

Case No.: CSP2018 0009, CSP2018 0010, FZE2018 0001, USE2018 0015
Parcel No.: 1C070K830036
CBJ Parcel Viewer: http://epv.juneau.org

Planning Commission

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

PLANNING COMMISSION
NOTICE OF RECOMMENDATION

Date: November 14, 2018
File No.: CSP2018 0010

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

Proposal:	Planning Commission Recommendation to the City and Borough Assembly regarding a Conditional Use Permit and City Project Review for downtown waterfront improvements
Property Address:	356 and 388 S. Franklin Street
Legal Description or ROW name:	Archipelago Lots 1, 2, 3, and 4
Parcel Code No.:	1C070K83003-6; -7; -8; -9
Hearing Date:	November 13, 2018

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated October 31, 2018, and recommended that the Assembly approve a Conditional Use Permit and City Project Review for downtown waterfront improvements 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 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 upon approval of FZE2018 0001, a flood zone exception to allow construction of a habitable structure seaward of the mean high tide line.

Attachments: October 31, 2018 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding CSP2018 0010.

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

Project Planner: _____ _____

Teri Camery, Senior Planner
Community Development Department

Benjamin Haight, Chair
Planning Commission

_____ November 19, 2018

Filed With Municipal Clerk Date

cc: Plan Review

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