

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

June 26, 2018
Assembly Chambers
7:00 PM

- I. ROLL CALL
- II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA
- III. APPROVAL OF MINUTES
 - A. May 22, 2018 Draft Minutes - Regular Planning Commission Meeting
- IV. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE
 - A. Additional Materials for June 26, 2018
- V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
- VI. ITEMS FOR RECONSIDERATION
- VII. CONSENT AGENDA
- VIII. UNFINISHED BUSINESS
- IX. REGULAR AGENDA
 - A. AME2018 0008: A text amendment to revise Title 49 regarding Exploration and Mining
 - B. PWP2018 0001: A permit to waive one (1) residential parking space
 - C. USE2018 0008: A Conditional Use Permit for a 220 square foot detached accessory apartment.
 - D. USE2018 0007: A Conditional Use Permit for condominium development
- X. BOARD OF ADJUSTMENT
- XI. OTHER BUSINESS
- XII. STAFF REPORTS
 - A. Flood Map Revision Presentation
- XIII. COMMITTEE REPORTS
- XIV. LIAISON REPORT
- XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
- XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS
- XVII. EXECUTIVE SESSION
- XVIII. ADJOURNMENT

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
May 22, 2018

I. ROLL CALL

Ben Haight, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:02 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Nathaniel Dye, Dan Miller, Percy Frisby, Dan Hickok, Carl Greene

Commissioners absent: Andrew Campbell, Michael LeVine

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Tim Felstead, Planner II; Allison Eddins, Planner II; Amy Liu, Planner I; Laurel Bruggemen, Planner I; Robert Palmer, Deputy Municipal Attorney

Assembly members: Loren Jones, Beth Weldon

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

III. APPROVAL OF MINUTES

A. April 24, 2018 Draft Minutes - Regular Planning Commission Meeting

MOTION: *by Mr. Dye, to approve the Planning Commission, April 24, 2018, regular meeting minutes with any minor alterations by staff or Commission member.*

The motion passed with no objection.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

V. ITEMS FOR RECONSIDERATION - None

VI. CONSENT AGENDA

USE2018 0005: A Conditional Use Permit for an accessory apartment on an under-sized (non-conforming) lot
Applicant: Alan Wilson and Sydney Mitchel
Location: 504 E Street, Douglas

Staff Recommendation

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

The approval is subject to the following conditions:

1. Staff recommends as an advisory condition that the applicant be aware of CBJ 42.20.095 regulation regarding noise restrictions.

ADP2018 0001: Alternative Development permit for reduced street side and setback to accommodate workshop space over an existing rear single-story garage.

MOTION: *By Mr. Miller, to approve the revised Consent Agenda and to accept the staff's findings, analysis and recommendations.*

The motion passed with no objection

VII. UNFINISHED BUSINESS - None

VIII. REGULAR AGENDA

AME2018 0002: To rezone the property from D-3 to D-15
Applicant: Hank Martin
Location: 4535 N. Douglas Hwy

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the zone change for the subject lots from D-3 to D-15 by adopting the D-15 zoning of the adjacent lot.

Mr. Felstead told the Commission that the two lots are on the uphill side of the North Douglas Highway just before the Mike Hatch car dealership. The two lots are adjacent to a D-15 zoning district, which is the zoning they would like for their property, said Mr. Felstead.

The land use designation is Medium Density Residential, said Mr. Felstead. It was previously designated ULDR(T)MDR in the 2008 Comprehensive Plan. The intent was to change the designation to Medium Density Residential once sewer was installed, which took place in 2011, he noted.

Medium Density Residential is defined as five to 20 units per acre. This rezone request fits into that description, said Mr. Felstead, with the lots together measuring 1.6 acres. One lot currently has a single family residence on it, he added.

This request meets the rezone requirements, said Mr. Felstead, with a rezone request being for land of at least two acres, or an expansion of an existing zone. Some consideration should be given to the level of service on roads affected by the rezone, he said. The guidance is that they should not lessen the level of service to below LOS D. Isolated development of the lots would likely not generate the necessity of a Traffic Impact Analysis since it would not be more than 250 trips per day from the 25 possible dwelling units said Mr. Felstead.

One comment was received regarding access to the bench road and its connection to one of the lots, said Mr. Felstead. The time to review that connection is if and when development occurs, said Mr. Felstead. If rezoned to D-15, up to 25 dwelling units would be allowed. The proposed rezone would allow for some commercial uses, most of which would require a Conditional Use Permit, said Mr. Felstead. More than eight dwelling units would also require a Conditional Use Permit, he added. At the time the lots were developed would be a good time to review whether common access could be provided, said Mr. Felstead.

Currently the two lots combined could have three single-family dwellings and up to three 1,000 square foot accessory apartments, said Mr. Felstead. The staff finds that the rezone substantially conforms to the maps of the Comprehensive Plan, said Mr. Felstead.

Commission Comments and Questions

Mr. Miller asked if the Planning Commission would move for recommendation of this rezone to the Assembly or if it would approve or deny the rezone directly.

Mr. Felstead said that now the Planning Commission would move for recommendation of the rezone to the Assembly, where previously it would approve or deny the rezone directly.

Mr. Voelckers asked if there were public comments from adjoining neighbors on the proposed rezone request.

They conducted a neighborhood meeting in mid-April and one member of the public had concerns about the rezone related to increasing the traffic on the North Douglas Highway, said Mr. Felstead. The other public comment was related to access to the bench road, he added.

Applicant

Applicant Hank Martin said he had no additional comments to the staff report. He said he would like to rezone his land to D-15 since they were already adjacent to D-15 zoning, and that they could construct some affordable housing for Juneau.

Public Comment

North Douglas resident Philip Gray told the Commission that he has lived in this area for about 35 years. He said his main concern with the rezone is its possible negative effect on the traffic on North Douglas Highway. He said someone has been killed on the road just down the road from his residence, and a horse, deer and dogs have been hit by cars, and that often the traffic is so voluminous that he has to wait for long periods of time to back his vehicle out of his driveway.

Mr. Dye requested that the sentence in the staff report recommending that the Commission approve the rezone, be changed that the Commission recommends approval of the rezone to the Assembly.

MOTION: *By Mr. Dye, to recommend to the Assembly that they approve the rezone for AME2018 0002.*

Speaking in support of the motion, Mr. Voelckers said he felt this was the right thing to do. North Douglas Highway is getting more traffic, and he said he feels there will be a point when the traffic volume needs to be addressed. He said it makes sense to develop a property more densely when there is the infrastructure to support it, but that Mr. Gray is right and that they are approaching the capacity of the road to handle further development.

Speaking in favor of his motion, Mr. Dye said that he agreed with the comments of Mr. Voelckers, and that he recognized that major development of this lot could trigger a Conditional Use Permit or Traffic Impact Analysis and that there could not be too much more development without the requirement for another layer of review.

The motion passed with no objection.

USE2018 0003:	A Conditional Use Permit for a year-round bed and breakfast
Applicant:	Gretchen Powers
Location:	10497 Fox Farm Trail

Staff Recommendation

The application is complete, meets code requirements and would not decrease value of property in surrounding area. Two conditions exist which are the same as the previous permit.

Ms. Liu told the Commission that the applicant requests a Conditional Use Permit for a year-round bed and breakfast. This project had been approved in January, 2015. The applicant is required to come back as they did not submit house rules prior to the expiration date. Now they have submitted the house rules, said Ms. Liu, and are ready to move forward.

The home is located in Fox Farm estates on Otter Way. It is zoned D-1 for single family and duplex development, said Ms. Liu. All setback requirements for the home are met, she added.

There have been public comments expressed about trespassing and on-street parking, as well as possible noise generated from the bed and breakfast, and increased foot traffic along the waterfront, said Ms. Liu.

The beach along the waterfront remains state land and open for public use, noted Ms. Liu. The single family residence can support six off-street parking spaces, said Ms. Liu. A Traffic Impact Analysis is not required, she noted, with an estimate of about 22 average daily trips.

The single-family residence is about 3,000 square feet with four bedrooms and three bathrooms, said Ms. Liu. The upper floor has the bedroom for the owner and caretaker with three bedrooms located on the bottom floor which would be used for the bed and breakfast, said Ms. Liu.

Spruce Point Estates has no covenants regarding bed and breakfasts. House rules are to establish the anticipated behavior for the guests, said Ms. Liu. The house rules are intended to maintain neighborhood harmony, she said. For example there are rules explicitly prohibiting street parking, excessive noise, and trespassing on neighboring property, she said. Smoking, pets and children under 12 years old are also prohibited, she said.

The Comprehensive Plan identifies the need to promote independent and overnight travelers, and promote development that supports year-round visitor service and activities, said Ms. Liu.

The staff recommends approval of the project with two conditions, said Ms. Liu:

1. The bed and breakfast shall not exceed a maximum occupancy of eight guests and two owners/caretakers.
2. Outdoor events shall be limited to 10 p.m. Monday through Thursday and midnight Friday and Saturday.

Commission Comments and Questions

Mr. Voelckers remarked that technically the permit expired a few years ago. He asked if the property has ever been operated as a B&B.

The property has never been operated as a B&B, said Ms. Liu.

Mr. Voelckers asked who reviews and approves the house rules.

The CDD (Community Development Department) evaluates the house rules and ascertains they are in compliance with the code, said Ms. Liu.

Mr. Voelckers asked who would make a decision if it was reported that noise from the B&B was too noisy.

The public file formal complaints to the enforcement officer, said Ms. Liu. They would refer to the house rules which are in place, she said.

Mr. Dye asked if the house rules could still be evaluated by the CBJ since they were no longer part of the conditions.

The house rules are part of the application itself, said Ms. McKibben.

Mr. Dye asked how the times outlined within the house rules were selected. He added that midnight seemed pretty late to him.

Ms. Liu said the Planning Commission can amend or change the times as they see fit.

Mr. Hickok asked for clarification on the number of owners and caretakers that can be present on the property.

Ms. McKibben clarified that there could be no more than two owners or caretakers present on the property.

Mr. Hickok asked the applicant if more than one party could stay in the B&B at one time.

Applicant

The applicant said that there are three separate bedrooms that are rented out so that three separate parties could feasibly stay in the B&B at the same time.

Mr. Dye asked the applicant how they came up with the times listed within the house rules.

Ms. Powers said they picked those times because they seemed like reasonable hours. They will not be catering to people that are partygoers, she said, and they will be strict about enforcing the house rules, she added.

Mr. Dye asked if having earlier quiet hours in the evening would negatively affect their business model, such as instead having quiet enforced from 9 p.m. on weekdays and until 11 p.m. on weekends.

Ms. Powers said she felt the hours listed in the house rules are reasonable.

Mr. Voelckers said that personally he felt that midnight as a time to conclude noise on a weekend night was reasonable. He asked how the house rules would be enforced if there was a problem with noise from the guests.

Ms. Powers explained that the rules will be in writing and will be part of the reservation when it is made. They would also tell guests verbally to keep the noise down if it became a problem, she said. If guests could not comply with the house rules then they would be asked to leave, said Ms. Powers.

Public Comment

Air B&B owner and Juneau resident Erin Laughlin told the Commission she was in favor of the approval of the B&B, and that she knew that Ms. Powers would do a good job with the operation. She said that Ms. Powers has also mentioned that there is the possibility she would like to open up her home for people recovering from cancer, and that she felt this would be a great addition to the community.

Mr. Dye asked Ms. Laughlin if she had noise restrictions for her Air B&B.

They do have noise restrictions in their house rules, she said, and she added they have never had a problem with noisy guests. Their rules are no noise after 10 p.m., seven days a week, said Ms. Laughlin.

MOTION: *By Mr. Voelckers, to approve USE2018 0003, a Conditional Use Permit for a Bed and Breakfast, including staff's two conditions.*

Speaking in favor of the motion, Mr. Voelckers said there is a little apprehension in the neighborhood about potential noise, but he feels that it has been adequately addressed by the applicant.

Mr. Hickok said he is also in support of the motion. He added that he does have a neighbor who sold his B&B which was now resulting in traffic and parties, and that it could become a problem if not run adequately.

Mr. Dye said he would like to offer a friendly amendment to the motion: that the hours be limited to 11 p.m. on the weekend and 9 p.m. during the week, Monday – Thursday. Mr. Dye said he did not think the change in the hours would be burdensome, since the applicant has already stated that noise would not be an issue.

Mr. Voelckers said he did not accept the friendly amendment. He said he could easily foresee scenarios where B&B guests would like to be out on the beach in the summer in front of a fire, quietly socializing until midnight.

Speaking against the amendment, Mr. Miller said that he could understand people socializing in front of a fire until midnight. He said this offered a great opportunity to share the Juneau lifestyle with others who come to visit the community.

Speaking against the amendment, Mr. Frisby said that he agreed with the comments of Mr. Miller. He said he felt that the house rules adequately established the expected behavior of the guests.

Mr. Dye withdrew his amendment.

Mr. Steedle noted that the assistant municipal attorney has noted a slight defect in the recommended conditions. Sunday should also be included in the house rules, with noise ending at 10 p.m., said Mr. Steedle.

The motion was amended to outdoor events limited to 10 p.m. Sunday through Thursday, and until midnight on Friday and Saturday, said Mr. Haight.

The amended motion (by Mr. Voelckers, to approve USE2018 0003, a Conditional Use Permit for a Bed and Breakfast, including staff's two conditions with the second condition amended to outdoor events limited to 10 p.m. Sunday through Thursday, and until midnight on Friday and Saturday.)

The motion passed with no objection.

USE2017 0006:	A Conditional Use Permit for a Marijuana Cultivation Facility
Applicant:	Taku Horticulture Company LLC
Location:	1758 Anka Street

Mr. Miller said that one of the applicants is employed by him, that he has discussed this with the city attorneys and that they did not deem this to be an issue. He is bringing this item up

before the Commission and the public in case anyone felt that this would prevent Mr. Miller from being nonbiased in his role on the Planning Commission.

No objection by the Commission or the public was expressed.

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 an 8,996 square foot marijuana cultivation facility in the Industrial zone.

The approval is subject to the following conditions:

1. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.
2. Prior to approval of a CBJ marijuana license, a revised surveillance camera plan shall be submitted to ensure the room has adequate surveillance coverage.
3. Prior to approval of a CBJ marijuana license, it shall be demonstrated that surveillance cameras have an unobstructed view of each doorway in the building.
4. Prior to approval of a CBJ marijuana license, it shall be demonstrated that security cameras have an unobstructed view of areas of regular activity without sight blockage from lighting hoods, plants, fixtures, or other equipment in the building.
5. Vegetative cover totaling 1,096 square feet shall be shown on a site plan, reviewed and approved by CBJ staff, and installed prior to issuance of a CBJ marijuana license. The vegetative cover areas shown on the plans shall be maintained with live vegetative cover.
6. Prior to approval of a CBJ marijuana license, a revised site plan illustrating the required parking and loading spaces shall be submitted and approved by staff.

Ms. Boyce said this item was before the Commission a year ago and was approved. It was subsequently appealed, and part of the agreement was that this item would come back before the Commission again for review.

The initial request is for almost a 3,800 square foot marijuana cultivation facility on the second floor of a two story building for Taku Horticulture located on Anka Street in an Industrial zoned district, said Ms. Boyce.

Analysis for this project includes a possible expansion to the first floor of the building for an additional 5,888 square feet of space. Land is zoned Industrial on one side of the facility, and General Commercial on another side, said Ms. Boyce. A cultivation facility is allowed with the approval of a Conditional Use Permit and can also be allowed in a Rural Reserve, and General Commercial and in D-1 zones with a Conditional Use Permit, said Ms. Boyce.

There are already 17 parking spaces on site, and only ten spaces are needed, explained Ms. Boyce. The caretakers unit would still remain on the premises, she added. There will be six rooms for vegetation, drying, trimming and packaging, with a secure lobby entry area, said Ms. Boyce.

There will be a CO2 monitoring system, with three Mission air filtration systems and four stand-alone charcoal filters in the bloom room, said Ms. Boyce. There are cameras and a security system on every door to the building, she explained.

This business will not require a traffic analysis. There will be about six employees with minimal traffic, and with minimal noise on the inside. Full cut-off lighting is required. No light will be allowed to shine offsite, said Ms. Boyce. There is a condition that more detailed security plans with more expansive camera views be supplied, said Ms. Boyce.

This project is in conformance with the Comprehensive Plan, and there are many policies which support uses such as this, said Ms. Boyce, such as:

- ✿ Policy 5.1; to develop and sustain a diverse economy
- ✿ 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 facilities
- ✿ Policy 5.18; to encourage and support entrepreneurship and innovation in the economy of Juneau and Southeast Alaska

Findings

The application is complete, the use is appropriate according to the Table of Permissible Uses, and the development as proposed will comply with the other requirements of the chapter, said Ms. Boyce.

Commission Comments and Questions

Mr. Frisby asked if they are being asked to approve the proposed expansion to the first floor at this time as well.

Ms. Boyce said that they are being asked to approve the proposed expansion at this time as well.

Mr. Miller asked if planter boxes could be used for the vegetative cover requirement or if the applicant would have to dig up asphalt to install greenery.

Planter boxes have been used to fulfill vegetative cover requirements in the past, said Ms. Boyce.

Mr. Dye asked how the Bureau of Vital Statistics got aligned as being most similar to a post office.

In 2002 the Planning Commission looked at specific uses for this structure and determined that it would be most similar to a post office, said Ms. Boyce, as both ventures participated in the storage and filing of documents (TXT2002-00002). It was specifically determined that it was not an office use, said Ms. Boyce. When the structure is no longer used for its current purpose, it would need to be used for something very similar to a post office, or it would need to revert to an Industrial type of use, said Ms. Boyce. Offices are not allowed in the Industrial zoned district, she added.

Mr. Dye asked if there was a specific Conditional Use Permit pertaining to the Bureau of Vital Statistics.

Ms. Boyce said she was not sure if a specific Conditional Use Permit for the current use of that structure existed or not.

Mr. Voelckers asked if the only access to the second floor corridor would be shared by the first floor occupants as well as the grow operation on the second floor.

The stairs to the second floor stem out from the first floor corridor. Credentials are required to enter the secure lobby area, said Ms. Boyce.

Mr. Voelckers said it appeared that both the first floor and second floor occupants would be sharing the first floor corridor. He said it seemed there should be more separation of space. He asked if a separate set of stairs would be added to avoid this type of conflict or how the separation of uses would work.

Mr. Frisby said he had a problem with issuing a Conditional Use Permit for both the first and second floor operations since only the second floor operation would initially transpire. He asked if there would be a problem for the applicants to come back at a later date for the first floor Conditional Use Permit when it was time for them to expand.

The Conditional Use Permit to evaluate the full impacts of the complete buildout is because if they only issued a permit for the first portion of the project, it could be considered "phasing", which is not something that they do, said Ms. McKibben.

They would also have to apply for a building permit to do the internal work which would also have to be reviewed at the time, said Ms. Boyce.

Applicant

David Turner of the Taku Horticulture Company described the filtration system they have for their grow operation, which should result in no discernible odor outside the building. They have added vapor barrier to all of the walls and ceilings and caulked all the electrical boxes, he explained. He said the staircase has been added so there are now two exits from the building.

The way the downstairs corridor is constructed, the occupants from each of the two floors will not pass each other or ever see each other in that corridor, said Mr. Turner.

Commission Comments and Questions

Mr. Voelckers asked if they plan on adding the exterior stairs shown in the building plans.

The stairs have already been installed, said Mr. Turner. Those stairs will be used both for emergencies and to remove the product from the building, said Mr. Turner. He added there are also cameras in the downstairs corridor facing each end of the hallway.

Public Comment

Todd Araujo of Simpson, Tillinghast, Sorensen and Sheehan, P.C., spoke on behalf of Granite Mountain Properties, the owners of the vital statistics building located near the proposed grow operation. He said they appeared before the Planning Commission almost a year ago today to protest this grow operation. The Bureau of Vital Statistics houses critical documents, said Mr. Araujo.

One potential basis for the denial of a Conditional Use Permit is if there is substantial diminution of the land value of neighboring properties, said Mr. Araujo. The Planning Commission's decision must be supported by substantial evidence, said Mr. Araujo. The staff memorandum on this application states that there is no evidence to suggest that the use will have a negative impact on property value, he said. They do not agree with this assessment which was based solely upon the City Assessor's valuation, said Mr. Araujo.

No further information has been provided on this Conditional Use Permit request than was provided a year ago by the assessor, said Mr. Araujo. He said he felt something more than a five or 10 minute Internet search on property values would be required to satisfy that substantial evidence standard. The properties valued by the assessor deal with the value of properties in more traditional industrial neighborhoods, he said. The area in question is a mixed-use area inlaid with commercial businesses, said Mr. Araujo.

None of the literature referenced or included in the record speaks to land valuation of neighboring commercial properties and the effect on those properties, said Mr. Araujo. Given the unique nature of the use of the vital statistics building they had a particular concern in that regard, he said. In their view the Planning Commission and the staff have not met the burdens that its decision in this regard relative to this particular item regarding diminution in land value is supported by substantial evidence, he added. This has not changed since the last time this

issue was before the Planning Commission a year ago, said Mr. Araujo. The only change they had seen is some response to Mr. Wold's report, he said.

Mr. Kim Wold, Appraiser, Integrity Realty Resources

On behalf of the owner of Granite Mountain Properties, Mr. Wold told the Commission that he does appraisals in Washington and Alaska. He said he has over 40 years of experience appraising properties, and 35 years appraising property in Juneau. He said he did a controlled appraisal of the property as it currently exists, and the damages to the value of the property after the cultivation facility would open for business. The result of his appraisal was that there is a substantial loss in value of the Granite Mountain property and that the value loss ranged from 31 percent to 45 percent. The loss in dollars would be \$780,000 to \$1.125 million.

It is very disingenuous to say that the vital statistics building is a post office-like property, said Mr. Wold. The RFP for the property specifically stated that the state was searching for office space with the vault. The building is about 60 percent office and 30 percent vault, said Mr. Wold.

Mr. Wold said there is evidence that odors emanate from cultivation facilities. The city assessor refers to cultivation facilities helping blighted properties and bringing up the value of neighborhoods, Mr. Wold. He said that is not the case in Juneau. The assessor's report also does not address at all the effect to adjoining properties, said Mr. Wold. While extra security is required for the building that does not deal with the added risk to the neighborhood, said Mr. Wold. He mentioned a cultivation facility in Alaska, but not in Juneau, which was robbed of money and another in which marijuana was stolen.

According to Mr. Wold, there is documentation in other jurisdictions that cultivation facilities do not prevent all odor from escaping the facility. He said perhaps cultivation facilities are usually located in low income neighborhoods because of the stinky nature of the business. He said he saw no evidence on what the applicant would do in the event of a power outage to prevent odors from escaping the facility. He said the assessor concedes that there could be some risk of explosions or flooding from the facility. This raises a risk to adjoining properties, said Mr. Wold.

He said the cultivation business is uninsurable because it has to be regulated by federal law, and that marijuana cultivation is still against federal law. This all raises risk which in his opinion result in the value of the nearby properties being substantially diminished, said Mr. Wold.

Commission Comments and Questions

Mr. Hickok asked if most of these issues do not belong in front of the Marijuana Licensing Board. He said it appears the applicant has done everything the Marijuana Licensing Board has asked them to do.

Mr. Wold disagreed with Mr. Hickok. He said the issuance of the Conditional Use Permit for the cultivation facility creates a situation where there is a devaluation of the value of the vital statistics building. The loss of value would not be compensable at the state level, he said; it would be at the local level. The Lemon Creek area is no longer an Industrial area, he said. There has been intrusion by commercial uses, he said. Industrial uses have now been displaced, said Mr. Wold. He said not to regard the zoning. He said the fact of the matter is that the area is now primarily commercial in nature.

Mr. Hickok asked if Mr. Wold has been involved in any sales or purchases of land related to marijuana issues.

Mr. Wold said that he has not.

Mr. Hickok said then there is no documentation the Commission can review to ascertain if there is actually a diminution in adjacent property values as the result of a cultivation facility.

There is anecdotal information from other jurisdictions, said Mr. Wold. In Washington, Oregon and Colorado cultivation facilities have been allowed in agricultural and industrial areas, said Mr. Wold. Those industrial areas do not have commercial intrusion, he said. From the reports and studies he has read, grow operations are in blighted areas, said Mr. Wold.

Mr. Dye said he felt that the Lemon Creek area is rather industrial with hazardous waste disposal facilities, and car crushing. He said he would be happy to ignore the Industrial designation and consider it Light or General Commercial, because the cultivation facility would also be allowed in those areas with a Conditional Use Permit.

Mr. Wold said that Costco, Home Depot and car washes were commercial activities in an industrial area.

Mr. Dye repeated that the issue was not whether the area was primarily industrial or commercial, since the facility could have a Conditional Use Permit in either zone.

Mr. Wold said it was his understanding that it was restricted solely to industrial uses. He said that Juneau was truly an outlier regarding legislation.

Mr. Voelckers said that Juneau has been quite aggressive in its odor control requirements. *Title 49 (49.65.1260)*. He said those requirements may be less stringent in states where marijuana growing facilities are located in agricultural or highly industrial areas.

Mr. Voelckers asked if Mr. Wold could summarize some of the hypothetical drivers of the loss he predicts for the Granite Mountain property should the cultivation facility become viable.

Mr. Wold said besides odors there are a number of other factors. He is said there is the perception of risk of ownership or of buying property in that area. There is the risk of resale of the property should it be purchased, he said. Property is purchased for the income stream and for the increase in the value of the property over the term of ownership, said Mr. Wold. He said in this case there is the extreme risk that the state would vacate the building at the end of their lease term. They could possibly declare default and vacate before the lease was up, said Mr. Wold.

Mr. Voelckers asked what evidence Mr. Wold had that the state viewed that this particular lease may be in jeopardy.

Mr. Wold said there is documented evidence in Juneau. He said the state threatened to terminate its occupancy of the Bill Ray Center because of diesel fumes. The Department of Transportation building required a rebuild due to mold in the building. He said there is a building off of Ninth Street that had to totally rebuild the building due to odor issues.

There are specific items in state leases which allow them to discontinue the lease if a condition was found to be detrimental to its employees or its records, said Mr. Wold.

Mr. Voelckers said it appeared that it is not the marijuana grow operation per se which would jeopardize the value of a property, but that there may be an unintended negative consequence of a grow operation on neighboring properties.

Mr. Wold said it may not just be odor but a robbery next door, a flood or an explosion could also cause the state to vacate a property. An investor would either choose not to buy the property in the first place or buy it at a lower price because of perceived risk, said Mr. Wold. If the state did vacate the property and it could not be sold for office space, then the owner could experience a great loss, said Mr. Wold.

Mr. Miller said that Mr. Wold just stated that the vital statistics building requires fresh circulating air six times every hour. It must have some kind of filtration system just to deal with the odors from the landfill and the brewery, said Mr. Miller. He asked if Mr. Wold knew how the building dealt with those odors.

The director did indicate there were occasions that they could smell the brewery or the landfill, said Mr. Wold. He said he was not clear if those odors could be detected inside or outside of the building.

Mr. Frisby asked how many employees occupy the vital statistics building.

Mr. Wold said he did not know. He said he thought the state typically allotted approximately 150 square feet per employee.

Mr. Dye asked if there would be any way to quantify what particular odors would drive the state to vacate that building; such as odor from the brewery, the dump or the cultivation facility.

Mr. Wold said he could not answer that question.

Mr. Dye said no one compelled the owner to construct that building in that particular location other than himself. He asked if some of that risk was not inherent to the initial decision to construct a building in the Industrial zone.

Mr. Wold said they did not construct the building until they had the proper permit from the CBJ. He said the state would occupy the building for at least 20 years of the initial lease and hopefully for a lease after that, said Mr. Wold.

Mr. Dye said his point is that the applicant chose that zone in that location for his building which he constructed, with the inherent risks which that entailed.

Mr. Wold said he is sure that the applicant was comfortable with the return on his investment.

He did construct a building in an Industrial area, so any number types of industrial uses could be constructed near the applicant's property, said Mr. Dye.

Mr. Wold said the applicant would have assumed that the CBJ would not approve a use that was detrimental to his building's use, said Mr. Wold. That is why a substantial diminution in value is a reason for denying a Conditional Use Permit for a cultivation operation, said Mr. Wold.

Mr. Dye asked Mr. Wold now that he is aware of the post office designation for the subject property, how it affects the percentage of the hypothetical loss to the building.

Mr. Wold said he does not think it affects the hypothetical loss to the building at all. He said if anything the loss becomes greater if the Conditional Use Permit is granted.

Mr. Frisby asked that aside from any speculation on what the state may do as a result of the operation of the cultivation facility, if Mr. Wold had any hard evidence that the state may vacate the vital statistics building because of the cultivation facility.

Mr. Wold said there was an email from the director that indicated that a prospective buyer doing their due diligence should investigate the tenancy and what the likelihood of subsequent lease renewals would be.

This is the Department (*sic*) of Vital Statistics through the Department of Administration, said Mr. Wold.

Applicant

Mr. Turner said they have done everything they possibly could to make this odor issue go away.

He said the owner of the Granite Mountain property has no problem with the cultivation facility located next to his other property in the area also located on Anka Street.

Mr. Voelckers asked if the building is sprinklered.

Mr. Turner said it was not. He said they had fire extinguishers every 70 feet or so within the building. They followed the fire marshal guidelines, he said.

Mr. Voelckers asked if they would be using any flammable materials or processes.

The CO2 burners would be the only item that could be any potential problem, said Mr. Turner.

Mr. Voelckers asked what would happen to the facility during a power outage.

They have a generator, said Mr. Turner. He said they have solid security systems. He said obviously they do not want to lose their product to thieves. He said that a fence around the entire property with barbed wire on top of the fence and the entrance will be gained only by key card. They will just have a regular business design, not a big lighted sign, said Mr. Turner.

Mr. Dye asked if the carbon filters are passive or active filters.

Mr. Turner said they have gone above and beyond the quality of the filters they are using. It is a closed loop system with no air inside the building escaping outside the building, he said. They have done everything they can possibly do to seal the building to address the concern of odors, said Mr. Turner.

MOTION: *by Mr. Voelckers, to approve USC2017 0006 with the six staff conditions.*

Speaking in favor of his motion, Mr. Voelckers said both parties have done a good job of putting forth the issues both pro and con of the issuance of the Conditional Use Permit. However, said Mr. Voelckers, a key point was raised by Mr. Dye that it does not matter whether the land was zoned Industrial or Commercial, the cultivation facility could still be constructed with a Conditional Use Permit. He said it is the Commission's job to assess if there is a meaningful risk of negative impact to adjoining properties when considering the permit. He said he feels the Commission has heard good testimony both this year and the year before that this applicant has done their due diligence and it appears they have more than met their burden in terms of

satisfying the conditions for the permit. He said they understand it is legitimate for adjoining properties to raise their concerns. Those concerns have not been shown to be legitimate or to amount to the scale of the economic impact foreseen by the adjoining property owner.

Juneau has good evidence at this point that there has been no negative impact on adjoining properties by the existing cultivation facilities, said Mr. Voelckers. He said he would not be surprised if the applicants' property caused the least odor of others within the immediate area when considering the dump and the brewery.

Speaking in favor of the motion, Mr. Dye said that when considering 49.65.1260 when considering the odor section of the marijuana ordinance, that if there are odor problems the business loses the possibility of retaining its marijuana license. He said he feels there are adequate safeties in check both within the ordinance and judging by the work the applicant has put into their facility. They spent almost two years working on the ordinance to ensure that other properties would not be put in danger by fire or explosions, said Mr. Dye.

Mr. Miller also spoke in favor of the motion for many of the reasons already mentioned. Other communities outside of Juneau have the privilege of having industrial land that is just industrial land, said Mr. Miller. In Juneau there is a land shortage and therefore there can be the encroachment of one type of use over another, he said. Just because there is a mixture of uses does not mean that the land is not still industrial land, said Mr. Miller. If marijuana odors are discovered outside of the building, the applicant runs the risk of losing their license, said Mr. Miller. That is a serious consequence, he said, when this kind of investment has been made in a business. He said he feels there are adequate safeguards in place.

Roll Call Vote:

Yeas: Dye, Frisby, Voelckers, Greene, Hickok, Miller, Haight

Nays:

The motion passed by unanimous vote.

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS - None

XI. STAFF REPORTS

New planner Laurel Bruggeman was introduced to the Planning Commission by Mr. Steedle.

The CDD Assessment Center for the new Planning Director takes place on Thursday, May 24,

(2018) at about 8:30 in the Chamber, said Mr. Steedle. It will run until about 3:00 p.m., he said. Mr. Dye will be one of the evaluators for the three candidates, said Mr. Steedle.

Ms. McKibben reported that Juneau has received about a \$250,000 grant for hazard mapping so they will be able to update their hazard maps, she said. She said Teri Camery and Tom Matisse worked very hard to receive that funding.

They are currently working on phase 2 of the Historical, Cultural and Preservation Plan. One of the planners will provide the Commission with a short update on the current status of the plan at an upcoming meeting, said Ms. McKibben.

They are also working with FEMA (Federal Emergency Management Agency) to update the flood maps, said Ms. McKibben. They will have a presentation on this at the next Planning Commission meeting, said Ms. McKibben.

They have also received an appeal for a building permit for Capital Brew, said Ms. McKibben. At the next Planning Commission meeting the Commission will be asked to accept or not accept that appeal, she said.

There is a Comprehensive Plan ad hoc committee meeting next Tuesday at 6:00 p.m., said Ms. McKibben.

Mr. Voelckers asked if the hazard assessment money was from FEMA.

They are not asking for a study, said Ms. McKibben, but to update the hazard maps.

Mr. Voelckers asked how they would update a map without an assessment of risk.

They will be assessing risk but they will also be utilizing information from previously accomplished studies as well, said Ms. McKibben.

The Commission had asked for guidance on the CIP list when potentially construction-related commissioners can later bid on a project, said Mr. Palmer. Anyone can participate in the CIP process as a Commissioner, said Mr. Palmer. Anyone who participates in that process can bid on a subsequent project as long as there is some competitive solicitation, he said. If there is not a competitive solicitation and a Commissioner wishes to place a bid on an item they should first confer with the municipal attorneys, said Mr. Palmer.

XII. COMMITTEE REPORTS

Title 49 Committee

Mr. Dye reported that at the Title 49 committee meeting they talked about sub-streets and common wall developments.

Auke Bay Committee Meeting

Mr. Miller reported that at the Auke Bay committee meeting they took testimony regarding the hub area in Auke Bay. They want to continue to meet in a regularly scheduled manner, he said.

Sustainability Session

A sustainability session was held on the proposed new Juneau Arts and Cultural Center, said Ms. McKibben. The next meeting will be the second Wednesday of the month which would be June 13, 2018.

XIII. LIAISON REPORTS

Ms. Weldon reported that the Lands Committee talked about whether the City should take over one or all of the cemeteries in Douglas. They spoke about a land trade on Fritz Cove and had a very brief discussion on Indian Point, she said. They looked at two options for recycling and they are looking to contract with Waste Management to do it on their land, she said. The Assembly awarded the bid for Project Playground to Carver Construction, she said. They passed the ordinance amending the land use code regarding variances, she said. They did not approve the ordinance for the LID for the river bank stabilization project on the Mendenhall River, she said. They accepted the decision of the hearing officer on the Southeast Land Trust which allowed community property exemption, she said. They also extended the Eagle Rock venture planning process for 30 days on the Second and Franklin lot, she said.

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

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Voelckers asked Ms. Weldon if there was a substantive change made to the amendment of the land use code regarding variances.

She said there was not.

XVI. EXECUTIVE SESSION - None

XVII. ADJOURNMENT - None

The meeting was adjourned at 9:41 PM.

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers
7:00pm
Meeting Date: June 26, 2018

- 1. Revised Agenda for 6/26/18 Regular Planning Commission Meeting**
- 2. PWP2018 0001:**
 - a. Replacement of Page 7, Attachment A, in staff report
- 3. USE2018 0007:**
 - a. Memo from CDD Planner regarding revoked building permits
 - b. Letter from CDD Director to R & S Construction, sent 6/20/18
 - c. Memo from CDD Planner recommending an additional condition
 - d. Memo from CDD Planner regarding the Sablefish letter
 - e. Public comment from Sablefish LLC, received 6/22/18
 - f. Email from CDD Planner responding to Commissioner query

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

June 26, 2018
Assembly Chambers
7:00 PM

I. ROLL CALL

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. May 22, 2018 Draft Minutes - Regular Planning Commission Meeting

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

V. ITEMS FOR RECONSIDERATION

VI. CONSENT AGENDA

VII. UNFINISHED BUSINESS

VIII. REGULAR AGENDA

A. AME2018 0008: A text amendment to revise Title 49 regarding Exploration and Mining

B. PWP2018 0001: A permit to waive one (1) residential parking space

C. USE2018 0008: A Conditional Use Permit for a 220 square foot detached accessory apartment.

D. USE2018 0007: A Conditional Use Permit for condominium development

IX. BOARD OF ADJUSTMENT

X. OTHER BUSINESS

XI. STAFF REPORTS

A. Flood Map Revision Presentation

XII. COMMITTEE REPORTS

XIII. LIAISON REPORT

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVI. EXECUTIVE SESSION

XVII. ADJOURNMENT



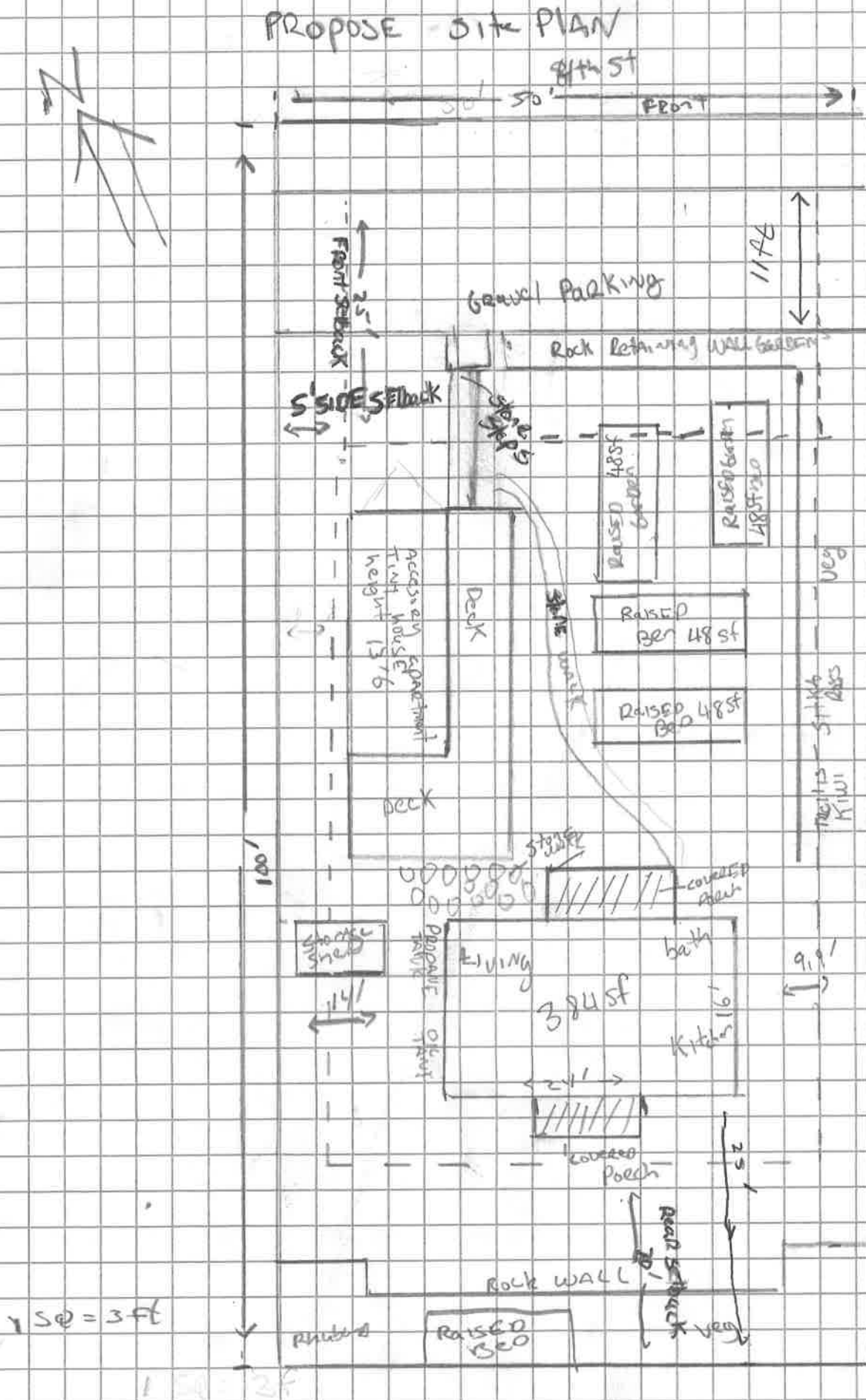
(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

MEMORANDUM

DATE: June 21, 2018
TO: Planning Commission
FROM: Amy Liu, Planner
Community Development Department
CASE NO.: PWP2018-0044
SUBJECT: Replace Page 7 of Attachment A

A handwritten signature in black ink, appearing to read 'Amy Liu', is written over the printed name and title in the 'FROM' field.

The staff report for PWP2018-0044 includes Attachment A, the application for the parking waiver. This memo is intended to clarify that page 7 of Attachment A, an as-built, is to be replaced by the following site plan and standard of work checklist provided by CDD.



Attachment A: Application

Site Plan Checklist ☒

The Site Plan must be drawn to scale. To scale means a specific amount of distance on the site plan equals a specific amount of distance in real life, and that scale is consistent throughout the site plan. In other words, everything is spaced proportionally. For example, 1 inch on the site plan equals 30 feet on the ground (1" = 30').

The following features are required on all site plans:

- ☒ The entire lot must be displayed. If there are no structures located on a significant portion of the lot, broken lines may be used (see attached Sample Site Plan)
- ☒ North Arrow
- ☒ Identify lot lines (Front, Back, Rear, Side, etc.) and label lot line measurements
- ☒ Yard setbacks identified and labeled (e.g. – 25' Front Yard Setback)
- ☒ Adjoining rights-of-way (including alleys) labeled
- ☒ Adjacent water ways labeled (if any)
- ☒ Existing structures with dimensions (and distances to property lines if they are involved in the permit)
- ☒ Proposed structure in proposed location with dimensions and distances to property lines shown including eaves, cantilevers, bay windows, etc.
- ☒ Onsite parking with dimensions of spaces shown if permit increases the parking requirement
- ☒ Scale (examples 1" = 30', 1/4" = 1', if using graph paper - $\square$ = 1 square foot) **or** exact dimensions and distances labeled
- ☒ Topographic lines, if relevant to permit. The lines must be in 5' or 10' increments at a minimum, unless previously approved by staff.
- ☒ Habitat, if present on your lot or near your proposed project (eagle's nests, anadromous streams, wetlands, etc.)

***** If all items are not shown on your site plan, your permit will not be accepted. A good site plan is key to a quick review, and we thank you for your cooperation.**



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www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

MEMORANDUM

DATE: June 22, 2018
TO: Planning Commission
FROM: Tim Felstead, Planner
Community Development Department
CASE NO.: USE2018 0007
SUBJECT: Director's revocation of previous building permits for subject development

A handwritten signature in black ink, appearing to read 'Tim Felstead', is written over the printed name in the 'FROM' field.

During the writing of the staff report, Staff reached out to the CBJ Law Department seeking guidance due to a concern regarding phased development. The concern was prompted by the issuance of two approved building permits prior to issuance of a Conditional Use Permit. The CDD Director issued a letter informing the applicants that their previous building permits were revoked (see attached letter).



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

June 20, 2018

R & S Construction LLC
PO Box 210194
Auke Bay, AK 99821

Dear Mr. Worden and Mr. Jenkins,

During the review of your Conditional Use Permit application (USE2018-0007), I determined the two building permits for Building A (BLD2018-0156) and Building B (BLD2018-0275) were issued by the Community Development Department (CDD) in error because CDD did not have the authority to approve the development application.

The development application shows 23 dwelling units. In the Light Commercial zoning district, a development of more than 12 dwelling units constitutes a major development and requires approval by the Planning Commission in the form of a Conditional Use Permit (CBJ 49.25.300(b)(3)). CDD cannot issue a building permit for six units and then for six more units because that is impermissible phasing and thwarts the cumulative impacts review required by the Conditional Use Permit process. Until a Conditional Use Permit is approved, CDD lacks authority to issue the building permit. Thus, BLD2018-0156 and BLD2018-0275 are revoked and deemed invalid.

I recognize my decision places your company and the contractors you have hired in a difficult position. In light of the equities of this case, I intend to await the Planning Commission's decision on your Conditional Use Permit before I consider any other action. Your Conditional Use Permit is scheduled to be considered by the Planning Commission on **Tuesday, June 26, 2018, at 7 pm in the Assembly Chambers**. If the Commission approves the requested Conditional Use Permit, work may proceed in compliance with that permit, which may include conditions of approval.

You may also appeal this decision by filing a notice of appeal within 20 days consistent with CBJ 49.20.110(a). Please refer to the following page for specific code information related to this matter.

Sincerely,

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

R & S Construction LLC

June 20, 2018

Page 2 of 2

49.25.300 - Determining uses.

(b)(3) The number "3" indicates the use requires a conditional use permit from the commission. The use may or may not be allowed at a particular location, depending on a determination of its compatibility with surrounding or proposed land uses. The planning commission may attach any condition to ensure the compatibility of the proposed use. The conditional use permit procedure is outlined in chapter 49.15, Article I.

49.15.220 - Minor and major development.

The intent of this chapter is to require a shortened approval process for minor developments and a more detailed review by the commission for major developments according to the following:

(1) Unless otherwise specified in this title, minor development shall require department approval. If the director determines that a series of applications for minor developments, taken together, constitute a major development, the applications shall be subject to the appropriate major development permit procedures and standards.

49.15.110 - Permits required.

No person may perform or cause to be performed any development work within the City and Borough except in accordance with a valid development permit, or early start or fast track authorization approved under the provisions of chapter 19.01 of the building code.

49.20.110 - Appeals to the planning commission.

(a) Review by the commission of a decision of the director, may be requested by filing a notice of appeal stating with particularity the grounds therefor with the department within 20 days of the date of the decision appealed. The notice shall be considered by the commission at a regular scheduled meeting. The department and any aggrieved person, including the developer, may appear at that meeting and explain to the commission why it should hear the appeal. The appeal shall be heard unless it presents only minor or routine issues and is clear from the notice of appeal and any evidence offered at the consideration thereof, that the decision appealed was supported by substantial evidence and involved no policy error or abuse of discretion.

(b) If the commission decides to hear the appeal, it shall announce whether it intends to review the entire decision, or merely a portion thereof and whether review shall be de novo or on the record. If the commission decides to hear the appeal, it shall give public notice thereof in a newspaper of general circulation in the municipality. The department shall prepare the record on appeal, which shall consist of the original application and supporting materials, written public comment thereon, and all notes, memoranda, minutes and other department material in relation thereto. The burden of proof in the appeal shall be on the party challenging the decision of the director. In a hearing de novo, proof shall be established by a preponderance of the evidence. If the appeal is heard on the record, argument may be heard, but no evidence outside the record shall be admitted and the decision of the department shall be upheld if there is substantial evidence in support thereof and no policy error or abuse or discretion therein. The commission may confirm, reverse, or modify the director's decision, or change the conditions which the director placed on approval. The commission shall support its action with written findings.

(c) Upon its own motion, the commission may certify a case directly to the assembly without review, hearing or recommendation.



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 www.juneau.org/CDD
 155 S. Seward Street • Juneau, AK 99801

MEMORANDUM

DATE: June 22, 2018
TO: Planning Commission
FROM: Tim Felstead, Planner
 Community Development Department
CASE NO.: USE2018 0007
SUBJECT: Additional parking for potential future uses

Commissioner Dye called me on Wednesday, June 21, 2018, regarding USE2018 0007. He noted that in the staff report it states that the building design and the Light Commercial zoning district would allow for other primary uses in the residences or garages that are associated with each residence. His concern was that additional parking would be required if these additional uses did in fact transpire. The applicants also describe this as a possibility in their narrative. As noted in the staff report, there is some additional space available on the site, based on the current site plan, which would allow parallel parking around the perimeter of the property (~22 spaces). Other parking and access configurations are also possible and may yield more spaces.

CDD reviews applications based on the uses that have been presented. When additional uses are speculated, it is the responsibility of the developer to ensure that the relevant parking requirements can be met before the use begins. As noted in the staff report, a change of use would at least require a 'Change of Use' building permit. This type of building permit would be reviewed by CDD for compliance with permissible uses in the zoning district and parking compliance would be checked for. Given that there are numerous options available in the Land Use Code to reduce the number of parking spaces (joint use parking, off-site parking, or parking waivers), speculating on the number of parking spaces that may potentially be required in the future has too many variables to anticipate for the purposes of this staff report.

It is true that the potential uses on the site could yield a greater parking requirement than can be accommodated on the available land. It is the developer's choice to be constrained by the design of the site in terms of how future uses could be accommodated. CDD has previously communicated to the applicants that future additional uses may trigger a need for additional parking spaces.

During the writing of the staff report, staff had an internal discussion about whether the obligation to inform CDD of a change of use should be written into the Homeowners Association agreement. It was

Planning Commission
USE2018 0007
June 22, 2018
Page 2 of 2

felt that the Change of Use process would capture this and so a condition to this effect would be unnecessary. However, as a result of Commissioner Dye's inquiry, it was felt that such a condition might provide the Homeowners Association with an opportunity to have an internal review and approval process about what uses are allowed in the development since any additional parking would have to be addressed in the commonly owned areas of the development. An additional condition is therefore recommended.

8. For any change of use for any of the 23 dwelling units and accessory garages from 'multifamily residential', a revised parking plan shall be submitted and approved prior to the issuance of a building permit or change of use review. Additionally, this condition shall be incorporated into the HOA documents.



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155 S. Seward Street • Juneau, AK 99801

MEMORANDUM

DATE: June 22, 2018
TO: Planning Commission
FROM: Tim Felstead, Planner
Community Development Department
CASE NO.: USE2018 0007
SUBJECT: Concerns regarding appearance of development from local property owner

A handwritten signature in black ink, appearing to read 'Tim Felstead', is written over the 'FROM' line of the memorandum.

Since the staff report was written, Jan Van Dort, for Sablefish LLC properties, has contacted CDD to state that Sablefish LLC, as owners of property in the immediate vicinity of the subject development, no longer have concerns regarding the subject development. Mr. Van Dort has written in support of the development on the basis that Sablefish LLC and the applicants have come to a private agreement on the appearance and landscaping of the development.

In order to fulfill the Land Use Code requirement for 'attractively landscaped' parking and circulation, it is recommended that the condition of approval regarding a landscaping plan reviewed and approved by CDD (Condition 3) remain, despite this private agreement.

SABLEFISH LLC
 10518 Fox Farm Trail
 Juneau, Alaska 99801
 (907) 321-0271
 jvandort@gci.net

June 22, 2018

Re: Case No. USE2018 0007
 Attn: Tim Felstead, Planning Commissioners

Greetings:

Sablefish LLC is the owner of three commercial buildings in Vintage Business Park containing approximately 40,000 square feet of rentable office space. The buildings' tenants consist mainly of state and federal government offices, physicians, and companies engaged in the business of mining, utilities, engineering, financial services, law, contracting and real estate sales. The buildings are situated directly across Clinton Drive from the condominium project currently under development by Rob Worden and Scott Jenkins.

When we first saw the initial plans for the project, we were of the opinion that they did not conform to the covenants regulating the use, architecture or landscaping requirements of Vintage Business Park. We recognized that the CBJ was not in the business of enforcing private land-use covenants and therefore hired a private attorney to assure conformance. When the development was expanded and the expansion required a conditional use permit, our concerns became Community Development Department and Planning Commission business because of the requirement that that the development conform to the standards evident in the surrounding neighborhood.¹ It was therefore our intention to oppose the CUP application and, at the same time, pursue a separate judicial remedy for a violation of the covenants.

However, the developers have made what we believe is a good-faith effort to respond to our concerns by committing to each of the following acts or things:

1. The front, rather than the back or side, of the buildings will face Clinton Drive.
2. The ends of the buildings will be hipped rather than gabled.
3. The landscape areas described in the permit applications will be executed and fulfilled in a meaningful and substantial manner with grass, trees and flowering shrubs using the other landscaping found in Vintage Business Park as a minimum standard of fulfillment.

¹ In making this determination, the covenants, which controlled the development of all other buildings in the Vintage Business Park, although not enforceable by the City, would provide strong, if not conclusive evidence, of whether the development conformed to neighborhood standards and, accordingly, whether the project was eligible for the requested CUP.

4. The exterior architecture of the development will conform to the plans given to Sablefish LLC by the developers and attached to this letter and using the colors and products specified thereon.

Given this effort and commitment, we withdraw the objection previously made orally to Mr. Felstead and do not oppose granting the permit requested by the developers.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jan Van Dort", with a long horizontal flourish extending to the right.

Sablefish LLC
Jan Van Dort, Manager

cc: Miles Schlosberg, Michael Lessmeier, Esq., Rob Worden

* ASC CLASSIC BROWN
HIDDEN fastener
Roofs + lower Vertical metal

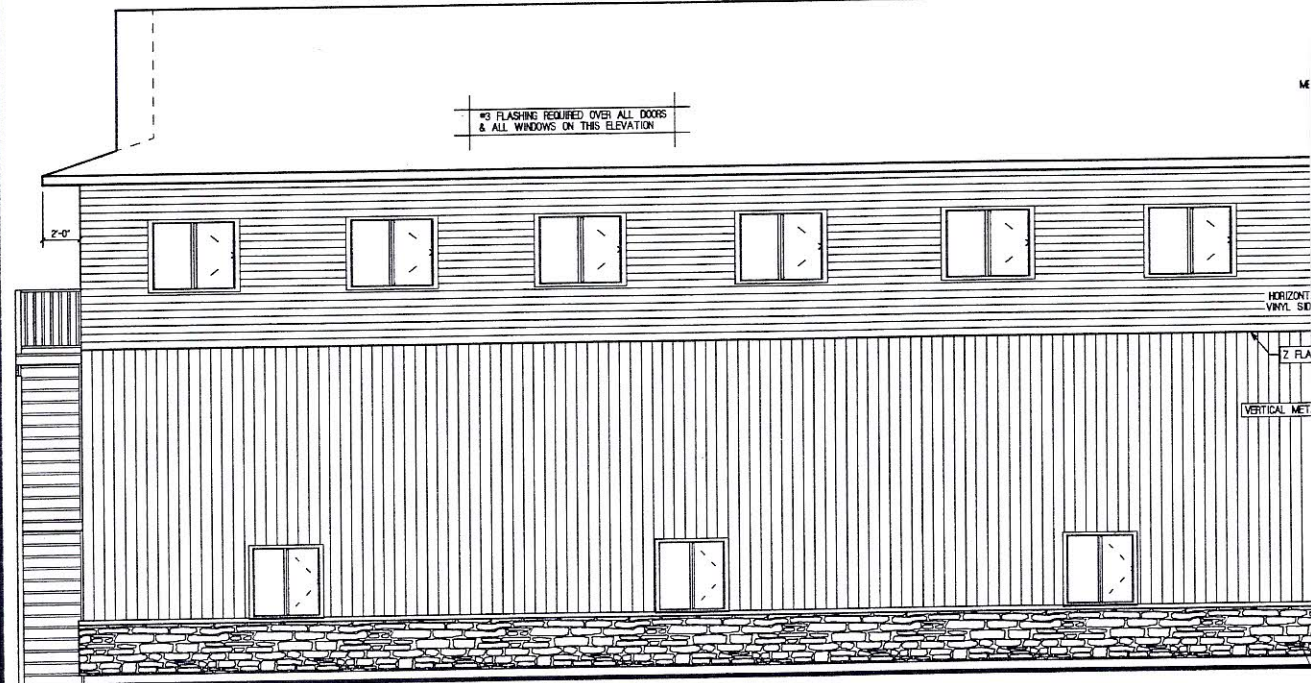
* LP COLOR STRAND HORIZONTAL BEVEL
on second floor. (Khaki) color.
All soffit + trim to match.
* Brown fascia + Gutters.

Packet Page 35 of 230



FRONT ELEVATION

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



REAR ELEVATION

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



NAME OF PROJECT: VINTAGE BUSINESS CONDOS
DATE: APRIL 16th, 2018
LEGAL DESCRIPTION AND SITE ADDRESS:
LOTS 1A, 2A, 3A, 4A, 5A, 6A, 7A
VINTAGE PARK SUBDIVISION

NAME: OWNER- R&S CONSTRUCTION LLC
PO BOX 210194
AIKE BAY 99821
TEL: (907)780-6633
CELL: (907)321-5015 or (907)723-8952

ENGINEER: THOTPRO INC.
2855 PORTILLO PLACE
FAIRBANKS, AK 99709
TEL: (907)479-9178

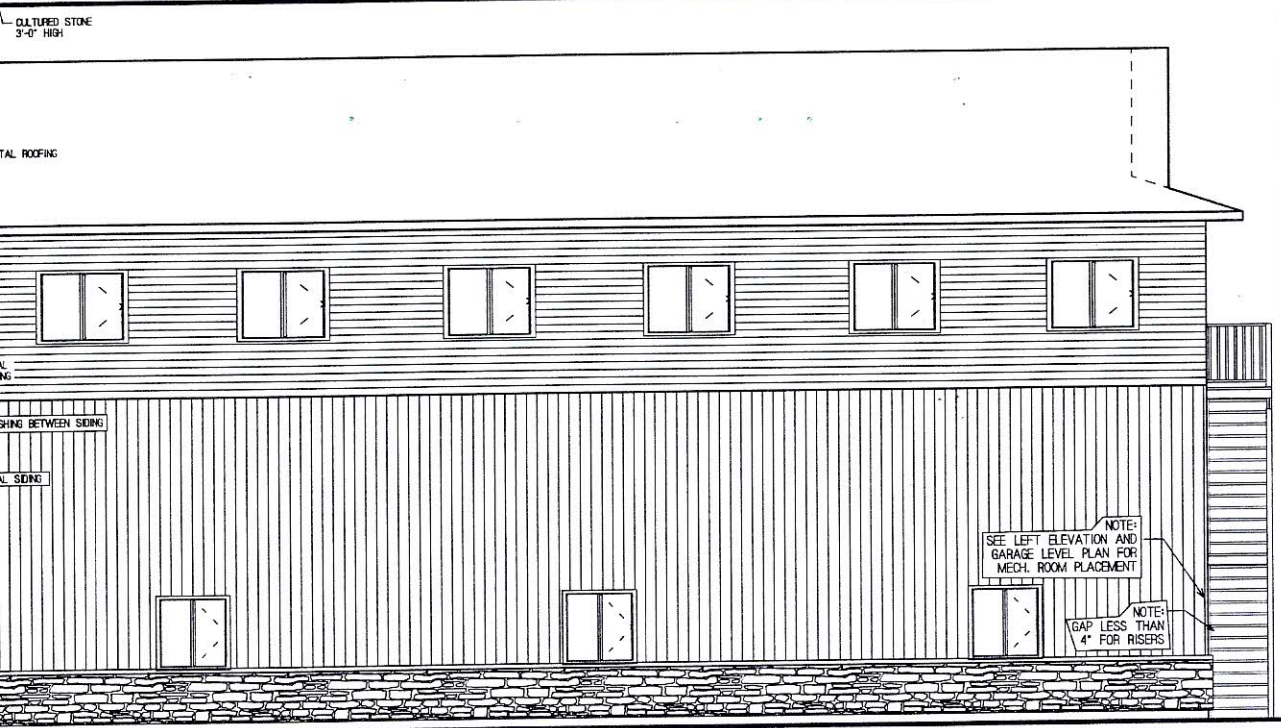
CONTRACTOR: R&S CONSTRUCTION LLC
CONTACT PERSON:
ROB WORDEN (907)321-5015
SCOTT JENKINS (907)723-8952
PROJECT IS NEW CONSTRUCTION 2014 IS
NO EXISTING STRUCTURES ON PROPERTY
EACH SPACE WILL BE FOR RESIDENCE

CODE REV

SIDING * Tando Building Products
 Chestnut hills Stone panels
 3'-4' high on front + sides of bldg.

* BLACK Aluminum handrail
 on upper decks.

Packet Page 36 of 230

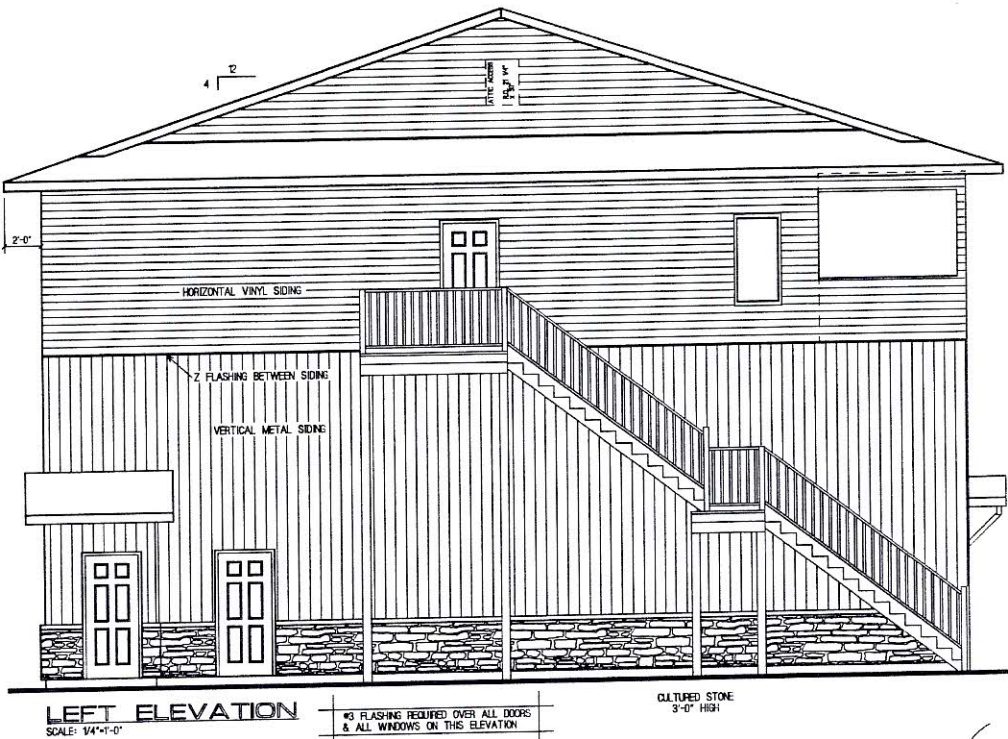


CULTURED STONE
 3'-0" HIGH
 VIEW:

NO DWELLING UNITS EXISTING OR PROPOSED OCCUPANCY GROUP: R2
 CONSTRUCTION TYPE REQUIRED: V-B ACTUAL CONSTRUCTION TYPE: V-B
 THE BUILDING WILL BE SPRINKLERED IN ACCORDANCE WITH SEC. 903.3.1.1
 AVERAGE ROOF HEIGHT: 35'-6"
 ACTUAL ROOF HEIGHT: 35'-6"
 FLOOR AREA FIRST FLOOR: 6600 SQ.FT.
 FLOOR AREA SECOND FLOOR: 5544 SQ.FT.
 TOTAL MEZZANINE FLOOR: 1320 SQ.FT.
 TOTAL EXTERIOR DECK AREA: 1056 SQ.FT.
 TOTAL FLOOR AREA= 13,464 SQ.FT. DESIGNED AS SEPARATED USES

NOTE: TYPICAL ALL ELEVATIONS
 - VENTED RIDGE
 - VENTED SOFFIT
 - METAL ROOFING
 - METAL SIDING

CUSTOMER: WORDEN HOMES INC.			
NAME: CUSTOM		DRAWN BY: KACZT	
DATE: 08L 08/04/2015		CHECKED BY:	
REVISIONS:		REVISIONS:	
REVISIONS	DATE (MM/DD/YY)	BY	REVISIONS
REVISIONS	30 APR 2015	LF/SP/AC	
REVISIONS	09 MAY 2015	LF/SP/AC	
REVISIONS	08 MAY 2015	LF/SP/AC	
REVISIONS	08 MAY 2015	LF/SP/AC	
REVISIONS	07 JULY 2015	LF/SP/AC	
REVISIONS	08 FEB 2016	LF/SP/AC	

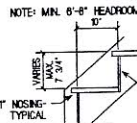


LEFT ELEVATION
SCALE: 1/4"=1'-0"

NO FLASHING REQUIRED OVER ALL DOORS
& ALL WINDOWS ON THIS ELEVATION

CULTURED STONE
3'-0" HIGH

NOTE: TYPICAL ALL
- VENTED R
- VENTED SC
- METAL RO



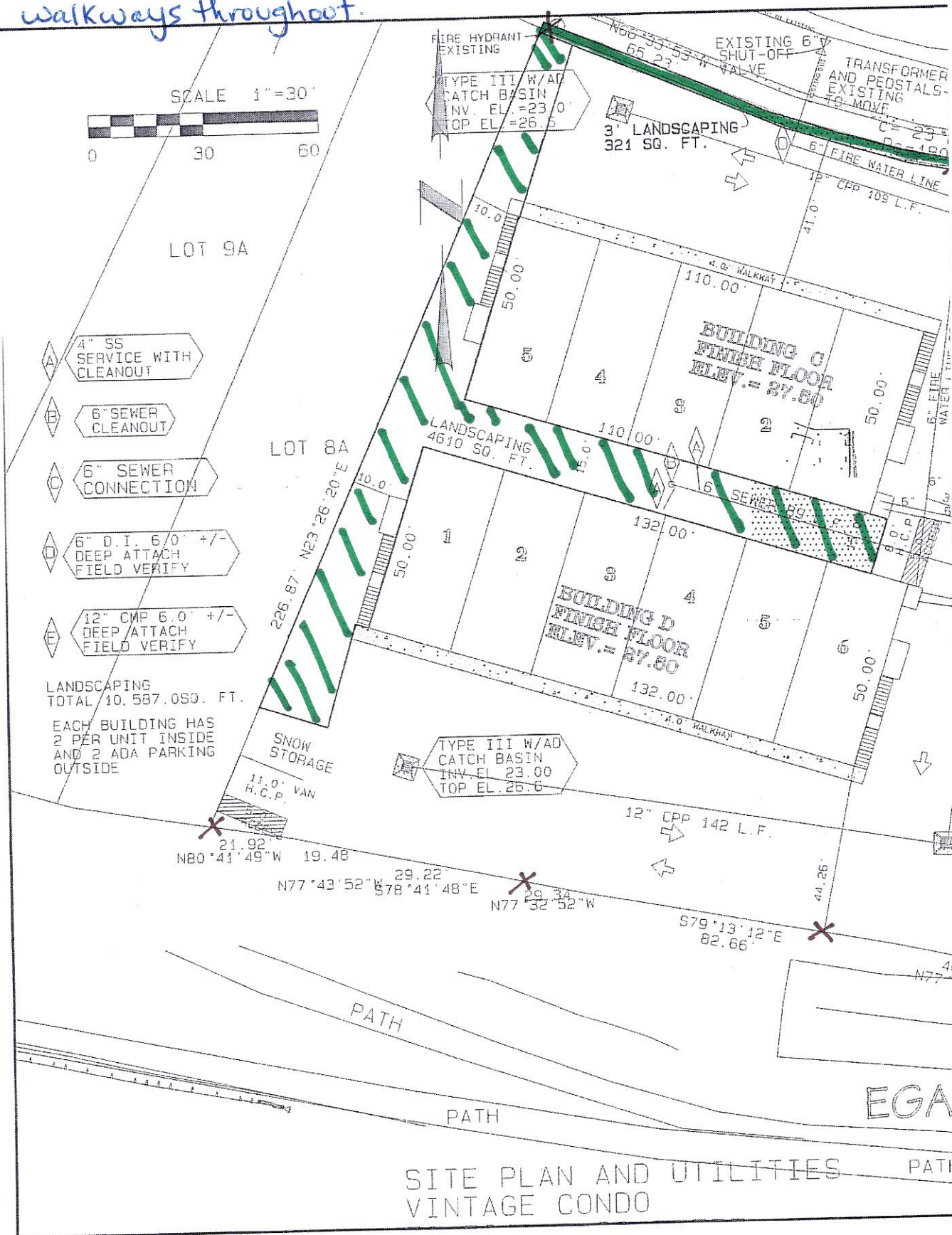
STAIR DETAIL
SCALE: 3/4" = 1'-0"

STAIR NOTES:
7 3/4" MAX. RISE
10" MIN. TREAD NOSING TO NO
36" MIN. RAIL HEIGHT AT LAN
SLOPED RAIL TO BE 34-38" ABOVE SLOPED
36" STAIR HORSE
HANDRAIL TO WALL OR POST DIMENSION
HANDRAILS MUST RETURN TO WALL OR END AT PO
PICKETS: LESS THAN 4" BETW

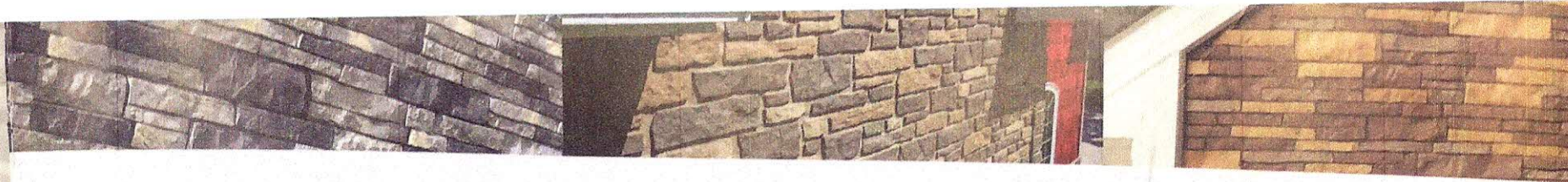
NOTE:
ALL EXTERIOR DECK AND STAIR WOOD M
PRESSURE TREATED, CEDAR, REDWOOD
APPROVED MATERIALS WITH RESISTANK

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

NOTE:
SRAIR REQUIREMENTS UNDER THE 2012
RESIDENTIAL CODE. SEE IRC SECTIONS
FOR ADDITIONAL DETAILED REQUIREMENTS







TandoStone™

Stacked Stone - Available in 5 Colors

Dimensions
44.5"w X 19.5"h

Exposure
18.125"

Panels/Box
10

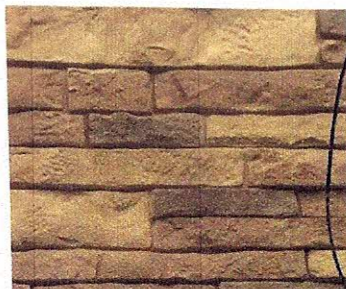
Sq./Box
1/2

Boxes/Pallet
16

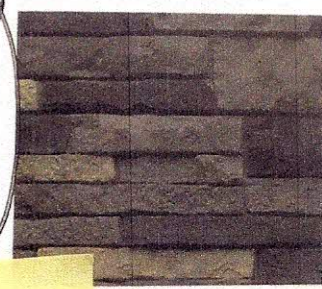
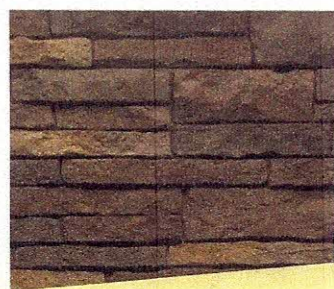
Squares/Pallet
8



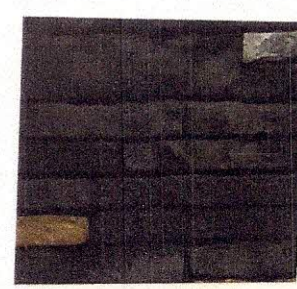
Sedona Bluff



Sedona Bluff



Lewiston Crest



Shadow Ridge

Creek Ledgestone - Available in 5 Colors

Dimensions
45.75"w X 19.25"h

Exposure
18"



Appalachian Ash



Arizona Sand

*Chestnut Hills
- Stone panels*



Montana



Rocky Mountain Clay

Brick - Available in 6 Colors

Dimensions
44.25"w X 18.625"h

Exposure
17.375"

Squares/Pallet
10



Colonial White



Char Brown

Deep Grain Lap Collection Available in LP SmartSide lap products



■ Sierra ■ Acadia ■ Yellowstone ■ Cedar ■ Tahoe



■ Walnut ■ Teton ■ Black Hills ■ Country Red

Solid Color Lap Collection Available in LP SmartSide lap products

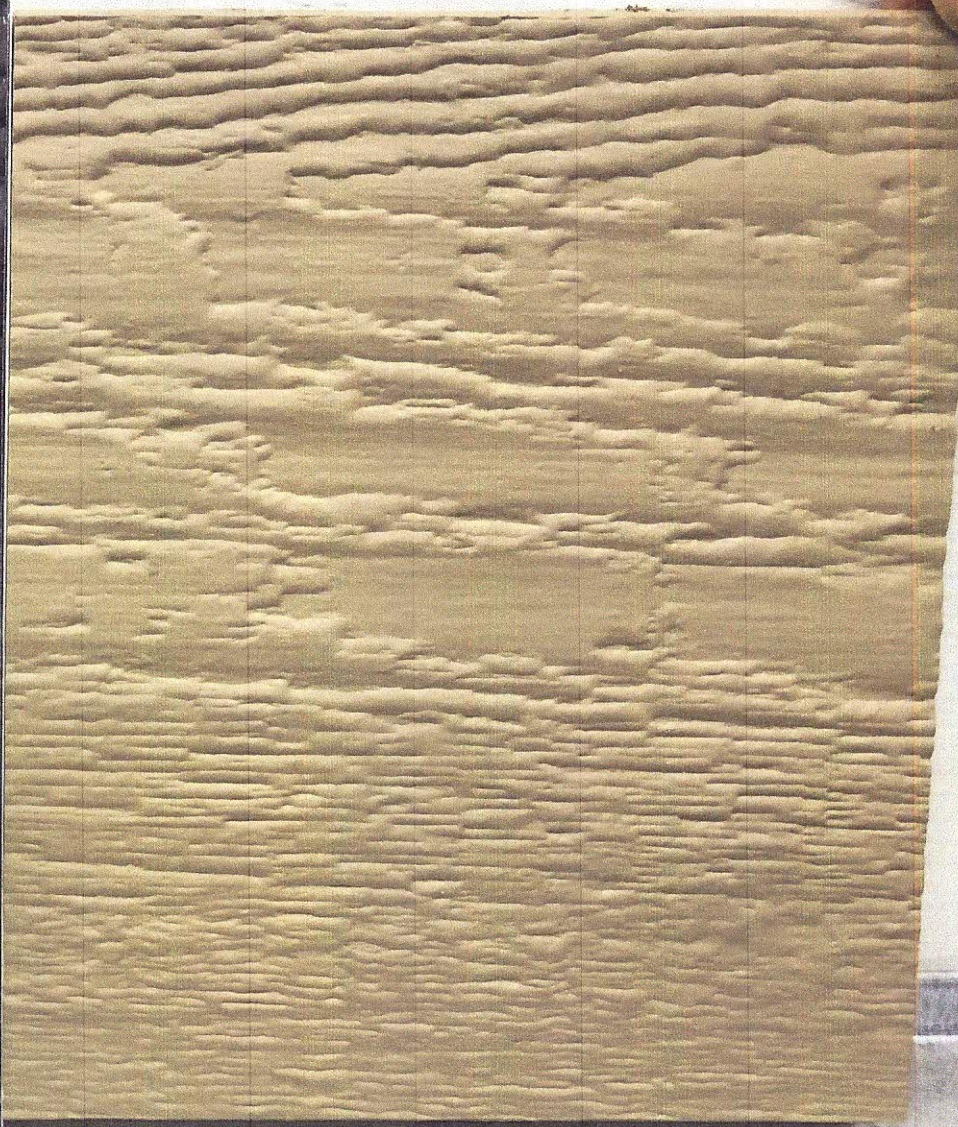


■ Granite ■ Scotia Blue ■ Khaki ■ River Rock ■ Sand



■ White ■ Bridgeport ■ Pinehurst ■ Mist Grey ■ Cream

■ Almond



From: Tim Felstead
Sent: Monday, June 25, 2018 4:05 PM
To: Planning Commission
Subject: USE20180007: Vintage Park condos - building design

Follow Up Flag: Follow up
Flag Status: Flagged

Dear all,

Commissioner Voelckers has asked if the hipped roof ends - alluded to in the private 'agreement' between the applicant and an adjacent property owner that was circulated on Friday June 20, 2018 - were relevant to the Planning Commission considerations. The applicant's proposal is for more of a 'Dutch gable' hipped roof rather than a fully hipped roof. It is unclear if the proposed design is to the satisfaction the adjacent property owner.

There is no requirement in the Land Use Code that examines the appearance of buildings (other than cottage housing) so it is not something CDD typically comment on. Much of the styling of buildings in Vintage Park is due to the original zoning ordinance that had associated design standards. These zoning conditions are no longer applicable. The private 'agreement' is not something CDD would enforce.

To add conditions to the appearance of the buildings, the Planning Commission would most likely have to consider the proposed design to *'more probably than not substantially decrease or be out of harmony with property in the neighboring area'* (CBJ 49.15.330(f)).

Please let me know if you need further information.

Best regards

Tim

Tim Felstead
 Community Planner
 Community Development Department
 City and Borough of Juneau
 155 S. Seward
 Juneau, AK 99801

Tel: (907) 586 0466
<http://www.juneau.org/cddftp/>





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

DATE: June 14, 2018

TO: Planning Commission

FROM: Laura A. Boyce, AICP, Senior Planner
Community Development Department

CASE NO.: AME2018 0008

PROPOSAL: A text amendment to revise Title 49.65, Article 1, the Exploration and Mining Code

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

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

ATTACHMENTS

Attachment A Law Department Memo from Amy Mead, dated May 31, 2018

Attachment B Draft Ordinance No. 2018-28 (P.C. v. 1)

SUMMARY

The proposed ordinance would amend Title 49 regarding mining. The Law Department was tasked with amending the existing mining ordinance. The resulting ordinance reorganizes and clarifies the existing mining ordinance with no substantive changes. Please see the Law Department's memo in Attachment A describing the changes in the ordinance. The Draft Ordinance is included as Attachment B.

BACKGROUND

The City and Borough of Juneau first adopted a mining ordinance, Ordinance 86-43, in July, 1986. The ordinance resulted from the work of the Ad Hoc Mining Ordinance Committee which was established by the Assembly in January, 1985. The ordinance's stated purposes was "to foster the development of a safe, healthy and environmentally sound mining industry while protecting the overall interest of public health, safety and the general welfare...."

Planning Commission
Case No.: AME2018 0008
June 14, 2018
Page 2 of 5

The original mining ordinance was then amended in 1989 to include a requirement for socio-economic impact assessments. Two additional ordinances in 2003 were adopted that amended the mining ordinance. Ordinance 2003-26 provided for summary approval of mining operations in existing mines outside of the roaded service area. Ordinance 2003-27 created urban and rural mining districts and also provided that large mines located in the rural mining district be permitted through the Allowable Use Permit process.

The most recent amendment to the mining ordinance was in 2006. Ordinance 2006-15 adopted maps to include with Title 49. The Mining and Exploration Surface Activities Exclusion District Maps and the Urban and Rural Mining District Map were adopted as part of this ordinance. This amendment did not include any policy changes.

The current amendment was requested by the Assembly Mining Committee. The committee met in January, 2018, through March, 2018. At the April 16, 2018, Committee of the Whole meeting, the Assembly moved the proposed ordinance to the Planning Commission. The draft ordinance in Attachment B incorporates the committee's work.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan and the Juneau Economic Development Plan, adopted as an addition to the Comprehensive Plan (CBJ 49.05.200(b)(1)(M)) recognize and discuss the importance of mining to the City and Borough of Juneau. The following goals, policies, and actions discuss mining and are relevant to the proposed mining ordinance.

Comprehensive Plan Contents

The following discussions, policies, and objectives in the 2013 Comprehensive Plan are relevant to the proposed amendment:

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 5.13. TO SUPPORT THE EXTRACTION AND PROCESSING OF MINERAL RESOURCES IN AN ENVIRONMENTALLY-SOUND MANNER, GIVING PROPER RECOGNITION TO THE UNIQUE VALUES OF THIS COMMUNITY.

Standard Operating Procedure

5.13 – SOP1 Utilize the socioeconomic impact assessment required at CBJ 49.65.130(c) to ensure that capital improvements are scheduled so as to support and be relevant to relieving the impacts of large mines.

Planning Commission
Case No.: AME2018 0008
June 14, 2018
Page 3 of 5

Development Guidelines

5.13 - DG1 Consult and coordinate with appropriate state and federal permitting agencies to review mining permit applications submitted under the provisions of the CBJ Mining Ordinance.

5.13 - DG2 Encourage coordination and cooperation among the mining, tourism, fishing and recreation industries in both development and operation of mining activities. Mining operations should not operate in a manner that would be detrimental to the natural environment needed by these other industries or to human and wildlife neighbors.

5.13 - DG3 Where gravel resources have been depleted by extraction activities, utilize these land resources to the most efficient extent possible by filling open pits with construction debris or other non-toxic materials and engineering the lands to be suitable for other uses, such as habitat mitigation, public facilities, recreation resources or residential, commercial, or industrial development.

Juneau Economic Development Plan – 2015:

The 2015 Economic Development Plan discusses mining. Mines are one of the largest private sector employers in Juneau and have one of the highest average wage jobs. The mines are two of the largest property tax payers, according to the Plan, and they have an above average dependence on non-resident labor. The mining industry in Juneau was one of the fastest growing industries in the past decade. Mining jobs are high paying, averaging twice the local average salary. "Juneau has a rich mining heritage and continues to enjoy the economic benefits of a rich natural endowment of mineral resources. Making the most of that natural endowment, in terms of direct, indirect, and induced economic benefits, is Juneau's challenge and opportunity."

One of the elements in the Economic plan is:

1. Support, retain, and expand Juneau's existing 'economic pillars' - our traditional, proven mainstay sectors and businesses.

- **This element focuses on the top economic sectors and activities that comprise Juneau's economy today. These sectors include the existing businesses and industries that provide the bulk of today's jobs and wages in the community. State and federal government, the visitor industry, commercial fishing and seafood processing, mining, construction, education, and health care are among Juneau's economic pillars, along with local government and other key support sector service and supply providers.**

Goal: Building on our strengths to expand business opportunities where we have natural/competitive advantages.

Planning Commission
Case No.: AME2018 0008
June 14, 2018
Page 4 of 5

Objective 4: Enhance mining's role in Juneau's economy.

Goal: Prepare and attract the professional, technical, skilled, entrepreneurial, and creative labor force that Juneau's diverse employers, businesses, and non-profits need.

Objective 5: Take steps to covert the non-resident workforce to a resident workforce.

Discussion

Mining, both in general and at specific locations in the borough, has been addressed in the Comprehensive Plan and the Juneau Economic Development Plan. It is an activity that is both anticipated and supported in the Plans. The proposed changes to the existing mining ordinance re-order and clarify existing language, as well as remove duplicative state requirements. No substantive changes are made that result in the existing mining ordinance being inconsistent with existing plans.

Findings

Based on the discussion above, staff finds that the proposed Ordinance 2018-28 is consistent with the Comprehensive Plan.

COMPLIANCE WITH CBJ LAND USE CODE

Title 49 Contents

The following sections of Title 49 have been examined to determine whether or not the proposed ordinance is in compliance with the Code:

49.70. Article IX. Coastal Management.

49.80.120 Definitions, specifically "Affected surface and surface disturbance", "direct impact", "impact", "indirect impact", "large mine", "large mine permit", "mining", "mining development", "mining operation", "operator", "other agency", "other regulatory program", "separate development", "small mine", "small mine permit", and "socioeconomic impact assessment".

49.70.210 (Hillside development) Applicability and scope.

Discussion

The above sections of Title 49 were reviewed for consistency with the proposed ordinance. The proposed changes to the existing mining ordinance re-order and clarify existing language, as well as remove duplicative state requirements. No substantive changes are made that result in the existing mining ordinance being inconsistent with existing plans.

Planning Commission
Case No.: AME2018 0008
June 14, 2018
Page 5 of 5

Findings

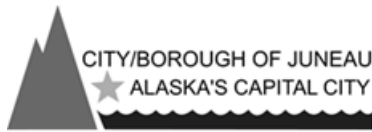
Based on the discussion above, staff finds that the proposed Ordinance 2018-28 is consistent with Title 49.

FINDINGS

Based upon the above analysis, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies of the Comprehensive Plan and Title 49. Additionally, this change would not create any internal inconsistencies within any plans or codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a recommendation for approval to the Assembly.



**Law Department
City & Borough of Juneau**

MEMORANDUM

TO: CBJ Planning Commission

FROM: Amy Gurton Mead, Municipal Attorney

DATE: May 31, 2018

SUBJECT: Ordinance 2018-28, amending 49.65, Article I, the Exploration and Mining Code

The CBJ Mining Committee directed me to reorganize the current mining code for clarity, without removing any substantive provisions. That draft was used by the Committee as a starting point for its discussion and was vetted by the Assembly, which forwarded the draft to the Commission with one anticipated change. The Assembly authorized me to add language recognizing the state's reclamation plan and financial warranty requirements, and the ability to enter into cooperative management agreements with the state to oversee reclamation efforts.

Given the extensive reorganization, it wasn't possible to provide you with a "striketthrough and underline" ordinance that was readable. Instead, the draft is annotated, explaining the changes made. As to the reclamation and financial warrant sections, the following information may be helpful.

State law chapter on reclamation applies to municipal land subject to mining operations. AS 27.19.010(b). The state requires, and will review, reclamation plans for mining to be conducted on municipal land. AS 27.19.030. State law, however, "does not alter or diminish the authority of . . . a municipality under its laws and regulations." AS 27.19.010(d). *See also* 11 AAC 97.100(c) stating:

Nothing in AS 27.19 precludes a federal or state agency (including the Department of Natural Resources), a state corporation, the University of Alaska, a municipality, or a private landowner, acting under its own regulatory or proprietary authority, from establishing and enforcing additional requirements or higher standards for reclamation. Compliance with this chapter does not waive or excuse compliance with those additional requirements or higher standards.

All mining operations, regardless of size, are required to reclaim the land disturbed under state law (AS 27.19.020):

A mining operation shall be conducted in a manner that prevents unnecessary and undue degradation of land and water resources, and the mining operation shall be reclaimed as contemporaneously as practicable with the mining operation to leave the site in a stable condition.

Under AS 27.19.100, "unnecessary and undue degradation":

(A) means surface disturbance greater than would normally result when an activity is

being accomplished by a prudent operator in usual, customary, and proficient operations of similar character and considering site specific conditions;

(B) includes the failure to initiate and complete reasonable reclamation under the reclamation standard of AS 27.19.020 or an approved reclamation plan under AS 27.19.030(a).

Although they are required to reclaim the land after mining operations cease, state law (AS 27.19.050) exempts small mines from needing to file a reclamation plan or from submitting the “reclamation financial assurance” (the “financial warranty” under CBJ code). State statute defines a “small mine” as being one:

(1) where less than five acres are mined at one location in any year and there is a cumulative unreclaimed mined area of less than five acres at one location; or

(2) where less than five acres and less than 50,000 cubic yards of gravel or other materials are disturbed or removed at one location in any year and there is a cumulative disturbed area of less than five acres at one location.

Current code requires all mining operations to file a reclamation plan. For purposes of comparison, a small mine under CBJ code is defined as anything that isn’t a large mine:

(CBJ) Large mine means a mining operation involving more than 20 acres of affected surface disturbance; or having 75 or more personnel employed at the mining operation in the City and Borough, whether direct employees or employees of independent contractors, in any consecutive three-month period; or a mining operation that a federal agency has determined would involve a major federal action significantly affecting the quality of the human environment so that the preparation of an environmental impact statement in accordance with NEPA is required.

As noted above, under state law, municipalities may provide their own rules and requirements for reclamation and financial warranties (or financial assurances) to the extent not preempted by state (or federal) law. There are provisions in our code that we would arguably be preempted from enforcing. For example, the requirement that the CBJ reclamation plan require rehabilitation of fisheries or wildlife habitat. (See, *Jacko v. State of Alaska, Pebble Lt. Partnership, and Pebble Mines Corp.*, 353 P.3d 337 (Alaska 2015), where the Supreme Court invalidated a Lake and Peninsula Borough initiative prohibiting mining activities that would have a significant adverse impact on anadromous waters within the borough, finding that the initiative impermissibly gave the borough “veto power” over mining projects on state land within borough borders.) Without removing any of the potential overreach, I qualified both the reclamation and financial warranty sections¹ to make clear that the CBJ could exercise its authority only to the extent not preempted by state or federal law.

Lastly, if the state finds it’s in the state’s best interest, it can enter into a cooperative management agreement with a municipality with respect to reclamation oversight. 11 AAC 97.700. A reference to this process was also included.

¹ Tied to the reclamation plan is the financial warranty (or, as the state refers to it, the financial assurance). The CBJ’s financial warranty section is much broader, tied to more than just reclamation efforts. The draft ordinance includes a reference to the state and any cooperative management agreement, but otherwise is unchanged.

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-28 (P.C. v. 1a)

An Ordinance Amending the Land Use Code Related to Mining.

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

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

Section 2. Amendment of Article. CBJ 49.65 Article I Exploration and Mining, is repealed in its entirety and reenacted to read:

ARTICLE I EXPLORATION AND MINING

49.65.110 Purpose.

No changes to the original purpose section (49.65.110) except reorganizing for clarity, and adding the language at subsection (d), as requested by the committee.

(a) The purpose of this article is to foster the development of a safe, healthy, and environmentally sound mining industry while protecting the overall interests of public health, safety, and the general welfare and minimizing the environmental and surface effects of mining projects for which an exploration notice or mining permit is required. To the extent the City and Borough is not preempted from doing so under state or federal law, this article:

- (1) Establishes the review and permit procedures necessary to conduct exploration, to gain approval to open a mine, to conduct mining operations, and to provide for final

reclamation and financial warranty release at the conclusion of exploration and mining operations and reclamation of affected surface;

(2) Reasonably regulates areas of local concern, reserving to the City and Borough all regulatory powers not preempted by state or federal law;

(3) Authorizes the commission to condition a mining permit to the extent necessary to mitigate external adverse impacts and for the protection of the environment and public health, safety, and general welfare.

(b) This article does not regulate surface or subsurface water; geothermal resources; sand or gravel; common varieties of construction aggregate; or natural oil, gas, coal, or peat or their associated byproducts, except to the extent that such substances are developed or extracted as a mining byproduct in a mining operation of a large or small mine.

(c) The director may require a permit to be obtained or notice given for federally approved activities on federal lands, including unpatented mining claims, to allow for the director's review, so long as the purpose of the review process is not to deny use or expressly prohibit mining.

(d) To minimize the burden on the applicant to provide duplicative information required by this article, at the applicant's request, the director may rely on information provided in permit applications submitted to state or federal agencies for the proposed mining operation.

49.65.115 General applicability.

Edited for clarity; nothing substantively removed from original 49.65.115. At the request of the committee, a definition section was added at subsection (e) for convenience. All four definitions are currently found in CBJ 49.80.120 Definitions.

- (a) For the purpose of identifying those areas within the City and Borough within which surface disturbance or subsidence in support of exploration or mining activities is prohibited, the Mining and Exploration Surface Activities Exclusion District Maps A—F, dated June 5, 2006, as may be amended by the assembly by ordinance, is adopted. Except as otherwise provided, mining and related activities may be conducted elsewhere within the City and Borough subject to the provisions of this article.
- (b) This article does not regulate subsurface mining within or outside of the district except that subsidence within the district is prohibited. It is not the intent of this article to unreasonably limit or nullify private property rights.
- (c) For the purpose of regulating exploration and mining activities within the City and Borough, the Urban/Rural Mining District Map, dated June 5, 2006, as may be amended by the assembly by ordinance, is adopted.
- (d) Mines located in the Rural Mining District that will undergo environmental review by state agencies, federal agencies, or both, shall be permitted as allowable uses pursuant to CBJ 49.15.320 and shall not be subject to this article. In permitting such mines, the commission may impose conditions under CBJ 49.15.320(f)(1)—(8) and any additional conditions relating to traffic, lighting, safety, noise, dust, visual screening, surface subsidence, avalanches, landslides, and erosion deemed necessary by the commission.
- (e) For the purposes of this article:
 - (1) *Exploration* means the process of advanced mineral commodity investigation subsequent to prospecting and prior to development.

(2) *Large mine* means a mining operation involving more than 20 acres of affected surface disturbance; or having 75 or more personnel employed at the mining operation in the City and Borough, whether direct employees or employees of independent contractors, in any consecutive three-month period; or a mining operation that a federal agency has determined would involve a major federal action significantly affecting the quality of the human environment so that the preparation of an environmental impact statement in accordance with NEPA is required.

(3) *Mining operation* means the development, construction or reclamation of a mine, including associated infrastructure, or the exploitation or extraction of a mineral commodity from its occurrence on or in the earth, or the operation of a mine. The term "mining operation" includes open pit mining, placer mining and underground mining, and the disposal of refuse, tailings or waste rock from any such operation. The term "mining operation" also includes transporting, concentrating, milling, evaporating and other on-site processing. The term "mining operation" does not include off-site smelting, refining, cleaning, preparing, transportation or other surface operations not conducted on the affected surface.

(4) *Small mine* means a mining operation other than a large mine.

49.65.120 Exploration notices and procedures.

Clarified original 49.65.120 in the following ways:

- 1. Reorganized section.*
- 2. Added statement in subsection (a) making clear that compliance with this section is required in order to conduct exploration.*
- 3. Added requirement that form specified by director be used, which is consistent with current CDD practice (form is already posted on CDD website).*

4. Added language to this section requiring operator to supplement information as necessary (this is a condition in existing code; added here for clarity purposes).

- (a) In order to ensure that mining exploration is conducted in accordance with the environmental, health, safety, and general welfare concerns of the City and Borough, mining exploration activities are prohibited except as provided in this section.
- (b) Any applicant intending to conduct exploration operations must submit to the director a notice of mining exploration application, on a form specified by the director, and the processing fee specified in CBJ 49.85.100.
- (c) A notice of mining exploration application must include the following information:
 - (1) A map identifying the area of the intended exploration activities on a scale no larger than 1:63,360;
 - (2) The proposed exploration schedule;
 - (3) The plan for reclamation of the area to be disturbed by the exploration activities, including information about the methodology and cost of such reclamation sufficient to enable the director to determine an appropriate financial warranty; and
 - (4) Copies of any prospecting permits, notices of intent to conduct exploration, or operating plans filed with any federal or state agency. An applicant shall supplement this information as needed with all modifications, revisions, and amendments to any permit application or plan submitted to any federal or state agency by the applicant, or with copies of any amended permits or plan approvals received by the applicant from any state or federal agency.

1
2 (d) Upon determining that the exploration application is complete and that the required
3 processing fee has been paid, the director shall determine whether a financial warranty will be
4 required in accordance with CBJ 49.65.140, unless preempted by state or federal law. The
5 director shall notify the applicant within 20 days after receiving the applicant's notice of intent
6 whether a financial warranty will be required or waived. The requirement of a financial
7 warranty may be waived if the director determines that a financial warranty is not necessary
8 to ensure compliance with the requirements of this article. The waiver shall be in writing and
9 shall set for the reasons for the waiver.
10

11 (e) When the applicant has either submitted the required financial warranty or the director
12 has notified the applicant that the financial warranty requirement is waived or the CBJ
13 preempted from requiring a warranty, the applicant shall be authorized to conduct exploration
14 activities in accordance with the exploration notice. In conducting exploration operations, the
15 applicant shall comply with all applicable federal, state and City and Borough laws, rules, and
16 regulations.
17

18 (f) Upon completion of exploration activities and all necessary reclamation, the applicant
19 shall notify the director that exploration and reclamation are complete and shall submit a map
20 on a scale no larger than 1:63,360, showing the location of the exploration and reclamation
21 activities.
22

23 (g) *Procedure for release of financial warranty.* The director may inspect the area of
24 exploration to determine whether reclamation has been completed in accordance with CBJ
25 49.65.145 within 60 days of receiving notification of completion, or as soon as weather
conditions permit. If the director finds that the reclamation satisfies the standards of CBJ

49.65.145(b), either by the director's own review or in reliance upon a state or federal reclamation inspection or both, the financial warranty shall be promptly released. If the director finds that the standards have not been satisfied, the director shall notify the applicant within 30 days of the additional steps necessary to achieve compliance with CBJ 49.65.145. The director shall give the applicant a reasonable time to complete reclamation and request another inspection. If the director, after re-inspection or review, is not satisfied that the standards of CBJ 49.65.145(b) have been met, the director may declare so much of the financial warranty as necessary forfeited and, after notice and an opportunity for the applicant to appeal pursuant to CBJ 49.65.165, apply the financial warranty to complete reclamation.

While no substantive changes were made to the following sections, I did do some major reorganization of current code. Current code has one ordinance addressing the process (application, review, commission procedure) for small mines, and a separate code section addressing the process for large mines that, in large part, repeats the same information (application, review, commission procedure). I revised these sections using the same organizational structure used in the article addressing cell towers. First, I organized the current requirements into three new code sections that apply to both large and small mines: a general application section; a general review section; and a general section on commission process. I then added new code sections to cover those specific additional requirements imposed under current code for large mines.

Other changes:

- 1. I specified that the application should be on a CBJ form – which already exists and is consistent with CDD practice for all other permits.***
- 2. I adding language specifying how the CBJ uses permit or application information from other agencies (see 49.65.125(d)).***
- 3. The following paragraph is from current code – 49.65.130(b), middle of paragraph – and requires large mine applicants to provide information normally provided as part of a mining plan or “feasibility” study. My notations in red explain where these requirements are now found:***

The application shall also contain additional information normally prepared by the operator for its feasibility studies and mining plans, including information establishing the right to use the affected surface ***(this was information that was actually required of both small and large mines so is now in the general application subsection (b)),***

labor force characteristics and timing, payroll projections (*see subsection (c) identifying additional information required of large mines*) , anticipated duration of the mining operation, construction schedules, infrastructure description, and other information reasonably requested by the department in the pre-application conference held pursuant to subsection 49.15.330(b). (*This was information that was actually required of both small and large mines so is now in the general application subsection (b).)*

49.65.125 Permit application requirements for all mines.

(a) Except as provided in CBJ 49.65.115(c), no new mine shall commence mining operations unless the applicant has obtained a conditional use permit pursuant to Chapter 49.15, Article III, as modified by this article.

(b) Applications, on a form specified by the director, shall be submitted to the director along with the fee required by CBJ 49.85.100, unless modified as provided in this section, and the following information:

- (1) Information establishing the right to use the affected surface;
- (2) A map showing the location of the mine site and the affected surface for that mine on a scale no larger than 1:63,360;
- (3) A description and timetable of the proposed mining operation, including:
 - (i) The anticipated duration of the mining operation;
 - (ii) A description of all roads, buildings, processing, and related facilities or proposed infrastructure;
 - (iii) The mining plan;
 - (iv) The plan for reclamation;
 - (v) The potential environmental, health, safety, and general welfare impacts of the proposed operation, including neighboring property impacts, and a

description of the measures to be taken to mitigate the adverse effects of such impacts; and

(vi) A description of the methods to be used to control, treat, transport, and dispose of any hazardous substances, sewage, and solid waste;

(4) Certification that there will be no affected surface or significant subsidence within the boundaries of the Mining and Exploration Surface Activities Exclusion District;

(5) Any additional information determined by the director to be necessary to allow the director, after reviewing the application, to evaluate the proposed mining operation's compliance with CBJ 49.15.330 and 49.65.145;

(6) Any other information requested by the director in relation to the pre-application conference held under CBJ 49.15.330(b); and

(7) Copies of any state or federal permits issued in relation to the proposed mining operation, including the reclamation plan approved by the state under AS 27.19.030 and information related to any financial assurance required by the state under AS 27.19.040.

Current code recognizes reclamation plans from the state; this citation to the state code section was added for clarity.

(c) In addition to the materials required by subsection (b), permit applications for large mines must include the following additional information:

(1) A description of the proposal for the sealing of open shafts, adits, and tunnels upon the completion or temporary cessation of mining operations;

(2) The mining operations labor force characteristics and timing;

(3) Payroll projections; and

(4) Unless waived by the director, the socioeconomic impact assessment required by CBJ 49.65.130, and any additional information determined by the director to be necessary to complete the assessment.

(d) To the extent that the information required by this section has been provided by the applicant as part of any application submitted by the applicant to a state or federal agency, the applicant may rely on that application. The applicant shall provide the director with a copy of each state or federal application being relied upon, a cross-reference to the relevant portions of those applications, and a report on the current status of the applications. *(Note: this section clarifies that operators can rely on permits or applications submitted to other agencies.)*

(e) The requirement to provide information under this section is continuing throughout the duration of the application process, and supplemental information regarding any changes in the information reasonably requested must be provided to the director.

(f) *Processing fee.* The fee for processing the application shall be as specified in CBJ 49.85.100, and is in addition to any fee required by CBJ 49.65.130 for the socioeconomic impact assessment, or any fee for a professional consultant as provided by CBJ 49.65.135. While this fee is intended to cover the City and Borough's reasonable costs of review, after receipt of the application the director may determine that the cost of review is likely to substantially exceed the fee specified in CBJ 49.85.100. In that case, the director may, after consultation and discussion with the applicant, recommend an additional fee to the assembly. Such additional fee shall be approved by the assembly by motion and shall be set in an amount that will, as far as can be determined, cover the cost of reviewing the application, including reasonable

administrative and overhead expenses. In recommending the additional fee, the director may consider any factors deemed relevant, including: the amount of staff effort required to adequately review the application; the involvement in the review process of other governmental agencies, either through a federal environmental review process or other procedure; the necessity for extraordinary travel and transportation costs that may be incurred by the director during review; the potential benefit of information generated by the application review to other mining operations or to the City and Borough; and the necessity for extraordinary communication, duplication, or publication costs arising from the review.

This next section is from the current code section on large mines (49.65.130(c)). No substantive deletions made, primarily just amended for readability and reorganized. Although the proposed code already specifies that documents provided to another federal or state agency can be resubmitted in lieu of duplication, a new subsection (c) specifies that if information contained in an EIS would cover any of the material needed for a socioeconomic impact statement, the CDD director will rely on the EIS. Conceptually, this report is tied to the mitigation agreement (see 49.65.155, below).

49.65.130 Socioeconomic impact assessment for large mines.

(a) A socioeconomic impact assessment evaluating the reasonable and foreseeable beneficial and adverse impacts, both direct and indirect, of the proposed mining operation on existing and future local conditions, facilities, and services shall be prepared by the director, or a consultant retained by the director for that purpose, unless waived. The director may waive all or part of the socioeconomic impact assessment when the director determines either that the information is not essential to evaluate the impacts the mining operation will have on the City and Borough, or that the proposed mining operation will cause no meaningful or significant impacts. A waiver shall be in writing and shall set forth the reasons for the waiver.

(b) The impact assessment should include an evaluation of all reasonable, foreseeable, and demonstrable impacts of the proposed mining operation on transportation and traffic; sewer and water; solid waste; public safety and fire protection; education, native history and culture; health; recreation; housing; employment; local businesses; the rate, distribution, and demographic characteristics of any population changes induced by the mining operation; and the fiscal impacts of the mining operation on public facilities and services, including general government functions.

(c) If information necessary to conduct the assessment is contained in a final Environmental Impact Statement (EIS) prepared pursuant to the National Environmental Policy Act, the director shall rely on the EIS and may require the applicant to provide such supplemental information deemed necessary by the director to complete the assessment.

(d) All reasonable costs and expenses required to prepare the assessment shall be paid to the director by the applicant prior to the initiation of the assessment.

(e) The purpose of the impact assessment is to provide information to the director concerning possible beneficial and adverse impacts of the proposed mining operation for use in the preparation of the mitigation agreement required by CBJ 49.65.155.

49.65.135 Director's review procedures.

Current code uses "director" and "department" interchangeably. I use director exclusively in this rewrite. Current code defines "director" at 49.80.100 to mean either the director or the director's designee, which includes staff or the "department."

(a) The director shall review the application in accordance with CBJ 49.15.330(d), as modified by this article.

1
2 (b) The director's recommendation for approval or denial, with or without conditions, as
3 required by CBJ 49.15.330(d)(3) or 49.65.145, shall be forwarded to the commission within the
4 timelines specified below:

5 (1) *Small mines.* In the case of small mine applications, the recommendation shall
6 be forwarded to the commission within thirty-five days after the application has been
7 accepted as complete by the director.
8

9 (2) *Large mines.*

10 (A) The director shall conduct a preliminary review of an application for a
11 large mine within 20 days of its submission to determine whether the application is
12 complete. The director shall then promptly schedule a meeting with the applicant
13 for the following purposes:

14 (i) To notify the applicant if the application is complete, and if not, to
15 notify the applicant what additional information is needed to make the
16 application complete.

17 (ii) The director and the applicant shall establish the procedures for
18 coordinating the review of the application with any review being undertaken
19 by other agencies as part of a state or federal permit process.
20

21 (B) Unless an Environmental Impact Statement (EIS) is required by the
22 National Environmental Policy Act (NEPA), or unless the applicant agrees to an
23 extension, the director shall complete the review of the application within 90 days
24 after the director has determined that the application is complete. If an EIS is
25

required, then the timing of the review of the application shall be in accordance with the provisions of subsection (C), below.

(C) If an EIS for the proposed mining operation is required under NEPA, then the application will not be considered complete until the draft environment impact statement (DEIS), the final environment impact statement (EIS), and all comments and testimony have been submitted to the director. The director may begin review of the application at any time after the filing of the DEIS with the director, but the recommendation may not be presented to the commission until the department has considered the final EIS. The applicant shall advise the department immediately at any time during the application process or thereafter if NEPA is involved so that the City and Borough may participate in the NEPA process.

(c) The director's recommendation must consider whether the proposed mining operation will mitigate adverse environmental, health, safety, and general welfare impacts. The director's recommendation must include consideration of the following:

- (1) Whether air and water quality standards will be maintained in accordance with federal, state, and local laws, rules, and regulations;
- (2) Whether sewage, solid waste, hazardous and toxic materials will be properly contained and disposed of in accordance with federal, state, and local laws, rules, and regulations;
- (3) Whether the mining operation will be conducted in such a way as to minimize safety hazards to the extent reasonably practicable and to mitigate adverse impacts on the

public and on neighboring properties such as those from traffic, noise, dust, unsightly visual aspects, surface subsidence, avalanches, landslides, and erosion; and

(4) Whether historic sites designated by the City and Borough as significant will be protected; and

(5) The sufficiency of the proposed reclamation plan.

The following subsection was added to clarify that if a state or federal permit has been granted to the applicant, the CBJ will accept the permit as a statement of the state/federal law requirements the mining operator must comply with for purposes of state/federal law. I read current code language to say the same thing, but this says it more directly. (See for example, current code section 49.65.130(b), specifically the last third of paragraph.)

(d) In making the determinations under subsection (c), the director shall find that the proposed mining operation will comply with state and federal law as to any standard or subject addressed by an applicable state or federal permit issued to the applicant for the proposed mining operation. However, the issuance of a state or federal permit shall not prohibit the director from recommending more stringent conditions on the proposed operation to the extent the City and Borough is not preempted by state or federal law, or from making a recommendation for denial if the director deems it is warranted in accordance with this article.

(e) The director's recommendation for approval may include any conditions or stipulations the director deems to be reasonably necessary to mitigate adverse environmental, health, safety, or general welfare impacts that may result from the proposed mining operation. If the director makes a recommendation for approval, the director shall also make a recommendation on the amount of any financial warranty required by CBJ 49.65.150.

(f) If the director determines that the proposed mining operation does not meet the standards required by CBJ 49.65.145 and 49.15.330, the director shall notify the applicant. The applicant may then withdraw the application, amend and resubmit the application, or allow the director's recommendation to be forwarded to the commission as written. If the application is resubmitted within 180 days of the initial submission, no new application fee will be required but the applicant shall pay any additional processing fee determined by the director to be reasonably necessary to defray the cost of reviewing the revised application to the extent that it is different from the original submittal.

The following concept is already in current code but with one change. Because the group proposing changes to the code have stated they agree that obtaining outside consultants at the cost of the applicant should be available to the CBJ, I removed the requirement that approval for that process go through a code process. (See current code section 49.65.130(e).)

(g) If the director determines that proper review of the application will require the department to retain outside professional assistance, the director may, in the director's discretion, obtain an outside professional consultant. The fee for the consultant shall be borne by the applicant.

One small addition in subsection (c) to specify that the commission approves the reclamation plan or cooperative management agreement (to implement a reclamation plan jointly with the state). It isn't clearly stated in current code that the reclamation plan must be approved prior to mining.

49.65.140 Commission review.

(a) Once complete, the director's recommendations shall be provided to the applicant and placed on the agenda for the next regularly scheduled meeting after public notice has been given as required by CBJ 49.15.230.

(b) The commission shall hear the application as a conditional use permit application as provided in chapter 49.15, article III, as modified by this article.

(c) If the commission determines that the application, with stipulations or conditions as appropriate, satisfies the standards of CBJ 49.65.145 and 49.15.330, it shall approve the application, including the reclamation plan or any cooperative management agreement with the state under 11 AAC 97.700, and set the amount of the financial warranty under CBJ 49.65.150. When the applicant has submitted a financial warranty in the amount set by the commission in a form satisfactory to the municipal attorney, and executed any mitigation agreement required by CBJ 49.65.155, the permit shall be promptly issued by the director.

The next section addresses permit requirements. Current code section addressing permit requirements is at 49.65.135. I amended the language to clarify that these are required permit conditions, and then in the sections above on director and commission review, clarified that in evaluating applications, these concepts have to be considered.

49.65.145 Required conditions for all conditional use mining permits.

(a) The commission shall impose as a condition of any permit issued by the commission the following requirements:

- (1) The mining operation must be conducted in accordance with this article, CBJ 49.15.330, and any other applicable provisions of the City and Borough Code in such a way as to mitigate adverse environmental, health, safety, and general welfare impacts;
- (2) Air and water quality must be maintained in accordance with any applicable federal, state, and local laws, rules and regulations, or permits;

(3) Hazardous and toxic materials, sewage, and solid waste shall be properly contained and disposed of in accordance with applicable federal, state, and local laws, rules and regulations;

(4) All mining operations shall be conducted according to the standards of the City and Borough as contained in this article, CBJ 49.15.330, the conditional use mining permit, and any other applicable provisions of the City and Borough Code, so as to minimize to the extent reasonably practicable safety hazards, and to control and mitigate adverse impacts on the public and neighboring properties, such as from traffic overloading, noise, dust, unsightly visual aspects, surface subsidence, avalanches, landslides and erosion;

(5) Appropriate historic sites designated as significant by the City and Borough shall be protected;

(6) Reclamation of all affected surfaces, imposed as part of a conditional use permit in accordance with CBJ 49.65.149 or as set by the state under AS 27.19.030, be completed as soon as is reasonable after affected surface areas are no long being used in exploration and mining operations; and

(7) In the case of large mines, that the applicant comply with the mitigation agreement required by CBJ 49.65.155;

(8) The applicant will maintain the financial warranty in the amount approved by the director or the commission, including any amendments to the required financial warranty amount under CBJ 49.65.145(f) and (g); and

(9) The loss of any applicable state or federal permit may result in the revocation of the conditional use permit.

The following language is now clearly incorporated as a condition to be specified in the permit. It currently resides in 49.65.135(c).

(10) In the event mining operations violate or threaten to violate this article, CBJ 49.15.330, or a permit issued under this article, the applicant shall notify the director of such fact and of the steps to be taken to return to compliance, or to resolve the potential noncompliance.

Reclamation is now proposed as its own code section. It's currently found in 49.65.135, which combines permit requirements and staff review requirements. I've separated those issues for clarity in this draft. It's been amended to recognize the reclamation provisions under AS 27.19, as well as the possibility of entering into cooperative agreements with the state.

49.65.149 Reclamation.

(a) As required by CBJ 49.65.145, and to the extent not preempted by state or federal law, it shall be a condition of all permits issued under this article that reclamation of all affected surfaces, imposed as part of a conditional use permit issued under this article or as set by the state under AS 27.19.030, be completed as soon as is practicable after affected surface areas are no longer being used in exploration and mining operations. The reclamation plan shall be submitted with the mining application, as required by CBJ 49.65.125(b)(3)(iv).

(b) If not addressed in a reclamation plan approved by the state under AS 27.19.030, and to the extent not preempted by state or federal law, reclamation required under this article shall include the following requirements:

(1) Cleanup and disposal of dangerous, hazardous or toxic materials;

- (2) Regrading of steep slopes of unconsolidated material to create a stable slope;
- (3) Backfilling underground shafts and tunnels to the extent appropriate;
- (4) Adequate pillaring or other support to prevent subsidence or sloughing;
- (5) Plugging or sealing of abandoned shafts, tunnels, adits or other openings;
- (6) Adequate steps to control or avoid soil erosion or wind erosion;
- (7) Control of water runoff;
- (8) Revegetation of tailings and affected surface areas with plant materials that are capable of self-regeneration without continued dependence of irrigation and equipment where appropriate;
- (9) Rehabilitation of fisheries and wildlife habitat; and
- (10) Any other conditions imposed by the commission to prevent unnecessary or undue degradation of land and water resources. For the purposes of this subsection, “unnecessary and undue degradation” has the same meaning as defined by AS 27.19.100.

This catchall was amended to incorporate the same standard identified in state statute (27.19.020).

- (c) Subsequent to the issuance of a permit or the grant of authority under an exploration notice, the applicant's compliance shall be measured against the requirements contained in that permit or the conditions of the exploration notice and the applicant's plans submitted with the permit application or the notice.
- (d) If a reclamation plan has been required by the state under AS 27.19.030, and upon approval by the state, the City and Borough may enter into a cooperative management agreement as provided by 11 AAC 97.700 to coordinate oversight and implementation of

reclamation activities required of the applicant with other agencies. *This section allows the CBJ to enter into a cooperative agreement with the state (if approved by the state) so as to reduce duplication of efforts.*

Amended to add reference to the state's reclamation plans and cooperative management agreements.

49.65.150 Financial warranty.

(a) The purpose of the financial warranty is to ensure that, if the applicant fails to comply with any obligation, requirement, or condition imposed by any permit or exploration notice issued under this article, there will be sufficient funds available to the City and Borough to enable it to complete the required work.

(b) To the extent not preempted by state or federal law, no permit shall be issued or exploration authorized pursuant to this article until any required financial warranty has been submitted by the applicant, approved by the municipal attorney, and accepted by the director.

(c) The director reserves the right to seek forfeiture of the financial warranty, in whole or in part, in the interest of protecting the environmental, health, safety and general welfare requirements of the City and Borough if the director determines that the applicant has violated the obligations, requirements, or conditions imposed by any permit or exploration notice issued under this article. The forfeiture shall be limited to the extent necessary to satisfy the obligations, requirements, or conditions that the applicant has violated.

(d) The amount of the financial warranty for an exploration notice shall be set by the director. The amount of the financial warranty for small mines and large mines shall be determined by the commission. The financial warranty shall be set in the amount necessary to ensure the completion of all work required by any permit or exploration notice issued under this chapter that the City and Borough may require to the extent not preempted by state or federal law. In recommending and setting the amount of the financial warranty, the director and the commission, respectively, shall take into consideration the amount and scope of any financial warranties that have been submitted to other agencies. When the performance of such obligations is guaranteed by financial warranties that have been submitted to other agencies, the applicant may be required to post a separate financial warranty with the City and Borough if the municipal attorney determines that the financial warranty submitted to another agency does not create a lien or interest sufficient to protect the interests of the City and Borough. Examples of obligations to be covered by the financial warranty required under this section may include but are not limited to:

- (1) Construction of berms, dikes, spillways, channels, or other facilities to control, detain, retain, or reduce runoff, soil erosion, and siltation, or to divert water around waste, tailings, stockpiles or other facilities or disturbed areas;
- (2) Installation and maintenance of landscaping, including berming, tree planting and other required grading or planting to provide visual and sound barriers and to eliminate or reduce the appearance of scarring;
- (3) Installation and maintenance of road or highway improvements to mitigate the impact of increased traffic or heavy trucking that is measurable and directly attributable

to the mining operation; such facilities may include speed access ramps or lanes, turn lanes, intersection improvements, traffic-control devices or private haulage ways where necessary to avoid the use of public roads or highways. The cost of installation or maintenance described in this subsection shall be shared by the applicant and the City and Borough in relation to the proportion of the directly attributable and measurable impact on traffic of the applicant's activities or the facilities being maintained, installed or improved;

(4) Reclamation of affected surfaces during and following exploration and mining operations;

(5) Regrading of steep slopes of unconsolidated materials to create a stable slope;

(6) Installation of facilities required to prevent or reduce degradation of air or water quality or to contain or control toxic or hazardous wastes;

(7) Removal of buildings, structures or equipment where appropriate;

(8) Any other obligations as necessary to conform with the commission's determinations under CBJ 49.15.330 and 49.65.145.

(d) The financial warranty required under this article for a large or small mine permit or an exploration notice may be in any one or a combination of the following forms at the option of the applicant, provided that the cumulative amount is equal to the amount provided in subsection (b) of this section:

(1) Cash;

(2) Certificate of deposit;

(3) An irrevocable standby letter of credit from a United States bank; or

(4) A surety bond from a bonding company licensed to do business in Alaska that is satisfactory to the director for credit worthiness. Interest on cash deposits or certificates of deposit will accrue to the credit of the applicant.

(e) In addition to the forms of financial warranty set forth in this section, with respect to a small mine permit or an exploration notice, the applicant may elect to use a property bond as a form of financial warranty; provided, that at least ten percent of the total amount of the financial warranty shall be cash or a certificate of deposit; and provided further, that the commission determines that the value of the property is equivalent to the amount required to be generated for satisfaction of the obligation and the municipal attorney determines that the bond creates a lien with sufficient priority to permit its collection should such become necessary.

(f) The form of financial warranty shall provide that the funds may be used by the City and Borough to satisfy the obligations described in this section when there has been a determination by the director that the applicant has not completed its obligations in a timely manner or has otherwise violated the terms of its permit or conditions of its exploration notice, and after notice and opportunity to perform the obligation has been given to the applicant.

(g) The amount of the financial warranty shall be reviewed annually by the director, and a determination shall be made whether the amount should be increased or decreased, taking into account changes in the obligations of the applicant to be undertaken during the ensuing year, cost of current obligations of final reclamation, and changes due to inflation or deflation.

(h) If the amount of financial warranty is to be increased or decreased by the determination made in subsection (g) of this section, then the actual increase or decrease shall be made according to the procedure in subsection (d) of this section.

This next section is in current code at 49.65.130, the section on large mines. In subsection (d), language was added to make clear that the mitigation agreement addresses issues not covered by the reclamation plan. The mitigation agreement is conceptually tied to the socioeconomic report.

49.65.155 Mitigation agreements for large mines.

(a) With respect to a large mine permit application, the applicant shall negotiate and enter into a mitigation agreement with the City and Borough.

(b) The mitigation agreement shall establish responsibility for the mitigation of reasonably foreseeable and demonstrable adverse impacts of the mining operation not addressed by the reclamation plan, including direct impacts and indirect impacts. The applicant shall be responsible for mitigating the direct impacts. The City and Borough shall be responsible for mitigating indirect impacts except where the costs of mitigating specific indirect impacts are found by the manager to:

(1) Exceed the amount of any City and Borough nonproprietary revenue increase attributable to the mining operation; and

(2) Require a direct and significant increase in local taxes or fees to adequately mitigate the impact.

(c) Highly speculative impacts shall not be included in the mitigation agreement. Taxes and nonproprietary revenues generated as a result of the proposed mining operation shall be a

factor considered in negotiating the mitigation agreement. This agreement shall be incorporated as part of the permit, as required by CBJ 49.65.145.

(d) This subsection does not limit or otherwise affect the authority of the director or the commission to condition or place stipulations on a permit pursuant to this article or the conditional use process as provided in chapter 49.15, article III.

No substantive changes.

49.65.160 Term of notices and permits; temporary cessation.

(a) Exploration notices and permits for mining operations shall remain in effect for the duration of the operation identified in the notice or in the application, subject to the conditions of this section and providing that the following conditions are met:

- (1) The financial warranty must remain in full force and effect;
- (2) The operator must not be found to be in substantial violation of this article; and
- (3) With respect to a large or small mine permit, mining operations must be continued in accordance with the plan contained in the application for at least 90 days in each year as to a large mine, and for at least 30 days in each year as to a small mine.

(b) During the term of any exploration notice or permit, the director may, pursuant to CBJ 49.65.150(g), revise the amount of the financial warranty. If the amount of the financial warranty is increased, the operator shall submit the appropriate amount of additional financial warranty within 60 days of the director's determination.

1
2 (c) The operator shall advise the director within ten days of the date upon which the
3 applicant receives notice that a financial warranty that has been submitted to any other agency
4 is reduced or released.

5 (d) If at any time during the term of a permit the operator determines that it will not
6 conduct mining operations for the applicable time minimums established in CBJ
7 49.65.160(a)(3), the operator shall notify the director and request that the mining operation be
8 placed in an inactive status. In conjunction with this notification, and as a condition to
9 granting a request for inactive status, the operator shall advise the director of the measures it
10 will employ to prevent hazardous or dangerous conditions, erosion, or other environmental
11 damage that may result from the operator's activities, and the security measures it will employ
12 at the mining operation during the inactive period. An applicant may continue in inactive
13 status for a five-year period and may, with the permission of the director, obtain successive
14 five-year extensions of that status. At the conclusion of inactive status, the operator shall
15 either resume operations or commence final reclamation in accordance with the approved
16 reclamation plans. If an operator ceases operations for more than one year but does not request
17 inactive status, the director may require the operator to commence final reclamation in
18 accordance with its plans.

19 (e) Throughout the duration of a large mine permit, the operator of a large mine shall also
20 notify the director not less than 60 days prior to requesting placement on inactive status. The
21 operator and the City and Borough shall maintain a process to exchange information regarding
22 the impact on the City and Borough that may result from a change in mining operations. In
23 addition, the operator shall provide the director with copies of any notification it may be
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2 required to provide to federal agencies under federal law concerning proposed personnel layoffs
3 at its mining operation. The director may waive any of these notification requirements in the
4 event of an unforeseen act of God or disaster.
5

6 ***No substantive changes.***
7

8 **49.65.165 Annual reports; monitoring; monitoring fee.**

9 (a) During the term of each exploration notice, the operator shall submit annual progress
10 reports to the director on or before March 31 of each year. The progress report must describe
11 the areas in which exploration was conducted during the preceding year, the amount of acreage
12 that was disturbed by such exploration, and the nature and extent of associated reclamation
13 activities.

14 (b) During the term of each small mine permit or large mine permit, including any inactive
15 period, the operator shall submit an annual progress report to the director on or before March
16 31 of each year describing the status of the mining operation in relation to the approved mining
17 plan and timetable, and describing reclamation activities during the year.

18 (c) The director shall have ongoing authority to monitor any mining operation for which a
19 permit has been issued in order to ascertain whether the mining operation is in compliance
20 with the requirements, terms, conditions and mitigation measures in the permit. The operator
21 shall, upon reasonable notice, provide the director with access, at reasonable times, to the
22 premises and to the records of the mining operation to the extent such access is necessary to
23 ascertain whether the mining operation is in compliance.
24
25

(d) Throughout the duration of the term of a small mine permit or a large mine permit, the operator shall pay to the director an annual monitoring fee to defray the costs of inspecting and reviewing the affected surface and compliance with the permit. The annual monitoring fee shall be such amount as may be established by the commission as necessary to cover the reasonable costs of inspection and review.

No substantive changes.

49.65.170 Technical revisions, summary approval, and amendments.

(a) During the term of a permit, the operator shall notify the director of all technical revisions to its operations. As used in this section a "technical revision" is a change in operations that does not, in the judgment of the director, have more than a minor effect on reclamation and that does not change the total amount of disturbance or the overall environmental or socioeconomic impact of the mining operation. After the technical revision is submitted to the director, the director shall within 30 days determine and notify the operator whether a permit amendment or summary approval of the change is necessary or whether the technical revisions may be accomplished under the operator's existing permit.

(b) If the operator or the director determines that the change to the mining operations are more than a technical revision, or if the changes will require preparation of a new or supplemental environmental impact statement, the permit shall be amended unless summary approval of the change is granted pursuant to (b)(2) of this section.

(1) Except as provided in subsection (2) of this section, the operator shall file with the director an application for amendment to its original permit, together with an

application with the same content as required for an original application, except that no operator will be required to resubmit any information that duplicates applicable previous submittals. The permit amendment application shall be processed in accordance with the same procedure as established for processing permits under CBJ 49.65.125, 49.65.135 and 49.65.140. The operator shall not commence changes requested in its amendment application until the permit amendment has been approved and, if appropriate, additional financial warranties submitted.

(2) Summary approval.

(A) Upon request of the operator, the director may summarily approve a proposed change in mining operations not constituting a new land use or separate development upon a written determination that:

- (i) The mine is located entirely outside the roaded service area established in CBJ 01.30.320;
- (ii) The application is complete, providing all of the information necessary for the director to make the summary approval determinations set forth in subsections (i)—(iv);
- (iii) The proposed change in mining operations will have no significant impact within the roaded service area on habitat, sound, screening, drainage, traffic, lighting, safety, dust, surface subsidence, avalanches, landslides, or erosion; and

(iv) The proposed change in mining operations has undergone or is undergoing environmental review and approval by one or more federal agencies, state agencies, or both.

(B) The director shall make the determination required by this subsection (2) within 45 days unless additional information is required. If the director requires additional information to make the determination, upon written notification to the operator, the time for determination may be extended for up to 20 additional days after submittal by the operator of the additional information. If an environmental impact statement is required by one or more federal agencies, completion of the draft environmental impact statement is necessary for summary approval.

(C) Planning commission review.

(i) The director shall promptly forward the proposed summary approval to the planning commission after the determination is completed. The planning commission may ratify or reject the proposed summary approval.

(ii) If the commission rejects the proposed summary approval, it may:

(a) Return the matter to the director for further consideration of whether the director, in consultation with the operator, can address issues identified by the commission through imposition of conditions or changes in the proposed mining operation; or

(b) Direct that the proposed change be processed by the director as an application for an allowable use permit for which the commission may impose conditions under CBJ 49.15.320(f)(1)—(8) and such

additional conditions as are necessary to reduce to non-significant any impacts in the roaded service area on habitat, sound, screening, drainage, traffic, lighting, safety, dust, surface subsidence, avalanches, landslides, or erosion.

No substantive changes.

49.65.175 Enforcement.

This article shall be enforced in accordance with chapter 49.10, article VI and CBJ 49.65.195.

No substantive changes.

49.65.176 Appeal.

Any person who is aggrieved by a decision of the director or the commission with respect to this article, other than one under CBJ 49.65.175, may appeal that decision to the commission or the assembly, as applicable, as provided in chapter 49.20, article I.

No substantive changes.

49.65.180 Release of warranties for mining operations.

(a) Upon completion of mining operations, the operator shall file a written notice of completion with the director when it believes it has completed any or all requirements of this article, CBJ 49.15.330 and its permit with respect to any or all of its affect surfaces. The director shall, within 90 days after receiving the notice, or as soon thereafter as weather conditions permit, inspect the lands and reclamation described in the notice to determine whether the operator has complied with all applicable requirements.

(b) If the director determines that the operator has successfully complied with all the requirements of this article, CBJ 49.15.330 and the permit, it shall release all financial warranties applicable to said requirements. Release shall be in writing and shall be delivered to the operator promptly after the date of such filing.

(c) If the director finds that the operator has not complied with the requirements of this article, CBJ 49.15.330 or the permit, it shall so advise the operator not more than 90 days after the date of the inspection. The operator shall be given a reasonable time to comply with requirements before a second inspection. If the operator does not complete the requirements, or if after reinspection the director is not satisfied that the operator has complied with all the requirements of this article, CBJ 49.15.330 or the permit, the financial warranty shall be subject to forfeiture to the extent necessary to satisfy any outstanding requirements.

No substantive changes. Formatting changes, and required the request for transfer be on a form specified by the director (for consistency). Changed title to "operators" from "applicants" since this would be post-application process/permit issuance.

49.65.185 Successor operators.

(a) Any operator desiring to transfer its rights under an exploration notice or a conditional use mining permit shall submit a request for transfer to the director, on a form specified by the director.

(b) The director may approve the request for transfer if the director finds:

- (1) The proposed operator will conduct the operations covered by the notice or permit in accordance with the requirements of this article and any additional requirements set by the director;

1
2 (2) The proposed operator has submitted a financial warranty at least equivalent to
3 the financial warranty of the original operator and such other amount as may be
4 determined using the procedures in CBJ 49.65.140;

5 (3) The proposed operator will continue to conduct the operations involved in full
6 compliance with the terms and conditions of the original notice or permit; and all
7 obligations and responsibilities undertaken by the original operator shall be accepted and
8 assumed by the proposed operator.
9

10 (c) The director may deny approval of the request for transfer if the original operator has
11 any existing notice or permit violations at the time of the request until such time as the
12 violations have been remedied. If the director approves the transfer, the financial warranty
13 submitted by the original operator shall be released.

14 (d) Director decisions on transfer requests must be in writing.
15

16 *No substantive changes.*

17 **49.65.190 Confidentiality.**
18

19 Upon request of any applicant or operator, information in any application or report relating to
20 the location, size, grade, geology or geochemistry of any ore deposit, proprietary process
21 information, or information as to cost of mine construction or operation shall be kept
22 confidential to the extent permitted by law. Information to be maintained as confidential must
23 be separately presented to the director and must be marked "Confidential."
24

25 *No substantive changes.*

49.65.195 Suspension or revocation of notices and permits.

(a) Subject to the procedures of this section, the commission may suspend or revoke a permit issued under this article, or the authority to operate under an exploration notice pursuant to CBJ 49.65.120, upon a determination by the commission that:

(1) The exploration of mining operations are not in material and substantial compliance with the requirements of the exploration notice or permit issued under this chapter or by any state or federal agency, and such material and substantial noncompliance remains unremedied after issuance of a compliance order issued pursuant to CBJ 49.10.620; or (2) The exploration of mining operations under the notice or permit have a history or pattern of intentional or grossly negligent noncompliance and compliance orders have previously been issued for such past events of noncompliance. Good faith efforts to remedy events of noncompliance shall create an inference that such noncompliance is not a cause for suspension or revocation.

(b) The director shall provide the operator with written notification that the director is recommending that the commission consider the entry of a suspension or revocation order under subsection (a) of this section. The written notification shall set forth the reasons for the director's recommendation and the operator's right to a hearing before the commission. The commission shall schedule a hearing within 30 days after the operator has received the written notification. At the hearing, the director shall have the burden of establishing that the operator is not in material and substantial compliance with the permit or authority to operate under an exploration notice, or that there is a past history or pattern on noncompliance sufficient to justify suspension or revocation.

1
2 (c) Upon written notification of the entry of a suspension or revocation order to the operator
3 or to any person operating under the authority of the permit or exploration notice, all
4 exploration or mining operations shall cease except those specifically authorized by the
5 commission in the order or if the assembly stays the order pending appeal.

6 (d) A suspended notice or permit may be reinstated by the commission upon a
7 determination that the exploration or mining operations have been brought into compliance
8 with the conditions of the notice or permit. A notice or permit that has been revoked may not be
9 reissued by the commission until the commission determines that the exploration or mining
10 operation has been brought into compliance with the terms and conditions of the notice or
11 permit, and the operator has clearly and convincingly demonstrated that preventative
12 measures have been taken to ensure that those conditions giving rise to the revocation will not
13 reoccur.
14

15 (e) A suspension or revocation order may be appealed to the assembly in accordance with
16 chapter 49.20, article I. Pending appeal, the assembly may in its discretion stay an order of
17 suspension or revocation.
18

19 (f) The rights of suspension or revocation provided for in this section are in addition to any
20 rights or powers vested in the City and Borough in CBJ 49.65.175 or chapter 49.10, article VI.

21 ***No substantive changes.***

22 **49.65.196 Effect of article on operations in annexed territory.**

23 Large mine, small mine, and exploration operations occurring in territory annexed by the City
24 and Borough that have been issued the federal and state permits or approvals necessary for the
25

1
2 operation, including, if applicable, permits or approvals necessary to operate in accordance with
3 the National Environmental Policy Act (NEPA) process, shall be deemed to have been issued a
4 large mine permit, a small mine permit, or an exploration notice, as applicable, under this
5 article and to otherwise be eligible to operate pursuant to this article upon the effective date of
6 annexation; provided, that all such federal and state permits or approvals are currently valid.
7 With the exception of the initial permit application and exploration notice filing requirements,
8 the operator shall be subject to all of the requirements of this article in effect upon the effective
9 date of annexation, including the technical revisions and permit amendment requirements, and
10 the monitoring fee enforcement and revocation or suspension provisions, in the same manner
11 as any other operator. The terms of the City and Borough permit or notice shall be deemed to
12 be the terms of the state and federal permits or approvals, unless and until a permit
13 amendment is required. The operator shall be required to execute documentation
14 acknowledging that the permit or notice deemed to be issued under this article shall have the
15 same terms as the federal and state permits or approvals unless and until a permit amendment
16 is required, and that the operator, and the permit or notice deemed issued, shall be subject to
17 all of the requirements of this article in effect upon the effective date of annexation with the
18 exception of the initial permit application and exploration notice filing requirements.
19
20

21 ***No substantive changes.***

22 **49.65.197 Severability.**

23 If any section, subsection, paragraph, sentence, clause or phrase of this article is for any reason
24 held unlawful or otherwise invalid, such holding shall not affect the remaining portions of the
25

article. The City and Borough declares that it would have enacted this article and each and every part thereof, irrespective of the fact that any one or more parts might be held unlawful or otherwise invalid.

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2018.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk



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

DATE: June 15, 2018

TO: Planning Commission

FROM: Amy Liu, Planner
 Community Development Department

FILE NO.: PWP 2018 0001

PROPOSAL: A Parking Waiver of one (1) residential space for a detached accessory apartment

GENERAL INFORMATION

Applicant: Jeffrey Martinson

Property Owner: Jeffrey Martinson

Property Address: 811 4th Street

Legal Description: Tyee Addition to Douglas Townsite, Block 31, Lot 2

Parcel Code No.: 2D040T310020

Site Size: 5,000 sq. ft.

Comprehensive Plan Future
 Land Use Designation: Medium Density Residential

Zoning: D5

Utilities: Public

Access: 4th Street

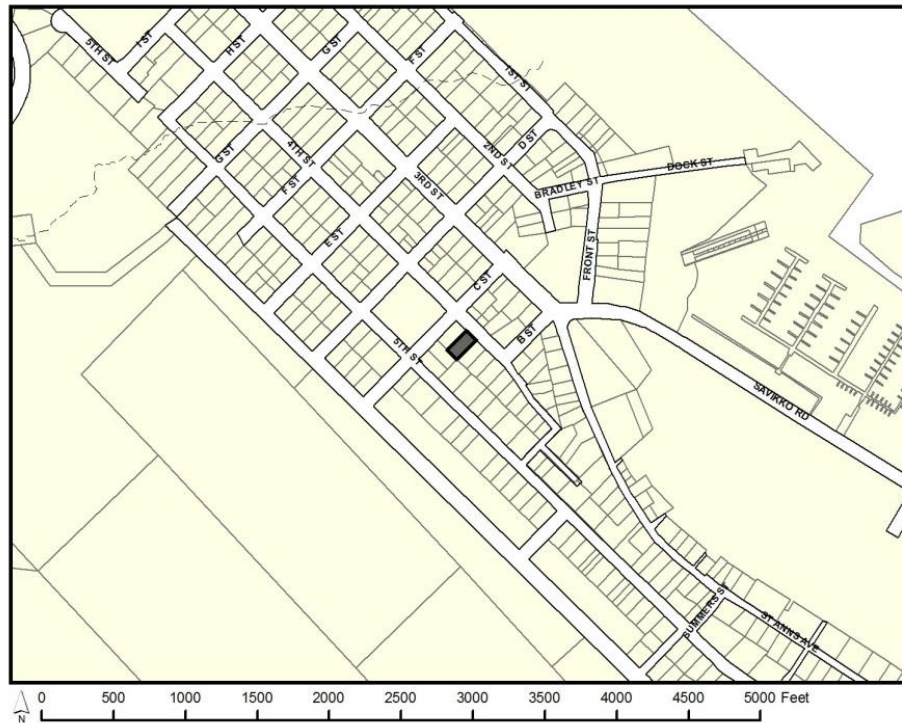
Existing Land Use: Single family residential

Surrounding Land Use:

North	- D18 : single family residential use
South	- D5 : single family residential use
East	- D5 : single family residential use
West	- D5 : single family residential use

Planning Commission
 File No.: PWD2018 0001
 June 15, 2018
 Page 2 of 6

VICINITY MAP



ATTACHMENTS

- Attachment A – PWD2018-0001 application
- Attachment B – USE2018-0008 application
- Attachment C – 2008 as-built
- Attachment D – Photo of site
- Attachment E – Correspondence with CBJ Streets Department
- Attachment F – Public notice

PROJECT DESCRIPTION

Through Conditional Use Permit USE2018-0008 (Attachment B), submitted in conjunction with this parking waiver, the applicant is seeking approval for a detached accessory apartment. The accessory apartment requires one parking space. The applicant is seeking a parking waiver for that space. The 5,000 square foot lot currently has one single-family dwelling and a gravel parking pad that accommodates two parallel parking spaces which provide the required parking for the single family home.

CBJ 49.40.210 – Table of Minimum Parking Standards states that a single-family dwelling is required to have two off-street parking spaces, and an accessory apartment is required to have one off-street parking space. The total parking requirement, which includes parking for the single family

Planning Commission
File No.: PWD2018 0001
June 15, 2018
Page 3 of 6

home and proposed accessory apartment, is three spaces.

The gravel parking pad is 43.25 feet x 10.3 feet and is partially enclosed by a rockery wall (Attachment D). Per CBJ 49.40.210, parallel spaces must be 22 feet x 6.5 feet. Given these dimensions, the pad provides two spaces. Adding one more parking space would force vehicles to not be parallel parked and thus encroach onto the CBJ right-of-way (ROW). The vehicles would typically back out into the ROW. A standard parking space is 8.5 feet x 17 feet (CBJ 49.40.210). Due to the dimensions of the parking pad, a standard parked vehicle would encroach 6.42 feet into the ROW. CBJ Streets Department has confirmed that encroachment would not be allowed (Attachment E).

Creating onsite parking for three vehicles requires the pad to be expanded 6.42 feet. Expanding the parking pad would require removing approximately 163.71 square feet of front yard and relocating the rock wall.

The applicant is pursuing a parking waiver to eliminate the requirement for the additional parking space required for the accessory apartment. The applicant aims to preserve as much vegetative cover as possible and to avoid encroachment onto CBJ ROW. Parking waivers became available in April, 2017, to allow reductions in normally-required parking without seeking a variance. Parking waivers were first spurred by a business also located in downtown Douglas that was seeking a parking reduction.

BACKGROUND

The existing home was constructed in 1998, and the subject lot was platted in 1936 as part of the Douglas Townsite Subdivision. The City of Douglas adopted a Planning and Zoning Ordinance and a zoning map in 1959 that showed the subject lot zoned R1. The minimum lot size for the R1 zoning district was 5,000 square feet. In 1987, the lot was re-zoned to D5 making the lot size legally non-conforming. The minimum lot size for the D5 zoning district is 7,000 square feet. The existing structure meets all required setbacks. The existing gravel parking pad provides two parallel parking spaces.

ANALYSIS

Project Location – The lot is located on 4th Street and C Street in downtown Douglas. The lot is located outside of the PD-1, PD-2, and fee-in-lieu parking overlay districts. Lots in these overlay districts have the option to ‘buy out’ their parking requirement. Because the subject lot is outside these overlay districts, a parking waiver is the only option for the subject property to reduce the off-street parking requirements. The property is on the “uphill” side of 4th Street, which is unpaved and does not have a curb and gutter.

Impacts on Nearby On-Street Parking – Staff anticipates that eliminating the one-space parking requirement will have minimal impact on nearby on-street parking. The surrounding

Planning Commission
 File No.: PWD2018 0001
 June 15, 2018
 Page 4 of 6

neighborhood has on-street parking. Spaces are often available within a reasonable walking distance.

Proximity to Public Transportation – The property is located 384 feet from the nearest transit stop by the shortest pedestrian route. The property is closer to a transit stop than many properties in the PD-1 overlay district, where parking requirements are lessened in part due to proximity to transit. The property's proximity to public transit reduces the need for car ownership which supports a reduced parking requirement.

Public safety – Back-out parking is prohibited except for single family or duplex developments with or without accessory uses in residential zoning districts, child care homes in a residential district, and other development where the ROW is an alley, which may have back out parking with Director's approval. As mentioned before, the existing parking pad supports two parallel parking spaces. Adding a third space would create encroachment onto CBJ ROW. Waiving the parking requirement of one space for the detached accessory apartment would prevent encroachment onto CBJ ROW.

Consistency with surrounding properties – The neighborhood consists primarily of older dwellings on undersized lots with limited open space. Many have topography that makes driveways prohibitively impractical. Many of these lots have on-street parking. Issuing the waiver would be consistent with the on-street parking alternative available to other dwellings in the neighborhood.

Consistency with Comprehensive Plan – The 2013 Comprehensive Plan was reviewed for relevant policies related to the requested parking waiver.

Chapter 3 – Community Form, Policy 3.2

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

Chapter 4 - Housing Element, Policy 4.5

TO MAINTAIN THE LONG-TERM AFFORDABILITY OF DWELLING UNITS DESIGNATED AFFORDABLE AS A CONDITION OF APPROVAL FOR THE GRANTING OF REZONING, INCREASED BUILDING HEIGHT, REDUCED PARKING, OR OTHER ECONOMIC BENEFIT TO THE DEVELOPMENT PROJECT.

Chapter 10 – Land Use, Policy 10.2:

TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA.

10.2 - IA2 (Implementing Action) Review the existing multifamily zoning districts

Planning Commission
 File No.: PWD2018 0001
 June 15, 2018
 Page 5 of 6

along transit corridors to increase density limits, reduce parking requirements for residential units, decrease lot sizes, and to allow a wider range of housing types including modular or manufactured homes, accessory apartments, live/work units, loft-style dwellings, and co-housing types.

FINDINGS

CBJ 49.40.210 (d)(6)(A) states that the Planning Commission shall review the Director's report to consider:

1. The granting of the waiver would result in more benefits than detriments the community as a whole as identified by the Comprehensive Plan.
2. The development is located outside the PD-1 parking district, the PD-2 parking district, and the Downtown Fee-in-lieu of Parking District map areas.
3. Granting the waiver will not result in adverse impacts to property in the neighboring area.
4. The waiver will not materially endanger public health, safety, and welfare.

The Commission shall adopt the Director's determination on the four 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.

Per CBJ 49.40.210(D)(6) the Director makes the following findings on the proposed parking waiver:

- 1. The granting of the waiver would result in more benefits than detriments the community as a whole as identified by the Comprehensive Plan.**

Yes. As discussed in the preceding analysis, the waiver will result in more benefits to the community as a whole than detriments as identified by Comprehensive Plan policies.

- 2. The development is located outside the PD-1 parking district, the PD-2 parking district, and the Downtown Fee-in-lieu of Parking District map areas.**

Yes. The development is located outside these parking overlay districts.

- 3. Granting the waiver will not result in adverse impacts to property in the neighboring area.**

No. As discussed above, proximity to public transit and existing on-street parking will meet parking needs of the proposed accessory apartment.

- 4. The waiver will not materially endanger public health, safety, and welfare.**

No. As discussed in the above analysis, the waiver of one parking space allow current on-site parking for two spaces without encroaching into the ROW and will keep up to three vehicles from back out parking.

Planning Commission
File No.: PWD2018 0001
June 15, 2018
Page 6 of 6

5. *The proposed development complies with the other requirements of this chapter?*

Yes. The proposed development complies with the other requirements of this chapter including CBJ 49.40.210(d)(6)(C). Public notice of this project was provided in the June 15, 2018 and June 25, 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.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the parking waiver permit. This would allow one parking space to be waived and obligate the property to provide two parking spaces as currently provided on site.



PARKING WAIVER 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 Install tinyhouse 220 sq ft on permanent footing to serve as long term rental and BNB
	TYPE OF PARKING WAIVER REQUESTED (check one) MINOR DEVELOPMENT ☒ Parking Waiver Departmental Review (PWD) MAJOR DEVELOPMENT ☐ Parking Waiver Planning Commission Review (PWP)
	DEVELOPMENT FOR WHICH THE PARKING IS REQUIRED (check one) ☒ Existing ☐ Proposed – Related Case Number: _____
	NUMBER OF REQUIRED PARKING SPACES PER CBJ 49.40.210(A) For Residential Uses: <u>3</u> spaces For Non-Residential Uses: <u>0</u> spaces
	NUMBER OF PARKING SPACES THAT WILL BE PROVIDED For Residential Uses: <u>3</u> spaces For Non-Residential Uses: <u>0</u> spaces

DEPARTMENT USE ONLY BELOW THIS LINE			
PARKING WAIVER FEES			
Residential Spaces	<u>1</u>	Non-Residential Spaces	<u>0</u>
Residential Fee	\$ <u>400.00</u>	Non-Residential Fee	\$ _____
Total Residential	\$ <u>400.00</u>	Total Non-Residential	\$ _____
Total Fee		\$ <u>400</u>	

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

Case Number	Date Received
PWD20170002	4/24/18



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

Martinson tiny home/ accessory dwelling

Case Number: PAC20180023

Applicant: Jeffrey Martinson

Property Owner: Jeffrey Martinson

Property Address: 811 4th st

Parcel Code Number: 2D040T310020

Site Size: 5000 sq ft

Zoning: D5

Existing Land Use: Single family residence

Conference Date: 4/11/2018

Report Issued: 4/18/2018

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
Jeff Martinson	Applicant	jeffreymartinson@yahoo.com
Amy Liu	Planner	Amy.liu@juneau.org
Charlie Ford	Building official	Charlie.ford@juneau.org
John Young	Plans examiner	John.Young@juneau.org
Eddie Quinto	Permit Specialist	Edward.Quinto@juneau.org

Pre-Application Conference Final Report

Conference Summary

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

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Planning Division:

1. **Zoning** – Lot is substandard in area and depth, so a Conditional Use Permit is required. Home must be off skids or chassis with axle removed.
2. **Setbacks** – Front is 0', sides are 5' each, rear is 20'. Front is reduced per 49.25.430(4)(K).
3. **Height** – Maximum height for accessory structures is 25'.
4. **Access** – Lot is accessed from 4th St.
5. **Parking** – Apply for a Parking Waiver in order to eliminate the additional parking required for accessory apartment. Original site plan was approved to provide parallel parking for two vehicles. One additional parking for the apartment would force the parking to encroach on CBJ ROW. Code prohibits encroachment onto CBJ ROW. Streets Department has commented that they do not want to create an easement or any other permanent record that allows private use of the subject ROW. Eliminating the additional parking requirement would keep the existing parking demand and capacity at the approved design. If parking waiver is granted, the parking waiver is valid for as long as the permitted use is active.
6. **Lot Coverage** – Maximum coverage is 50%
7. **Vegetative Coverage** – Minimum coverage is 20%.
8. **Lighting** – Any exterior lighting must have shades that minimize glare onto neighboring properties.
9. **Noise** – NA
10. **Flood** – NA
11. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – NA
12. **Wetlands** – NA
13. **Habitat** – NA
14. **Plat or Covenant Restrictions** – NA

Building Division:

15. **Building** – Possible need for Code Modification Request per 2018 IRC Appendix Q - <https://codes.iccsafe.org/public/document/IRC2018/appendix-q-tiny-houses>
16. **Outstanding Permits** - None

General Engineering/Public Works:

17. **Engineering** – N/A
18. **Drainage** – Existing lot drainage to remain unchanged, roof drains from new structure must be directed within the lot. Drainage is not allowed to cross property lines.
19. **Utilities** – (water, power, sewer, etc.) –
 - a. **Water** - A water meter will be required due to the additional dwelling unit and additional water fees may be required depending on sizing. No tees are allowed in the water line prior to the

Attachment A

Pre-Application Conference Final Report

water meter. Only one water service is allowed per parcel. Submit a plan showing the proposed water line configuration. Water line size will be evaluated with the building permit application based on fixture count.

- b. **Sewer** – Sewer can wye into the existing line within the property. A cleanout must be installed within 5' of building and one installed before the wye. Submit a plan showing the proposed sewer line configurations.

Fire Marshal:

20. **Fire Items/Access** – N/A – if any questions please contact Fire Marshal Jager or Deputy Fire Marshal Pearson at 586-5322

Other Applicable Agency Review:

CBJ Streets

List of required applications

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

1. Development Permit application
2. Conditional Use application
3. Parking Waiver application
4. Once CUP for use is approved, a separate building permit and utility permits will be required.

Additional submittal requirements:

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

1. A copy of this pre-application conference report.

Exceptions to submittal requirements:

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

NA

Fee estimates

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

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

1. Development Permit; \$0.00
2. Conditional Use; \$500.00 total, consisting of \$350.00 for the application, and \$150.00 for public notice (\$100 refundable if public notice sign returned on time)
3. Parking Waiver; \$400.00

Pre-Application Conference Final Report

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

Submit your completed application

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

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

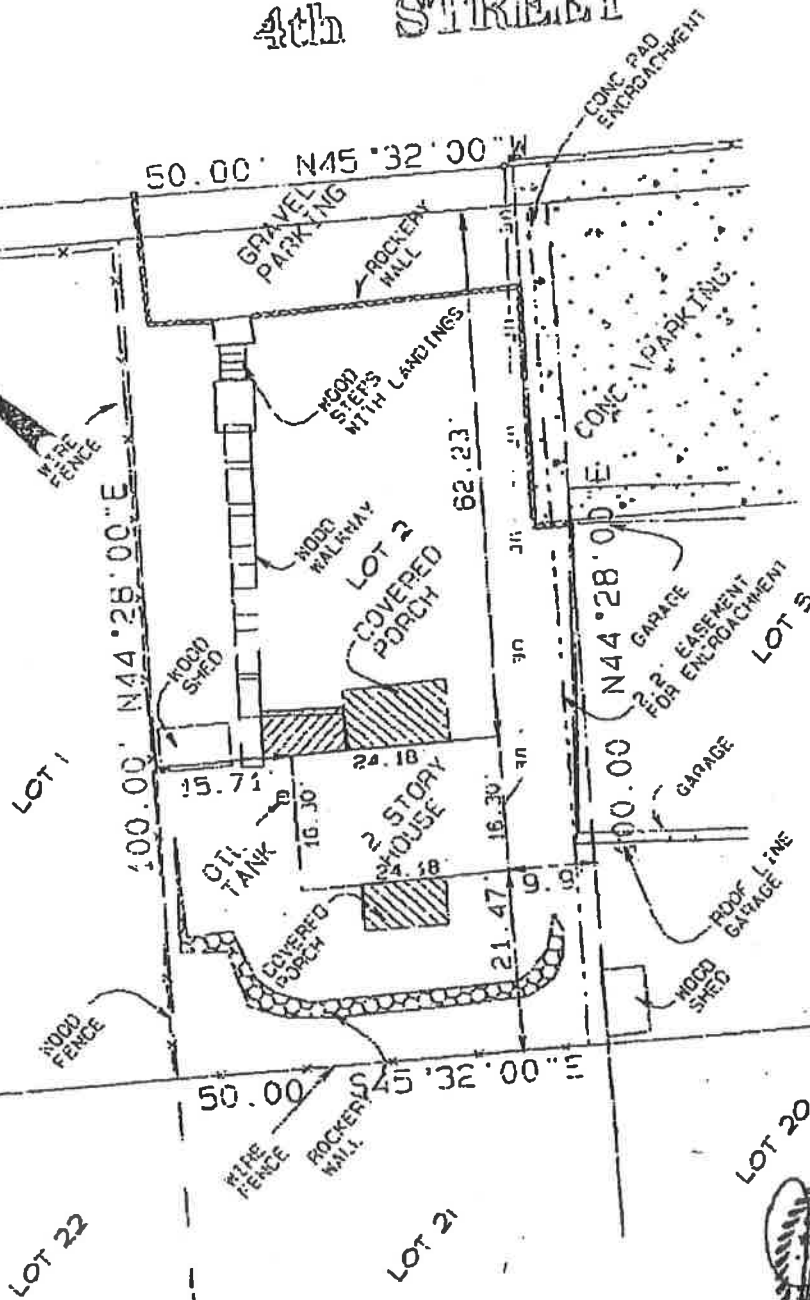
Phone: (907) 586-0715
Fax: (907) 586-4529
Web: www.juneau.org/cdd

Sep 03 08 12:14p Jw Bean

BLD 1997-00537

4th STREET

SCALE 1"=20'



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



J.W. BEAN
 PROFESSIONAL SURVEYOR

105-5 (h-b) JCB No. 13010
 SCALE AS-SHOWN
 DATE 09-04-08

AS-BUILT SURVEY OF
 LOT 2, Block 31
 1/2 Acre Addition to
 DOUGLAS TOWNSITE
 USS 1180

79027329

97%

P.02

DEVELOPMENT PERMIT APPLICATION

Project Number USE20180008/AAP20180004	CITY and BOROUGH of JUNEAU	Date Received: 4/26/18
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description Install 220sq ft tiny house on permanent footings connected to water/sewer/electric		
	PROPERTY LOCATION		
	Street Address 211 4th St		City/Zip Douglas 99824
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Tree 200 ft to Block 31 to Douglas townsite		
	Assessor's Parcel Number(s) 200401310020		
	LANDOWNER/ LESSEE		
	Property Owner's Name JEFFREY J MARTINSON		Contact Person: JEFFREY J MARTINSON
	Mailing Address PO BOX 22787 Juneau AK 99801		Home Phone: 907 738 2851
	E-mail Address jeffrey.j.martinson@yahoo.com		Other Contact Phone Number(s):
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
PROJECT / APPLICANT	I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.		
	X Jeff Martinson Landowner/Lessee Signature		4/2/18 Date
	X _____ Landowner/Lessee Signature		_____ Date
	NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.		
	APPLICANT If the same as OWNER, write "SAME" and sign and date at X below		
	Applicant's Name SAME		Contact Person: JEFFREY J MARTINSON
	Mailing Address		Home Phone: 907 738 2851
	E-mail Address		Other Contact Phone Number(s):
	X Jeff Martinson Applicant's Signature		4/2/18 Date of Application

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS	☒	Permit Type	**SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	☒	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		04/26/2018	USE 20180008, AAP20180004
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
	Zone Change Application			PWD 2018 0001	
☒	Other (Describe) PUD		04/26/2018	PUD 2018 0002	
Comments: Applicant has photos of exterior & interior that he can email to the Planner.					Permit Intake Initials ANE

Attachment B

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number AAP 20180004	Date Received 04/26/2018
----------------	------------------------------	------------------------------------	------------------------------------

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED USE 20180008

☒ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW)
☐ Use Listed in §49.25.300 (Table of Permissible Uses) (USE)

Please list the Table of Permissible Uses Category: _____

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

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.
Installing tinyhouse 220sqft on permanent footings on property to serve as bnb AND long term rental

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

CURRENT USE OF LAND OR BUILDING(S): PRIMARY RESIDENCE

PROPOSED USE OF LAND OR BUILDING(S): MAINTAIN PRIMARY RESIDENCE AND INSTALL tinyhouse to serve as rental

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

SITE AND BUILDING SPECIFICS:

Total Area of Lot 5000 square feet Total Area of Existing Structure(s) 768 square feet

Total Area of Proposed Structure(s) 220 square feet

EXTERNAL LIGHTING:

Existing to remain ☐ No ☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

Proposed ☐ No ☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

☒ Site Plan ☒ Floor Plan of proposed buildings ☒ Elevation view of existing and proposed buildings ☐ Proposed Vegetative Cover	☒ Existing and proposed parking areas (including dimensions) and proposed traffic circulation ☒ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)
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For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">ALLOWABLE/CONDITIONAL USE FEES</th> <th style="text-align: center;">Fees</th> <th style="text-align: center;">Check No.</th> <th style="text-align: center;">Receipt</th> <th style="text-align: center;">Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td>\$ <u>350⁰⁰</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Admin. of Guarantee</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Adjustment</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td>\$ <u>50⁰⁰</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td>\$ <u>100⁰⁰</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td>\$ <u>500⁰⁰</u></td> <td>_____</td> <td><u>00154996</u></td> <td><u>04/26/2018</u></td> </tr> </tbody> </table>	ALLOWABLE/CONDITIONAL USE FEES	Fees	Check No.	Receipt	Date	Application Fees	\$ <u>350⁰⁰</u>	_____	_____	_____	Admin. of Guarantee	\$ _____	_____	_____	_____	Adjustment	\$ _____	_____	_____	_____	Pub. Not. Sign Fee	\$ <u>50⁰⁰</u>	_____	_____	_____	Pub. Not. Sign Deposit	\$ <u>100⁰⁰</u>	_____	_____	_____	Total Fee	\$ <u>500⁰⁰</u>	_____	<u>00154996</u>	<u>04/26/2018</u>
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TO BE COMPLETED BY THE APPLICANT

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM



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

Martinson tiny home/ accessory dwelling

Case Number: PAC20180023

Applicant: Jeffrey Martinson

Property Owner: Jeffrey Martinson

Property Address: 811 4th st

Parcel Code Number: 2D040T310020

Site Size: 5000 sq ft

Zoning: D5

Existing Land Use: Single family residence

Conference Date: 4/11/2018

Report Issued: 4/18/2018

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
Jeff Martinson	Applicant	jeffreymartinson@yahoo.com
Amy Liu	Planner	Amy.liu@juneau.org
Charlie Ford	Building official	Charlie.ford@juneau.org
John Young	Plans examiner	John.Young@juneau.org
Eddie Quinto	Permit Specialist	Edward.Quinto@juneau.org

Pre-Application Conference Final Report

Conference Summary

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

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Planning Division:

1. **Zoning** – Lot is substandard in area and depth, so a Conditional Use Permit is required. Home must be off skids or chassis with axle removed.
2. **Setbacks** – Front is 0', sides are 5' each, rear is 20'. Front is reduced per 49.25.430(4)(K).
3. **Height** – Maximum height for accessory structures is 25'.
4. **Access** – Lot is accessed from 4th St.
5. **Parking** – Apply for a Parking Waiver in order to eliminate the additional parking required for accessory apartment. Original site plan was approved to provide parallel parking for two vehicles. One additional parking for the apartment would force the parking to encroach on CBJ ROW. Code prohibits encroachment onto CBJ ROW. Streets Department has commented that they do not want to create an easement or any other permanent record that allows private use of the subject ROW. Eliminating the additional parking requirement would keep the existing parking demand and capacity at the approved design. If parking waiver is granted, the parking waiver is valid for as long as the permitted use is active.
6. **Lot Coverage** – Maximum coverage is 50%
7. **Vegetative Coverage** – Minimum coverage is 20%.
8. **Lighting** – Any exterior lighting must have shades that minimize glare onto neighboring properties.
9. **Noise** – NA
10. **Flood** – NA
11. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – NA
12. **Wetlands** – NA
13. **Habitat** – NA
14. **Plat or Covenant Restrictions** – NA

Building Division:

15. **Building** – Possible need for Code Modification Request per 2018 IRC Appendix Q - <https://codes.iccsafe.org/public/document/IRC2018/appendix-q-tiny-houses>
16. **Outstanding Permits** - None

General Engineering/Public Works:

17. **Engineering** – N/A
18. **Drainage** – Existing lot drainage to remain unchanged, roof drains from new structure must be directed within the lot. Drainage is not allowed to cross property lines.
19. **Utilities** – (water, power, sewer, etc.) –
 - a. **Water** - A water meter will be required due to the additional dwelling unit and additional water fees may be required depending on sizing. No tees are allowed in the water line prior to the

Pre-Application Conference Final Report

water meter. Only one water service is allowed per parcel. Submit a plan showing the proposed water line configuration. Water line size will be evaluated with the building permit application based on fixture count.

- b. **Sewer** – Sewer can wye into the existing line within the property. A cleanout must be installed within 5' of building and one installed before the wye. Submit a plan showing the proposed sewer line configurations.

Fire Marshal:

20. **Fire Items/Access** – N/A – if any questions please contact Fire Marshal Jager or Deputy Fire Marshal Pearson at 586-5322

Other Applicable Agency Review:

CBJ Streets

List of required applications

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

1. Development Permit application
2. Conditional Use application
3. Parking Waiver application
4. Once CUP for use is approved, a separate building permit and utility permits will be required.

Additional submittal requirements:

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

1. A copy of this pre-application conference report.

Exceptions to submittal requirements:

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

NA

Fee estimates

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

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

1. Development Permit; \$0.00
2. Conditional Use; \$500.00 total, consisting of \$350.00 for the application, and \$150.00 for public notice (\$100 refundable if public notice sign returned on time)
3. Parking Waiver; \$400.00

Pre-Application Conference Final Report

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

Submit your completed application

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



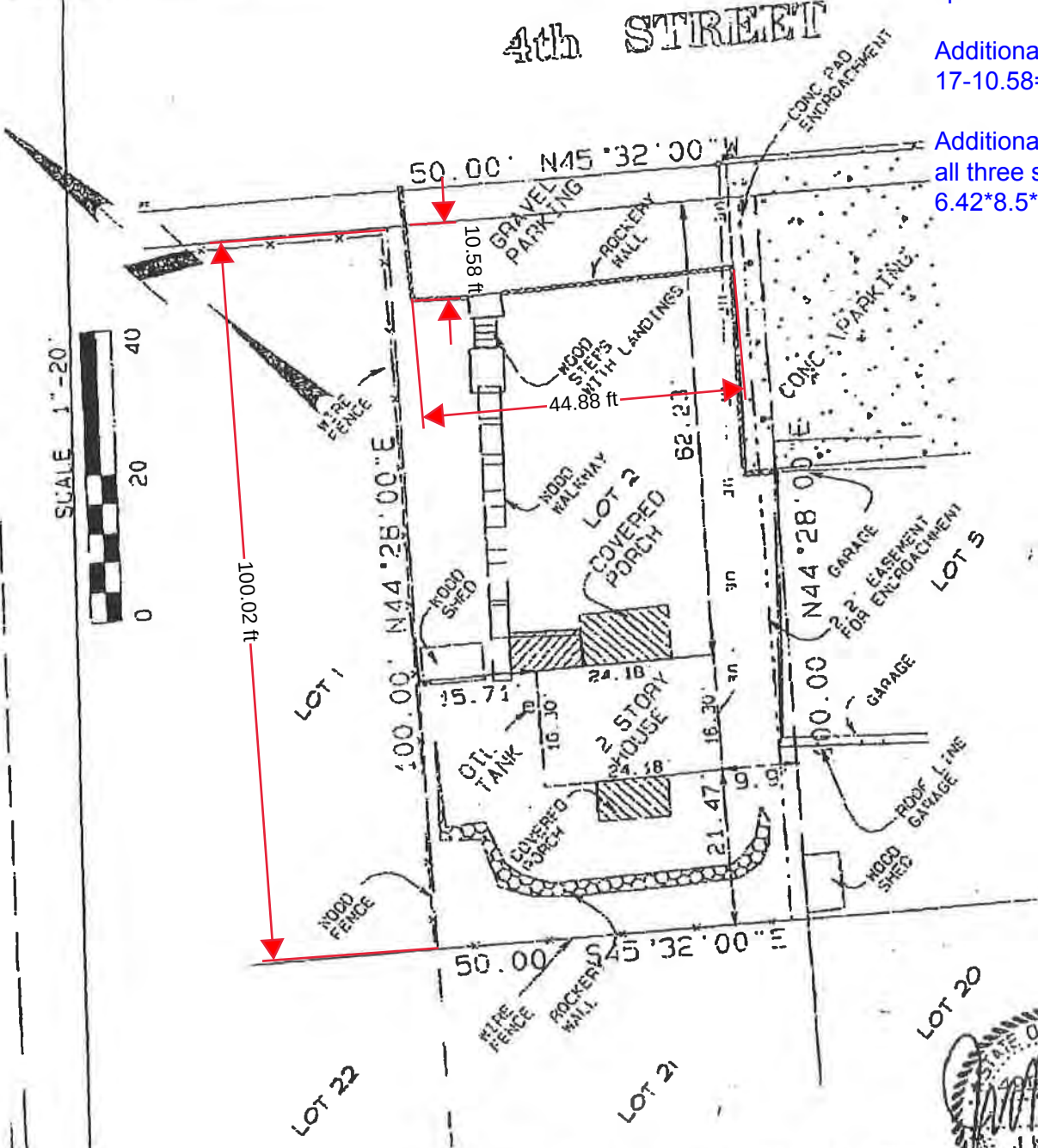
Sep 03 08 12:14p Jw Bean

BLD 1997-00537

Standard parking space is 8.5' x 17'

Additional depth is 17-10.58=6.42

Additional area for all three spaces is 6.42*8.5*3=163.71



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



J.W. BEAN
PROFESSIONAL SURVEYOR
105-5 (h-0) JSB No. 13010
SCALE AS-SHOWN
DATE 09-04-08

AS-BUILT SURVEY OF
LOT 2, Block 31
1/2cc Addition to
DOUGLAS TOWNSITE
USS 1150



From: [Amy Liu](#)
To: [Ed Foster](#); [James "Red" Langel](#)
Subject: RE: Encroachment on 811 4th, Douglas (2D040T310020)
Date: Wednesday, April 11, 2018 4:50:18 PM
Attachments: [image001.png](#)

Ed,

No, the ordinance does not allow using CBJ ROW for required parking, unless an encroachment permit is granted.

Given the information you have provided, CDD will recommend that the applicant seek a parking waiver that would eliminate the additional parking space requirement. Avoiding the additional parking space would keep the existing parking demand and capacity at status quo. We realize that in practice, more cars than are allowed may be parked on site. We'll enforce on a complaint basis and cross that bridge when we get there.

Thanks very much for your insight.

Amy Liu

From: Ed Foster
Sent: Wednesday, April 11, 2018 4:13 PM
To: James 'Red' Langel; Amy Liu
Subject: RE: Encroachment on 811 4th, Douglas (2D040T310020)

Amy,

It doesn't appear parked vehicles in this area will encroach into the flow of traffic, but it does encroach into the CBJ ROW. I think it will be fine to allow them to use this as a perpendicular parking area, however we DO NOT want to create an easement or any other permanent record giving them the right to this ROW area. If that's what your intent is then No, we cannot allow it to remain the way it is and they do have to move the parking farther onto their property. Future improvements to 4th St could require them to move this parking farther back onto their property.

Does the Ordinance allow property owners to use CBJ ROW for establishing required parking, because that's what they are doing here.

Ed

From: James 'Red' Langel
Sent: Wednesday, April 11, 2018 3:20 PM
To: Ed Foster
Subject: FW: Encroachment on 811 4th, Douglas (2D040T310020)

Ed,

The property owners here are asking for a variance to allow parking that is perpendicular to the road. They are adding an apartment and it requires additional parking per ordinance. Using the parcel viewer measuring tool at 20' they would stick out to about where the red line is in the

th

attached photo (4 St.). It appears that there is still plenty space for two lanes of traffic to pass. I don't see any issue with granting this, but I thought you may see something I don't. They also have some other documentation from the past allowing an easement for a garage that isn't there. Please let me know what you think. Thanks.

Red Langel
Town Streets Supervisor

Public Works Streets Division
City & Borough of Juneau
7100 Glacier Highway
Juneau, AK 99801
(907) 586-5256

From: Amy Liu
Sent: Wednesday, April 11, 2018 3:02 PM
To: James 'Red' Langel
Subject: Encroachment on 811 4th, Douglas (2D040T310020)

Red,

I've attached the 1996 easement for encroachment, 1997 building plan, and 2018 accessory apartment application (the apartment adds one more parking space involving back-out).

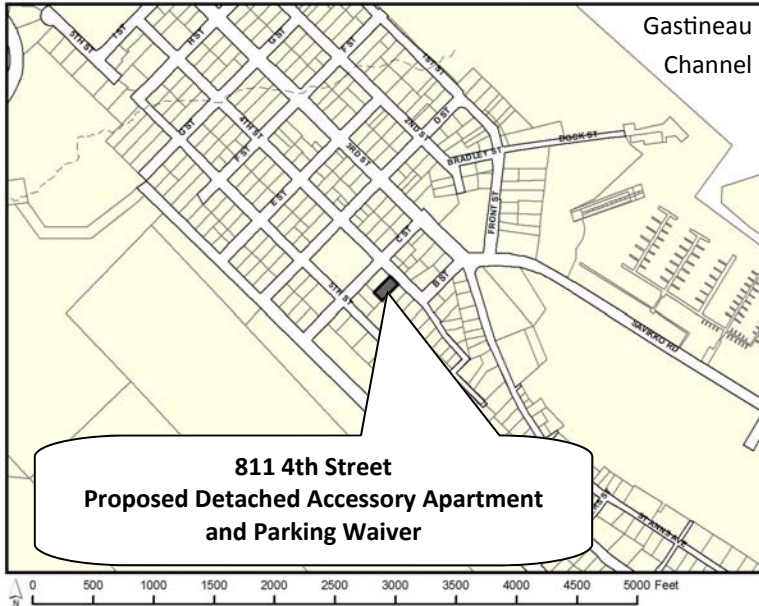
I would like to know whether Streets could allow this encroachment, and if there are any other stipulations moving forward. Thanks.

Amy Liu, Planner
 City & Borough of Juneau
 (907) 586-0764
 155 S. Seward St. Juneau, AK 99801



Invitation to Comment

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



155 S. Seward Street Juneau, Alaska 99801

TO:

Two applications have been submitted for consideration and public hearing by the Planning Commission. A **Conditional Use Permit** for a **220 square foot detached accessory apartment** and a **Parking Waiver** to waive one (1) residential parking space at **811 4th Street** in Douglas in a **D5 zone**.

TIMELINE

Staff Report expected to be posted [Monday, week before meeting] at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Today through 12 noon, June 22

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

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

HEARING DATE & TIME
7:00 pm, June 26, 2018

June 27

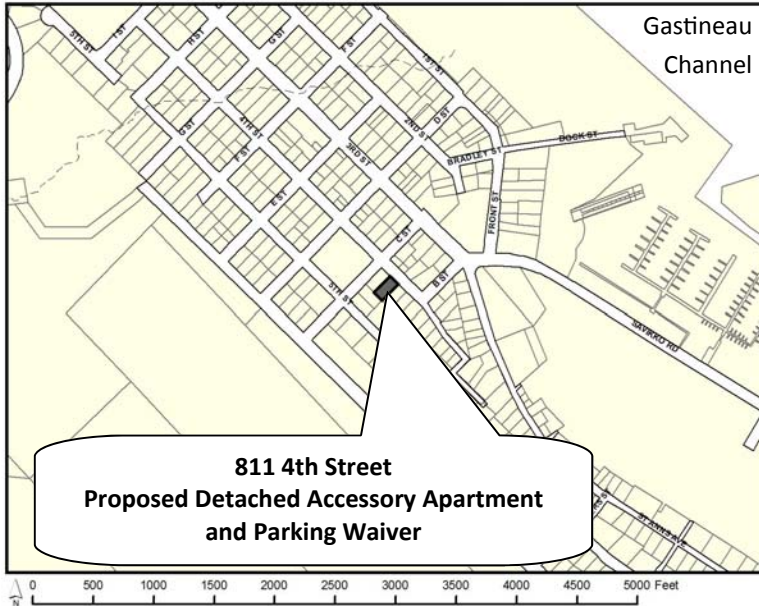
You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

The results of the hearing will be posted online.

Case No.: USE2018 0008 & PWP2018 0001
Parcel No.: 2D040T310020
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



155 S. Seward Street Juneau, Alaska 99801

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Case No.: USE2018 0008 & PWP2018 0001
Parcel No.: 2D040T310020
CBJ Parcel Viewer: <http://epv.juneau.org>

PWP2018-0001 Parking Waiver for One Residential Space



Description

The total parking requirement is three spaces.

The existing gravel pad provides two spaces.

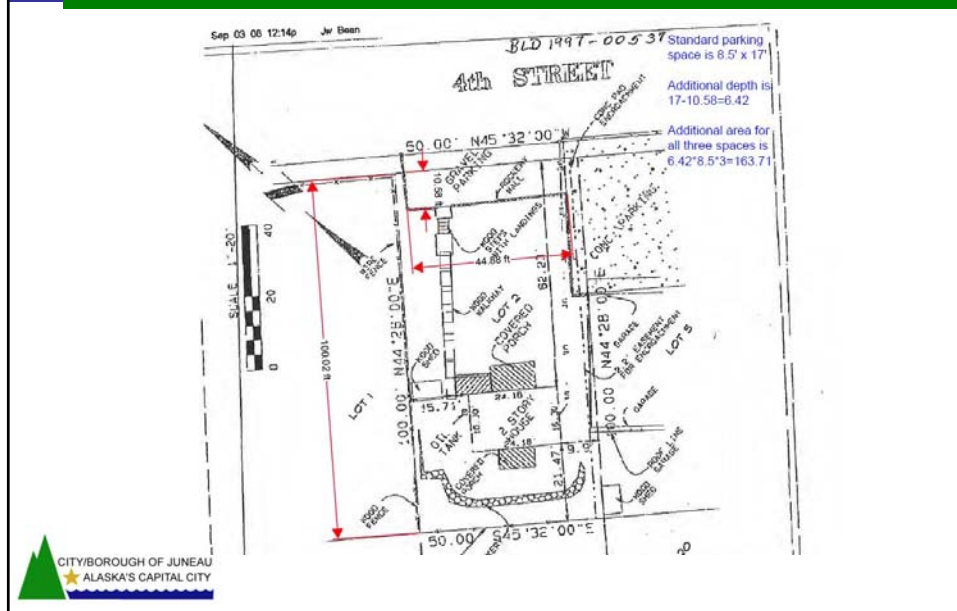
- The pad is 43.25 feet x 10.3 feet and is partially enclosed by a rockery wall.
- Per CBJ 49.40.210, parallel spaces must be 22 feet x 6.5 feet.

Adding one more parking space would force vehicles to not be parallel parked and thus encroach onto the CBJ right-of-way (ROW).

- A standard parking space is 8.5 feet x 17 feet (CBJ 49.40.210). Due to the dimensions of the parking pad, a standard parked vehicle would encroach about 6.42 feet into the ROW.
- CBJ Streets Department has confirmed that encroachment would not be allowed.



Description



Project Location

A parking waiver is the only option for the subject property to reduce the off-street parking requirements

- The lot is located on 4th Street and C Street in downtown Douglas. The lot is located outside of the PD-1, PD-2, fee-in-lieu parking overlay districts. Lots in these overlay districts have the option to 'buy out' their parking requirement.

The property is on the "uphill" side of 4th Street, which is unpaved and does not have a curb and gutter.

Impacts on Nearby On-Street Parking

Staff anticipates that eliminating the one-space parking requirement will have minimal impact on nearby on-street parking.

- The surrounding neighborhood has on-street parking on one side of the street.
- Spaces are often available within a reasonable walking distance.



Proximity to Public Transportation

The property's proximity to public transit reduces the need for car ownership which supports a reduced parking requirement.

- The property is located 384 feet from the nearest transit stop by the shortest pedestrian route.
- The property is closer to a transit stop than many properties in the PD-1 overlay district, where parking requirements are lessened in part due to proximity to transit.



Public Safety

Waiving the parking requirement of one space for the detached accessory apartment would prevent encroachment onto CBJ ROW.

- Back-out parking is prohibited except for single family or duplex developments with or without accessory uses in residential zoning districts, child care homes in a residential district, and other development where the ROW is an alley
- As mentioned before, the existing parking pad supports two parallel parking spaces. Adding a third space would create encroachment onto CBJ ROW.



Consistency with Surrounding Properties

Issuing the waiver would be consistent with the on-street parking alternative available to other dwellings in the neighborhood.

- The neighborhood consists primarily of older dwellings on undersized lots with limited open space.
- Many have topography that makes driveways prohibitively impractical. Many of these lots have on-street parking.



Consistency with Comprehensive Plan

Chapter 3 – Community Form, Policy 3.2

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

Chapter 4 - Housing Element, Policy 4.5

TO MAINTAIN THE LONG-TERM AFFORDABILITY OF DWELLING UNITS DESIGNATED AFFORDABLE AS A CONDITION OF APPROVAL FOR THE GRANTING OF REZONING, INCREASED BUILDING HEIGHT, REDUCED PARKING, OR OTHER ECONOMIC BENEFIT TO THE DEVELOPMENT PROJECT.



Consistency With Comprehensive Plan

Chapter 10 – Land Use, Policy 10.2:

TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA.

10.2 - IA2 (Implementing Action) Review the existing multifamily zoning districts along transit corridors to increase density limits, reduce parking requirements for residential units, decrease lot sizes, and to allow a wider range of housing types including modular or manufactured homes, accessory apartments, live/work units, loft-style dwellings, and co-housing types.



Findings

1. The waiver will result in more benefits to the community as a whole than detriments as identified by Comprehensive Plan policies.
2. The development is located outside the PD-1 parking district, the PD-2 parking district, and the Downtown Fee-in-lieu of Parking District map areas.
3. Granting the waiver will not result in adverse impacts to property in the neighboring area. Proximity to public transit and existing on-street parking will meet parking needs of the proposed accessory apartment.
4. The waiver will not materially endanger public health, safety, and welfare. The waiver of one parking space allow current on-site parking for two spaces without encroaching into the ROW and will keep up to three vehicles from back out parking.



Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **approve** the parking waiver permit. This would allow one parking space to be waived and obligate the property to provide two parking spaces as currently provided on site.





Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: June 29, 2018
File No.: PWP2018 0001

Jeffrey Martinson
P.O. Box 22787
Juneau, AK 99802

Proposal: A Parking Waiver of one (1) residential space for an accessory apartment

Property Address: 811 4th Street

Legal Description: Tye Addition to Douglas Townsite Block 31, Lot 2

Parcel Code No.: 2D040T310020

Hearing Date: June 26, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 15, 2018, and approved the waiver of the requirement for one (1) parking space to be conducted as described in the project description and project drawings submitted with the application.

Attachments: June 15, 2018, memorandum from Amy Liu, Planner, Community Development Department to the CBJ Planning Commission regarding PWP20018 0001.

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 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 PM on the day twenty days from the date the decision is filed.

Jeffrey Martinson
File No.: PWP2018 0001
June 29, 2018
Page 2 of 2

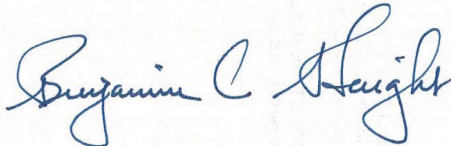
Effective Date: The waiver is effective upon approval by the Planning Commission, [DATE].

Expiration Date: Approved Parking Waivers shall expire upon a change of use.

Project Planner:



Amy Liu, Planner
Community Development Department



Benjamin Haight, Director
Planning Commission



Filed With Municipal Clerk

July 2, 2018
Date

cc: Plan Review

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



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

DATE: June 18, 2018
TO: Planning Commission
FROM: Amy Liu, Planner
Community Development Department
CASE NO.: USE2018 0008
PROPOSAL: A Conditional Use Permit to allow a 220 sq. ft. detached accessory apartment

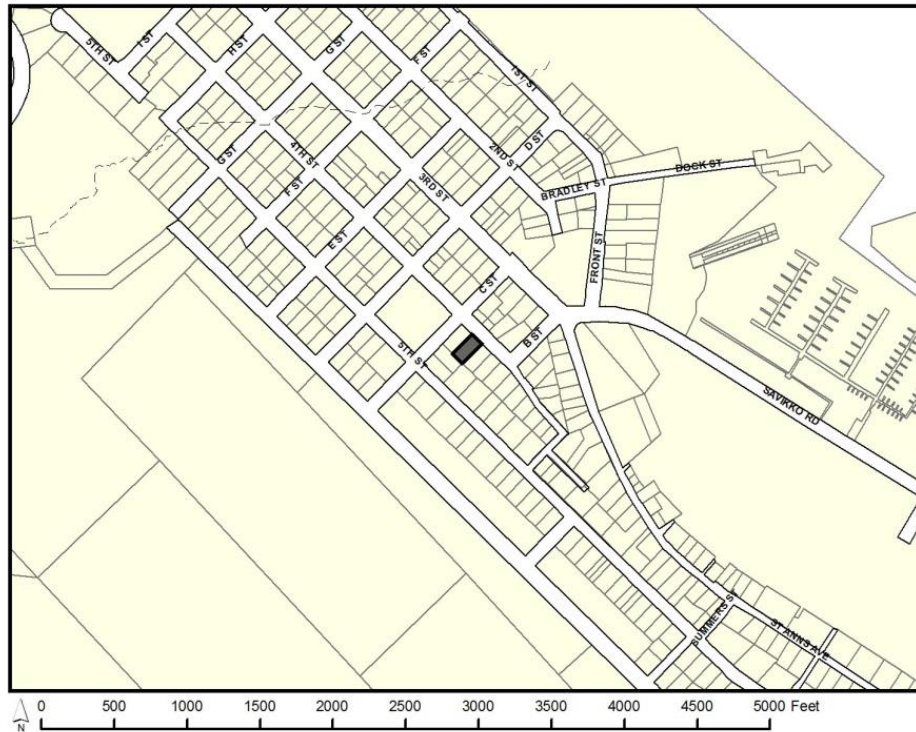
A handwritten signature in black ink, appearing to read 'Amy Liu', is positioned to the right of the 'FROM:' field.

GENERAL INFORMATION

Applicant: Jeffrey Martinson
Property Owner: Jeffrey Martinson
Property Address: 811 4th Street
Legal Description: Tyee Addition to Douglas Townsite, Block 31, Lot 2
Parcel Code Number: 2D040T310020
Site Size: 5,000 sq. ft.
Comprehensive Plan Future Land Use Designation: Medium Density Residential
Zoning: D5
Utilities: Public
Access: 4th Street
Existing Land Use: Single family residential
Surrounding Land Use:
North - D18 zone, single family residential use
South - D5 zone, single family residential use
East - D5 zone, single family residential use
West - D5 zone, single family residential use

Planning Commission
Case No.: USE 2018 0008
June 18, 2018
Page 2 of 8

VICINITY MAP



ATTACHMENTS

Attachment A: Application
Attachment B: Photo of site
Attachment C: Building plans and as-built
Attachment D: Photos of apartment interior
Attachment E: Correspondence with CBJ Streets and CBJ Assessor's Office
Attachment F: Public Notice
Attachment G: Encroachment easement
Attachment H: As-built with parking dimensions

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of an accessory apartment on an under-sized D5 zoned lot. The minimum area for a D5 lot is 7,000 square feet. The area of the subject lot is 5,000 square feet, with a 768 square foot existing single family dwelling. CBJ 49.25.510(k)(2)(E)(ii) allows the Planning Commission to approve an accessory apartment of 600 square feet or less on a lot that is less than the minimum lot size. The requested 220 square foot detached accessory apartment would be located 20 feet from the front lot line, 50 feet from the rear lot line, and 5 feet from the nearest side lot line.

Planning Commission
Case No.: USE 2018 0008
June 18, 2018
Page 3 of 8

BACKGROUND

The existing home was constructed in 1998, and the subject lot was platted in 1936 as part of the Douglas Townsite Subdivision. The City of Douglas adopted a Planning and Zoning Ordinance and a zoning map in 1959 that showed the subject lot zoned R1. The minimum lot size for the R1 zoning district was 5,000 square feet. In 1987, the lot was re-zoned to D5 making the lot size legally non-conforming.

ANALYSIS

Project Site – The lot is located on 4th Street and C Street in the Douglas Townsite Subdivision. The lot is gently sloping downwards towards the street. There is a two story, single family dwelling that meets required setbacks. The dwelling is 62.23' from the front, 21.47' from the rear, 9.9' from the southern side, and 15.71' from the northern side. Per CBJ 49.25.400, D5 setback requirements are 20' from the front, 20' from the rear, and 5' from a side.

There are two porches facing the front and rear lot lines and an unheated shed in the rear yard. The rear porch and unheated shed encroach into the rear yard as allowed per CBJ 49.25.430(4)(C) *Unheated structures*. Parking is adjacent to the street, on a gravel parking pad that is bordered by a rockery wall (Attachment C). The applicant is seeking a parking waiver (PWP 2018-0001) for the one parking space required for the requested accessory apartment.

The adjacent Lot 3 has a garage and concrete parking pad that encroach onto the subject lot. An encroachment easement was recorded in 1996. According to the as-built, at the closest point the encroachment is more than 9 feet from the existing home and 33 feet from the proposed apartment (Attachment G).

The proposed apartment will meet the required front and side yard setback requirements: 20 feet from the front lot line, 50 feet from the rear lot line, and 5 feet from the nearest side lot line. As mentioned before, the D5 setback requirements are 20 feet from the front lot line, 20 feet from the rear lot line, and 5 feet from a side lot line. The apartment will also meet the maximum height requirement. The height of structure will be 13.6 feet. CBJ 49.25.400 states that the maximum allowed height for accessory structures in D5 zones is 25 feet.

Project Design – The detached accessory apartment is a 220 square foot, two story structure that has already been fabricated. If this Conditional Use Permit is approved, the building will be placed on a permanent foundation as described above. The first floor has a full kitchen, full bathroom, and seating area. The second floor has a sleeping area. Storage is provided by shelving and closed compartments throughout the structure. There is a ladder between levels (Attachment D).

Planning Commission
Case No.: USE 2018 0008
June 18, 2018
Page 4 of 8

CBJ 49.25.510(k) Accessory apartments stipulates several requirements for accessory apartment approval. The development must:

Meet minimum building setbacks

The apartment will be at the 20-foot front yard setback and nearest 5-foot side yard setback.

Not exceed maximum lot coverage limits

The apartment will not exceed maximum allowed lot coverage of 50%. The combined area of the 220 square foot apartment and 768 square foot dwelling footprint is 988 square feet. The combined area is significantly less than half of the lot's area, 5000 square feet.

Meet minimum vegetative cover requirements

CBJ 49.50.300 requires 20 percent of the site be maintained with vegetative cover. For this site, 1000 square feet of vegetative cover is required. Using the aerial photos, staff estimates the vegetative cover to be approximately 4000 square feet, or 80 percent of the site. With the addition of the 220 square foot accessory apartment, the required minimum vegetative cover will be met. If the parking waiver is not approved (see below), then the applicant will need to remove approximately 163.71 of existing vegetative cover to meet the parking requirements per 49.40.210 (Attachment H). With the addition of the apartment and parking space, the required minimum vegetative cover will still be met.

Meet minimum parking requirements

One additional parking space is required for the accessory apartment. The applicant submitted an application for a parking waiver to eliminate the one additional parking space requirement. The parking waiver (PWP 2018-0001) will be reviewed by the Planning Commission per 49.40.210(d)(6). Parking is discussed later in this report.

Traffic – According to the Institute of Transportation Engineers, Trip Generation Manual, a single family home generates an average 9.52 average daily trips (ADT). An apartment generates an average 6.65 ADT. The total ADT is 16.17 ADT. Additional traffic generated by the apartment is expected to have minimal impact on the neighborhood. A traffic impact analysis is not required per *CBJ 49.40.300*.

Parking and Circulation – *CBJ 49.40.210 –Table of Minimum Parking Standards* requires a single-family dwelling unit to have two off-street parking spaces, and an accessory apartment to have one off-street parking space. The site currently provides two off-street parking spaces. The total parking requirement, which includes the requirements for a single family home and an accessory apartment, is three spaces. As discussed above, the applicant is seeking a parking

Planning Commission
Case No.: USE 2018 0008
June 18, 2018
Page 5 of 8

waiver (PWP 2018-0001) for the additional off street parking space required by the addition of the requested accessory apartment. Staff recommends two conditions of approval.

1. Prior to issuance of a temporary certificate of occupancy, the applicant must submit revised plans showing the three required parking spaces per CBJ 49.40 or must have a parking waiver approved by the Planning Commission per CBJ 49.40.210(D)(6).
2. Prior to issuance of a final certificate of occupancy, the applicant must provide the three required parking spaces per CBJ 49.40 or must have a parking waiver approved by the Planning Commission per CBJ 49.40.210(D)(6).

Noise – Noise generated by a tenant is anticipated to be minimal. Property owners live onsite and directly manage the rental space. There is no evidence to suggest that the accessory apartment would create noise more than other uses allowed in the zoning district.

Public Health or Safety – The structure meets zoning requirements for height and setbacks and will meet all applicable building standards. Fire vehicle access to the property will be on 4th Street. There is no evidence to suggest that the proposed accessory apartment would endanger public health or safety.

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

Property Value or Neighborhood Harmony – Based on the above analysis, there is no evidence suggesting that neighboring property values or neighborhood harmony will be negatively affected by the proposal. In particular, there is no evidence that there would be excessive blockage of views, excessive restriction of light and air, or other deleterious impacts.

Conformity with Adopted Plans – The proposed apartment is consistent with the Medium Density Residential (MDR) land use designation outlined in the CBJ 2013 Comprehensive Plan. MDR is defined as urban lands for multifamily dwellings with a density of 5-20 units per acre. The presence of a single family dwelling and accessory apartment meets this density requirement.

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

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

The Douglas Townsite Subdivision is connected to city utilities and is within the Urban Service

Planning Commission
Case No.: USE 2018 0008
June 18, 2018
Page 6 of 8

Area. The apartment is not expected to negatively impact natural resources or habitats.

Chapter 4 of the 2013 Comprehensive Plan states the need for more diverse housing options.

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

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.

Planning Commission
Case No.: USE 2018 0008
June 18, 2018
Page 7 of 8

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The proposed use is listed at CBJ 49.25.300, Section 1.130, for a single family detached dwelling unit with an accessory apartment in a D5 zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter including CBJ 49.25.510(k)(2)(E)(ii). Public notice of this project was provided in the June 15 and June 25 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. Further, the proposal has been found to meet the requirements of CBJ 49.25.510(k) Accessory apartments.

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

No. Based on the above analysis, there is no evidence that suggests the development of a detached 220 square feet accessory apartment on a 5,000 square feet lot, with conditions, 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 above analysis, there is no evidence that suggests the development, with conditions, of a detached 220 square feet accessory apartment on a 5,000 square feet lot will substantially decrease the value of or be out of harmony with the property in the neighboring area.

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

Yes. Based on the above analysis, the proposed development of an accessory apartment that is 600 square feet or less on an under-sized lot is found to be in general conformity with the Land Use Code and the Comprehensive Plan.

Planning Commission
Case No.: USE 2018 0008
June 18, 2018
Page 8 of 8

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?

Not applicable.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a detached 220 square foot accessory apartment on an under-sized lot in the D5 zoning district.

The approval is subject to the following conditions:

1. Prior to issuance of a temporary certificate of occupancy, the applicant must submit revised plans showing the three required parking spaces per CBJ 49.40 or must have a parking waiver approved by the Planning Commission per CBJ 49.40.210(D)(6).
2. Prior to issuance of a final certificate of occupancy, the applicant must provide the three required parking spaces per CBJ 49.40 or must have a parking waiver approved by the Planning Commission per CBJ 49.40.210(D)(6).

DEVELOPMENT PERMIT APPLICATION

Project Number USE20180008/AAP20180004	CITY and BOROUGH of JUNEAU	Date Received: 4/26/18
Project Name (City Staff to Assign Name)		

INFORMATION

PROJECT / APPLICANT

Project Description Install 220sq ft tiny house on permanent footings connected to water/sewer/electric		
PROPERTY LOCATION		
Street Address 211 4th St		City/Zip Douglas 99824
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Trce 20041 to Block 31 to Douglas townsite		
Assessor's Parcel Number(s) 200401310020		
LANDOWNER/ LESSEE		
Property Owner's Name JEFFREY J MARTINSON		Contact Person: JEFFREY J MARTINSON
Mailing Address PO BOX 22787 Juneau AK 99801		Work Phone: 907 738 2851
E-mail Address jeffrey.j.martinson@yahoo.com		Home Phone:
		Fax Number:
		Other Contact Phone Number(s):
LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:		
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.		
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.		
X	Jeff Martinson Landowner/Lessee Signature	4/2/18 Date
X	 Landowner/Lessee Signature	 Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.		
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below		
Applicant's Name SAME		Contact Person:
Mailing Address 		Work Phone:
E-mail Address 		Home Phone:
		Fax Number:
		Other Contact Phone Number(s):
X	Jeff Martinson Applicant's Signature	4/2/18 Date of Application

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS

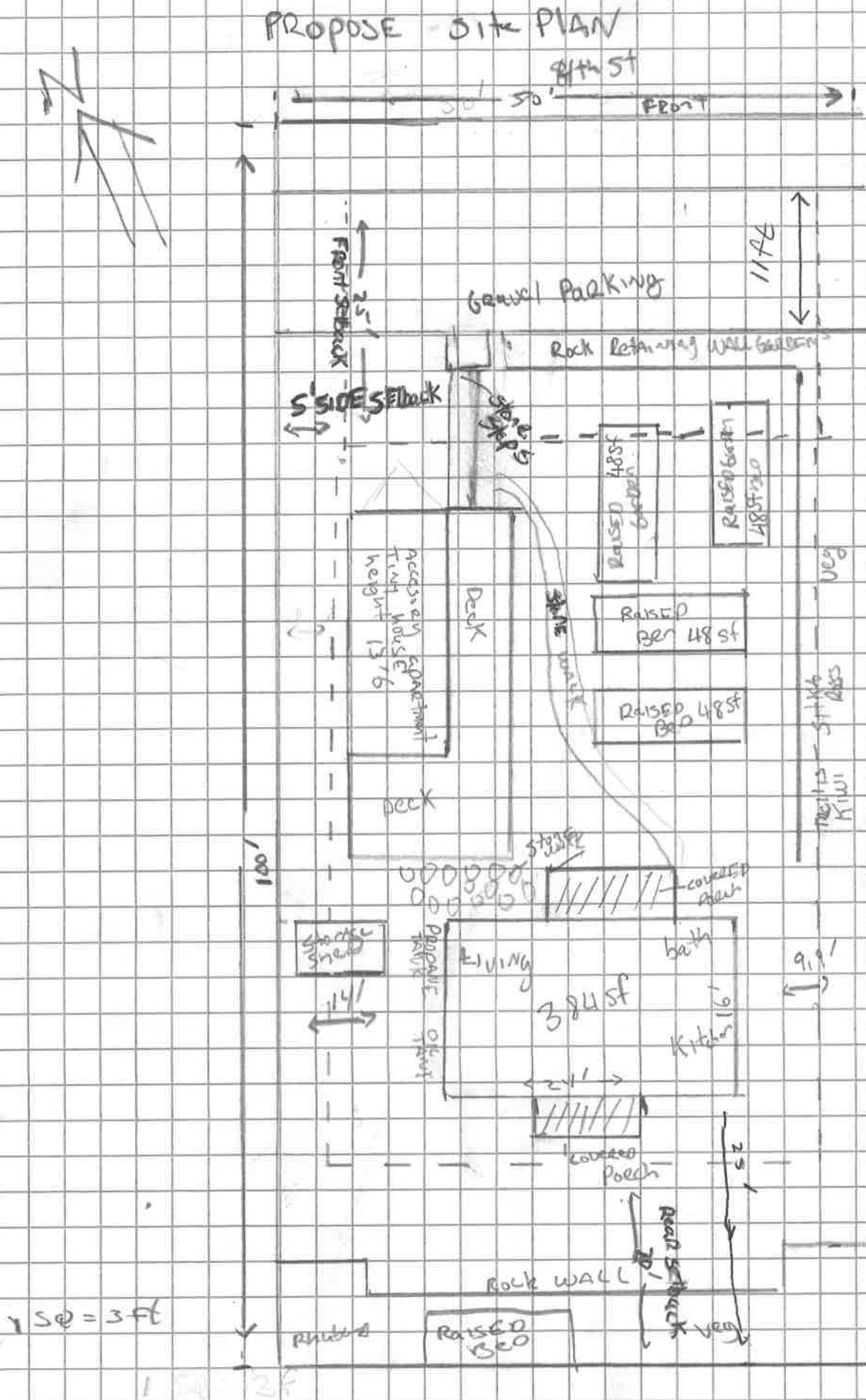
Permit Type	**SIGN	Date Received	Application Number(s)
☒ Building/Grading Permit			
☐ City/State Project Review and City Land Action			
☐ Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
☐ Mining Case (Small, Large, Rural, Extraction, Exploration)			
☐ Sign Approval (If more than one, fill in all applicable permit #'s)			
☐ Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
☒ Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		04/26/2018	USE 20180008, AAP20180004
☐ Variance Case (De Minimis and all other Variance case types)			
☐ Wetlands Permits			
☐ Zone Change Application			PWD 2018 0001
☒ Other (Describe) PWD		04/26/2018	PWD 2018 0002
Comments: Applicant has photos of exterior & interior that he can email to the Planner.			
Attachment A: Application			Permit Intake Initials ANE

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number AAP 20180004	Date Received 04/26/2018			
TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED <u>USE 20180008</u>						
☒ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW)						
☐ Use Listed in §49.25.300 (USE) (Table of Permissible Uses)						
Please list the Table of Permissible Uses Category: _____						
***An Accessory Apartment Application will also be required.						
DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. <u>INSTALLING tinyhouse 220sqft on permanent footings on property to serve as bnb AND long term rental</u>						
IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☒ NO ☐ YES - Case # _____						
CURRENT USE OF LAND OR BUILDING(S): <u>PRIMARY RESIDENCE</u>						
PROPOSED USE OF LAND OR BUILDING(S): <u>MAINTAIN PRIMARY RESIDENCE AND install tinyhouse to serve as rental</u>						
UTILITIES PROPOSED: WATER: ☐ Public ☒ On Site SEWER: ☐ Public ☒ On Site						
SITE AND BUILDING SPECIFICS:						
Total Area of Lot <u>5000</u> square feet		Total Area of Existing Structure(s) <u>768</u> square feet				
Total Area of Proposed Structure(s) <u>220</u> square feet						
EXTERNAL LIGHTING:						
Existing to remain ☐ No ☒ Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures						
Proposed ☐ No ☒ Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures						
PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:						
☒ Site Plan		☒ Existing and proposed parking areas (including dimensions) and proposed traffic circulation				
☒ Floor Plan of proposed buildings		☒ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)				
☒ Elevation view of existing and proposed buildings						
☐ Proposed Vegetative Cover						
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.		ALLOWABLE/CONDITIONAL USE FEES				
		Fees	Check No.	Receipt	Date	
		Application Fees	\$ <u>350</u> ⁰⁰	_____	_____	_____
		Admin. of Guarantee	\$ _____	_____	_____	_____
		Adjustment	\$ _____	_____	_____	_____
		Pub. Not. Sign Fee	\$ <u>50</u> ⁰⁰	_____	_____	_____
		Pub. Not. Sign Deposit	\$ <u>100</u> ⁰⁰	_____	_____	_____
Total Fee		\$ <u>500</u> ⁰⁰	_____	<u>00154996</u>	<u>04/26/2018</u>	

TO BE COMPLETED BY THE APPLICANT

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM
Attachment A: Application



Site Plan Checklist ☒

The Site Plan must be drawn to scale. To scale means a specific amount of distance on the site plan equals a specific amount of distance in real life, and that scale is consistent throughout the site plan. In other words, everything is spaced proportionally. For example, 1 inch on the site plan equals 30 feet on the ground (1" = 30').

The following features are required on all site plans:

- ☒ The entire lot must be displayed. If there are no structures located on a significant portion of the lot, broken lines may be used (see attached Sample Site Plan)
- ☒ North Arrow
- ☒ Identify lot lines (Front, Back, Rear, Side, etc.) and label lot line measurements
- ☐ Yard setbacks identified and labeled (e.g. – 25' Front Yard Setback)
- ☒ Adjoining rights-of-way (including alleys) labeled
- ☒ Adjacent water ways labeled (if any)
- ☒ Existing structures with dimensions (and distances to property lines if they are involved in the permit)
- ☐ Proposed structure in proposed location with dimensions and distances to property lines shown including eaves, cantilevers, bay windows, etc.
- ☒ Onsite parking with dimensions of spaces shown if permit increases the parking requirement
- ☒ Scale (examples 1" = 30', 1/4" = 1', if using graph paper - $\square$ = 1 square foot) **or** exact dimensions and distances labeled
- ☒ Topographic lines, if relevant to permit. The lines must be in 5' or 10' increments at a minimum, unless previously approved by staff.
- ☒ Habitat, if present on your lot or near your proposed project (eagle's nests, anadromous streams, wetlands, etc.)

***** If all items are not shown on your site plan, your permit will not be accepted. A good site plan is key to a quick review, and we thank you for your cooperation.**



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

Martinson tiny home/ accessory dwelling

Case Number: PAC20180023

Applicant: Jeffrey Martinson

Property Owner: Jeffrey Martinson

Property Address: 811 4th st

Parcel Code Number: 2D040T310020

Site Size: 5000 sq ft

Zoning: D5

Existing Land Use: Single family residence

Conference Date: 4/11/2018

Report Issued: 4/18/2018

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
Jeff Martinson	Applicant	jeffreymartinson@yahoo.com
Amy Liu	Planner	Amy.liu@juneau.org
Charlie Ford	Building official	Charlie.ford@juneau.org
John Young	Plans examiner	John.Young@juneau.org
Eddie Quinto	Permit Specialist	Edward.Quinto@juneau.org

Pre-Application Conference Final Report

Conference Summary

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

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Planning Division:

1. **Zoning** – Lot is substandard in area and depth, so a Conditional Use Permit is required. Home must be off skids or chassis with axle removed.
2. **Setbacks** – Front is 0', sides are 5' each, rear is 20'. Front is reduced per 49.25.430(4)(K).
3. **Height** – Maximum height for accessory structures is 25'.
4. **Access** – Lot is accessed from 4th St.
5. **Parking** – Apply for a Parking Waiver in order to eliminate the additional parking required for accessory apartment. Original site plan was approved to provide parallel parking for two vehicles. One additional parking for the apartment would force the parking to encroach on CBJ ROW. Code prohibits encroachment onto CBJ ROW. Streets Department has commented that they do not want to create an easement or any other permanent record that allows private use of the subject ROW. Eliminating the additional parking requirement would keep the existing parking demand and capacity at the approved design. If parking waiver is granted, the parking waiver is valid for as long as the permitted use is active.
6. **Lot Coverage** – Maximum coverage is 50%
7. **Vegetative Coverage** – Minimum coverage is 20%.
8. **Lighting** – Any exterior lighting must have shades that minimize glare onto neighboring properties.
9. **Noise** – NA
10. **Flood** – NA
11. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – NA
12. **Wetlands** – NA
13. **Habitat** – NA
14. **Plat or Covenant Restrictions** – NA

Building Division:

15. **Building** – Possible need for Code Modification Request per 2018 IRC Appendix Q - <https://codes.iccsafe.org/public/document/IRC2018/appendix-q-tiny-houses>
16. **Outstanding Permits** - None

General Engineering/Public Works:

17. **Engineering** – N/A
18. **Drainage** – Existing lot drainage to remain unchanged, roof drains from new structure must be directed within the lot. Drainage is not allowed to cross property lines.
19. **Utilities** – (water, power, sewer, etc.) –
 - a. **Water** - A water meter will be required due to the additional dwelling unit and additional water fees may be required depending on sizing. No tees are allowed in the water line prior to the

Attachment A: Application

Pre-Application Conference Final Report

water meter. Only one water service is allowed per parcel. Submit a plan showing the proposed water line configuration. Water line size will be evaluated with the building permit application based on fixture count.

- b. **Sewer** – Sewer can wye into the existing line within the property. A cleanout must be installed within 5' of building and one installed before the wye. Submit a plan showing the proposed sewer line configurations.

Fire Marshal:

20. **Fire Items/Access** – N/A – if any questions please contact Fire Marshal Jager or Deputy Fire Marshal Pearson at 586-5322

Other Applicable Agency Review:

CBJ Streets

List of required applications

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

1. Development Permit application
2. Conditional Use application
3. Parking Waiver application
4. Once CUP for use is approved, a separate building permit and utility permits will be required.

Additional submittal requirements:

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

1. A copy of this pre-application conference report.

Exceptions to submittal requirements:

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

NA

Fee estimates

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

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

1. Development Permit; \$0.00
2. Conditional Use; \$500.00 total, consisting of \$350.00 for the application, and \$150.00 for public notice (\$100 refundable if public notice sign returned on time)
3. Parking Waiver; \$400.00

Pre-Application Conference Final Report

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

Submit your completed application

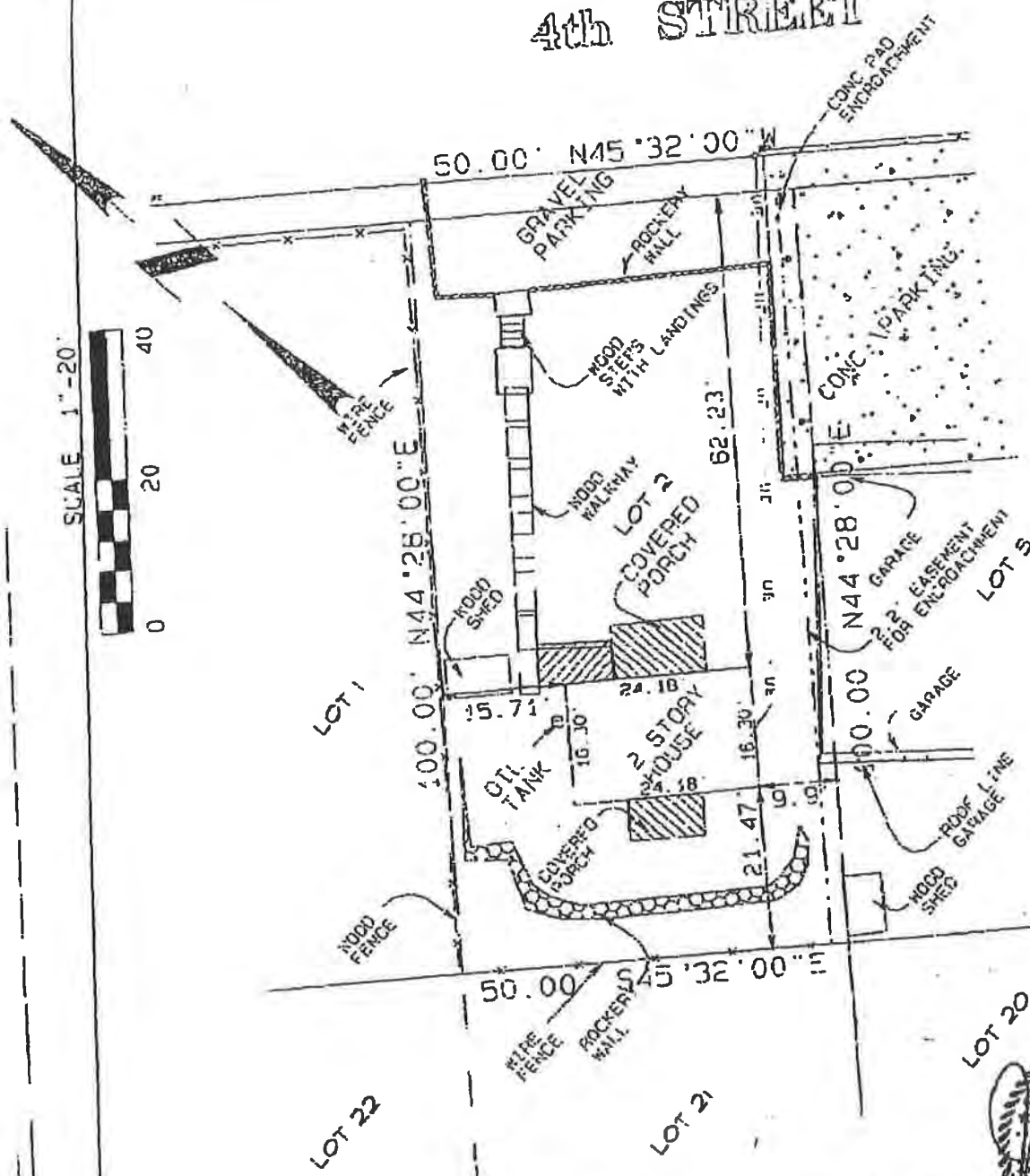
You must submit your application(s) in person with payment to:

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

BLD 1997-00537

4th STREET



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



J.W. BEAN
SURVEYOR

YDS -5 (h-D) JCB No 13010
SCALE AS-SLOWN
DATE 09-04-08

AS- BUILT SURVEY OF
LOT 2, Block 31
Type Addition to
DOUGLAS TOWNSITE
USS 1180

Amy Liu

From: Jeff Martinson <jeffreyjmartinson@yahoo.com>
Sent: Wednesday, May 23, 2018 1:34 PM
To: Amy Liu
Subject: RE: Tiny house

Hi,
I don't have one on me here there is one view in binder that hopefully will work on page 9. The height is 13'6" I can try to draw something up tonight before I leave if that will not work

Jeff

[Sent from Yahoo Mail on Android](#)

On Wed, May 23, 2018 at 1:18 PM, Amy Liu wrote:

Thanks. Also, could you share with me an elevation drawing of the apartment? I thought I saw it in in *Binder1-2* that you emailed me a few days ago, but now it seems not. Or

Amy Liu | Planner | City & Borough of Juneau

(907) 586-0764 | amy.liu@juneau.org

From: Jeff Martinson [<mailto:jeffreyjmartinson@yahoo.com>]
Sent: Wednesday, May 23, 2018 12:15 PM
To: Amy Liu
Subject: Tiny house

Hi Amy,

Taking off fishing again for next week or so and Caleb told me he is heading out of town so here is another number for when that sign is ready or you have questions.

Jason Donig 723-3583

Thanks

Jeff

[Sent from Yahoo Mail on Android](#)

Attachment B: Site Photos



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW)
☐ Use Listed in §49.25.300 (USE)
 (Table of Permissible Uses)

Please list the Table of Permissible Uses Category: _____

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

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

installing tinyhouse 220sqft on permanent footings on
property to serve as bnb AND long term rental

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

CURRENT USE OF LAND OR BUILDING(S): Primary Residence

PROPOSED USE OF LAND OR BUILDING(S): MAINTAIN Primary Residence
AND install tinyhouse to serve as rental

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

SITE AND BUILDING SPECIFICS:

Total Area of Lot _____ square feet Total Area of Existing Structure(s) 768 square feet
 Total Area of Proposed Structure(s) 220 square feet

EXTERNAL LIGHTING:

Existing to remain ☐ No ☒ Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures
 Proposed ☐ No ☒ Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures

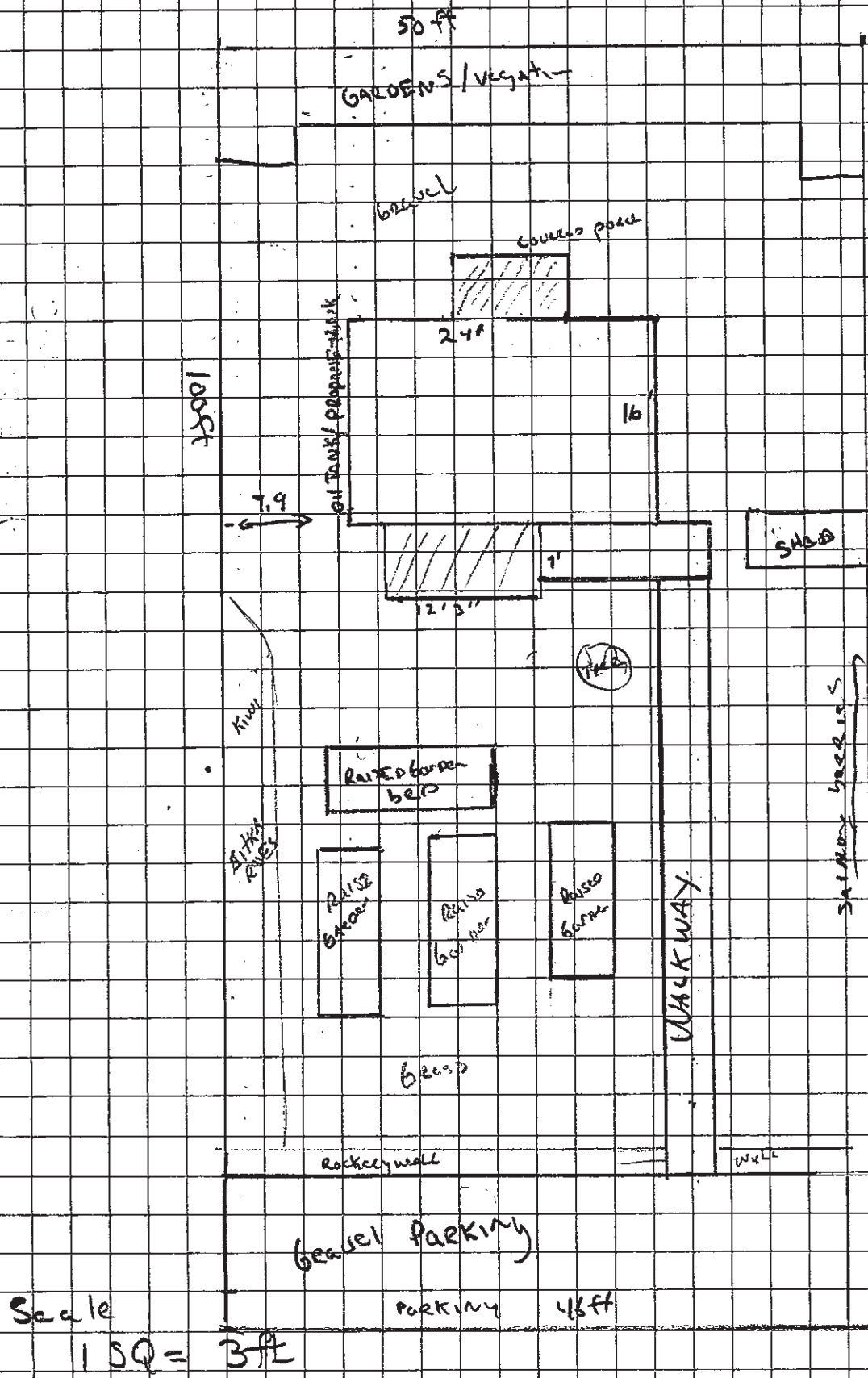
PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

☐ Site Plan ☐ Floor Plan of proposed buildings ☐ Elevation view of existing and proposed buildings ☐ Proposed Vegetative Cover	☐ Existing and proposed parking areas (including dimensions) and proposed traffic circulation ☐ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)
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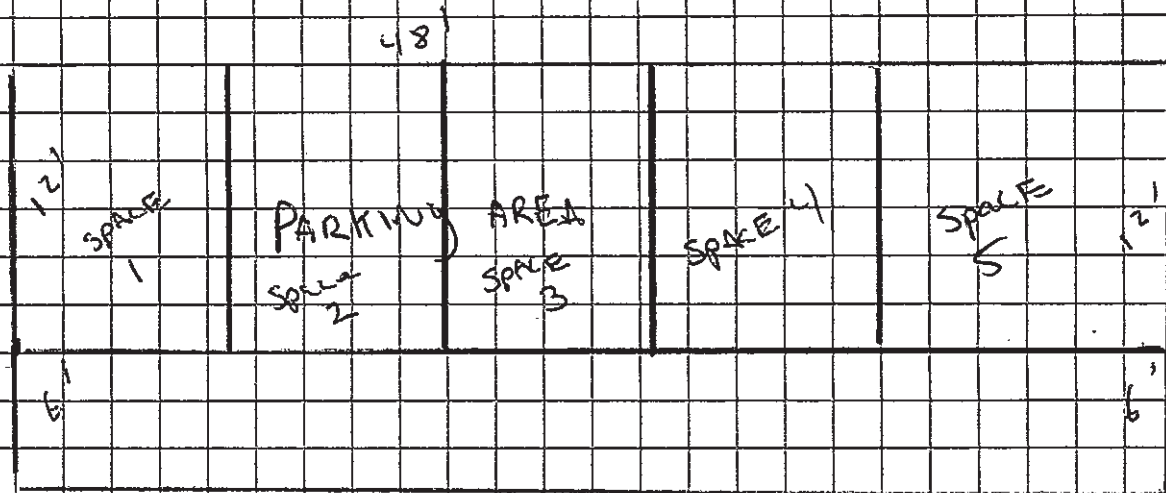
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	<table style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">ALLOWABLE/CONDITIONAL USE FEES</th> <th style="text-align: left;">Fees</th> <th style="text-align: left;">Check No.</th> <th style="text-align: left;">Receipt</th> <th style="text-align: left;">Date</th> </tr> <tr> <td>Application Fees</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Admin. of Guarantee</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Adjustment</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </table>	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	\$ _____	_____	_____	_____
ALLOWABLE/CONDITIONAL USE FEES	Fees	Check No.	Receipt	Date																																
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Adjustment	\$ _____	_____	_____	_____																																
Pub. Not. Sign Fee	\$ _____	_____	_____	_____																																
Pub. Not. Sign Deposit	\$ _____	_____	_____	_____																																
Total Fee	\$ _____	_____	_____	_____																																

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Existing Site



PARKING AREAS



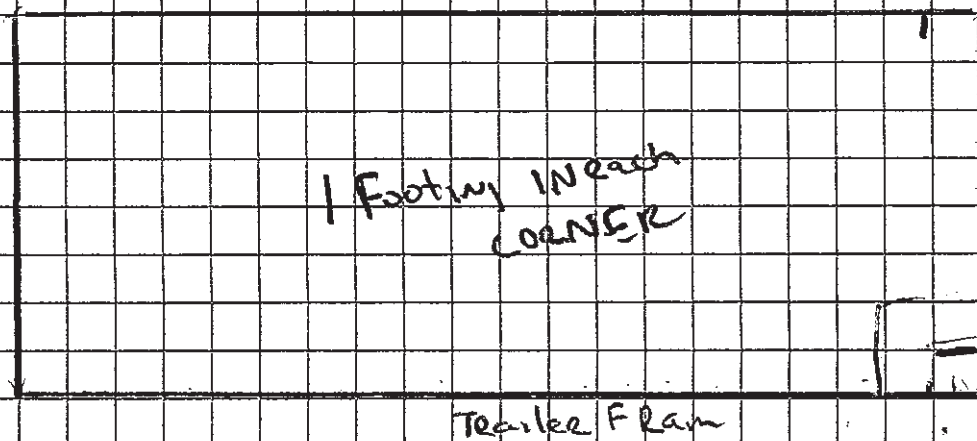
PARKING will remain unchanged SPACE for 4 to 5 vehicles with 9ft SPACES giving minimum 2ft aisle spacing. Access to PARKING is off of 4th st

Traffic circulation and access & egress will remain the same

Vegetation

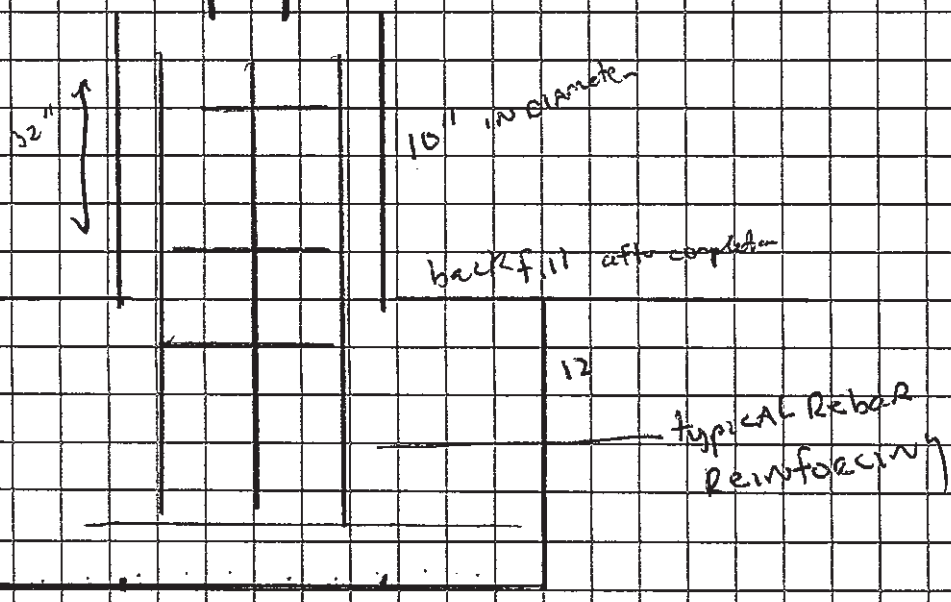
4 SQ = 2 ft

Column Footing / Foundation



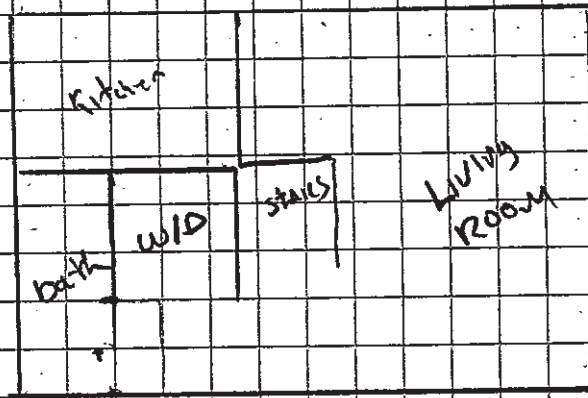
$$1 \text{ SQ} = 1 \text{ ft}$$

1' - bracket Attach to trailer frame

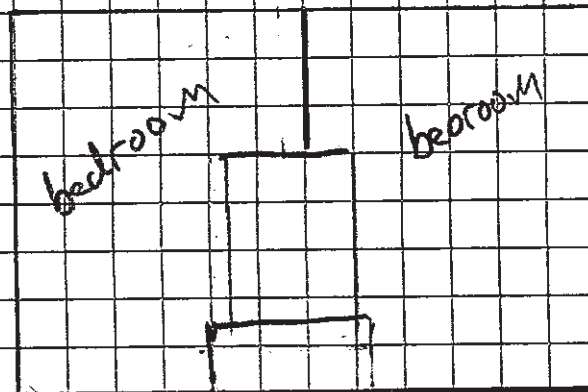


$$1 \text{ SQ} = 2''$$

Existing RESIDENCE Floor PLAN



1st Floor



2nd Floor

1 SQ = 2 ft

Living Area
768 /

DEVELOPMENT PERMIT APPLICATION

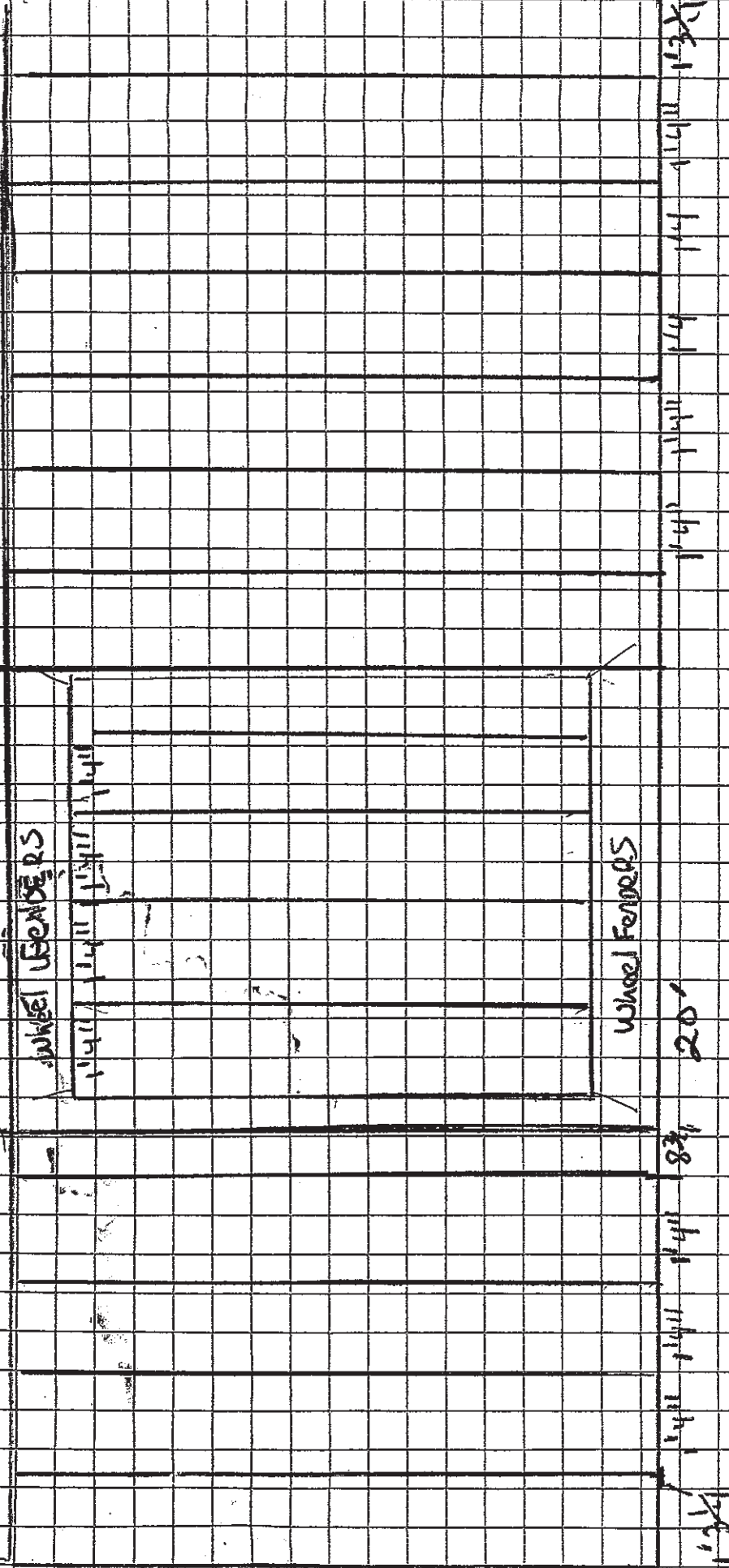
Project Number	CITY and BOROUGH of JUNEAU	Date Received:
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description		
	PROPERTY LOCATION		
	Street Address 211 4th St		City/Zip Douglas 99824
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Free south to Block 31 to Douglas townsite		
	Assessor's Parcel Number(s) 1		
	LANDOWNER/ LESSEE		
	Property Owner's Name JEFFREY J MARTINSON		Contact Person: Work Phone: 907 738 2851
	Mailing Address PO BOX 22787 Juneau AK 99801		Home Phone: Fax Number:
	E-mail Address jeffreymartinson@yahoo.com		Other Contact Phone Number(s):
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:			
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.			
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X	Jeff Martenson	4/2/18	
	Landowner/Lessee Signature	Date	
X			
	Landowner/Lessee Signature	Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name SAME		Contact Person: Work Phone:	
Mailing Address		Home Phone: Fax Number:	
E-mail Address		Other Contact Phone Number(s):	
X	Jeff Martenson	4/2/18	
	Applicant's Signature	Date of Application	

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

Floor Framing Plan

5'6"



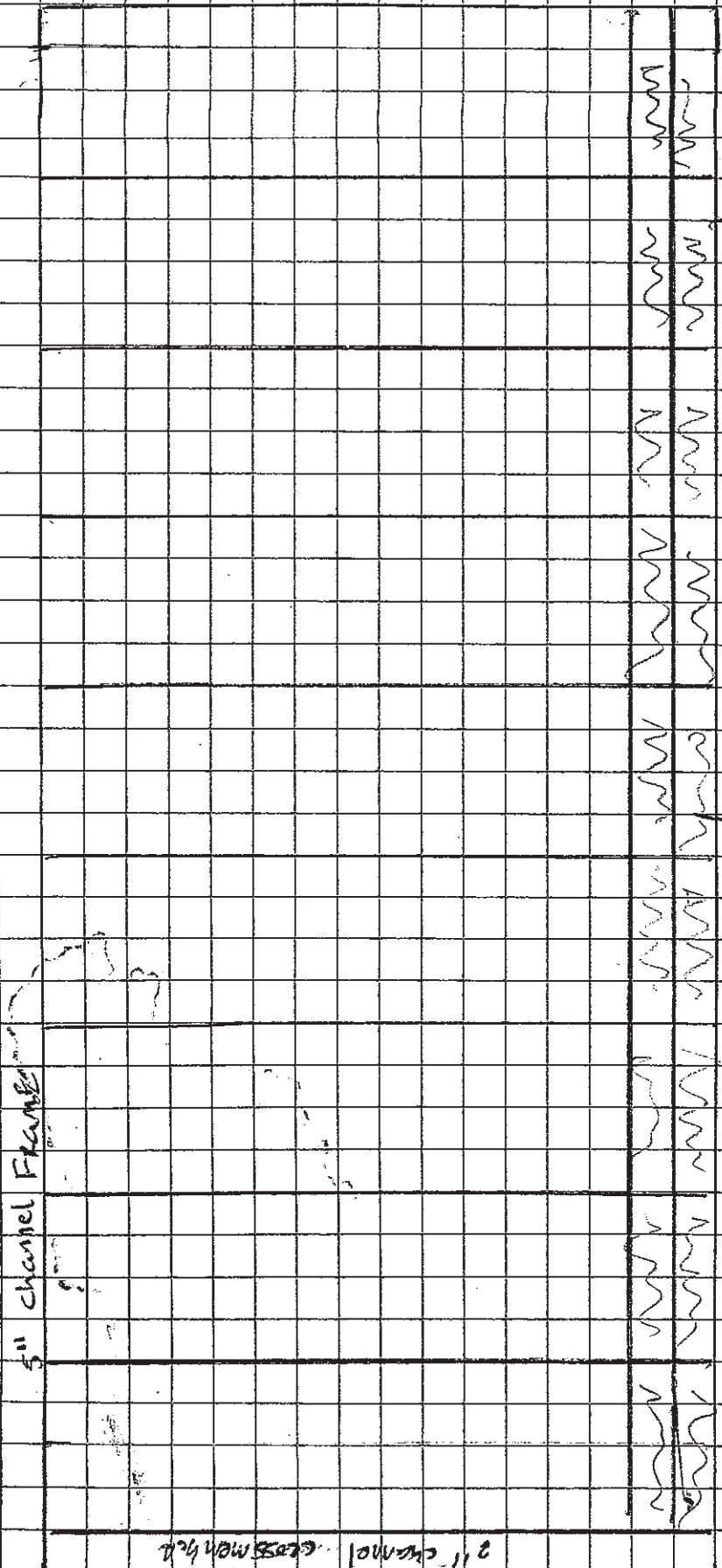
- Joist 2x4 Full 4" Dimensions

- Rigid Foam 4"

- R 20" Subfloor

25Q = 154

FOUNDATION PLAN



2x6 Decking pressure treated

TRAILER PJBS Buggy hauler

Dual axles 9900lbs

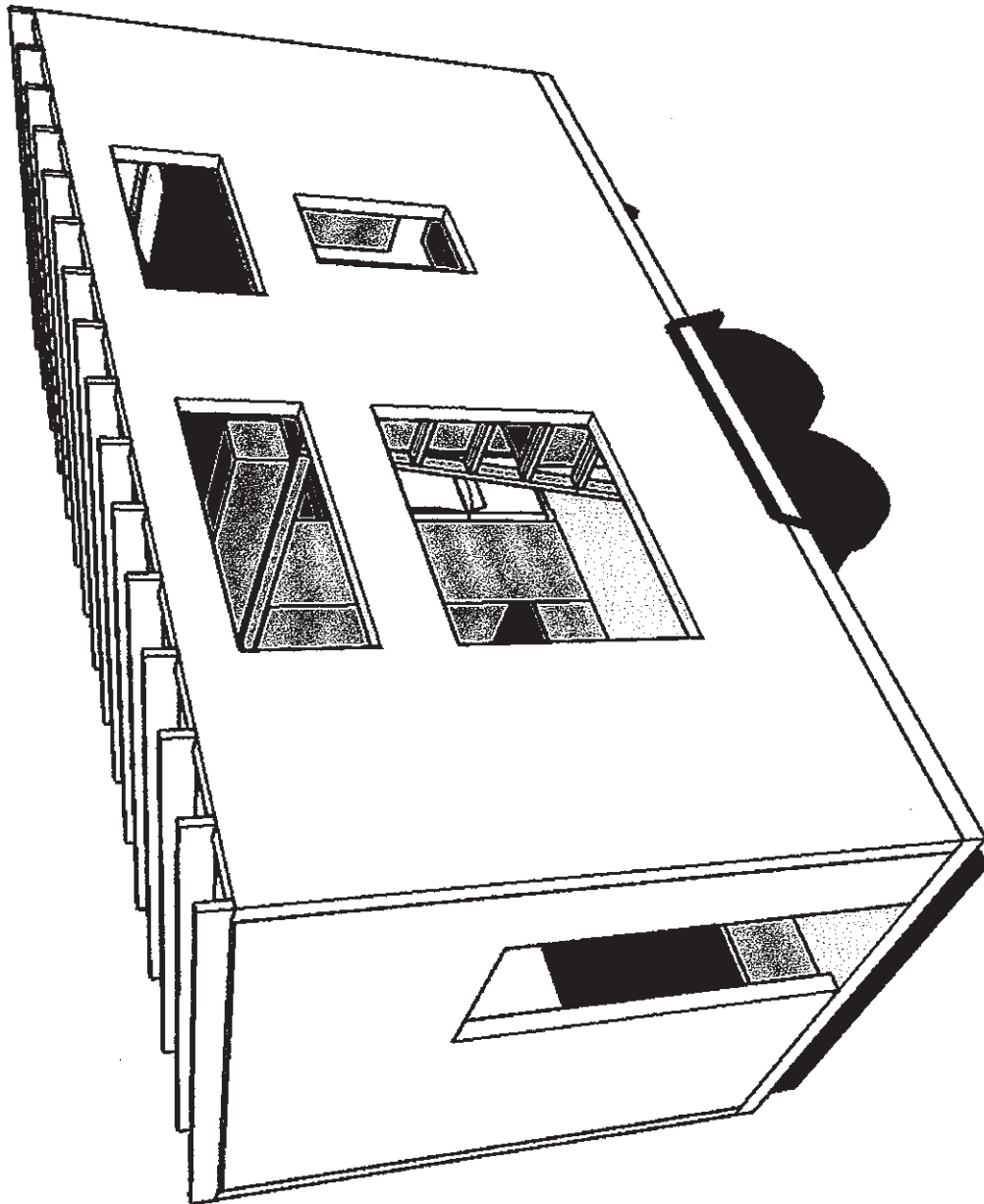
3" C channel 24" centers

5" channel frame

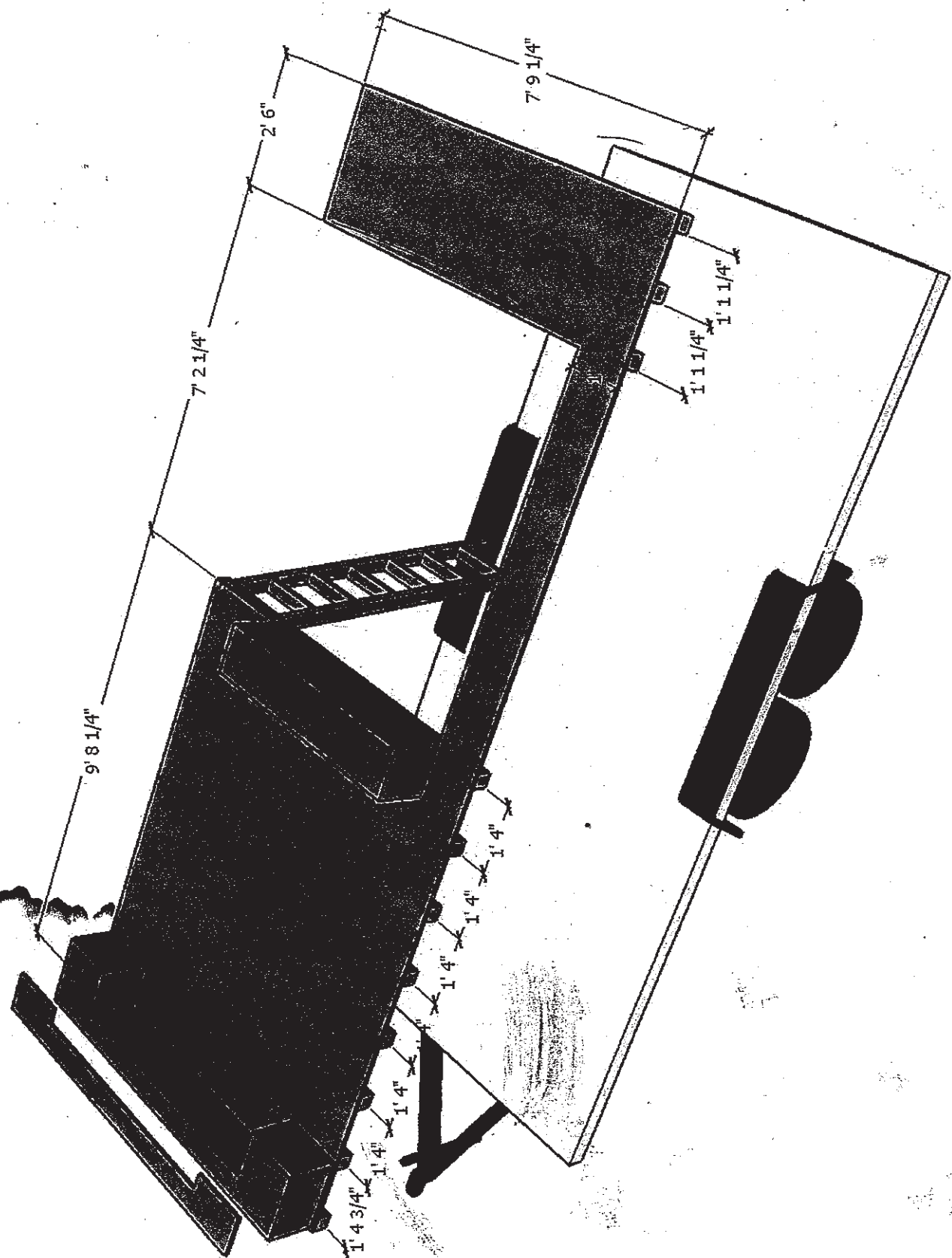
2x6 Decking pressure treated

2 SQ = 1ft

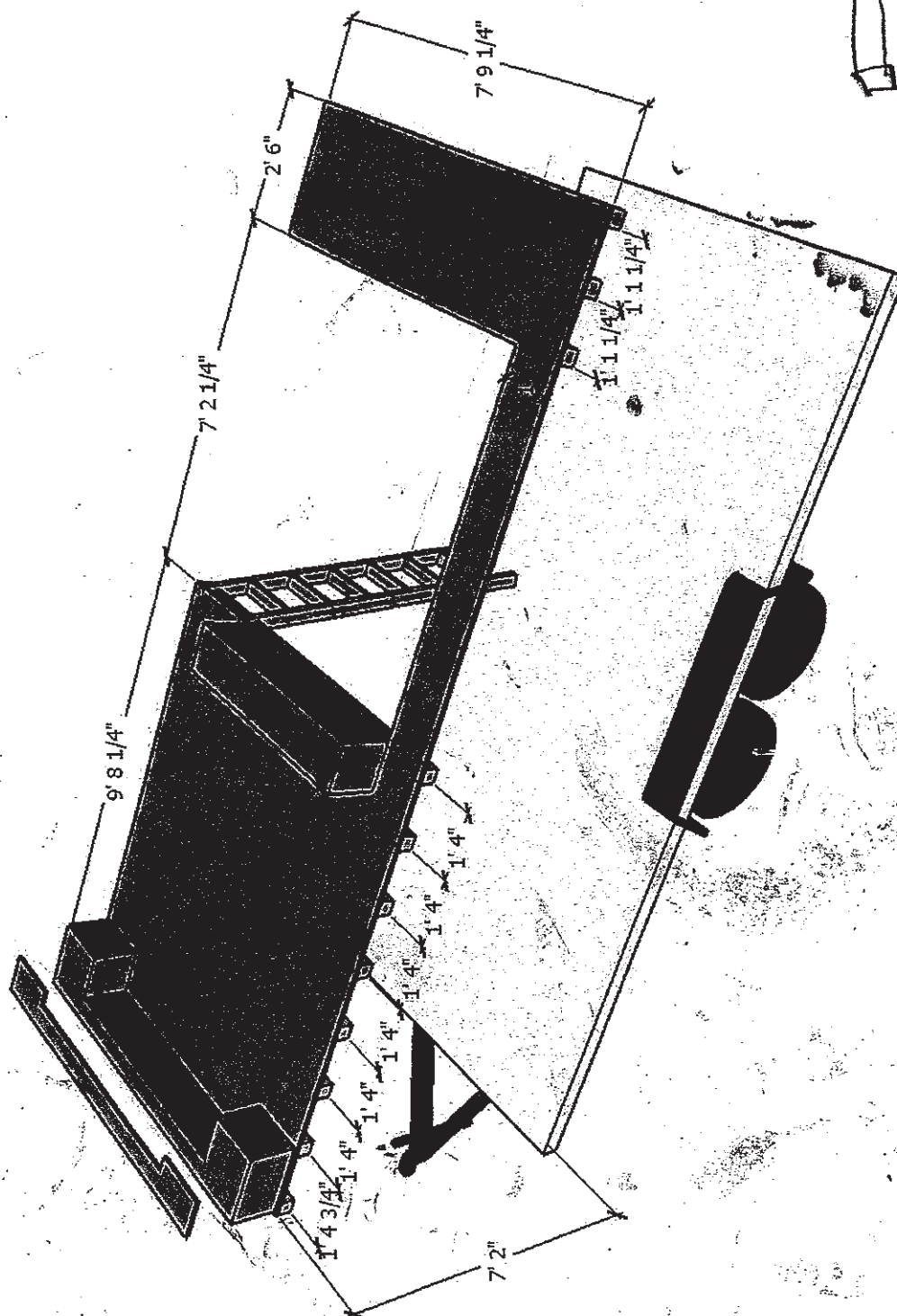
2 SQ = 1ft



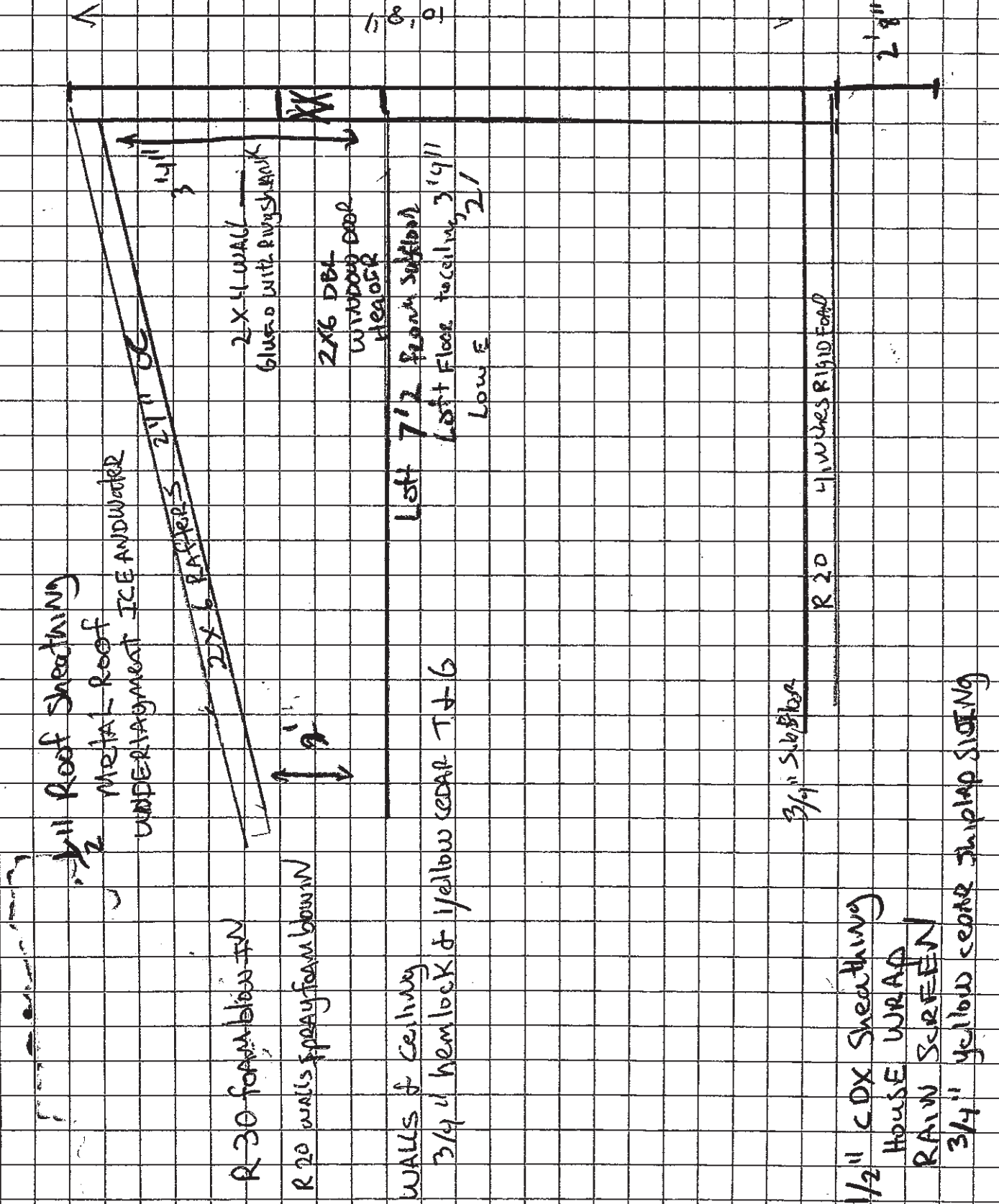




Attachment C



CROSS SECTION



**APPRAISAL REPORT
OF**



811 4TH ST
Douglas, AK 99824

PREPARED FOR

Morgan Stanley Private Bank, NA
c/o PHH Mortgage
1 Mortgage Way Mount Laurel, NJ 08054

AS OF

01/13/2015

PREPARED BY

HENRICKSEN APPRAISAL COMPANY
3739 Julep Street
Juneau, AK 99801

Borrower Martinson, Jeffrey & Pollock, Elinor

Property Address 811 4TH ST

City Douglas

County

Juneau Borough

State AK

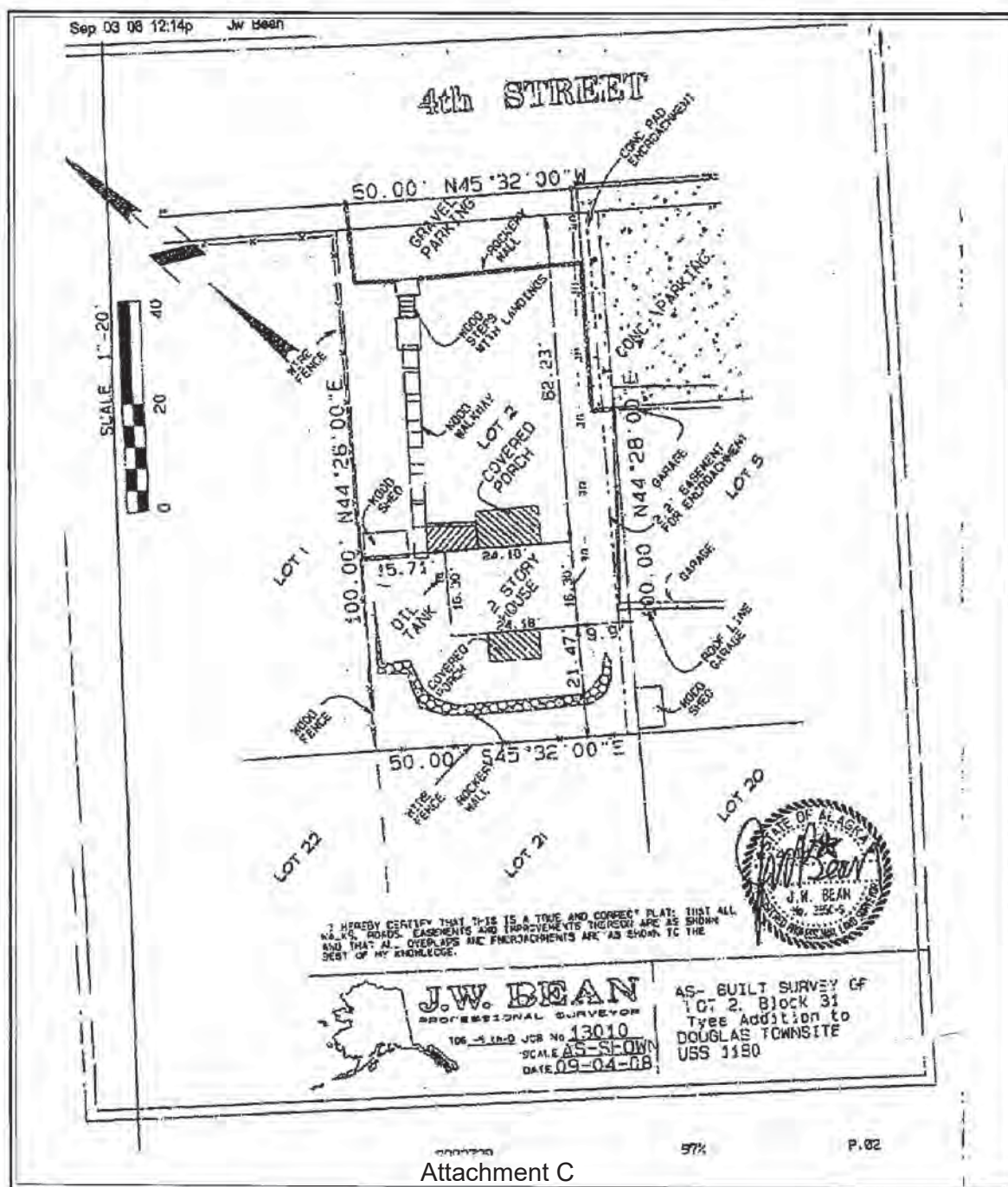
Zip Code

99824

Lender/Client Morgan Stanley Private Bank, NA

Address c/o PHH Mortgage, 1 Mortgage Way Mount Laurel, NJ 08054

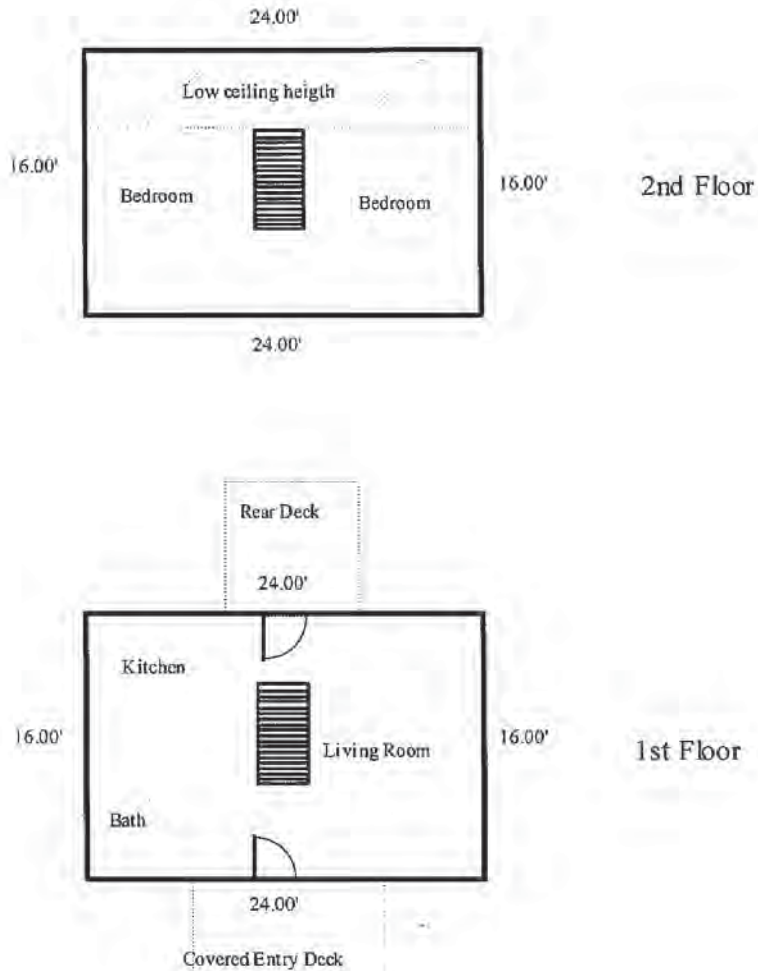
This As-built survey was taken from the State Recorders on-line records. It is not warranted to be the most recent, but the appraiser knows of no subsequent surveys and believes this survey to be accurate. Interested parties should not rely on this map without checking and determining to their own satisfaction that this as-built is the most recent and applicable available. The appraiser has relied on it for information, should the information derived from it not be correct the appraiser reserves the right to revise the report based on the subsequent and more accurate data.

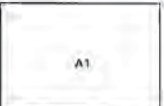
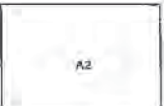


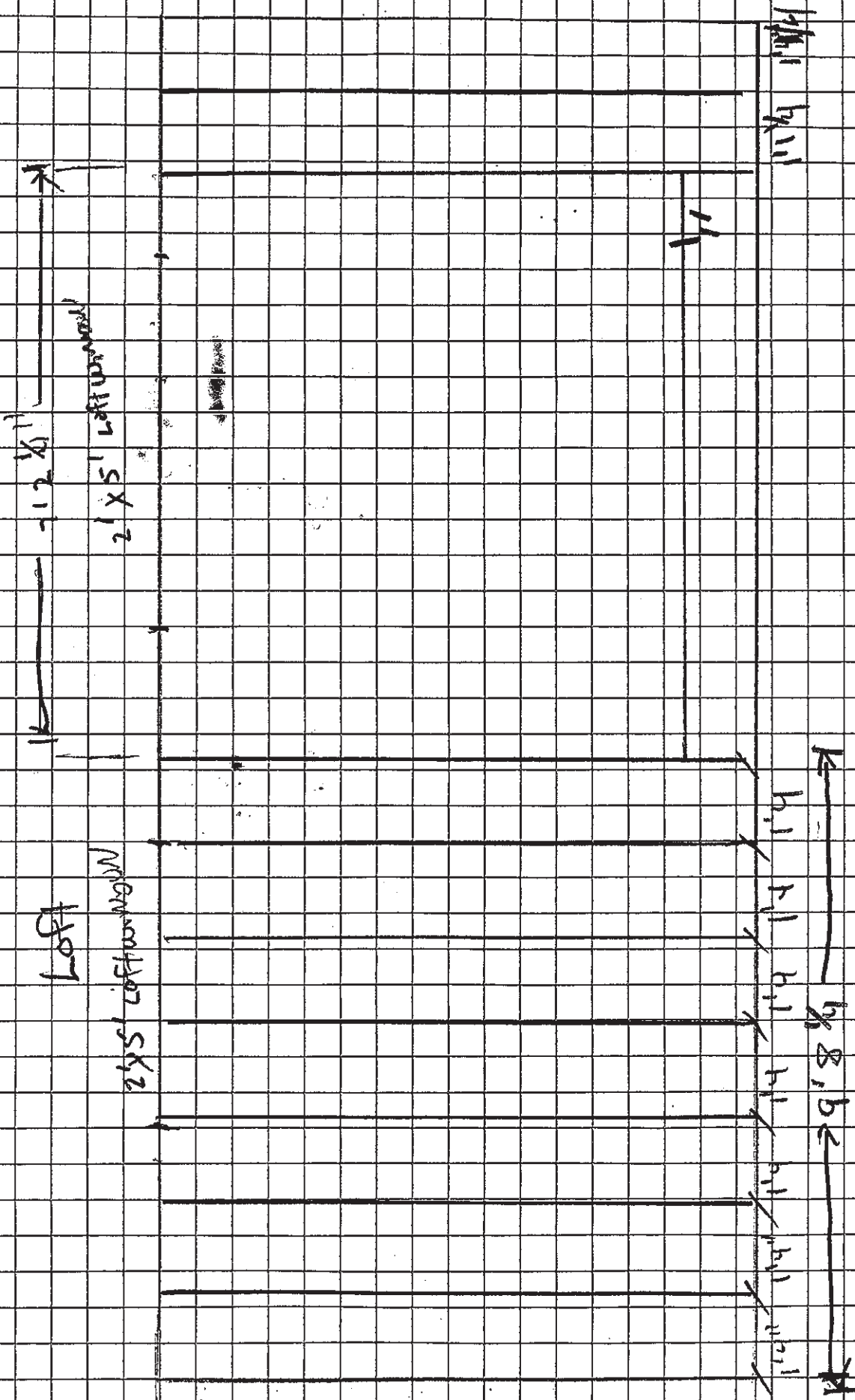
HENRICKSEN APPRAISAL COMPANY
SKETCH ADDENDUM

File No. 7099 Packet Page 161 of 230
 Case No. 1236559

Borrower Martinson, Jeffrey & Pollock, Elinor
 Property Address 811 4TH ST
 City Douglas County Juneau Borough State AK Zip Code 99824
 Lender/Client Morgan Stanley Private Bank, NA Address c/o PHH Mortgage, 1 Mortgage Way Mount Laurel, NJ 08054



SKETCH CALCULATIONS		Perimeter	Area
	A1 : 24.0 x 16.0 =		384.0
	First Floor		384.0
	A2 : 24.0 x 16.0 =		384.0
	Second Floor		384.0
Total Living Area			768.0



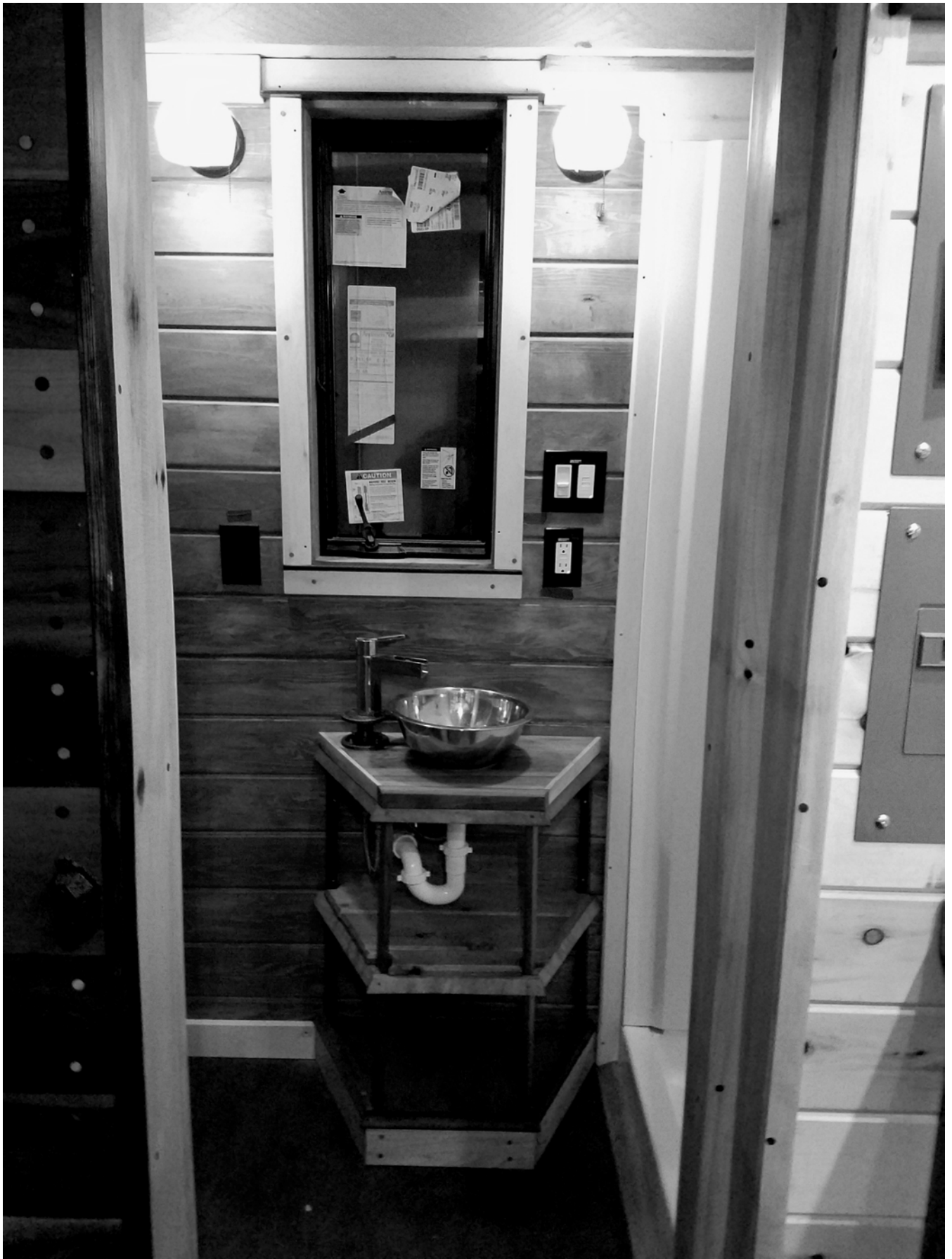
6' 10" Sub Floor to Loft Beam

7' 2" Loft height

Loft Floor to ceiling 3' 9" low



Attachment D: Apartment Interior



Attachment D: Apartment Interior



Attachment D: Apartment Interior



Attachment D: Apartment Interior

From: [Amy Liu](#)
To: [Ed Foster](#); [James "Red" Langel](#)
Subject: RE: Encroachment on 811 4th, Douglas (2D040T310020)
Date: Wednesday, April 11, 2018 4:50:18 PM
Attachments: [image001.png](#)

Ed,

No, the ordinance does not allow using CBJ ROW for required parking, unless an encroachment permit is granted.

Given the information you have provided, CDD will recommend that the applicant seek a parking waiver that would eliminate the additional parking space requirement. Avoiding the additional parking space would keep the existing parking demand and capacity at status quo. We realize that in practice, more cars than are allowed may be parked on site. We'll enforce on a complaint basis and cross that bridge when we get there.

Thanks very much for your insight.

Amy Liu

From: Ed Foster
Sent: Wednesday, April 11, 2018 4:13 PM
To: James 'Red' Langel; Amy Liu
Subject: RE: Encroachment on 811 4th, Douglas (2D040T310020)

Amy,

It doesn't appear parked vehicles in this area will encroach into the flow of traffic, but it does encroach into the CBJ ROW. I think it will be fine to allow them to use this as a perpendicular parking area, however we DO NOT want to create an easement or any other permanent record giving them the right to this ROW area. If that's what your intent is then No, we cannot allow it to remain the way it is and they do have to move the parking farther onto their property. Future improvements to 4th St could require them to move this parking farther back onto their property.

Does the Ordinance allow property owners to use CBJ ROW for establishing required parking, because that's what they are doing here.

Ed

From: James 'Red' Langel
Sent: Wednesday, April 11, 2018 3:20 PM
To: Ed Foster
Subject: FW: Encroachment on 811 4th, Douglas (2D040T310020)

Ed,

The property owners here are asking for a variance to allow parking that is perpendicular to the road. They are adding an apartment and it requires additional parking per ordinance. Using the parcel viewer measuring tool at 20' they would stick out to about where the red line is in the

th

attached photo (4 St.). It appears that there is still plenty space for two lanes of traffic to pass. I don't see any issue with granting this, but I thought you may see something I don't. They also have some other documentation from the past allowing an easement for a garage that isn't there. Please let me know what you think. Thanks.

Red Langel
Town Streets Supervisor

Public Works Streets Division
City & Borough of Juneau
7100 Glacier Highway
Juneau, AK 99801
(907) 586-5256

From: Amy Liu
Sent: Wednesday, April 11, 2018 3:02 PM
To: James 'Red' Langel
Subject: Encroachment on 811 4th, Douglas (2D040T310020)

Red,

I've attached the 1996 easement for encroachment, 1997 building plan, and 2018 accessory apartment application (the apartment adds one more parking space involving back-out).

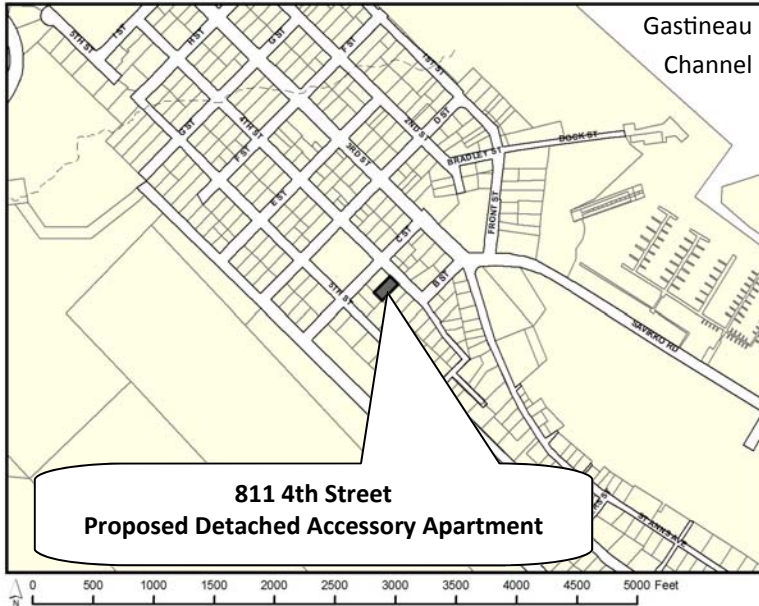
I would like to know whether Streets could allow this encroachment, and if there are any other stipulations moving forward. Thanks.

Amy Liu, Planner
 City & Borough of Juneau
 (907) 586-0764
 155 S. Seward St. Juneau, AK 99801



Invitation to Comment

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



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for a **220 square foot detached accessory apartment** located at **811 4th Street** in Douglas in a **D5 zone**.

TIMELINE

Staff Report expected to be posted Monday, June 4 at
<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through May 25, 2018

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

May 26 through 12 noon, June 12

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

HEARING DATE & TIME
7:00 pm, June 12, 2018

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

June 13

The results of the hearing will be posted online.

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

Printed May 16, 2018

Case No.: USE2018 0008
Parcel No.: 2D040T310020
CBJ Parcel Viewer: <http://epv.juneau.org>

Easement for Encroachment of Garage

BOOK 0450 PAGE 697

This indenture made between Rand S. Bigelow and Debora Stover of P.O. Box 240966, Douglas, AK 99824, Grantor, and Donald and Nancy Thompson, husband and wife of 805 Fourth Street, Douglas, AK 99824, as Grantee.

WITNESSETH:

The Grantor does hereby grant unto the Grantee a perpetual right of way easement for the purpose of the encroachment of Grantees garage over and across a portion of Lot 2 Block 31 Douglas Townsite, according to Juneau Recording District, First Judicial District, State of Alaska, said easement is more particularly described as follows:

An area 2.2 feet by 100 feet along the common property line of Lot 2 Block 31 and Lot 3 Block 31, Douglas Townsite over and across a portion of Lot 2 Block 31 Douglas Townsite.

SAID EASEMENT IS SHOWN ON ATTACHED EXHIBIT "A"

This easement is granted in consideration of \$1.00 and other good and valuable consideration in hand paid to grantor.

This agreement shall endure to the benefit of, and shall be binding upon the successors, executors, administrators, heirs and assigns of the respective parties hereto.

In witness whereof, the parties hereto have executed this agreement this 23rd day of JUNE, 1996.

Grantor

Rand S. Bigelow
Rand S. Bigelow

Debora Stover
Debora Stover

Grantee

Donald Thompson
Donald Thompson

Nancy J. Thompson
Nancy Thompson

This certifies that on this 23rd day of June, 1996, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared Rand S. Bigelow, Debora Stover, and Donald and Nancy Thompson to me known and known to me to be the persons described in and who executed the within and foregoing instrument, and they acknowledged to me that they signed 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.



Adeline Ann Harney
Notary Public for Alaska
My Commission Expires: 7-10-98

Return to.
RAND S. BIGELOW
Box 240966
DOUGLAS, AK 99824

Received
on

JUL 25 1997

Attachment G: Easement
Permit Center
CBJ

Received
on

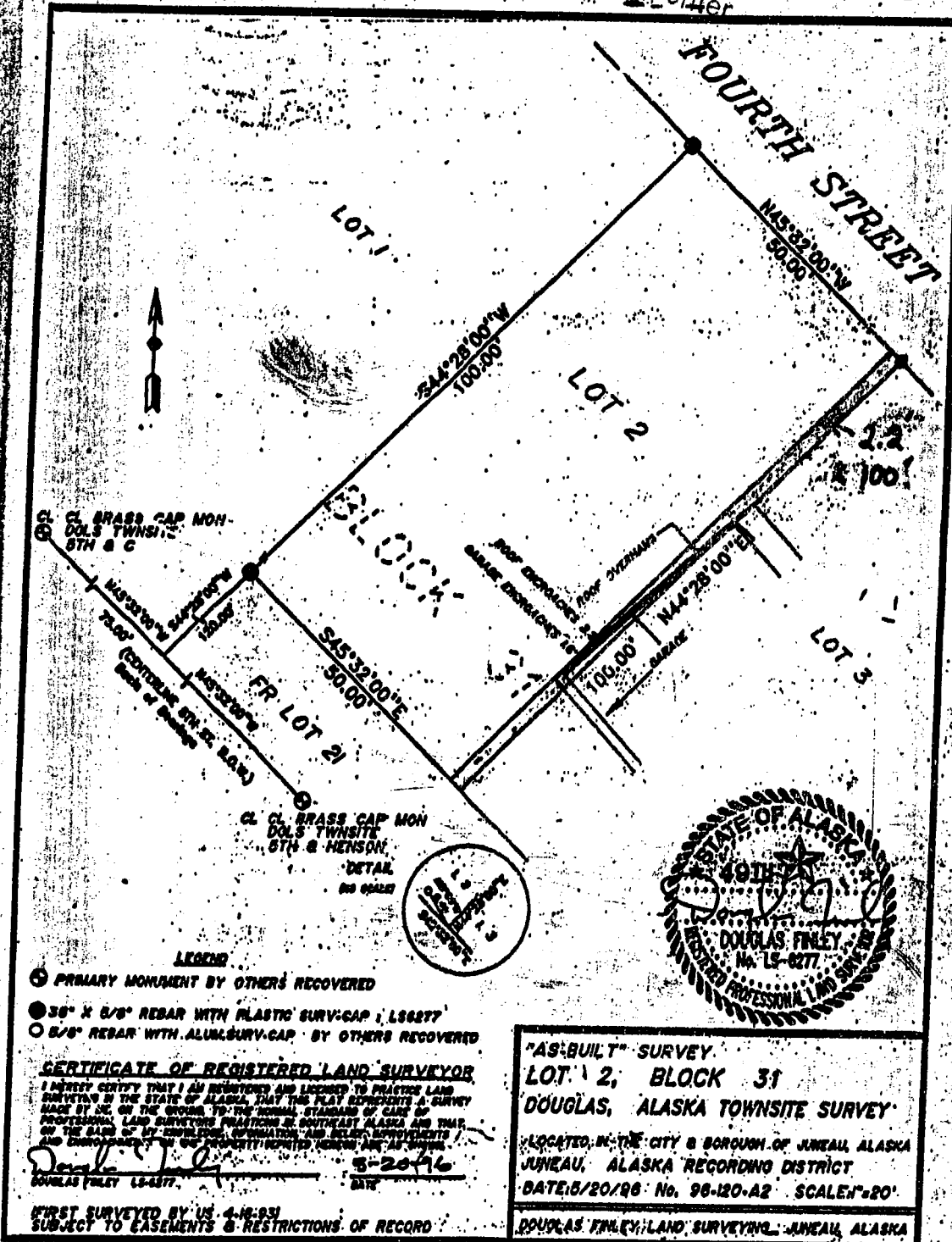
JUL 25 1997

EXHIBIT

A

Permit Center

BOOK 0450 PAGE 698



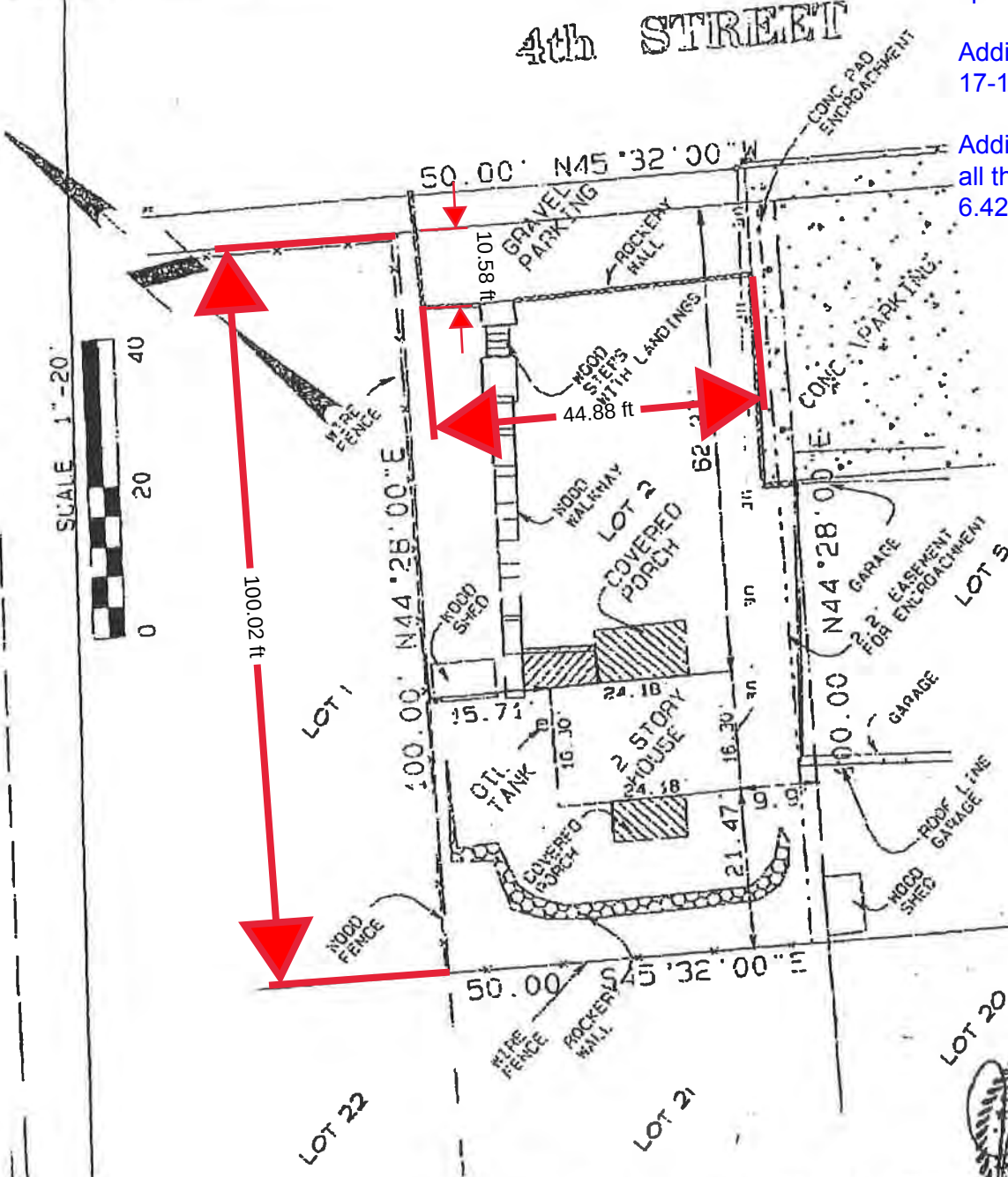
Sep 03 08 12:14p Jw Bean

BLD 1997-00537

Standard parking space is 8.5' x 17'

Additional depth is 17-10.58=6.42

Additional area for all three spaces is 6.42*8.5*3=163.71



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



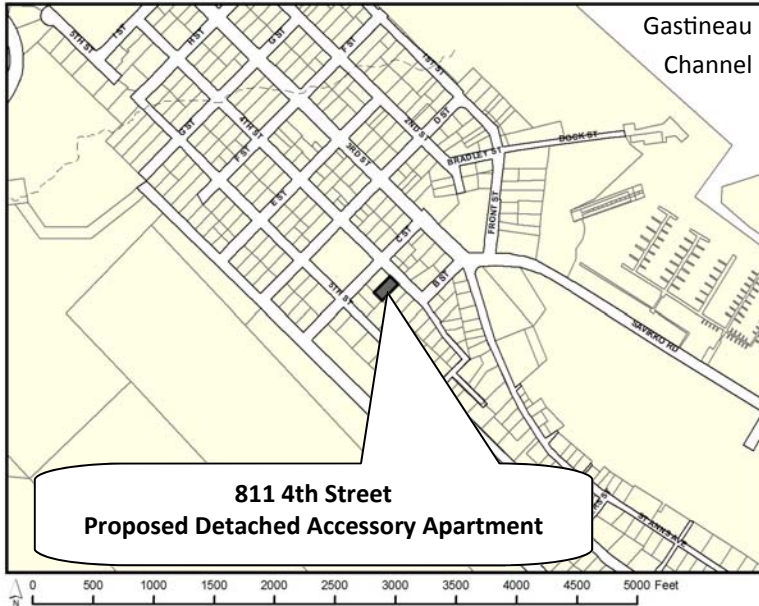
J.W. BEAN
PROFESSIONAL SURVEYOR

105-5 (h-0) JSB No. 13010
SCALE AS-SHOWN
DATE 09-04-08

AS-BUILT SURVEY OF
LOT 2, Block 31
1/2cc Addition to
DOUGLAS TOWNSITE
USS 1150

Invitation to Comment

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



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for a **220 square foot detached accessory apartment** located at **811 4th Street** in Douglas in a **D5 zone**.

TIMELINE

Staff Report expected to be posted Monday, June 4 at
<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through May 25, 2018

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

May 26 through 12 noon, June 12

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

HEARING DATE & TIME
7:00 pm, June 12, 2018

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

June 13

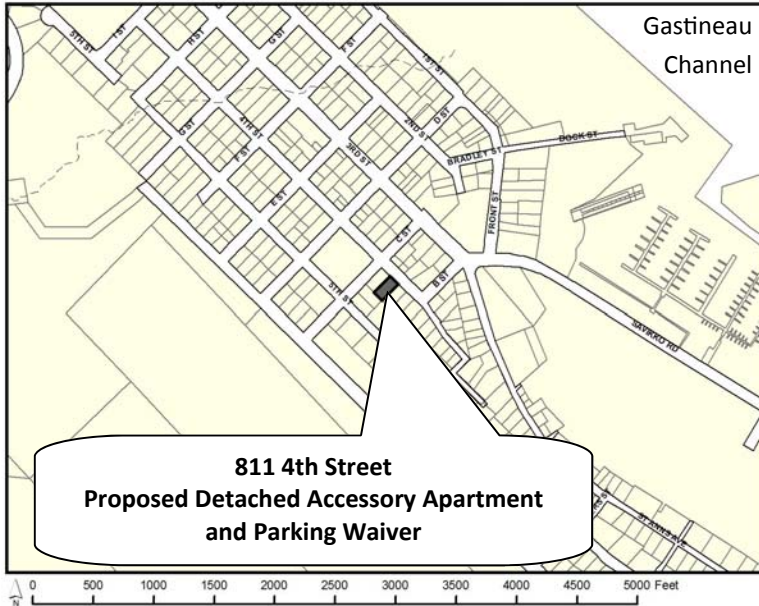
The results of the hearing will be posted online.

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

Case No.: USE2018 0008
Parcel No.: 2D040T310020
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



155 S. Seward Street Juneau, Alaska 99801

TO:

Two applications have been submitted for consideration and public hearing by the Planning Commission. A **Conditional Use Permit** for a **220 square foot detached accessory apartment** and a **Parking Waiver** to waive one (1) residential parking space at **811 4th Street** in Douglas in a **D5 zone**.

TIMELINE

Staff Report expected to be posted [Monday, week before meeting] at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Today through 12 noon, June 22

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

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

HEARING DATE & TIME
7:00 pm, June 26, 2018

June 27

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.

The results of the hearing will be posted online.

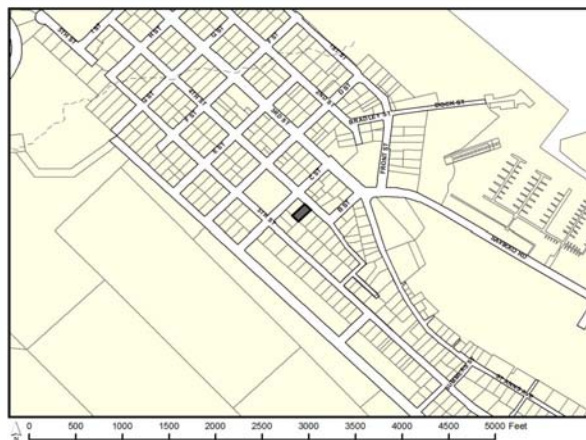
Case No.: USE2018 0008 & PWP2018 0001
Parcel No.: 2D040T310020
CBJ Parcel Viewer: <http://epv.juneau.org>

USE2018-0008
Conditional Use Permit For 220 sf Detached
Accessory Apartment

CBJ Planning Commission Presentation
June 26, 2018
Amy Liu



Vicinity Map



Background

The lot is legally non-conforming.

- The existing home was constructed in 1998, and the subject lot was platted in 1936 as part of the Douglas Townsite Subdivision.
- The City of Douglas adopted a Planning and Zoning Ordinance and a zoning map in 1959 that showed the subject lot zoned R1. The minimum lot size for the R1 zoning district was 5,000 square feet.
- In 1987, the lot was re-zoned to D5 making the lot size legally non-conforming.



Site Zoning



Pink

D5, Single family and duplex

Orange

D18, Multifamily

Blue

General Commercial

The applicant's home meets the zoning district's setback requirements.



Proposal

The applicant requests a Conditional Use Permit for the development of an accessory apartment on an under-sized D5 zoned lot.

- The minimum area for a D5 lot is 7,000 square feet. The area of the subject lot is 5,000 square feet, and the total living space of the existing single family dwelling is 768 square feet.
- CBJ 49.25.510(k)(2)(E)(ii) allows the Planning Commission to approve an accessory apartment of 600 square feet or less on a lot that is less than the minimum lot size.

The requested 220 square feet detached accessory apartment would be located 20 feet from the front lot line, 50 feet from the rear lot line, and 5 feet from the nearest side lot line.



Public Comments

- Obstruction of view (comment made after deadline for staff report)
- Applicant and neighbor discussed concerns



Site Description

- The lot is gently sloping downwards towards the street. There is a two story single family dwelling that meets required setbacks.
- There are two porches facing the front and rear lot lines and an unheated shed in the rear yard. The rear porch and unheated shed encroach into the rear yard as allowed per CBJ 49.25.430(4)(C) *Unheated structures*.
- Parking is adjacent to the street, on a gravel parking pad that is bordered by a rockery wall.
- The adjacent Lot 3 has a garage and concrete parking pad that encroach onto the subject lot. An encroachment easement was recorded in 1996. According to the as-built, at the closest point the encroachment is more than 9 feet from the existing home and 33 feet from the proposed apartment.

The proposed apartment will meet the required front and side yard setback requirements; 20 feet from the front lot line, 50 feet from the rear lot line, and 5 feet from the nearest side lot line. As mentioned before, the D5 setback requirements are 20 feet from the front lot line, 20 from the rear lot line, and 5 feet from a side lot line.



Site Photos



Project Design

- The detached accessory apartment is a 220 square foot, two story structure that has already been fabricated.
- If this Conditional Use Permit is approved, the building will be placed on a permanent foundation.
- The first floor has a full kitchen, full bathroom, and seating area. The second floor has a sleeping area. There is a ladder between levels
- Storage is provided by shelving and closed compartments throughout the structure.



Project Design



Project Design



Traffic

Total average daily trips is 16.17. A traffic impact analysis is not required per CBJ 49.40.300.

- According to the Institute of Transportation Engineers, Trip Generation Manual, a single family home generates an average 9.52 average daily trips (ADT).
- An apartment generates an average 6.65 ADT. Additional traffic generated by the apartment is expected to have minimal impact on the neighborhood.



Parking and Circulation

The applicant is applying for a parking waiver, PWP2018-001 , to waive one space required for the accessory apartment.

- CBJ 49.40.210 –Table of Minimum Parking Standards requires single-family dwelling units to have two off-street parking spaces, and an accessory apartment is required to have one off-street parking space. The site currently provides 2 off-street parking spaces.
- The total parking requirement, which includes the requirements for a single family home and an accessory apartment, is three spaces.



Public Health and Safety

Site meets health and safety standards.

- The structure meets zoning requirements for height and setbacks and will meet all applicable building standards.
- Fire vehicle access to the property will be on 4th Street.
- Building Official confirmed that apartment meets and will be required to meet 2018 International Residential Code, Appendix Q regarding Tiny Houses.
- There is no evidence to suggest that the proposed accessory apartment would endanger public health or safety.



Property Value and Neighborhood Harmony

Based on the analysis, there is no evidence suggesting that neighboring property values or neighborhood harmony will be negatively affected by the proposal.

- In particular, there would be no excessive blockage of views, excessive restriction of light and air, or other deleterious impacts.



Conformity With Adopted Plans

The proposed apartment is consistent with the Medium Density Residential (MDR) land use designation outlined in the CBJ 2013 Comprehensive Plan.

- MDR is defined as urban lands for multifamily dwellings with a density of 5-20 units per acre. The presence of a single family dwelling and accessory apartment meets this density requirement.

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

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

Chapter 4 of the 2013 Comprehensive Plan states the need for more diverse housing options.

- 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



Staff's Findings

1. Staff finds the application contains the information necessary to conduct full review of the proposed operations.
2. The requested permit is appropriate according to the Table of Permissible Uses.
3. The proposed development complies with the other requirements of this chapter including CBJ 49.25.510(k)(2)(E)(ii). Public notice of this project was provided.
4. Based on the above analysis, there is no evidence that suggests the development of a detached 220 square foot accessory apartment on a 5,000 square foot lot will materially endanger the public health or safety.



Staff's Findings

5. Based on the above analysis, there is no evidence that suggests the development of a detached 220 square foot accessory apartment on a 5,000 square foot lot will substantially decrease the value of or be out of harmony with the property in the neighboring area.
6. Based on the above analysis, the proposed development of an accessory apartment that is 600 square feet or less on an under-sized lot is found to be in general conformity with the land use code and the Comprehensive Plan.



Staff's Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a detached 220 square foot accessory apartment on an under-sized lot in the D5 zoning district.

The approval is subject to the following conditions:

1. Prior to issuance of a temporary certificate of occupancy, the applicant must submit revised plans showing the number of required parking spaces per CBJ 49.40, or must have a parking waiver approved by the Planning Commission as provided by CBJ 49.40.210(D)(6).
2. Prior to issuance of a final certificate of occupancy, a total of three off street parking space must be provided, or must have a parking waiver approved by the Planning Commission as provided by CBJ 49.40.210(D)(6).





Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: June 29, 2018
Case No.: USE2018 0008

Jeffrey Martinson
P.O. Box 22787
Juneau, AK 99802

Proposal: A Conditional Use Permit to allow a 220 sq. ft. detached accessory apartment

Property Address: 811 4th Street

Legal Description: Tyee Addition to Douglas Townsite Block 31, Lot 2

Parcel Code No.: 2D040T310020

Hearing Date: June 26, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 18, 2018, and approved a 220 sq. ft. detached accessory apartment to be conducted as described in the project description and project drawings submitted with the application.

Attachments: June 18, 2018, memorandum from Amy Liu, Community Development, to the CBJ Planning Commission regarding USE2018 0008.

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

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

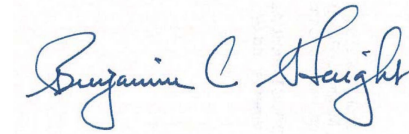
Jeffrey Martinson
Case No.: USE2018 0008
June 29, 2018
Page 2 of 2

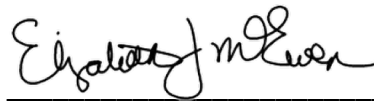
Effective Date: The permit is effective upon approval by the Commission, June 26, 2018.

Expiration Date: The permit will expire 18 months after the effective date, or December 26, 2019, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


Amy Liu, Planner
Community Development Department


Benjamin Haight, Chair
Planning Commission


Filed With Municipal Clerk

July 2, 2018
Date

cc: Plan Review

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



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

DATE: June 18, 2018

TO: Planning Commission

FROM: Tim Felstead, Planner
Community Development Department

CASE NO.: USE2018 0007

PROPOSAL: A Conditional Use Permit for a 23 dwelling unit condominium development

A handwritten signature in black ink, appearing to read 'Tim Felstead', is written over the printed name in the 'FROM' field.

GENERAL INFORMATION

Applicant: R & S Construction LLC

Property Owner: R & S Construction LLC

Property Address: 3005 Clinton Drive

Legal Description: Vintage Park IIA, Block C, Lots 1A, 2A, 3A, 4A, 5A, 6A, 7A

Parcel Code Number: 5B1601440011; -0021; -0031; -0041; -0051; 0061; 0071

Site Size: Total 70,594 sq. ft. (1.62 acres)

Comprehensive Plan Future Land Use Designation: Traditional Town Center (TTC)

Zoning: LC

Utilities: Public water; Public sewer

Access: Clinton Drive and Vintage Boulevard

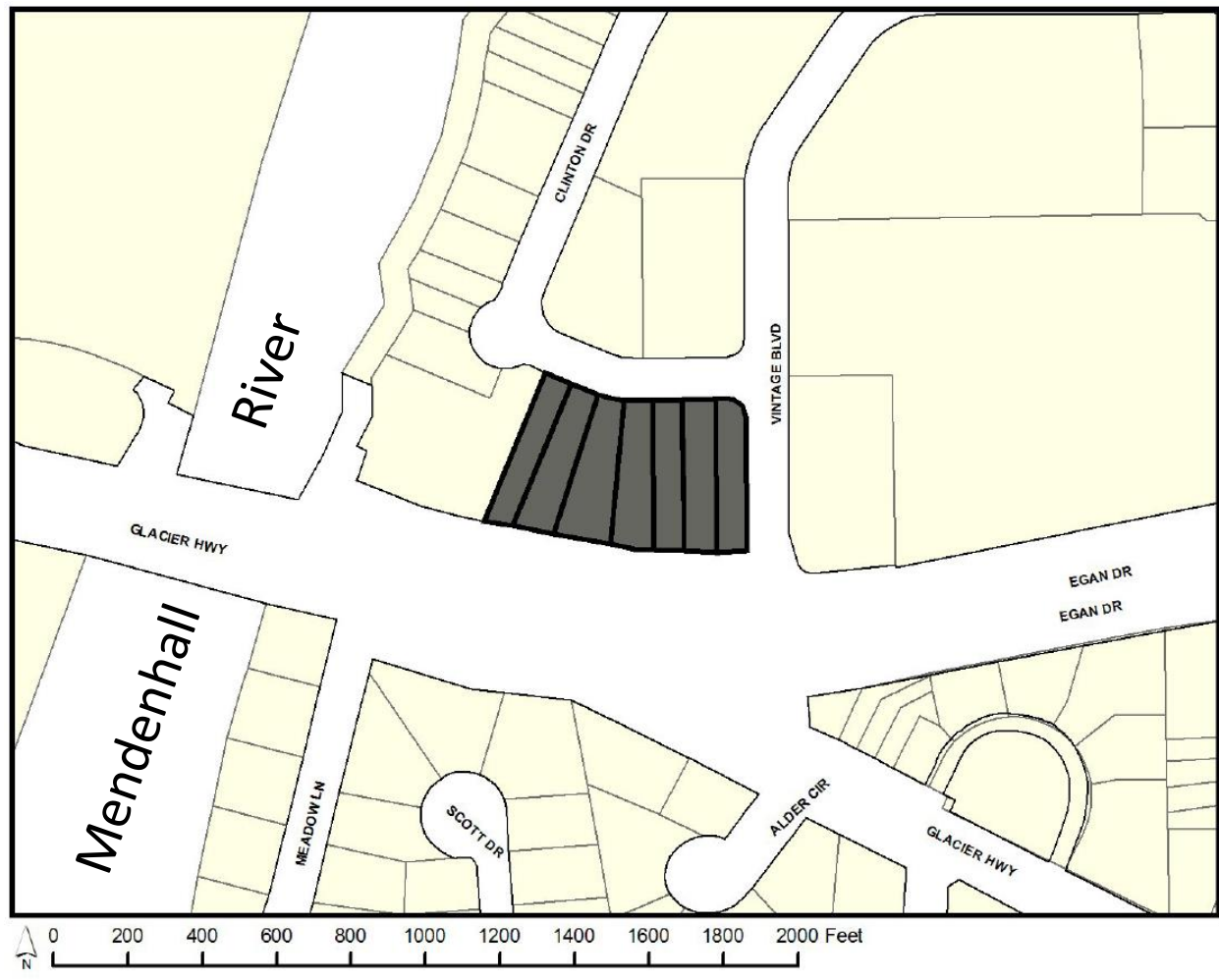
Existing Land Use: Vacant

Surrounding Land Use: North - Clinton Drive Right-of way, Commercial offices; Light Commercial (LC)

Planning Commission
Case No.: USE 2018 0007
June 18, 2018
Page 2 of 14

South - Egan Drive Right-of-way, Commercial offices; Light Commercial (LC)
East - Vintage Boulevard Right-of-way, Commercial retail; Light Commercial (LC)
West - Vacant; Light Commercial (LC)

VICINITY MAP



ATTACHMENTS

Attachment A Application including narrative, building plans, and site plan.
Attachment B Public notification

Planning Commission
Case No.: USE 2018 0007
June 18, 2018
Page 3 of 14

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a 23 dwelling unit condominium complex on one lot in the Vintage Park area adjacent to Mendenhall River. The dwelling units would be 'boat condos' with each unit consisting of an oversized garage space on the ground floor with an apartment above.

BACKGROUND

The development is located on one single 70,594 square foot lot. This lot was the result of a recent consolidation of seven lots (SLC2018-0002). While the consolidation has been approved and the new plat has been recorded, a new single CBJ parcel identification number has not yet been assigned. The Vintage Park area (a fraction of USS 1193) was first subdivided into 3 lots in 1984 and further subdivided in 1985. In 2013, the lots were the subject of a right-of-way (ROW) acquisition which resulted in approximately 20,000 square feet of land from the subject lots along Egan Drive being incorporated into the ROW as part of the project to replace Brotherhood Bridge. The Brotherhood Bridge reconstruction project also removed a tree buffer adjacent to the ROW. It is not clear if the trees were in the original ROW or on the private land that was acquired by DOT&PF. Design standards related to Vintage Park (see below) required a tree buffer to be provided along Egan Drive.

Around the time of the 1984 subdivision, the area was rezoned from R-7 (residential) to C-2 (Central Commercial) by CBJ Ordinance 84-03(am) (ZC 83-14). This ordinance also included a number of conditions including those regarding access and traffic control, building design, signage, and landscaping. Later, the conditions and site design/uses allowed were further amended by a series of CBJ ordinances (85-33, 85-55, 85-89, 86-54(am), and 86-72). As part of the 1987 major rewrite of the CBJ Land Use Code, the area was rezoned to Light Commercial (LC). The rezoning to Light Commercial removed the additional requirements imposed through earlier rezones. There may be additional private covenants for the area related to building and site design requirements, although the CBJ does not enforce private covenants.

The subject lot remained vacant until 2018. In April, 2018, a building permit was approved for the construction of 6 dwelling units in Building A (BLD2018-0156) followed by a second building permit in May, 2018, for the construction of 6 dwelling units in Building B (BLD2018-0275). (See site plan in Attachment A.)

The applicants are seeking a Conditional Use Permit for 23 units. They received a building permit for 12 units. Staff has already required some changes to the site plan as part of the building permit review process. In Light Commercial zones, more than 12 dwelling units on a lot is considered a major development and requires a Conditional Use Permit. This use permit evaluates full build-out of 23 units.

Planning Commission
Case No.: USE 2018 0007
June 18, 2018
Page 4 of 14

ANALYSIS

Project Site – The project site consists of one 72,000 square foot, relatively flat lot surrounded by three ROWs. Based on the applicant site plan, the Egan Drive traffic lanes are ~55 feet from the subject property line, and there is a shared path that runs ~45 feet from the property line. Sidewalks for Vintage Boulevard and Clinton Drive abut the property line. The lot was used for materials storage during the reconstruction of Brotherhood Bridge.

Project Design – The architectural drawings and site plan are provided in Attachment A. The final development will consist of 4 buildings. Three buildings will have 6 units and one will have 5 units, for a total of 23 units. Each unit will consist of a garage measuring 22 ft. x 50 ft. x 16 ft. high for a total of 1100 sq. ft. There will be a 1,100 sq. ft., 2 bedroom apartment directly above each garage. The end units will be accessed via external staircases. Internal apartments will be accessed with internal staircases. Each apartment will have a deck area. The majority of the windows will be located on the front elevation of the buildings, and doors will either face Clinton Drive or Egan Drive. The plainer rear elevation of the buildings will face into the site separated by a ~15 foot vegetated area.

The lower 3 feet of the exterior of the buildings will be clad with ‘cultured stone’ with the rest of the garage level clad in vertical metal siding. The second-story apartment level and roof gables will be clad in vinyl siding.

The setbacks for the site are provided below:

Yard	Setback (feet)
Front (Clinton Drive)	25
Street side (Vintage Boulevard)	17
Street side (Egan Drive)	17
Side	10

The site design meets all required setbacks. The access stairs along the side of the buildings paralleling Vintage Boulevard encroach 5 feet into the 17 foot side yard. This is allowed under a setback exception for unenclosed balconies, connecting deck stairways, ramps, and landings with or without roofs (CBJ 49.25.430(4)(C)(i)).

The maximum building height for permissible uses in the Light Commercial zoning district is 45 feet. The proposed buildings are 35 feet to the mid-point of the roof.

There are no maximum lot coverage limits in Light Commercial zones but there is a 15% vegetative cover requirement. For this site, 10,589 square feet of vegetative cover is required. The site plan shows that 10,587 square feet will be landscaped.

Planning Commission
Case No.: USE 2018 0007
June 18, 2018
Page 5 of 14

It is recommended as a condition of approval that prior to a Certificate of Occupancy, a minimum of 15% of the lot must be planted with vegetation or the installation of vegetation must be bonded for. Staff further recommends a condition that the vegetative cover/landscaped areas shown on the plans submitted shall be maintained with live vegetative cover as shown in the approved plans.

Other developments in the Vintage Park neighborhood have vegetative buffers separating the parking lots from the ROW sidewalks. The applicants have proposed a 3 foot vegetated strip to provide a consistent appearance. While this is consistent with the vegetative buffer provided on one recent development in the Vintage Park area (Trillium Landing Senior Housing project), the majority of developments have larger vegetative strips.

Light Commercial zones allow for up to 30 dwelling units per acre. There would be a maximum of 49 dwelling units allowed on this lot. The applicant is proposing 23 units and associated garages.

The applicants have not indicated uses other than residential apartments and associated garage space. However, the units will be constructed so that the garage spaces are appropriately fire separated from the apartments above. In the future, the spaces could be used independently from the residential apartments above. Many commercial uses are allowed in Light Commercial zones and may require additional permits, parking, or performance standards depending on the use.

A Change of Use Permit would be required and would provide CDD the opportunity to review parking and performance standards and advise the applicant if a Conditional Use Permit would be needed or if fire or building inspections would be required.

Traffic – Using the ITE Trip Generation Manual (ITE Manual), staff estimates the average daily traffic to be 133 trips per weekday for the proposed 23 residential units (Land Use 230 Residential condominium/townhouse). CBJ 49.40.300 states that a traffic impact analysis is not required when a development is projected to generate less than 250 vehicle trips per day.

There will be a two-way access to the site from Clinton Drive and a one-way ingress access from Vintage Park. Clinton Drive and Vintage Park are CBJ maintained ROWs. The one-way ingress could potentially have two-way traffic. This is being proposed by the applicant and is not a CBJ requirement. Vintage Boulevard only allows right turns onto Egan Drive toward Auke Bay. All other traffic destinations would have to be accommodated by driving toward Riverside Drive.

It is recommended as a condition of approval that appropriate ‘no exit’ signs be placed at the ingress-only access on Vintage Boulevard.

CBJ Streets has no concerns with the proposed access points into the site. CBJ General Engineering has approved the two access points in their approval of the earlier building

Planning Commission
Case No.: USE 2018 0007
June 18, 2018
Page 6 of 14

permits. The Alaska Department of Transportation and Public Facilities have not provided comments.

Parking and Circulation – The proposed parking and circulation plan is provided as part of the site plan in Attachment A. The parking requirement for the proposal is provided in the table below.

Use	Use parking space requirement	Size of use	Parking spaces required
Residential–multifamily (Not Juneau or Douglas)	1.75 per 2 bedroom	23 x 2 bed units	40.25
Total			40.25
Rounded to nearest whole number = 40 spaces			

At 22 feet wide, each garage is wide enough to accommodate two parking spaces inside. The garages associated with each unit provide enough spaces to meet the collective parking requirement for the entire development. The applicant's initial site plan showed additional parking spaces directly in front of each garage. CBJ 49.40.230 (a)(6) only provides for stacked parking for single family and duplex uses. The applicants submitted a revised site plan showing no parking outside the garages. As discussed above, any change of use from residential may require additional parking which will be addressed through a "change of use" building permit. The site can accommodate additional parking. On-site parallel parking spaces (6 feet wide x 22 feet deep) could be accommodated along the Clinton Drive (~9 spaces) or Egan Drive (~13 spaces) lot lines so there is capacity for more intense uses, although this would have to be accounted for in the Homeowners Association (HOA) agreement. Additionally, CBJ 49.40 does allow for uses other than single family and duplex to have off-site parking, as well as the opportunity for joint use parking.

Two ADA compliant parking spaces, with appropriate stripping and signage, will have to be provided on the site including one van accessible space. These spaces are shown on the revised site plan. These will need to be striped and signed as part of the Building Permit approval. Required stripping should be maintained.

The HOA agreement will also need to address maintenance responsibilities for the shared paved circulation area. The CBJ Land Use Code does not have a standard requirement that multifamily condominium developments have a HOA agreement.

To ensure the common paved circulation area is adequately maintained, it is recommended as a condition of approval that this be addressed in a HOA agreement along with other common facilities and a copy be provided to CDD before the first building can be occupied.

Vegetative Cover and Landscaping - The CBJ Land Use Code requires parking and circulation areas to be 'attractively landscaped' (CBJ 49.40.230(a)). CBJ 49.40.230(c)(1) states parking

Planning Commission
Case No.: USE 2018 0007
June 18, 2018
Page 7 of 14

areas 'shall be landscaped in accordance with design review standards'. However, Title 4 of the CBJ Administrative Code no longer includes design review standards for parking lot design. Staff can only subjectively assess whether the parking lot design is 'attractive'.

The Land Use Code does however define 'Landscape' (CBJ 49.80.120) as:

(2) To add lawns, trees, plants, or other natural and decorative features to land.

Surrounding properties and minimum site vegetative cover requirements are often used during the proposal review as a guide to determine if the design meets the general landscaping requirements. One member of the public who owns property in the Vintage Park area contacted CDD with concerns that the appearance of the development would detract from their own property citing the design standards that were initially in place for the Vintage Park area adds value to their own property. They had not viewed the architectural drawings or proposed site plan at that point. This person has not commented again since staff provided them with these details.

As discussed above, the majority of other developments in the area have a vegetative buffer between the sidewalk and their associated parking lots. The development on the opposite side of Clinton Drive from the subject development has a buffer which is approximately 7.5 feet. To provide consistency with other developments in the area, it is recommended that the proposed 3 foot vegetative strip be widened to 5 feet and some shrubs and/or trees be provided along Clinton Drive and Vintage Boulevard. Any additional space between the property line and edge of sidewalk should be landscaped with grass.

It is recommended as a condition of approval that in addition to the vegetative cover requirements, prior to issuance of any further building permits for Buildings C or D, that the landscaping plan be amended to show a minimum of 5 feet of vegetative strip separating the parking and circulation area (except for access points) from the sidewalk on Clinton Drive.

In addition, the landscaping plan shall include vegetative areas along Clinton Drive and Vintage Boulevard planted with vegetation that matches plantings of trees and/or shrubs for other developments in the immediate vicinity. The landscaping shall be reviewed and approved by CDD.

Pedestrian circulation – Both Clinton Drive and Vintage Boulevard are already served by sidewalks in the ROW. The site plan shows a 4-foot wide concrete walkway in front of the building. To facilitate pedestrian access from the development toward Safeway, the applicants have continued the walkways in front of Buildings A and B through the vegetated strip to Vintage Boulevard. CBJ Streets have stated that they believe additional crosswalks will be needed through the Vintage Park area to accommodate the increasing residential uses that are being developed. An obvious location related to the subject development is across Vintage Boulevard at the intersection with Clinton Drive. This crossing would require more than

Planning Commission
Case No.: USE 2018 0007
June 18, 2018
Page 8 of 14

stripping. The crossing would have to account for two drain inlets, provide pedestrian curb cuts, and involve removal of part of an existing concrete median. CBJ should consider development of crossing walks as part of the CIP.

Drainage and snow storage – The submitted drainage plan has been reviewed by CBJ General Engineering under the issued building permits. The proposed subsurface drainage system meets CBJ standards, and there is no incentive for the developer to explore green infrastructure approaches since they are not interested in increasing dwelling density and already meet their minimum vegetative cover requirements. Stormwater management during construction is reviewed as part of the CBJ Building permit. As part of the review for approval of the building permit, CBJ General Engineering requires a maintenance schedule agreement for oil/water separators to be recorded to make it clear what a development's obligations are.

The applicants have identified one dedicated snow storage area near Building D, and it is expected any additional storage could occur in front of Buildings A and C, although this should be done so that drains are not blocked.

Lighting –The Land Use Code also requires parking areas 'to be suitably lit'. This is interpreted to mean exterior lighting should be provided in parking areas, along pedestrian pathways, and immediately adjacent to the building. All exterior lighting should be of full cut-off design and that there is direct lighting only on the subject parcel to minimize impacts to adjacent neighbors. The applicants have proposed lighting fixtures that meet the required full cut-off design. However, lighting locations are not shown on the site plan, only on the architectural drawings, and the site plan is not prepared by a professional engineer or architect as required by the Land Use Code for major developments with ten or more dwelling units.

As a condition of approval, staff recommends that prior to issuance of a Building Permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located, and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).

Noise – The proposed residential use is not expected to generate any noise impacts beyond what would be expected in a Light Commercial zone.

Public Health or Safety – The structures meet all zoning requirements for height and setbacks and will meet all applicable building code requirements for fire safety. CBJ Fire has reviewed the overall site plan as part of the review of the two issued building permits and has no concerns with the development. The CBJ Building Official has no concerns with the development. The additional buildings will also require building permits.

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

Planning Commission
Case No.: USE 2018 0007
June 18, 2018
Page 9 of 14

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

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

The proposed use for residential dwellings and associated garages is allowed in the zoning district and is consistent with the description of the zoning district.

As mentioned above, one member of the public has concerns that the proposed development would be out of character with the surrounding properties and would reduce the marketability of their own commercial space. The member of the public had not seen the architectural drawings at the time of sharing these concerns and was not aware of the 3 foot vegetative buffer proposed by the applicants. The CBJ Assessor has stated that they do not foresee any negative impacts on surrounding property values from the development. They also stated the development might actually provide a beneficial buffer from Egan Drive for other properties on the interior of Vintage Park. However, they suggested a larger vegetative strip with shrubs or a privacy fence along Clinton Drive providing a visual buffer would be beneficial but were aware of the potential need for a larger paved turning area to allow boats to be more easily parked. The buffer would have limited impact on vehicle noise.

Conformity with Adopted Plans –

CBJ 2013 Comprehensive Plan

The Land Use Designation of the site in the Comprehensive Plan is Traditional Town Center (TTC). This is described as:

These lands are characterized by high density residential and non-residential land uses in downtown areas and around shopping centers, the University, major employment centers and public transit corridors, as well as other areas suitable for a mixture of retail, office, general commercial, and high density residential uses at densities at 18 or more residential units per acre. Residential and non-residential uses could be combined within a single structure, including off-street

Planning Commission
Case No.: USE 2018 0007
June 18, 2018
Page 10 of 14

parking. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land. (p. 147)

The proposed dwelling unit density is 14 dwelling units per acre, less than the recommended minimum in the Comprehensive Plan of 18 units per acre. Ideally, lands are developed to their maximum dwelling unit density where possible especially when located in close proximity to transit services, but there is no minimum dwelling density in the CBJ Land Use Code.

The Comprehensive Plan provides policies to encourage the development of more housing. The following policies are relevant to the proposal:

POLICY 4.2. TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS. (p.37)

POLICY 4.8. TO BALANCE THE PROTECTION AND PRESERVATION OF THE CHARACTER AND QUALITY OF LIFE OF EXISTING NEIGHBORHOODS WITHIN THE URBAN SERVICE AREA WHILE PROVIDING OPPORTUNITIES FOR A MIXTURE OF NEW HOUSING TYPES. (p.41)

POLICY 10.1. TO FACILITATE AVAILABILITY OF SUFFICIENT LAND WITH ADEQUATE PUBLIC FACILITIES AND SERVICES FOR A RANGE OF HOUSING TYPES AND DENSITIES TO ENABLE THE PUBLIC AND PRIVATE SECTORS TO PROVIDE AFFORDABLE HOUSING OPPORTUNITIES FOR ALL JUNEAU RESIDENTS. (p.129)

POLICY 10.3. TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS. (p.131)

The development also provides potential for mixed uses in the future as the garage spaces or apartments are utilized for commercial uses. This is supported by the following policy:

POLICY 10.2. TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA. (p.130)

POLICY 10.13. TO PROVIDE FOR AND ENCOURAGE MIXED USE DEVELOPMENT THAT INTEGRATES RESIDENTIAL, RETAIL AND OFFICE USE IN DOWNTOWN AREAS, SHOPPING CENTERS, ALONG TRANSIT CORRIDORS, AND IN OTHER SUITABLE AREAS. (p.140)

Planning Commission
Case No.: USE 2018 0007
June 18, 2018
Page 11 of 14

The following Standard Operating Practice (SOP) related to Policy 10.13 supports review of parking, landscaping, and lighting for developments

10.13 - SOP2 Maintain and improve provisions in the Land Use Code that include performance standards covering building height, site coverage, landscaping, buffering from incompatible uses, access, signage, parking and other design standards in the Mixed Use zones. Maintain and improve design review procedures to assure that proposals for mixed use development are evaluated with regard to site design, building placement, parking, landscaping, exterior lighting, and other factors ensuring privacy and livability of the project residents as well as factors to ensure the project is compatible with, and a good neighbor to, surrounding properties, land uses, and public facilities.

Juneau Economic Development Plan

The Juneau Economic Development Plan (JEDP) developed eight economic development priorities, including to “Promote Housing Affordability and Availability”. In order to accomplish the priorities set forth, the Plan states Initiatives, Goals, and Actions. The proposed development is providing additional housing albeit not specifically designed to be ‘affordable’ housing.

Area-Wide Transportation Plan

The Area-Wide Transportation Plan (AWTP) addresses land use revisions and enhancements that developments should provide in projects. These enhancements include sidewalks, pathways that eliminate vehicular conflict points, and infill development and redevelopment. There are no specific actions related to pedestrian connectivity in Vintage Park in the immediate area of the subject lot.

Juneau Non-Motorized Transportation Plan

The purpose of the Juneau Non-Motorized Transportation Plan (JNMTP) is ‘to promote active transportation by guiding development of a community-wide bicycle and walking network that can be used by all Juneau residents for all types of trips’. The location of the development is a walkable distance to public amenities such as grocery stores, recreational facilities, schools, a post office, banks, etc. Transit services operate on Riverside Drive, and CBJ is actively pursuing a Valley Transit Center in the Vintage Park/Mendenhall Mall area. There are no specific actions related to pedestrian connectivity in Vintage Park in the immediate area of the subject lot.

Planning Commission
Case No.: USE 2018 0007
June 18, 2018
Page 12 of 14

FINDINGS

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

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

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

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

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

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

1. Is the application for the requested conditional use permit complete?

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 1.300 for the LC zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the June 15, 2018 and June 25, 2018 issues of the Juneau

Planning Commission
Case No.: USE 2018 0007
June 18, 2018
Page 13 of 14

Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

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

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

No. Based on the above analysis the use, with conditions, will maintain values and will be in harmony with the neighboring area.

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

Yes. Based on the preceding analysis, staff finds that the proposed multifamily development is in general conformity with the Land Use Plan and Comprehensive Plan.

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

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

N/A

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a 23 dwelling unit, multi-family development in a Light Commercial zoning district.

The approval is subject to the following conditions:

1. Prior to a Certificate of Occupancy, a minimum of 15% of the lot shall be planted with landscaped vegetation or the installation of landscaped vegetation must be bonded for. A revised landscaping plan shall be reviewed and approved by CDD staff prior to issuance of any further building permits for Buildings C or D.
2. In addition to the vegetative cover requirements, the landscaping plan shall be amended to show a minimum of 5 feet of vegetative strip separating the parking and circulation area (except for access points) from the sidewalk on Clinton Drive.

Planning Commission
Case No.: USE 2018 0007
June 18, 2018
Page 14 of 14

3. The landscaping plan shall include vegetative areas along Clinton Drive and Vintage Boulevard planted with vegetation that matches other street side plantings of trees and/or shrubs at other developments in the immediate vicinity. Any additional space between the subject property line and edge of sidewalk should be landscaped with grass.
4. Prior to issuance of a Building Permit for Buildings C or D, the applicant shall submit a lighting plan by a professional engineer or architect illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located, and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).
5. Prior to CBJ acceptance of sidewalk improvements, appropriate 'no exit' signs shall be placed at the ingress-only access on Vintage Boulevard.
6. Prior to issuing a Certificate of Occupancy for the first dwelling unit on the subject lot, a Homeowners Association Agreement shall be submitted for review and approval by CDD.
7. The Homeowners Association agreement documents shall specify how common facilities shall be operated and maintained. The documents shall require that the governing body of the association adequately maintain common facilities including snow removal, approved landscaping, and signage and stripping.

DEVELOPMENT PERMIT APPLICATION



Project Number	CITY and BOROUGH of JUNEAU	Date Received: APR 24 2018
Project Name (City Staff to Assign Name)		

INFORMATION

PROJECT / APPLICANT

Project Description <i>Conditional Uses permit for 23 unit condo development</i>		
PROPERTY LOCATION		
Street Address <i>3005 Clinton Dr</i>	City/Zip <i>Juneau AK</i>	
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <i>Lots 1A-7A Vintage Business Park</i>		
Assessor's Parcel Number(s) <i>011, 021, 031, 5-B16-0-144-004-1, 051, 061, 071</i>		
LANDOWNER/ LESSEE		
Property Owner's Name <i>R&S Const. LLC</i>	Contact Person: <i>Scott Jenkins</i>	Work Phone: <i>723-8952</i>
Mailing Address <i>P.O. Box 210194 Anchorage AK</i>	Home Phone:	Fax Number:
E-mail Address <i>igloo racing - 1@yahoo.com</i>	Other Contact Phone Number(s):	
LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:		
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.		
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.		
X	<i>[Signature]</i> Landowner/Lessee Signature	<i>4/23/18</i> Date
X	Landowner/Lessee Signature	Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.		
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below		
Applicant's Name <i>Same</i>		Contact Person: Work Phone:
Mailing Address		Home Phone: Fax Number:
E-mail Address		Other Contact Phone Number(s):
X	Applicant's Signature	
		Date of Application

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS

✓	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit			
	City/State Project Review and City Land Action			
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)			
✓	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
✓	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		<i>4/24/18</i>	<i>USE 20180007</i>
	Variance Case (De Minimis and all other Variance case types)			
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			
***Public Notice Sign Form filled out and in the file.				
Comments: <i>Pre-App notes were never sent. Eddie trying to get them completed. Lots to be consolidated under SIC 18-02</i>				Permit Intake Initials <i>TJR</i>



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

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

To be completed by Applicant

PROJECT SUMMARY

construction of 23 condos.

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- ☐ Accessory Apartment – Accessory Apartment Application (AAP)
- ☒ Use Listed in 49.25.300 – Table of Permissible Uses (USE) ~~20180007~~
- Table of Permissible Uses Category: _____

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☐ YES – Case # _____ ☒ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 2594 square feet Total Area of Existing Structure(s) NA square feet

Total Area of Proposed Structure(s) 25300 square feet

EXTERNAL LIGHTING

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

Proposed ☐ No ☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

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

If this is a modification or extension include:

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

☒ Plans including:

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

DEPARTMENT USE ONLY BELOW THIS LINE

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>750</u>	<u>Class III</u>		
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50</u>			
Pub. Not. Sign Deposit	\$ <u>100</u>			
Total Fee	\$ <u>900</u>			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number	Date Received
<u>USE 20180007</u>	<u>4/24/18.</u>

Attachment A

Allowable/Conditional Use Permit Narrative:

Lots 1A-7A on Clinton Drive are currently vacant long skinny lots that we (R&S CONSTRUCTION LLC) have purchased to build a future 23 unit 2 condo project to be completed in 2 phases. We are providing copies of the proposed site plan with depicting the required 15% vegetation. The site plan also shows the buildings with proper setbacks, vehicle circulation and parking. The condo units will be primarily residential condos with large shop/garages. We are designing the units to leave open the possibility for the purchaser to run a small business in the shop space below if desired. The proposed use meets all current zoning and will comply with the Comprehensive Plan. If you have any further questions please contact Rob Worden at 907-321-5015 or Scott Jenkins at 907-723-8952

A
L
A
S
K
A

2018-001399-0

Recording Dist: 101 - Juneau
4/2/2018 11:55 AM Pages: 1 of 3



STATUTORY WARRANTY DEED

3015051

THE GRANTOR, FRED JOHAN BAXTER and GEORGE WILLIAM ELGEE, Co-Trustees under the WILLIAM BAUER LIVING TRUST, DATED NOVEMBER 5, 2009, whose mailing address is 9309 Glacier Highway, Suite B-200, Juneau, Alaska 99801, for and in consideration of Ten Dollars (\$10.00) and other valuable consideration, in hand paid, conveys and warrants to the GRANTEE, R & S CONSTRUCTION, LLC, an Alaska limited liability company, whose mailing address is P.O. box 210194, Auke Bay, Alaska 99821, the following described real property, situated in the Juneau Recording District, First Judicial District, State of Alaska:

Lots 1A, 2A, 3A, 4A, 5A, 6A, and 7A, Block C, Vintage Park IIA, according to Plat 2013-19, Juneau Recording District, First Judicial District, State of Alaska.

SUBJECT TO:

1. Reservations or exceptions in patents or in acts authorizing the issuance thereof.
2. 2018 City and Borough of Juneau taxes, a lien not yet due or payable.
3. The effect of the notes which appear on the plat of said subdivision.
4. Easements as dedicated and shown on the plat of said subdivision.
5. Reservation of an easement for highway purposes as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951,

William Bauer Living Trust, dated November 5, 2009, Statutory Warranty Deed, File No. 6059-011
Page 1 of 3

Amendment No. 1, thereto, dated July 17, 1952, and Amendment No. 2, thereto, dated September 15, 1956, filed in the Federal Register.

6. Covenants, conditions, restrictions and/or easements; but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, family status, or national origin to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes, created by instrument recorded May 22, 1950 in Book 42 at Page 323.
7. Covenants, conditions, restrictions and/or easements; but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, family status, or national origin to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes, created by instrument recorded September 22, 1997 in Book 479 at Page 443.

DATED this 2nd day of April, 2018.

**WILLIAM BAUER LIVING TRUST, dated
November 5, 2009**

By: *Fred Johan Baxter* Co-Trustee
Fred Johan Baxter, Co-Trustee

By: *George William Elgee* Co-Trustee
George William Elgee, Co-Trustee

STATE OF ALASKA)
: ss.
FIRST JUDICIAL DISTRICT)

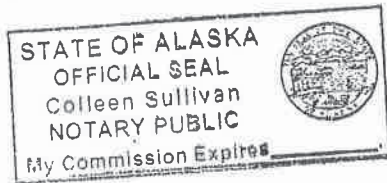
THIS IS TO CERTIFY that on this 2nd day of April, 2018, before me, a Notary Public, in and for the State of Alaska, duly commissioned and sworn, personally appeared Fred Johan Baxter, Co-Trustee under the WILLIAM BAUER LIVING TRUST, dated November 5, 2009, to me known and known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned, as a Trustee of said trust.

William Bauer Living Trust, dated November 5, 2009, Statutory Warranty Deed, File No. 6059-011
Page 2 of 3



2 of 3
2018-001399-0

WITNESS my hand and official seal the day and year in this certificate first above written.

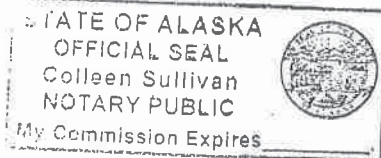


Colleen Sullivan
 Notary Public, State of Alaska
 My commission expires: 12-12-2020

STATE OF ALASKA)
 : ss.
 FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 2nd day of April, 2018, before me, a Notary Public, in and for the State of Alaska, duly commissioned and sworn, personally appeared George William Elgee, Co-Trustee under the WILLIAM BAUER LIVING TRUST, dated November 5, 2009, to me known and known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned, as a Trustee of said trust.

WITNESS my hand and official seal the day and year in this certificate first above written.



Colleen Sullivan
 Notary Public, State of Alaska
 My commission expires: 12-12-2020

After recording return to:

Baxter Bruce & Sullivan P.C.
 PO Box 32819
 Juneau, AK 99803



Lumark

DESCRIPTION

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

SPECIFICATION FEATURES

Construction

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

Optical

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

Electrical

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

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

Finish

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

Warranty

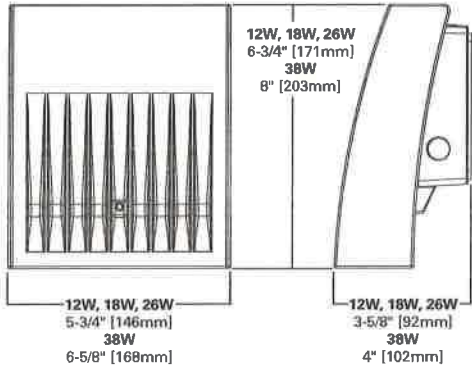
Five-year warranty.



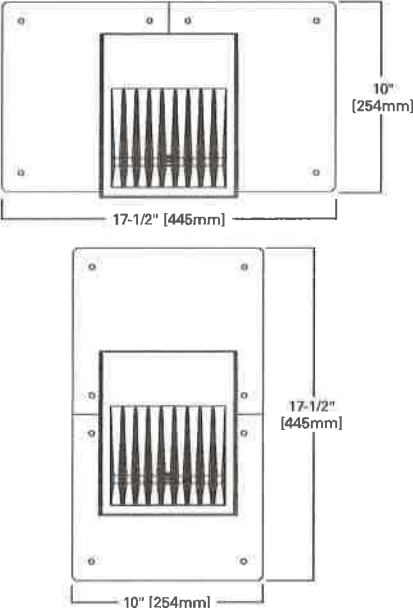
XTOR CROSSTOUR LED

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

DIMENSIONS



ESCUTCHEON PLATES



CERTIFICATION DATA
UL/cUL Wet Location Listed
LM79 / LM80 Compliant
ROHS Compliant
ADA Compliant
NOM Compliant Models
IP66 Ingress Protection Rated
Title 24 Compliant
DesignLights Consortium® Qualified*

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

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

SHIPPING DATA:
Approximate Net Weight:
3.7 – 5.25 lbs. [1.7 – 2.4 kgs.]



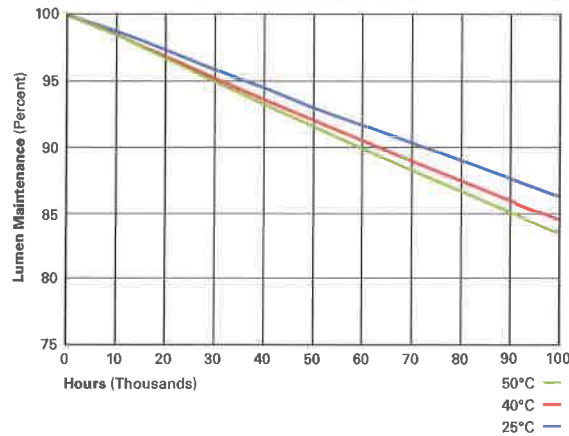
POWER AND LUMENS BY FIXTURE MODEL

LED Information	XTOR1B	XTOR1B-W	XTOR1B-Y	XTOR2B	XTOR2B-W	XTOR2B-Y	XTOR3B	XTOR3B-W	XTOR3B-Y	XTOR4B	XTOR4B-W	XTOR4B-Y
Delivered Lumens (Wall Mount)	1,418	1,396	1,327	2,135	2,103	1,997	2,751	2,710	2,575	4,269	4,205	3,995
Delivered Lumens (With Flood Accessory Kit) ¹	1,005	990	940	1,495	1,472	1,399	2,099	2,068	1,965	3,168	3,121	2,965
B.U.G. Rating ²	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B1-U0-G0	B2-U0-G0	B2-U0-G0	B2-U0-G0
CCT (Kelvin)	5,000	4,000	3,000	5,000	4,000	3,000	5,000	4,000	3,000	5,000	4,000	3,000
CRI (Color Rendering Index)	70	70	70	70	70	70	70	70	70	70	70	70
Power Consumption (Watts)	12W	12W	12W	18W	18W	18W	26W	26W	26W	38W	38W	38W

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

LUMEN MAINTENANCE

Ambient Temperature	TM-21 Lumen Maintenance (72,000 Hours)	Theoretical L70 (Hours)
XTOR1B Model		
25°C	> 90%	255,000
40°C	> 89%	234,000
50°C	> 88%	215,000
XTOR2B Model		
25°C	> 89%	240,000
40°C	> 88%	212,000
50°C	> 87%	196,000
XTOR3B Model		
25°C	> 89%	240,000
40°C	> 88%	212,000
50°C	> 87%	196,000
XTOR4B Model		
25°C	> 89%	222,000
40°C	> 87%	198,000
50°C	> 87%	184,000



CURRENT DRAW

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

ORDERING INFORMATION

Sample Number: XTOR2B-W-WT-PC1

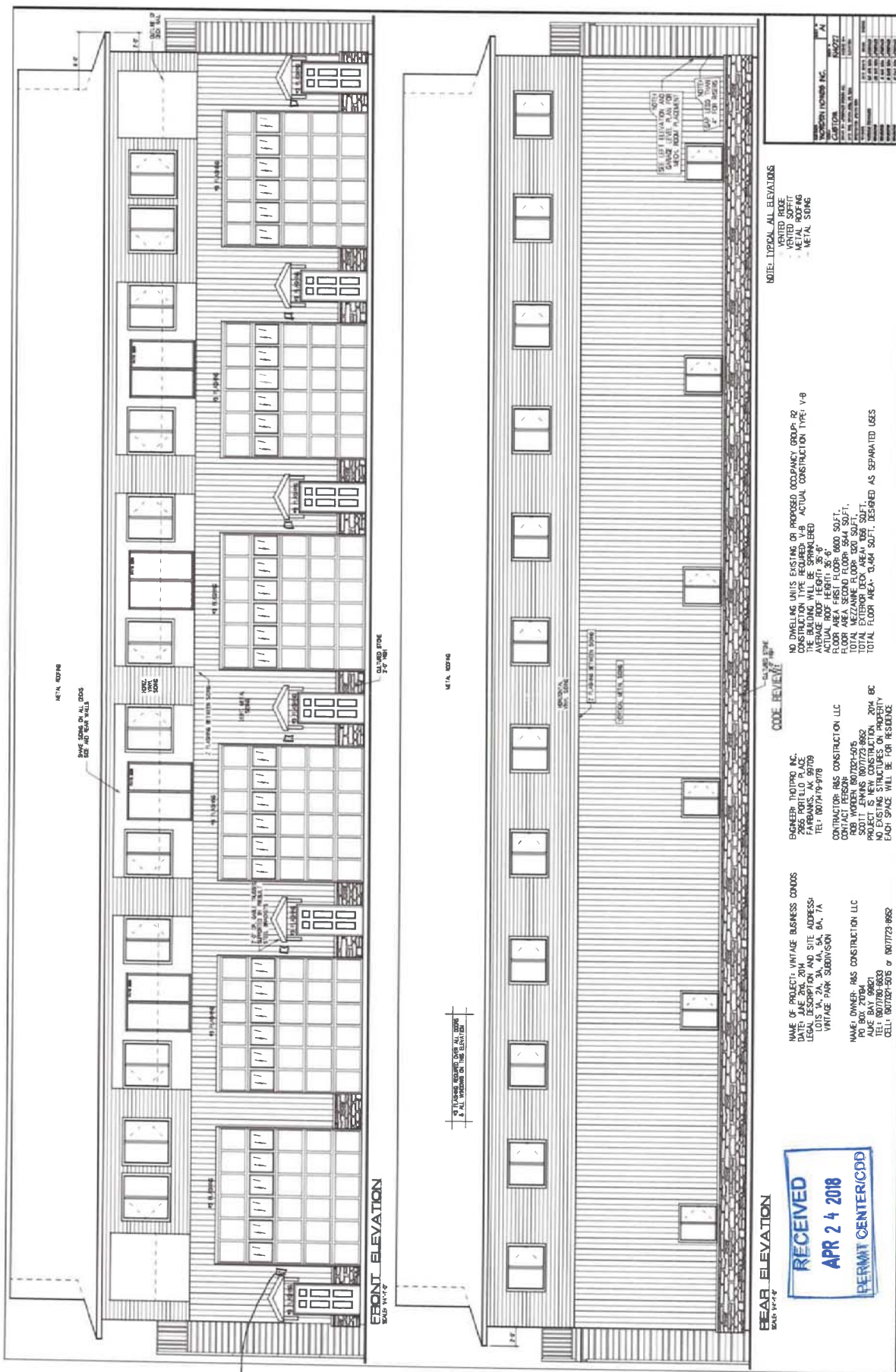
Series ¹	LED Kelvin Color	Housing Color	Options (Add as Suffix)	Accessories (Order Separately)
XTOR1B=Small Door, 12W XTOR2B=Small Door, 18W XTOR3B=Small Door, 26W XTOR4B=Medium Door, 38W	[Blank]=Bright White (Standard), 5000K W=Neutral White, 4000K Y=Warm White, 3000K	[Blank]=Carbon Bronze (Standard)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

NOTES:

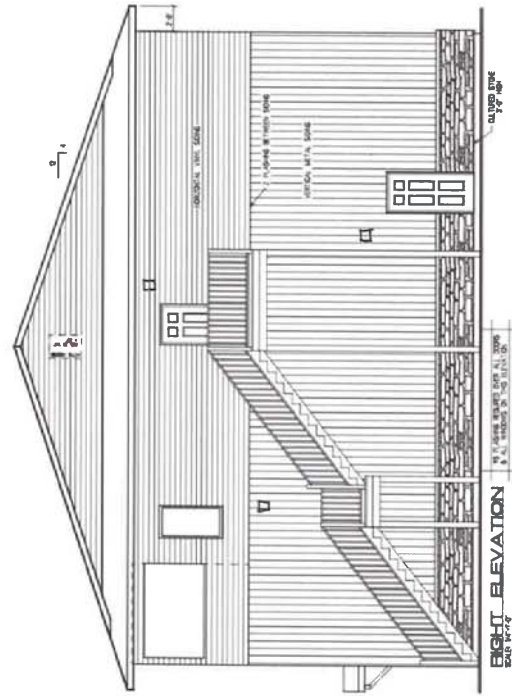
- DesignLights Consortium* Qualified and classified for both DLC Standard and DLC Premium, refer to www.designlights.org for details.
- Photocontrols are factory installed.
- Order PC2 for 347V models.
- Thru-branch wiring not available with HA option or with 347V. XTOR3B not available with HA and 347V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

STOCK ORDERING INFORMATION

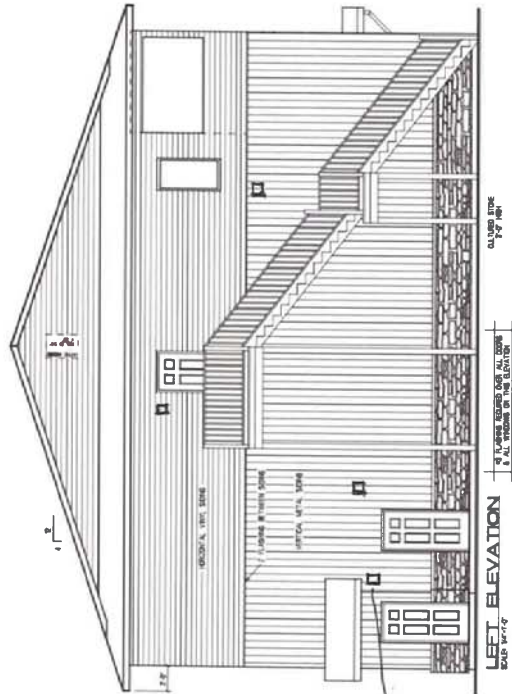
12W Series	18W Series	26W Series	38W Series
XTOR1B=12W, 5000K, Carbon Bronze	XTOR2B=18W, 5000K, Carbon Bronze	XTOR3B=26W, 5000K, Carbon Bronze	XTOR4B=38W, 5000K, Carbon Bronze
XTOR1B-WT=12W, 5000K, Summit White	XTOR2B-W=18W, 4000K, Carbon Bronze	XTOR3B-W=26W, 4000K, Carbon Bronze	XTOR4B-W=38W, 4000K,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



Attachment A



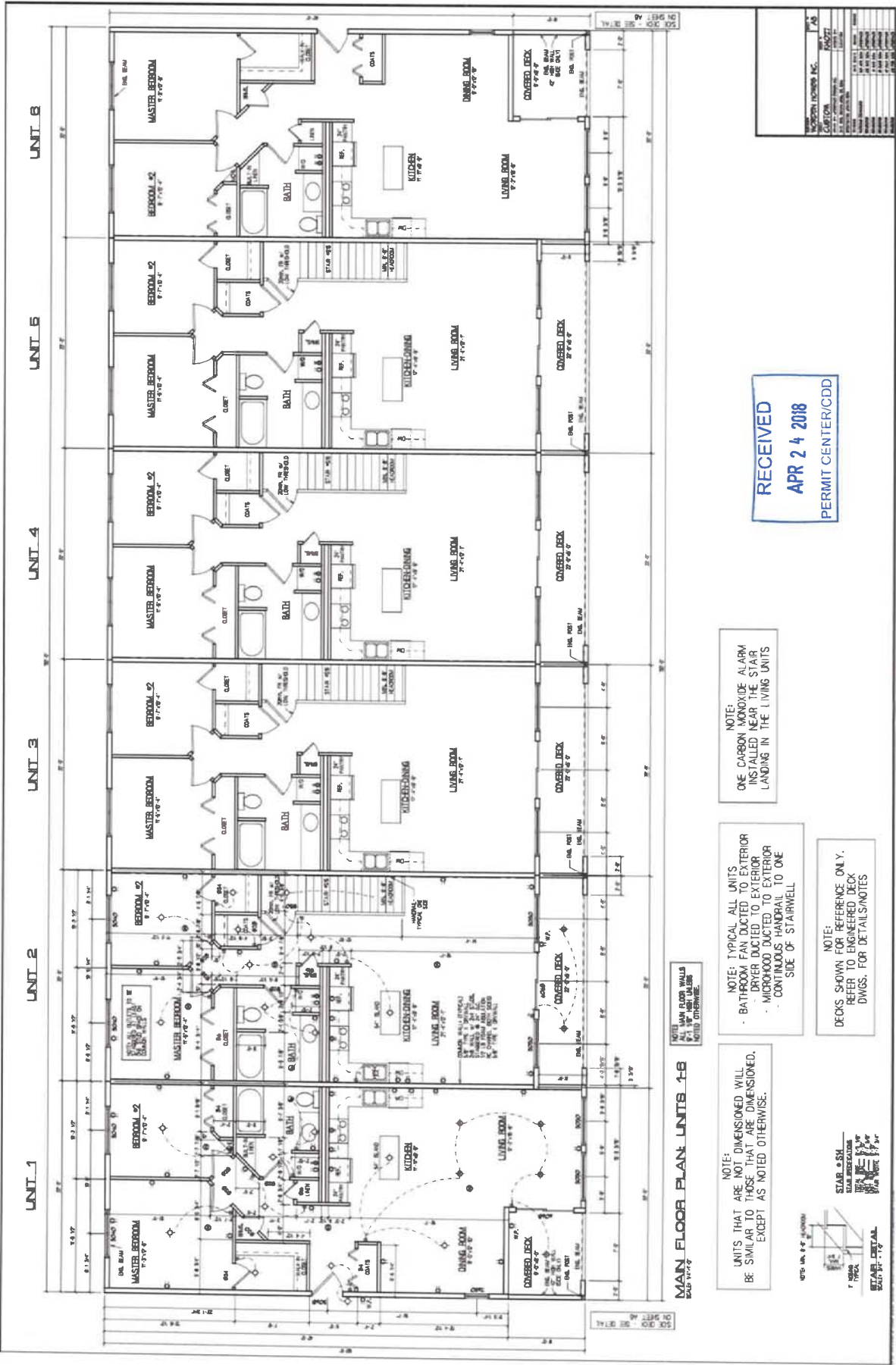
NOTE: TYPICAL ALL ELEVATIONS
 - VENTED ROOF
 - VENTED SOFFIT
 - METAL ROOFING



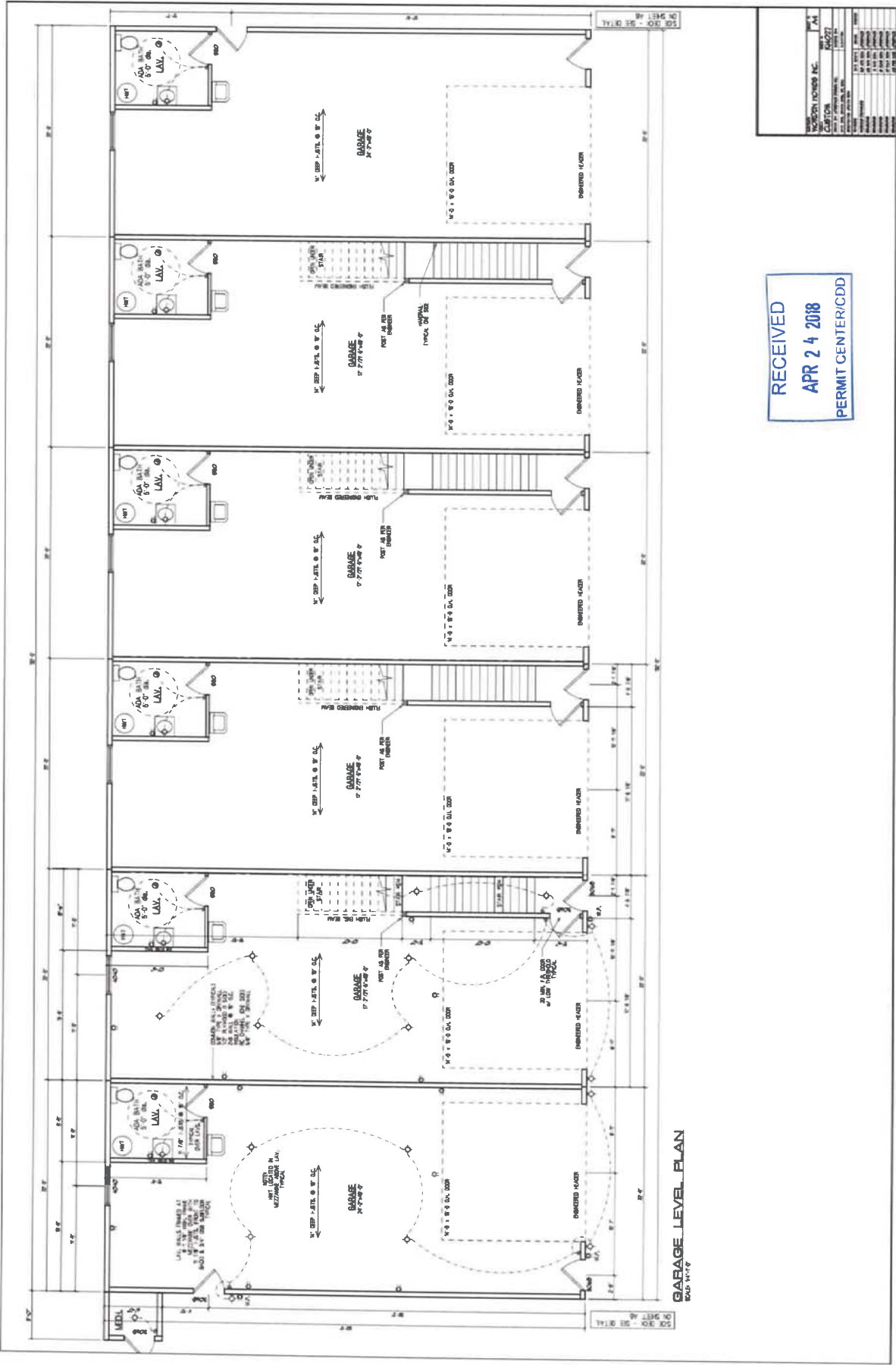
1-1
 Section

RECEIVED
 APR 24 2018
 PERMIT CENTER/CDD

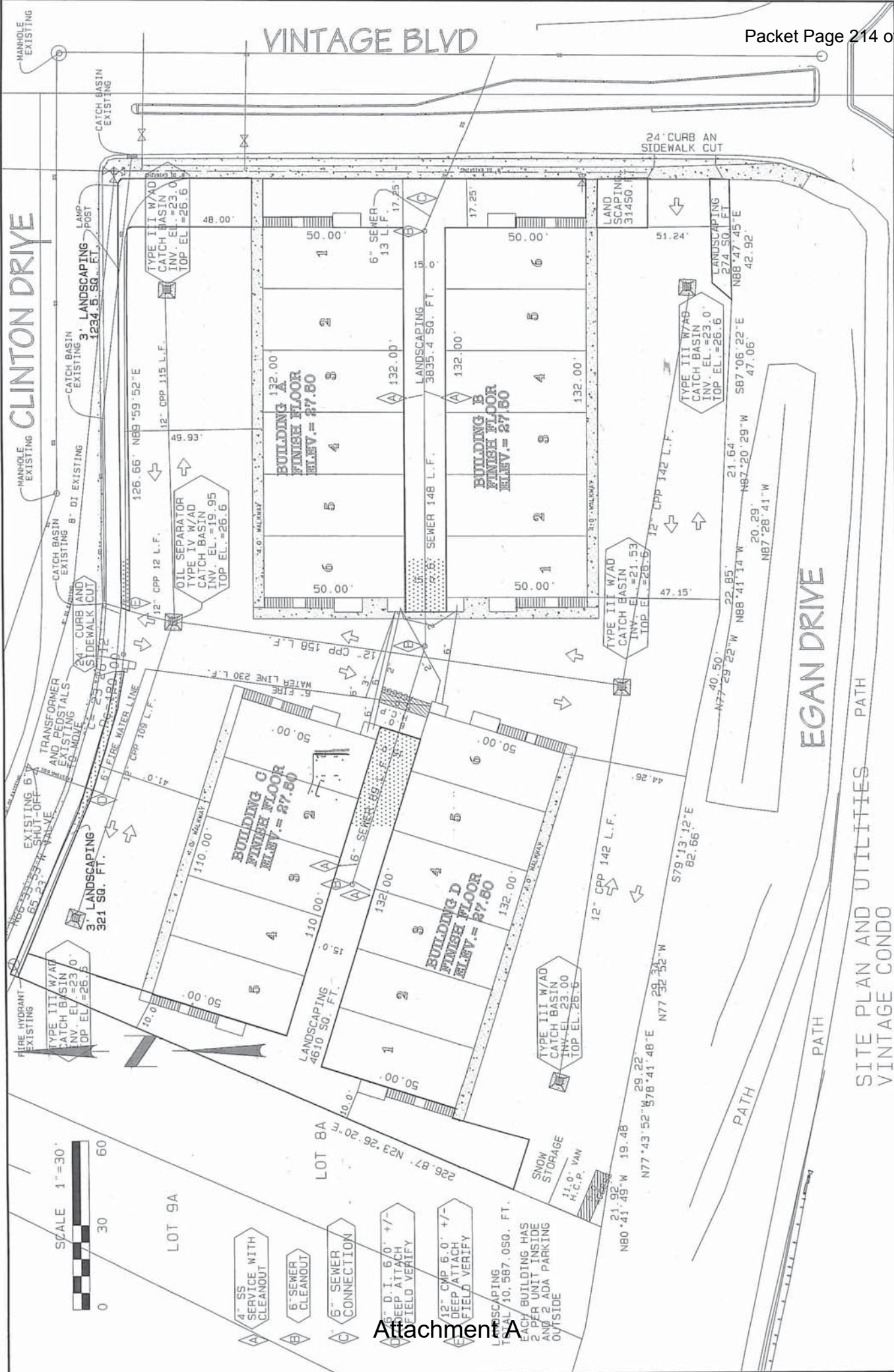
PROJECT	WILSON HOUSE INC.
DATE	AS
DESIGNER	BAZOTI
SCALE	1/4" = 1'-0"
DATE	1/18/18
BY	BAZOTI
CHECKED BY	BAZOTI
APPROVED BY	BAZOTI



Attachment A



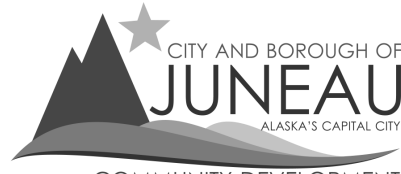
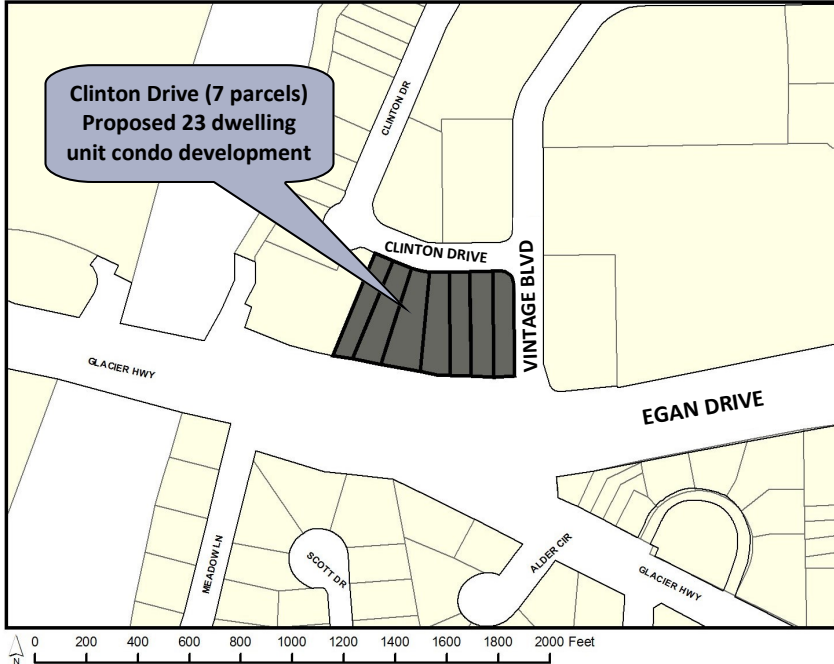
Attachment A



Attachment A

Invitation to Comment

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



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for a **23 dwelling unit condominium development** located along **Clinton Drive** in a **Light Commercial (LC)** zone.

TIMELINE

Staff Report expected to be posted Monday, June 18, at
<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through June 4, 2018

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

June 5 through 12 noon, June 22

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

HEARING DATE & TIME
7:00 pm, June 26, 2018

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

June 27

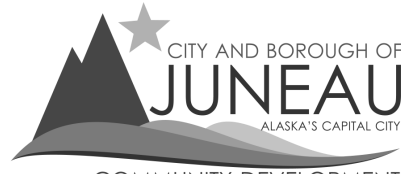
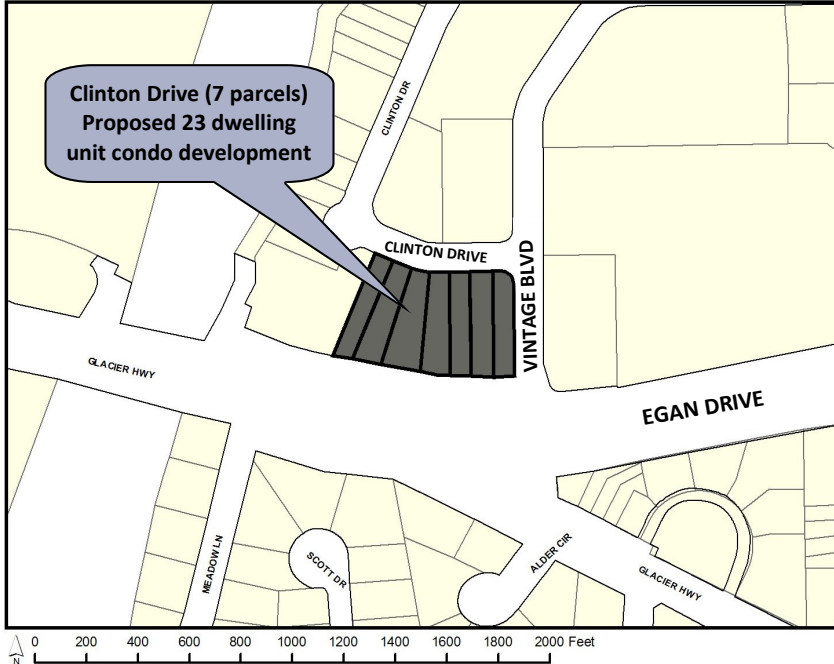
The results of the hearing will be posted online.

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

Case No.: USE2018 0007
Parcel Nos.: 5B1601440011; 0021; 0031;
0041; 0051; 0061; 0071
CBJ Parcel Viewer: <http://epv.juneau.org>

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June 27

The results of the hearing will be posted online.

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

Printed May 30, 2018

Case No.: USE2018 0007

Parcel Nos.: 5B1601440011; 0021; 0031;
0041; 0051; 0061; 0071

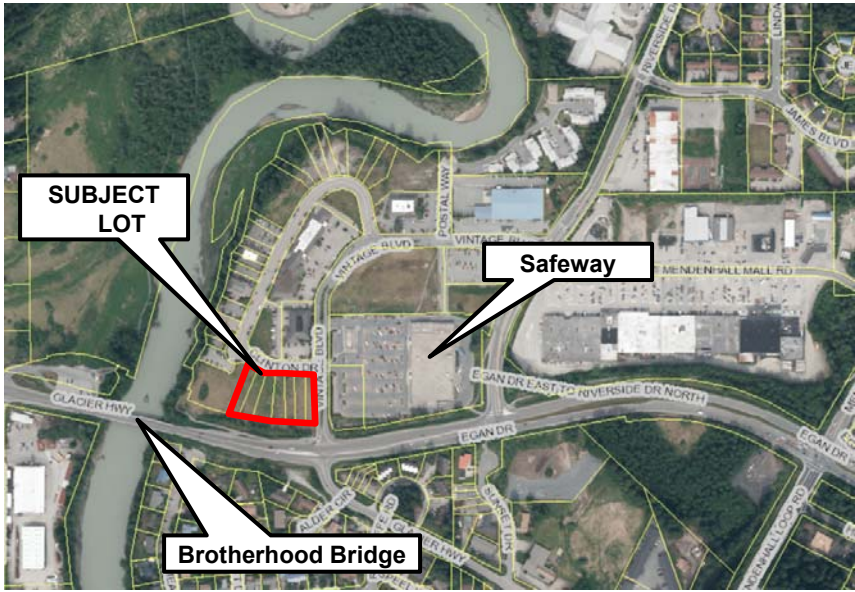
CBJ Parcel Viewer: <http://epv.juneau.org>

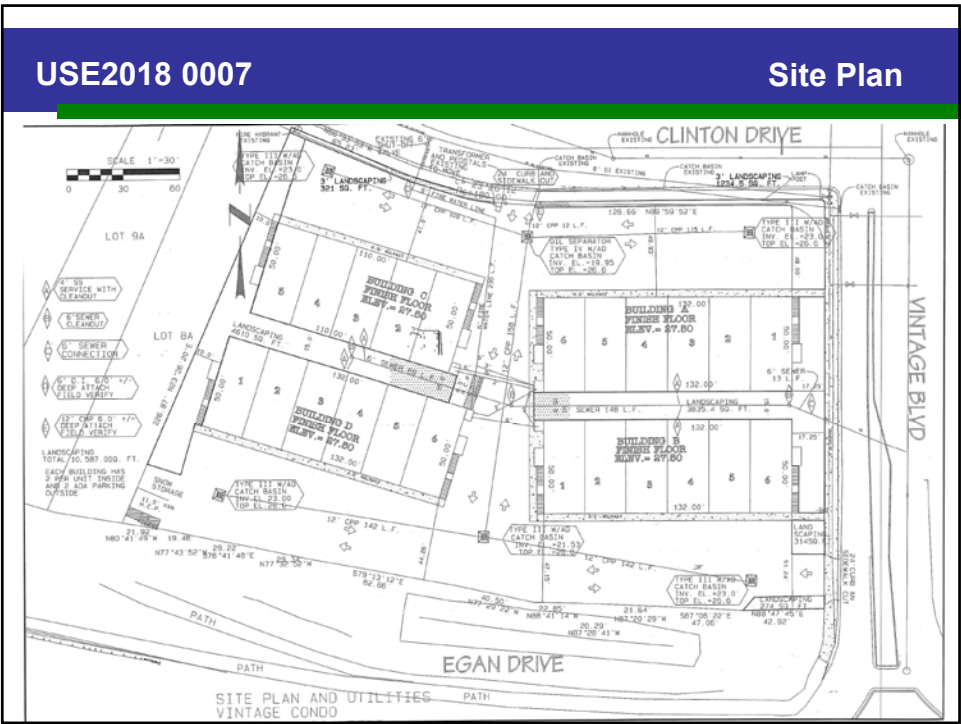
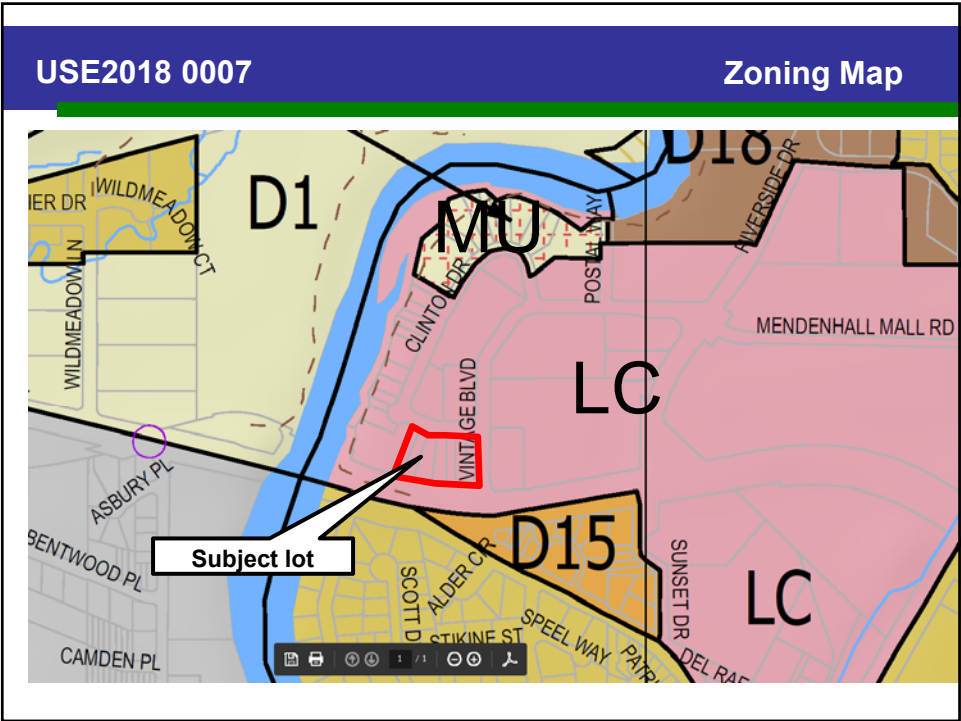
USE2018 0007
Conditional Use Permit for a 23
dwelling unit condominium
development

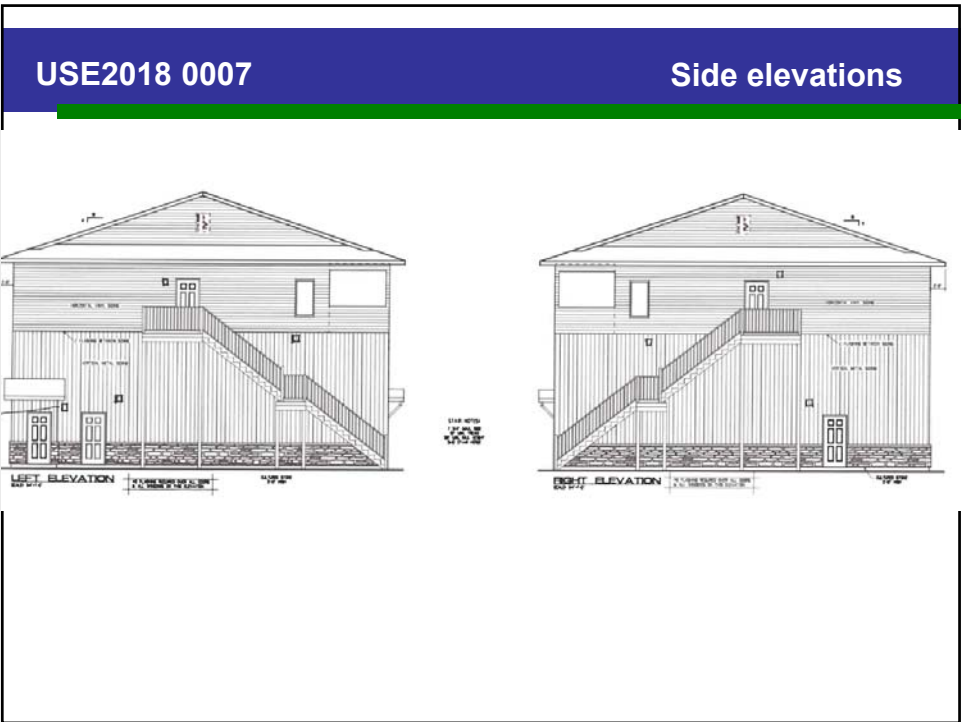
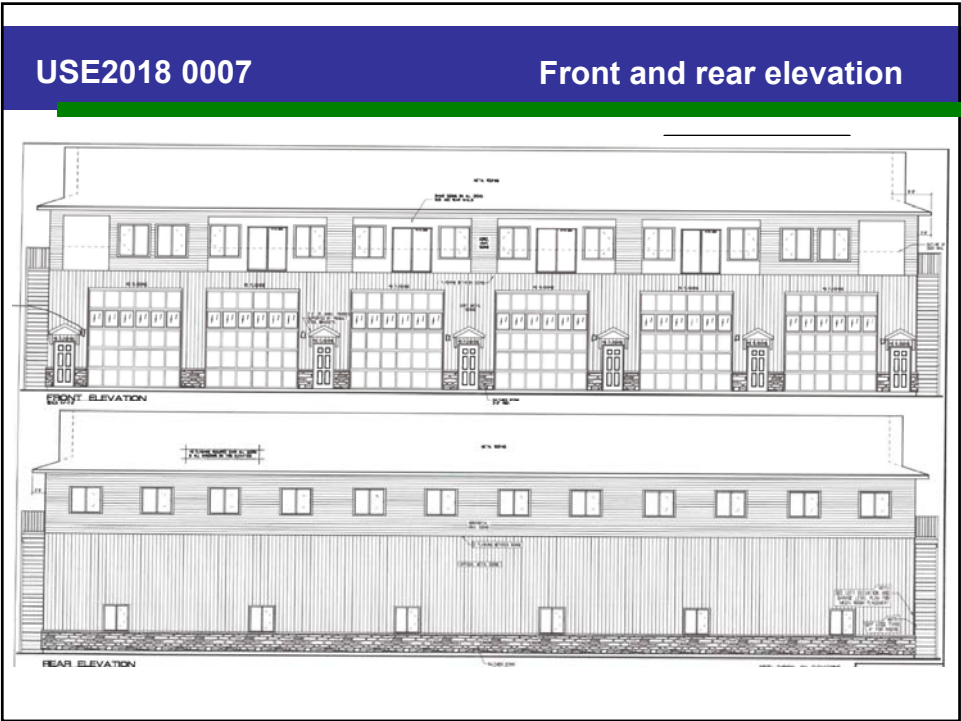


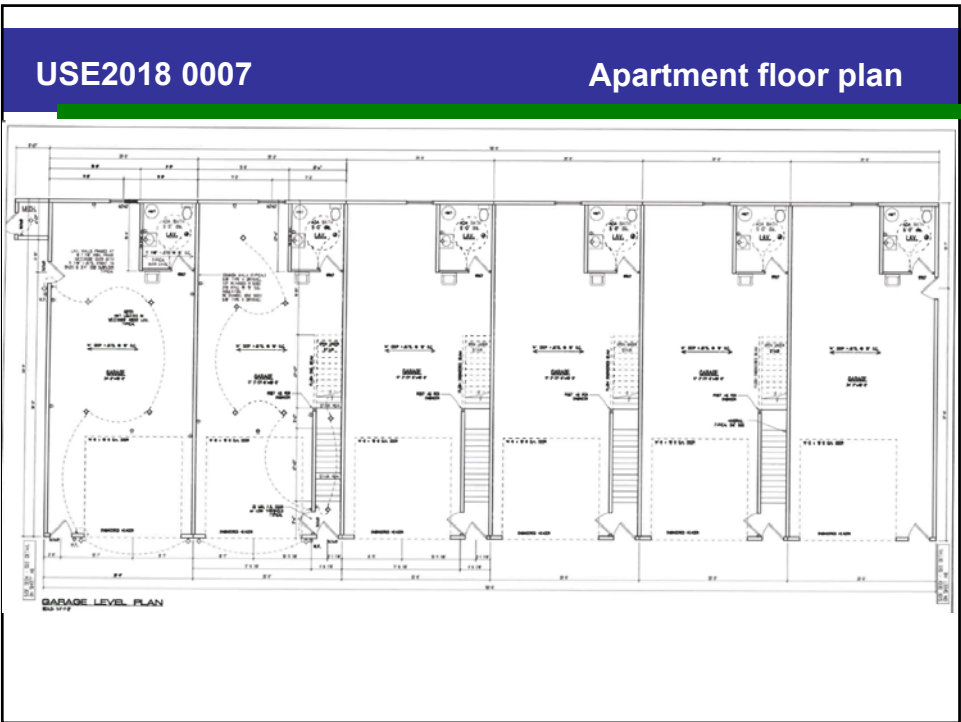
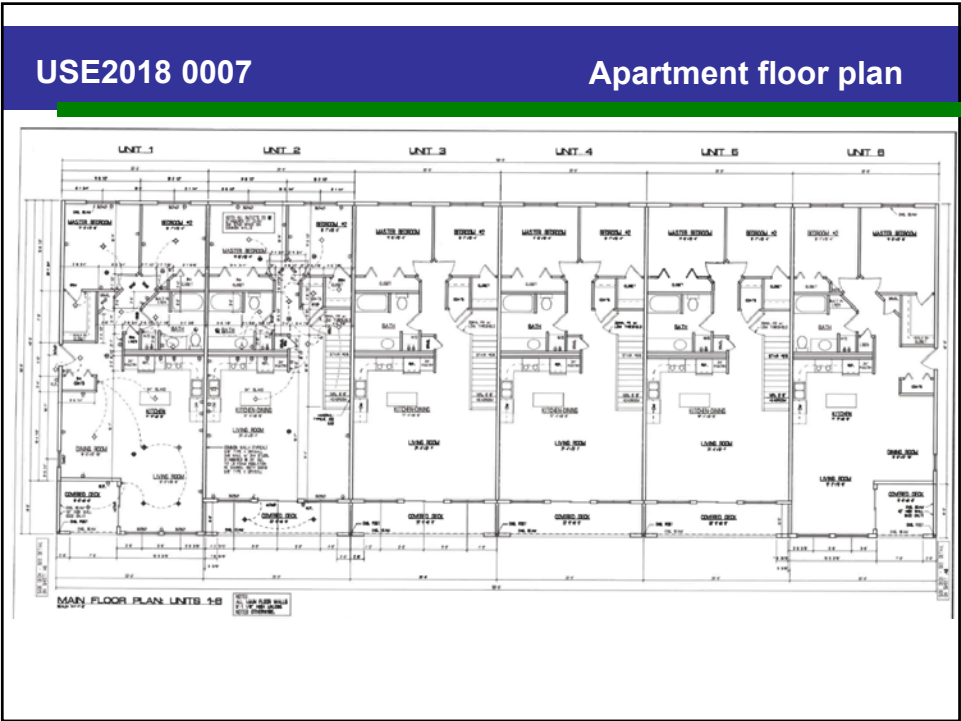
USE2018 0007

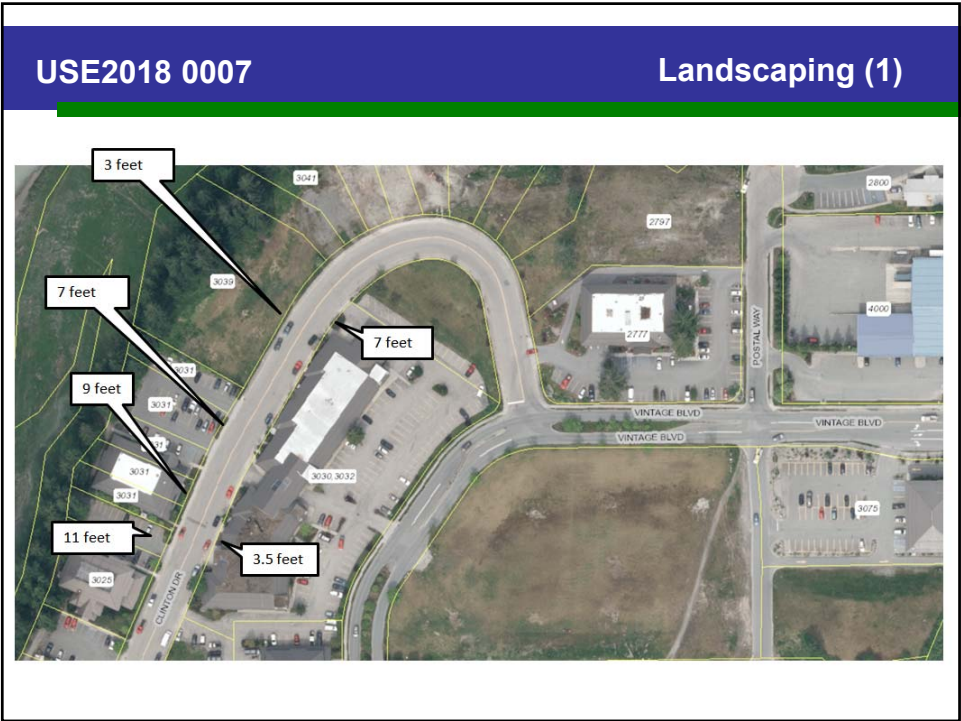
Aerial Vicinity Map











USE2018 0007

Landscaping (2)



USE2018 0007

Landscaping (3)



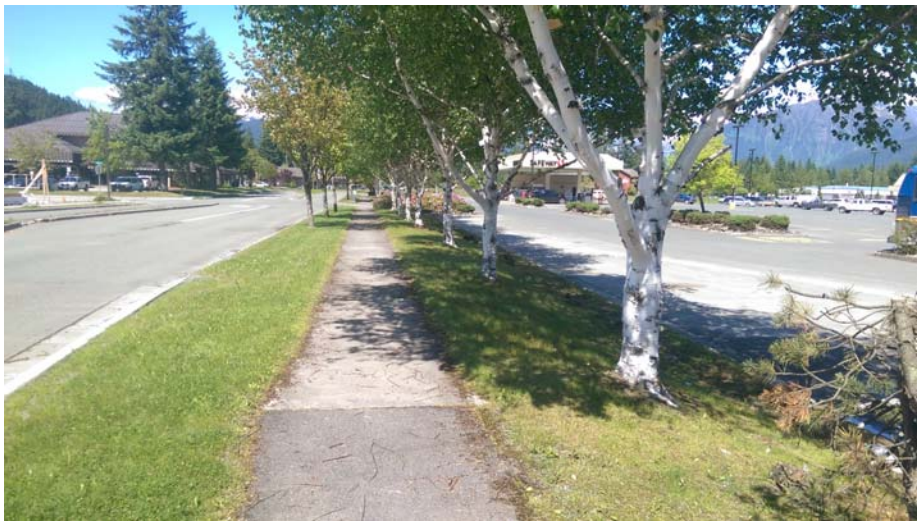
USE2018 0007

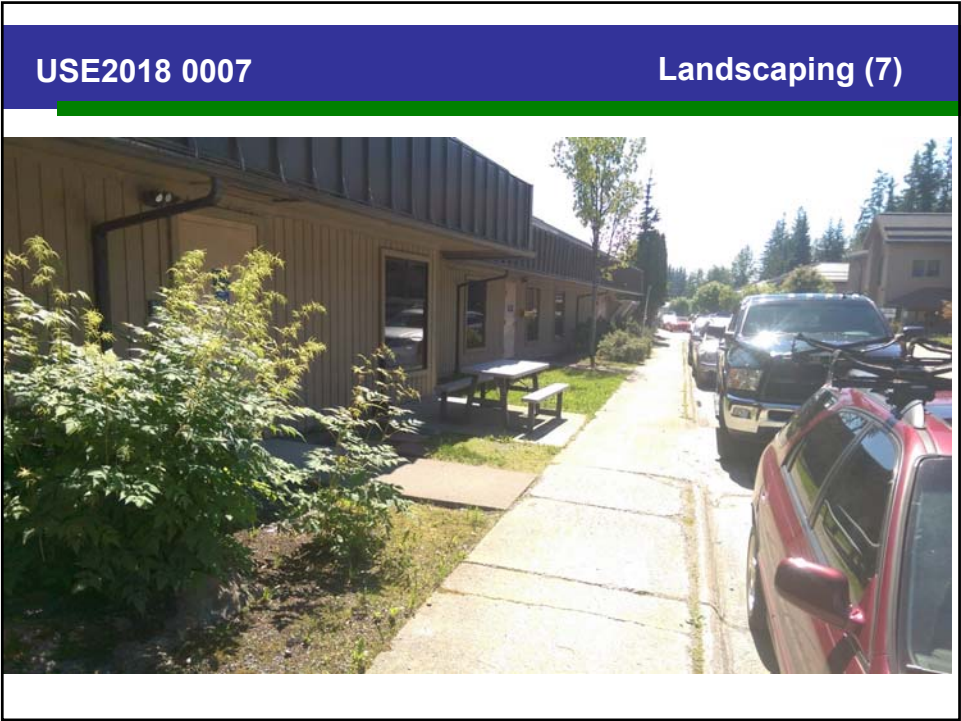
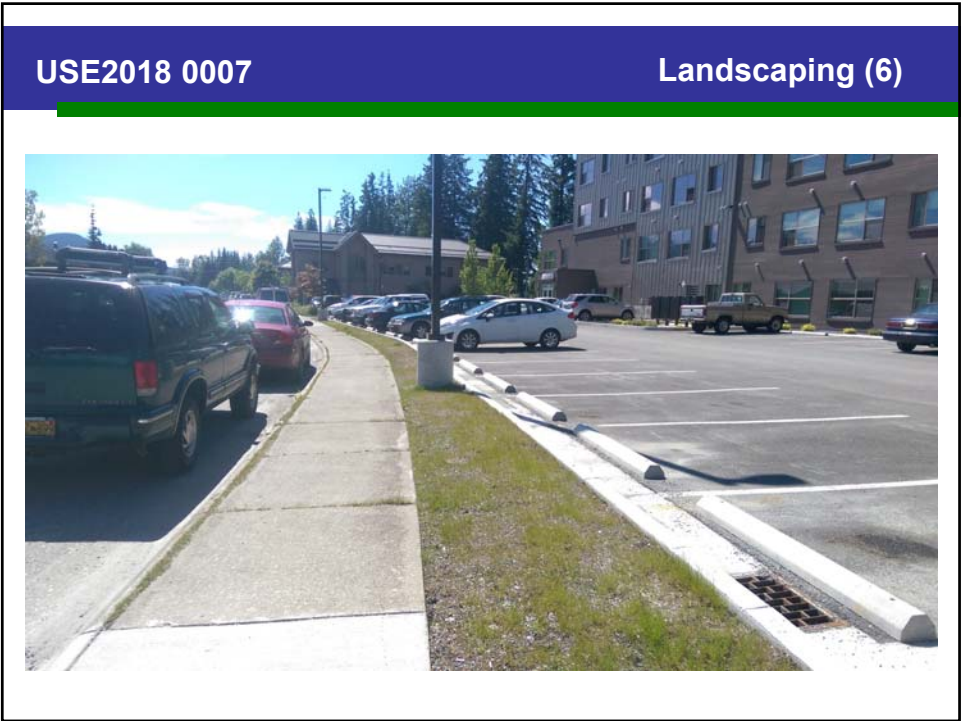
Landscaping (4)



USE2018 0007

Landscaping (5)





USE2018 0007	Analysis
	• The proposed development, with conditions, will not endanger the public health and safety. • The use, with conditions, will maintain values and will be in harmony with the neighboring area. • In conformity with adopted plans • Director's findings are in favor of approval

USE2018 0007	Recommendation
	It is recommended that the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow the development of a 23 dwelling unit, multi-family development in a Light Commercial zoning district. Recommended the approval is subject to the following conditions:

USE2018 0007	Recommendations
	1. Prior to a Certificate of Occupancy, a minimum of 15% of the lot shall be planted with landscaped vegetation or the installation of landscaped vegetation must be bonded for. A revised landscaping plan shall be reviewed and approved by CDD staff prior to issuance of any further building permits for Buildings C or D. 2. In addition to the vegetative cover requirements, the landscaping plan shall be amended to show a minimum of 5 feet of vegetative strip separating the parking and circulation area (except for access points) from the <u>property line</u> on Clinton Drive.

USE2018 0007	Recommendations
	3. The landscaping plan shall include vegetative areas along Clinton Drive and Vintage Boulevard planted with vegetation that matches other street side plantings of trees and/or shrubs at other developments in the immediate vicinity. Any additional space between the subject property line and edge of sidewalk should be landscaped with grass.

USE2018 0007	Recommendations
	4. Prior to issuance of a Building Permit for Buildings C or D, the applicant shall submit a lighting plan by a professional engineer or architect illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located, and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).

USE2018 0007	Recommendations
	5. Prior to CBJ acceptance of sidewalk improvements, appropriate 'no exit' signs shall be placed at the ingress-only access on Vintage Boulevard. 6. Prior to issuing a Certificate of Occupancy for the first dwelling unit on the subject lot, a Homeowners Association Agreement shall be submitted for review and approval by CDD. 7. The Homeowners Association agreement documents shall specify how common facilities shall be operated and maintained. The documents shall require that the governing body of the association adequately maintain common facilities including snow removal, approved landscaping, and signage and stripping.

USE2018 0007	Recommendations
8. For any change of use for any of the 23 dwelling units and accessory garages from 'multifamily residential', a revised parking plan shall be submitted and approved prior to the issuance of a building permit or change of use review. Additionally, this condition shall be incorporated into the HOA documents.	



Planning Commission

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

PLANNING COMMISSION NOTICE OF DECISION

Date: June 29, 2018
Case No.: USE2018 0007

R & S Construction LLC
P.O. Box 210194
Auke Bay, AK 99821

Proposal: A Conditional Use Permit for a 23 dwelling unit condominium development

Property Address: 3005 Clinton Drive

Legal Description: Vintage Park IIA, Block C, Lots 1A, 2A, 3A, 4A, 5A, 6A, 7A

Parcel Code No.: 5B1601440011; -0021; -0031; -0041; -0051; 0061; 0071

Hearing Date: June 26, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 26, 2018, and **APPROVED** the development of a 23 dwelling unit, multi-family development in a Light Commercial zoning district to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. A revised landscaping plan shall be reviewed and approved by CDD staff prior to the first Temporary Certificate of Occupancy or Certificate of Occupancy for any dwelling in the development. Prior to a Certificate of Occupancy, a minimum of 15% of the lot shall be planted with landscaped vegetation or the installation of landscaped vegetation must be bonded for.
2. The landscaping plan shall include strategically placed vegetative areas along Clinton Drive and Vintage Boulevard planted with vegetation that matches other street side plantings of trees and/or shrubs at other developments in the immediate vicinity. Any additional space between the subject property line and edge of sidewalk shall be landscaped with grass.
3. Prior to the first Temporary Certificate of Occupancy or Certificate of Occupancy for a dwelling in the development, the applicant shall submit a lighting plan by a professional engineer or architect illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located, and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).
4. Prior to issuing a Certificate of Occupancy for the first dwelling unit on the subject lot, a Homeowners Association Agreement shall be submitted for review and approval by CDD. The Homeowners Association

R & S Construction LLC
Case No.: USE2018 0007
June 29, 2018
Page 2 of 2

agreement documents shall specify how common facilities shall be operated and maintained. The documents shall require that the governing body of the association adequately maintain common facilities including snow removal, approved landscaping, and signage and striping.

5. Prior the first Temporary Certificate of Occupancy or Certificate of Occupancy for a dwelling in the development, a revised parking plan showing no fewer than 49 parking spaces on the exterior of the buildings shall be submitted and approved by CDD.

Attachments: June 18, 2018, and June 22, 2018 memorandums from Tim Felstead, Community Development, to the CBJ Planning Commission regarding USE2018 0007.

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

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

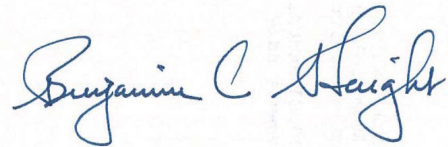
Effective Date: The permit is effective upon approval by the Commission, June 26, 2018.

Expiration Date: The permit will expire 18 months after the effective date, or December 26, 2019 if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

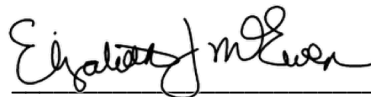
Project Planner:



Tim Felstead, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With Municipal Clerk

7/2/2018

Date

cc: Plan Review

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