

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

May 22, 2018
Assembly Chambers
7:00 PM

I. ROLL CALL

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

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

IV. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE

A. Additional Materials

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VI. ITEMS FOR RECONSIDERATION

VII. CONSENT AGENDA

A. USE2018 0005: A Conditional Use Permit for an accessory apartment on a non-conforming lot

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

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

A. AME2018 0002: A rezone request from D-3 to D-15 along North Douglas Highway

B. USE2018 0003: A Conditional Use Permit for a year-round bed and breakfast

C. USE2017 0006: A Conditional Use Permit for a Marijuana Cultivation Facility

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

XII. STAFF REPORTS

XIII. COMMITTEE REPORTS

XIV. LIAISON REPORT

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVII. EXECUTIVE SESSION

XVIII. ADJOURNMENT

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
April 24, 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 7:00 p.m.

Commissioners present: Ben Haight, Chairman; Nathaniel Dye, Percy Frisby, Dan Hickok, Dan Miller, Andrew Campbell, Carl Greene

Commissioners absent: Paul Voelckers, Vice Chairman; Michael LeVine

Staff present: Rob Steedle, CDD Director; Tim Felstead, Planner II; Robert Palmer, Assistant Municipal Attorney; Roger Healy, Director, CBJ Engineering and Public Works

Assembly members: Beth Weldon

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

III. APPROVAL OF MINUTES

- A. March 13, 2018 Draft Minutes - Planning Commission Committee of the Whole
- B. March 13, 2018 Draft Minutes - Regular Planning Commission Meeting
- C. March 27, 2018 Draft Minutes - Regular Planning Commission Meeting

MOTION: *by Mr. Dye, to approve the Planning Commission Committee of the Whole March 13, 2018, meeting minutes, the Planning Commission, March 13, 2018, regular meeting minutes, and the March 27, 2018, regular meeting minutes.*

The motion passed with no objection.

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

V. ITEMS FOR RECONSIDERATION - None

VI. CONSENT AGENDA - Withdrawn

~~**CSP2018 0004:** A proposal to lease a portion of the Develop Juneau Now property at the sub port for continued use as a parking lot.~~

~~**Applicant:** City and Borough of Juneau~~

~~**Location:** 300 Egan Drive~~

VII. UNFINISHED BUSINESS - None

VIII. REGULAR AGENDA

CSP2018 0003: Planning Commission review of Fiscal year 2019 Capital Improvement Program

Applicant: City and Borough of Juneau

Location: Borough-wide

Staff Recommendation

It is recommended that the Planning Commission report to the Assembly that the CIP projects recommended for funding in FY2019 conform to the policies of the Juneau Comprehensive Plan.

Mr. Felstead told the Commission that the CBJ prepares a revised six-year Capital Improvement Program (CIP) every year. The purpose of the Planning Commission review is to ensure the CIP is consistent with the goals of the Comprehensive Plan, he said. It guides the investment of public funds for maintenance and for acquisition of public infrastructure, facilities and equipment, he said. It is reviewed by the Assembly every February and April, said Mr. Felstead. It includes City Manager recommended priorities for the upcoming fiscal year, he said.

Last year the Planning Commission formed a subcommittee to develop recommendations of priority projects which it would like to see funded, said Mr. Felstead. The Planning Commission identified four broad categories of potential capital improvements that are relevant to its review authority:

- ✓ Housing
- ✓ Community Vitality
- ✓ Transportation
- ✓ Sustainability

The staff identified which projects they thought fit best with each category, said Mr. Felstead.

Relevant portions of the approved CIP by the Assembly will be incorporated into its budget July 1, 2018, said Mr. Felstead. The Planning Commission's priorities remain similar to those forwarded to the Assembly for the 2018 CIP, said Mr. Felstead. Most of the priorities identified within the CIP are maintenance projects to maintain the infrastructure of the community, he noted.

The categories and goals identified by the Planning Commission for the CIP are:

Housing

- ✓ Develop incentive programs to promote desired housing development
- ✓ Focus housing initiatives on the near-term on downtown, which the Commission identifies as underserved
- ✓ Explore public/private mechanisms to help create new or renovated housing inventory with a focus on under-utilized facilities

Community Vitality

- ✓ Continue to focus on Willoughby district improvements, including a parking garage, waterfront and sea walk development, and integrated seasonal visitation opportunities
- ✓ Strengthen the CBJ Land Management Plan including by working across CBJ departmental land designations to prioritize parcels for acquisition or disposal relative to CBJ and community needs, including housing, infrastructure and recreation
- ✓ Initiate goals and actions from the Lemon Creek Area Plan to address the fact that Lemon Creek carries a disproportionate share of community industrial and service needs, with a deficit of public amenities like recreational areas, parks, trails, and community facilities

Sustainability

- ✓ Prioritize and enact recommendations from the Climate Action and implementation Plan and Juneau Commission on Sustainability Annual Report
- ✓ Prioritize recycling and landfill diversion strategies, such as organic waste composting, and work toward waste volume reduction while long-term waste solutions are studied

Specific objectives for each category include:

Housing

Fund and maintain accessory apartment incentive grants program and implement a similar grant incentive program for the creation of apartments in larger mixed-use facilities, and either new or renovated units. Recent one percent sales tax funds may be an appropriate funding source.

Housing

Develop a home energy efficiency program with incentives to reduce electrical costs and

improve housing affordability in Juneau. Many housing units rely on inefficient and costly electrical resistance baseboards for heat. Implement a program to provide assistance and incentives for homeowners and landlords to improve energy efficiency and to convert from electric resistance to alternate sources which would provide benefits to AEL&P, homeowners, and renters.

- ✓ Money has been set aside to encourage affordable housing in Juneau implemented by the CBJ housing officer, said Mr. Felstead.
- ✓ To develop more housing in the downtown area the staff is examining the encouragement of housing opportunities in the downtown area, said Mr. Felstead.

Community Vitality

Adopt recommendations of the Lemon Creek Area Plan and implement a capital program to add recommended improvements. Of these improvements, a multi-modal trail linking DZ middle school and Switzer Creek to the Pinewood neighborhood is seen as an important initial priority because it would create better neighborhood function and encourage ongoing citizen involvement with a visible first step.

- ✓ A priority has been placed on the development of the Willoughby district by providing parking garages, and sea walk development. Money has been set aside for the sea walk development, said Mr. Felstead. Money has been set aside from previous funding years for parking in this area, said Mr. Felstead.
- ✓ The Pederson Hill development is continuing and some lots within that subdivision are being developed and opened up for sale, said Mr. Felstead.
- ✓ The Lemon Creek area has been developed as a focus area, especially to provide amenities for pedestrians. Some funding has been set aside for the Switzer Creek trail area network, said Mr. Felstead. Funding has just been provided for a park next to the River's Edge condos in that area.

Community Vitality

Develop and implement a seasonal downtown circulator with simple on/off transit nodes that link primary pedestrian areas, including a specific emphasis on the Willoughby district.

Sustainability

Develop an electric vehicle charging plan for CBJ managed facilities and streets. All CBJ construction and street projects should plan for and incorporate capital EV (Electric Vehicle) charging infrastructure.

- ✓ The Juneau Commission on Sustainability participated in committee work to develop priorities, and a number of actions have been presented to continue with this objective.

- ✓ Adopt procedures and tracking software to monitor and report CBJ energy use and costs consistently across all departments and facilities.
- ✓ Initiate a study of opportunities for organic waste composting.
- ✓ Money has been set aside for Recycle Works along with other projects which are unfunded which were added, said Mr. Felstead. A formal application is being pursued with FEMA for additional mapping work.

Commission Comments and Questions

Mr. Frisby asked for the location of the Lemon Creek Park.

This is for a larger portion of land located along the route to the prison, said Mr. Felstead. This land was set aside with the development of the River's Edge condominiums, he added.

Director of Engineering and Public Works

Mr. Healy told the Commission he would present some details of next year's funding for the CIP. He said Phase 2 of the Birch Lane improvements from Mendenhall to Dogwood include routine maintenance to reconstruct an existing roadway, and to improve drainage and replace utilities as needed.

Mr. Healy said the issue he sees coming up is the determination that the existing street projects are in alignment with what the street standards are for development. Many of the streets fall into the category that calls for wider streets, said Mr. Healy. Those AASHTO standards call for lighting at intersections, and sidewalks on both sides.

(The American Association of State Highway and Transportation Officials (AAASHTO) is a standards setting body which publishes specifications, test protocols and guidelines which are used in highway design and construction throughout the United States.)

Also to be considered is what the neighborhood wants, such as no light shining in their windows. They don't want their front yard being taken over by streetscape and they would like lower speed limits if possible, said Mr. Healy.

Some of the projects coming up for FY 19 include the Birch Lane improvements with a 24 foot paved lane which would call for relocation of some utility poles, said Mr. Healy. Currently the funding for Birch Lane does not include sidewalks, said Mr. Healy. They are constructing one sidewalk south from Mendenhall Boulevard this year, said Mr. Healy.

Routine maintenance to construct an existing roadway, improve drainage, and replace utilities as needed is scheduled for Columbia and Poplar in FY 19, said it Mr. Healy. Two sidewalks pose a problem with these roads because they narrow the roads and eliminate areas for snow storage, said Mr. Healy. It is also a tight right-of-way through Hospital Drive, noted Mr. Healy. A

sidewalk is proposed that will make parking difficult, he said.

Delta Drive off of Valley Boulevard is scheduled for FY 20, said Mr. Healy. He suggested keeping in mind snow storage and pedestrian use. He noted that is going to be a tight squeeze. The ditches on each side are currently used for snow storage, he said. Putting in just one sidewalk would still leave some room, he said.

River Road for 2020 would be an LID (Local Improvement District), said Mr. Healy. It would be a project with one sidewalk, he said. To put in another sidewalk and the lighting as proposed in the table, he said, it cost over \$800,000 more for the project.

Mr. Healy said Julep Street was constructed in about 1990, and that it is a street which could really use a sidewalk.

The goal is to appropriate money July 1 (2018) for design in the late fall to early winter season and bid in February through April with construction commencing in the summer, said Mr. Healy.

Commission Comments and Questions

Mr. Dye asked if the waiver process takes care of the needed projects.

Mr. Healy responded that the waiver process allows a waiver. It does address unique circumstances, he said.

Mr. Hickok asked how costly speed bumps would be.

Mr. Healy said that speed bumps are not necessarily that expensive, but that they are problematic. If they are being used the whole neighborhood should be considered, he said. The speed bumps installed on Riverside Drive succeeded in irritating the neighbors because they created a lot of cut-through traffic in adjacent streets, he said.

Mr. Miller said that he did notice on Meander Way that the requirements of the title were different for reconstruction then they were for new construction. Reducing the requirements for a project on River Road would save over \$800,000, said Mr. Miller. A private developer would not have that option, he said. When the developer has to spend over \$800,000 they will have to increase the costs of the lots they are going to sell to the public in order to recoup that money, he said. It could be argued, said Mr. Miller, that the \$800,000 would benefit the citizens of Juneau whether it was money saved by the City or by a private developer. Mr. Miller said he is not at all opposed to the waiver system for CBJ projects, but that perhaps this system should also be applied for private developers so that citizens could benefit.

Mr. Dye said if the streets are working well and the neighbors are happy with them, then perhaps the Commission should review the Title 49 street standards to be more in line with the actuality of what is currently built in Juneau.

Mr. Healy said in the past they have considered waivers and actually allowed reductions in sidewalk numbers for various developments when alternatives were proposed, if unusual circumstances prevailed such as terrain or things of that nature.

Mr. Campbell asked Mr. Healy if he could provide a recommendation to the Commission on how they could circumvent the problems he foresaw coming before them.

Mr. Healy said his general position is that the community collectively has been accomplishing good things. He said he felt the sidewalk requirement was envisioned for new development and that the waiver process is a good one to utilize as long as it recognizes that. The community has streets that are falling apart, said Mr. Healy. They want to keep in a good state of repair the existing streets, he said.

Mr. Campbell said it appeared that most of the problems identified by Mr. Healy appeared when there was a requirement for sidewalks on both sides of the street. If the Commission could somehow create a blanket exemption that alleviated the requirement for sidewalks on both sides of the street if that would be helpful.

Mr. Healy said he felt that when the City was trying to design a street that AASHTO provides one standard. It provides a lot of flexibility, and ultimately gives the design professional the duty to look at the context of the road. In some cases, two sidewalks are very appropriate, said Mr. Healy.

Mr. Miller said that Meander Way was not designed to meet new construction standards, nor did it receive a waiver. He asked who reviewed the waiver process.

Mr. Healy said this waiver process was just passed in March.

Mr. Dye asked as current street standards are enacted and more sidewalks are built, if Mr. Healy foresaw a time when less projects could be accomplished because of the required standards.

Mr. Healy said if they were building to a higher standard with more asphalt and more sidewalks and curbs and gutters, that it would cost more and have an impact on the budget.

Mr. Dye asked if they need a lower street standard.

Mr. Healy said the table was written as an expectation for new development. They have implemented waivers in the past, he said. AASHTO provides flexibility, said Mr. Healy. You can design to an AASHTO standard and have a nine-foot lane if you want to, said Mr. Healy. He said for new development there should be an expectation from the community as to what that standard should be.

Mr. Campbell said it sounded to him like their best hope moving forward was that Mr. Healy's successor would have good creative writing skills.

Chairman Haight said that he sensed that they were establishing the road requirements based upon ADT's (Average Daily Trips). He said he felt it was also important to consider the needs of pedestrians when designing streets. There are areas close to schools with a considerable amount of pedestrian traffic, said Chairman Haight. That is an important consideration when considering waivers, said Chairman Haight.

MOTION: *By Mr. Miller, to recommend CSP 2018 0003 Capital Improvement Program to the Assembly as revised by the memorandum.*

The motion passed with no objection

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS

A. Department of Transportation Upcoming Projects

Pat Carroll, Southcoast Region Preconstruction Engineer for Department of Transportation and Public Facilities told the Commission that the Southeast region has been changed to the Southcoast region, which includes Kodiak and the Aleutian Chain. Most of their projects are federally funded, with some projects including funds from the local and state levels. They have experienced a \$44 million reduction in their overall budget since 2014, he explained, with a reduction of 542 positions state-wide since 2011, he said. Juneau's maintenance group has lost three positions, with reduced overtime and commodities such as sand and gravel, he said.

Individuals who want to keep abreast of current projects including any temporary road blockage or closures can go to the online resource called "Navigator" at:

www.alaskanavigator.org

Mr. Carroll informed the Commission of DOT's current and pending projects for the next three years. Most of the projects he will be describing are about 90 percent federally funded, but the airport and highway maintenance is all general funded, he said. State general funds have

received significant cuts in the past few years, he noted.

DATE	PROJECT	COST	COMPLETION
2017	Douglas Highway sidewalk extension Gastineau school to Crow Hill Drive funded by Safe Routes to Schools	\$415,000	✓
2017	Street culverts rehabilitated mostly on Egan Drive in the vicinity of Fred Meyer	\$350,000	✓
2017	Fritz Cove to Seaview, new curb, gutters and sidewalks on both sides of the road with highway lighting, turn lane and roundabout work	\$13.8 million	Est. 8/31/2018
<i>Total work completed in Juneau for 2017 is about \$14.5 million</i>			
2018	Southcoast region culvert repair with two on Douglas Highway and two on North Douglas Highway	\$375,000	<i>None provided</i>
2018	Egan Drive guard rail repair and replacement in various locations	\$370,000	<i>None provided</i>
2018	Main to 10 th Street on Egan Drive includes addition of bike lanes with full repave of the corridor with wide sidewalks and some traffic reconfiguration between Willoughby Street and Main	\$10 million	2019
2018	Widening of road and sidewalk placement on west side on Industrial Boulevard	\$4 million includes City match	2019
2018	Glacier Highway and Industrial Boulevard intersection improvements to be done in conjunction with above project	\$80,000	2019
2018	Egan Drive and Riverside intersection improvements widening of the road and relocation of the signal pole to better accommodate a U-turn	\$1 million	<i>None provided</i>
2018	Douglas Highway slope stabilization to repair roads damaged in a landslide	\$500,000	<i>None provided</i>
<i>Approximately \$16.5 million for 2018</i>			
2019	Auke Bay Ferry Terminal - modification to update the ferry terminal berth including utility modifications as well as new bathrooms, ticket counter and roof within the ferry terminal	\$3 million	<i>None provided</i>

2019	The stretch of road between Western Auto and the hospital will have 16 culverts lined	<i>None provided</i>	<i>None provided</i>
2019	On Old Glacier Highway from the Twin Lakes area to the old Walmart location will include a major refurbishment of this stretch of road	\$10 million	<i>None provided</i>
2019	From old Walmart on Glacier Highway to the turn-off at Western Auto - sidewalks will be installed on both sides of the road with construction of a new roundabout at the Reninger Subdivision including signalization of the intersection at Davis	<i>None provided</i>	<i>None provided</i>
2019	Mendenhall Loop Road improvements funded by the state including improvement of the capacity of Mendenhall Loop Road from Nancy Street to the Back Loop Road with a potential of two new roundabout intersections located at Stephen Richards and Floyd Dryden.	\$11 million	<i>None provided</i>
Year 2020 and Beyond			
2020	At Riverside Drive and Stephen Richards intersection there is a congestion mitigation project to improve the capacity at the junction of those two intersections	\$2 million includes City matching funds	<i>None provided</i>
2019 2020	Resurfacing project on Douglas Highway between 10 th Street in Juneau proceeding Douglas Highway which may be split into two construction projects with the first half occurring in 2019 second-half occurring in 2020	<i>None provided</i>	<i>None provided</i>
<i>None provided</i>	Egan Drive and Yandukin which is the Fred Meyer intersection - do not know the year at this time	<i>None provided</i>	<i>None provided</i>
<i>None provided</i>	Completion of the environmental impact statement for Juneau access	<i>None provided</i>	<i>None provided</i>

XI. STAFF REPORTS

Mr. Steedle told the Commission that the May 8th regular Planning Commission meeting has been canceled due to a lack of cases. More cases have recently been presented to the Planning Department which will be addressed at future meetings, he noted.

They propose to have an Auke Bay implementation meeting on May 8th starting at 5:30, said Mr. Steedle.

That date did not work for the Commission members.

Mr. Miller said he could attend the meeting on that date, but that Mr. Voelckers would not be able to attend that meeting, and he felt that Mr. Voelckers was a key and crucial member of that committee.

The Assembly will be hearing from the public and the applicant about the protest of the Auke Bay rezone Monday (April 30, 2018) at 5:00 p.m. in the chambers, said Mr. Steedle.

The mining ordinance is being revised by Ms. Mead and she believes that it can be matched with the Department of Natural Resources process. Mr. Steedle said they propose a COW on this issue on May 22, (2018) followed by a public hearing on June 26, (2018).

They are developing the scope of work for the downtown plan and will be hiring a consultant to work with the community on vision. The CDD staff will be working on developing the strategic plan that will fall out of the vision-work which will be accomplished, said Mr. Steedle.

The Director recruitment effort is continuing and there will be an assessment center which will likely be coming out May 24th and 25th, said Mr. Steedle.

Mr. Palmer reported that last night the Assembly dismissed the second Granite Mountain appeal, so there are currently no Commission appeals in front of the Assembly. Granite Mountain voluntarily withdrew the appeal, noted Mr. Palmer.

XII. COMMITTEE REPORTS

Mr. Dye said there is a big load of work before the Title 49 Committee and that it may be helpful for it to meet more than just 12 times of the year. They met last week and considered common wall subdivisions, said Mr. Dye.

Mr. Miller added that he thought they made good progress on common wall subdivisions.

XIII. LIAISON REPORTS

Ms. Weldon reported that it is budget time and that the main focus of the Assembly is currently on the budget. They did appropriate money as partial funding for the Valley Transit Center and the Rain Forest Recovery Center, said Ms. Weldon. The Mendenhall River LID for Meander Way was put on hold until the next Assembly meeting. The Hurlock property has been narrowed down to Alaska Legacy Partners and the City is working with them on that property.

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

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XVI. EXECUTIVE SESSION - None

XVII. ADJOURNMENT

The meeting was adjourned at 8:38 p.m.

DRAFT

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers

7:00pm

Meeting Date: May 22, 2018

- 1. Revised Agenda for 5/22/18 Meeting**
- 2. USE2018 0003: Staff Memo**
- 3. USE2017 0006: Public Comments**
 - a. Letter and comments sent from Todd Araujo on behalf of Granite Mountain Properties LLC

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

MEMORANDUM

DATE: May 22, 2018
TO: Planning Commission
FROM: Amy Liu, Planner
Community Development Department
CASE NO.: USE2018 0003
SUBJECT: Correction regarding public land

The staff report for USE2018 0003 incorrectly refers to a 30 foot wide public park easement noted on the 1989 Spruce Point Estates Plat. This easement does not exist and is a separate lot that does not abut the subject property. However, the beach along the waterfront still remains public land per *State Policy on Navigability*.

II. Legal and Policy Guidelines Governing Management of Submerged Lands and Public Waters

Public Waters

(c) Ownership of land bordering navigable or public waters does not grant an exclusive right to the use of the water and any rights of title to the land below the ordinary high water mark are subject to the rights of the people of the state to use and have access to the water for recreational purposes or any other public purposes for which the water is used or capable of being used consistent with the public trust.

Obstructions to Navigable Water

(d) Free passage or use of any navigable water includes the right to use land below the ordinary high water mark to the extent reasonably necessary to use the navigable water consistent with the public trust.

Boundaries of Navigable Waters

2. Tidal Water Boundaries - The boundary between tidal water bodies and private/public owned uplands is the Mean High Water Line. Mean high water line as defined by 11 AAC 53.900(15) is: The tidal datum plane of the average of all the high tides, as would be established by the National Geodetic Survey, at any place subject to tidal influence.

Given these policies, staff's findings for USE2018 0003 are unchanged.

LAW OFFICES OF
SIMPSON, TILLINGHAST, SORESEN & SHEEHAN, P.C.

ONE SEALASKA PLAZA, SUITE 300 JUNEAU, ALASKA 99801
TELEPHONE: 907-586-1400 FAX: 907-586-3065

May 18, 2018

Via email only: pc_comments@juneau.org

Community Development Department
City & Borough of Juneau
155 S. Seward Street
Juneau, AK 99801

Re: Application for Conditional Use Permit
Case No.: USE2017 0006
Parcel No.: 5B1201300050

To Whom It May Concern:

Please accept the enclosed comments submitted on behalf of my client, Granite Mountain Properties Limited Liability Company ("GMP"). This submission relates to the Planning Commission's public hearing scheduled for May 22, 2018, wherein the Commission will consider an application for a conditional use permit for a marijuana cultivation facility in an industrial zone - File No. USE2017 0006.

Sincerely,

SIMPSON, TILLINGHAST, SORESEN & SHEEHAN, P.C.


Todd J. Araujo

Enclosure



Appraiser's Response to Staff Report

Staff is misleading when they state the Surrounding Land Uses. The properties to the north and south are correctly stated as commercial use. The properties located to the east and west, while having separate addresses and tax parcel id numbers, are owned by Dennis and Linda Mayer (as is the proposed marijuana cultivation property). All three of these properties are currently being used as part of a mini-storage operation and would therefore be considered as one use/one property. There is a chain link fence that surrounds all three of these parcels, and no fencing between the parcels. The property adjacent to the mini-storage operation to the east is owned by Behrends Living Trust and is currently being used for open storage. The property adjacent to the mini-storage to the west is the Vital Statistics building, owned by Granite Mountain Properties.

The Staff Report indicates that ventilation and filtration/odor will be addressed by the development and further indicates that the Community Development Department has not received "any odor complaints for any of the operating cultivation facilities." The fact is that there is no fail-safe filtration/odor system. The statement that the Department has received no odor complaints does not mean that there will not be complaints in the future. The Department and the applicant have not addressed what measures are taken to prevent odor emissions during power outages. Sewer lift stations also have filtration to eliminate odors; however, no municipality engineer or contractor will guarantee that a lift station will never emit odors, because it is simply not possible to eliminate all odors.

Further, Attachment E, the Assessor's report to Staff, states under 1) that "Buildings used for growing marijuana are easy to spot – many are distinguished by extra lights and security cameras. But 'I wouldn't have to point it out,' said Brian Vicente, a partner at Vicente Sederberg, a Denver law firm that specializes in marijuana issues. 'You can smell it.'" Even the CBJ Assessor recognizes that cultivation operations can emit foul odors.

The CBJ Assessor indicated that marijuana-related uses do not appear to have an impact on surrounding property values; however, in her report to Staff, the Assessor only provided information which supports the fact that the properties which benefit from marijuana related uses are only those properties that contain these uses. There is nothing in the Assessor's report which addresses the effect of proximity to a marijuana related use on surrounding properties in a thriving residential, commercial, or industrial area.

In addressing specific concerns from the appraisal report, the Assessor states that the criminal element is the reason for the extra security, and that typical cultivation operations do not operate as retail outlets for several reasons. The Assessor seems to think that, as a cultivation operation rather than a retail outlet, there would be no cash or other valuable assets on the premises which would attract a criminal element. Nothing could be further from the truth. The cultivation business has been shown to have tens, if not hundreds of thousands of dollars in cash on hand, especially when they are harvesting and selling their product.

Cash is not the only thing that thieves are looking to steal – on December 20, 2017, the Anchorage Daily News reported “\$150,000 worth of marijuana stolen from Anchorage cannabis grow.” The thieves used a sledgehammer to try to break locks off gates. They eventually smashed a bullet proof glass window and entered the building, stealing “a significant amount of the business’ product.” In December 2016, masked assailants beat and robbed a marijuana grower in Jackson County, Oregon, breaking his nose and leaving him with black eyes. They filled a rented U-Haul truck with hundreds of pounds of harvested marijuana and took off. The grower was hospitalized for several days. In September 2016, three people, armed with handguns, got away with cash and marijuana in Kalamazoo, MI.

The Assessor appears to have misunderstood the appraiser’s concern regarding insurance. A security deposit or a bond would not provide any protection to neighboring properties should a fire, flood, or other damage occur, originating from the cultivation property. Insurers are Federally regulated; therefore, they would be prohibited from insuring the Mayer property (including, presumably, the other two buildings located on the property), because marijuana cultivation is still an illegal activity at the Federal level. This leaves not only the Mayers, but also their neighbors exposed to significant risk should there be a fire, flood, or other damage created by the marijuana cultivation facility.

The appraiser’s determination of highest and best use was questioned by Staff. The fact of the matter is that the neighborhood is primarily developed with commercial uses. Therefore, a zoning change would likely be granted for the property upon request. The *Appraisal of Real Estate*, 13th Edition, states: “In investigating the reasonable probability of a zoning change, the appraiser must consider trends and the history of zoning requests in the market area as well as documents such as the community’s comprehensive plan.”

The only true industrial uses in the neighborhood are the Alaskan Brewery and the recycling yard. The Mayer mini-storage would be allowed in the general commercial zone, as well as the industrial zone. The Costco and Home Depot retail stores are more commonly found in general commercial zones and Use 2.200 would not allow either of these to be located in the industrial zone without a conditional use permit. Similarly, Use 9.050 would require a conditional use permit for the recently developed automobile dealership located in the neighborhood. There are many examples where the CBJ Planning Commission has granted conditional use permits in the Lemon Creek neighborhood, thereby changing the character from industrial to a more commercial neighborhood. Staff’s statement that office uses are not allowed in the industrial zone is in direct conflict with the fact that there are several office uses located in the Lemon Creek neighborhood, which is zoned industrial.

The CBJ Community Development staff report on the rezone of the Honsinger Pond property noted that much of the industrial zoned land in Lemon Creek had been developed with non-industrial, i.e., commercial, land uses that created a demand for newly zoned industrial lands. This supports the appraiser's opinion that the Vital Statistics land, as vacant, would be permitted to be developed with an office building. Further, because the land is encumbered with a lease to the State of Alaska, Vital Statistics, the use is limited to construction of a building conforming to the lease requirements.

In summary, there is an elevated ownership risk relative to the neighboring Vital Statistics property if the marijuana cultivation facility is allowed to operate in the Mayer's building. The Vital Statistics property may see a significant decline in value, which may be the result of an atypically elongated marketing time or a declining sales price.



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

DATE: May 9, 2018

TO: Planning Commission *A. Eddins*

FROM: Allison Eddins, Planner
 Community Development Department

CASE NO.: USE2018 0005

PROPOSAL: A Conditional Use Permit to approve an accessory apartment on an under-sized (non-conforming) lot

GENERAL INFORMATION

Applicant: Alan Wilson and Sydney Mitchell

Property Owner: Alan Wilson and Sydney Mitchell

Property Address: 504 E Street

Legal Description: Douglas Townsite, Block 11, Lot 6

Parcel Code Number: 2D040T110012

Site Size: 5,000 sq. ft.

Comprehensive Plan Future Land Use Designation: Urban Low Density Residential

Zoning: D5

Utilities: City water & sewer

Access: E Street and 5th Street

Existing Land Use: Single family residential

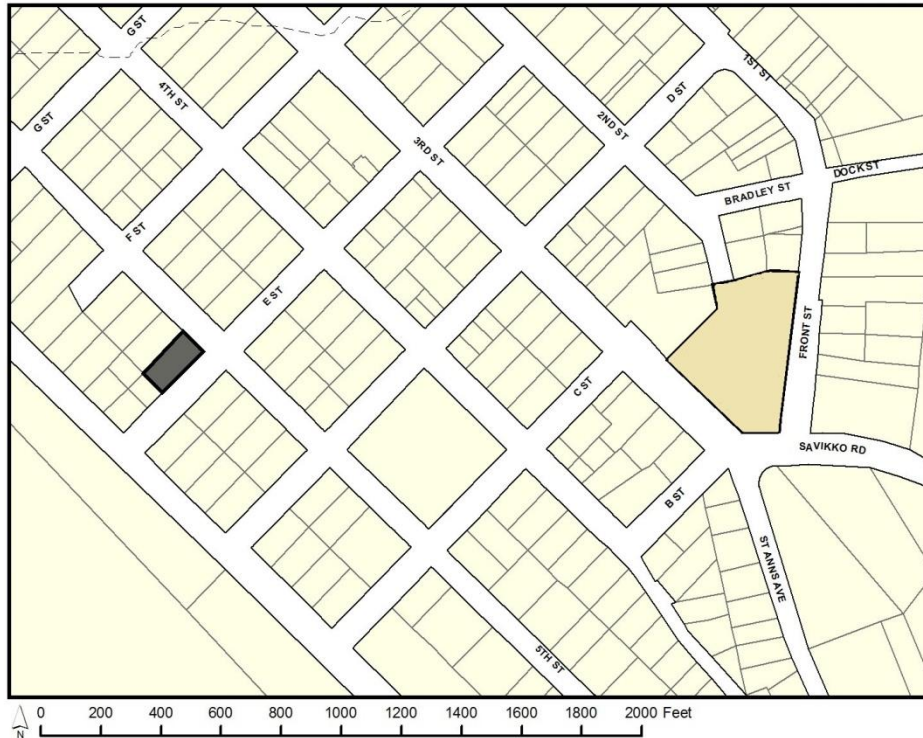
Surrounding Land Use:

North	-	D5/Single family residential
South	-	D5/Single family residential

Planning Commission
Case No.: USE 2018 0005
May 9, 2018
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East - D5/Single family residential
West - D5/Single family residential

VICINITY MAP



ATTACHMENTS

Attachment A – Permit Applications

Attachment B – Site Plan

Attachment C – Floor Plan

Attachment D – Public Notice

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of an accessory apartment on an under-sized lot in a D5 zoning district, where the minimum lot size is 7,000 square feet. The subject lot is 5,000 square feet, and the existing home is 1,917 square feet in net floor area. A portion of the existing home would be converted into a 587 square foot, one bedroom, accessory apartment in accordance with CBJ 49.25.510.

Planning Commission
Case No.: USE 2018 0005
May 9, 2018
Page 3 of 7

CBJ 49.25.510 Special density consideration

(k) Accessory Apartments – No person shall construct or maintain an accessory apartment except in accordance with a permit issued under this section.

(2) Approval Standards

(E) Single family detached accessory apartment approval

(ii) The commission may approve, with a conditional use permit, an accessory apartment application if all of the requirements of this section are met:

(a) The application is for an efficiency or one-bedroom unit that does not exceed 600 square feet in net floor area, is equal to or less than 50% of the primary dwelling unit's net floor area, and is less than the minimum lot size.

The proposed accessory apartment meets these special density requirements.

BACKGROUND

The existing home was constructed in 1914, 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 existing home is encroaching into the 20' front yard setback along 5th Street. The home is setback 13' from the front lot line. This setback encroachment is also legally non-conforming. All other D5 setback requirements are met.

ANALYSIS

Project Site – The subject lot is located on the southeast corner of E Street and 5th Street in the Douglas Townsite Subdivision. The lot is in a D5 zoning district and is categorized as Urban/Low Density Residential (ULDR) in the Comprehensive Plan. ULDR is defined as:

Lands characterized by urban or suburban residential lands with detached single-family units, duplex, cottage or bungalow housing, zero-lot-line dwelling units and manufactured homes on permanent foundations at densities of one to six units per acre. Any commercial development should be of a scale consistent with a single-family residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

Project Design – The applicant is proposing to convert the existing basement into a 587 square foot accessory apartment. The apartment will be accessed via a door on the east side of the home along 5th Street and the main dwelling unit will be accessed from the south side of the building along F Street.

CBJ 49.25.510 has a number of requirements for accessory apartment approval. The development must:

Planning Commission
Case No.: USE 2018 0005
May 12, 2018
Page 4 of 7

- Meet minimum building setbacks
- Not exceed maximum lot coverage limits
- Meet minimum vegetative cover requirements
- Meet minimum parking requirements

As discussed above, the home was built in 1914, and the existing substandard setback along the front lot line is legally non-conforming. Street side, side and rear yard setbacks are met. The D5 zoning district allows maximum lot coverage of 50% and has a minimum vegetative cover requirement of 20%. The existing lot coverage is 40%. No new floor area will be added to the building, therefore there will be no change in existing lot coverage. A combination of aerial images and a recent site visit confirmed that the minimum vegetative cover is met. Parking is discussed below.

Parking and Circulation – Single-family dwelling units are required to have two off-street parking spaces, and an accessory apartment is required to have one off-street parking space. According to CBJ 49.40.210, spaces perpendicular to an aisle or right of way must be 8.5 feet by 17 feet and parallel spaces must be 22 feet by 6.5 feet. The applicant has provided a site plan that shows the lot can provide three off-street parking spaces (See Attachment B). A recent site visit confirmed that the parking area off F Street has sufficient room for two vehicles to pull straight in and park. The parking area off 5th Street is approximately 30 feet long and 13 feet deep, providing sufficient space for one vehicle to parallel park.

Exterior Lighting - The existing home has minimal exterior lighting. There is currently a small light fixture at both the eastern and southern doors. All of the existing light fixtures shine down away from neighboring properties and the public right-of-way. The proposed project will not add light fixtures to the home's exterior.

Traffic – According to the Trip Generation Manual, published by the Institute of Transportation Engineers, a single family home generates an average of 9.52 vehicle trips per day and an apartment generates an average of 6.65 trips per day. The addition of 6.65 average vehicle trips per day is expected to have a minimal impact on the neighborhood.

Noise – Construction noise for this project should be minimal since most of the work will take place inside the home. It would not be uncommon, however, for some of the work to take place outdoors, i.e. cutting frame work or tile. The neighborhood is fairly dense and the nearest neighbor is only 14 feet away. Staff recommends as an advisory condition that the applicant be aware of CBJ 42.20.095 regulation regarding noise restrictions.

Public Health or Safety – There is no evidence that this project will have any negative impacts to public health and safety. The CBJ Building Department, General Engineering, and Capital City

Planning Commission
Case No.: USE 2018 0005
May 9, 2018
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Fire and Rescue have reviewed the application and have no concerns. Appropriate permits will ensure the apartment meets required codes.

Habitat – There are no regulated habitats near the project site.

Property Value or Neighborhood Harmony – In the neighborhood there are three properly permitted accessory apartments within 200 feet of the subject property. Available evidence indicates that property values will not be affected, and the proposed use is in harmony with the surrounding neighborhood. No public comments against the proposal have been received at the time of writing this report. If this application is approved, the applicant will apply for a building permit that would allow the basement to be converted. All relevant building and land use codes must be met prior to receiving a certificate of occupancy.

Conformity with Adopted Plans – Chapter 3 of the 2013 Comprehensive Plan provides guidance on community form and development patterns. Policy 3.2 specifically 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 Area. The apartment will be in a well-established neighborhood and will not negatively impact natural resources or habitats.

Chapter 4 of the 2013 Comprehensive Plan addresses housing priorities for the Borough. Policy 4.2 specifically addresses the need for a variety of housing types.

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,

Planning Commission
Case No.: USE 2018 0005
May 9, 2018
Page 6 of 7

3. Whether the development as proposed will comply with the other requirements of this chapter.

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

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

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

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

1. *Is the application for the requested conditional use permit complete?*

Yes. Staff finds the application contains the information necessary to conduct a full review of the proposed project. CDD followed the review procedures as laid out in CBJ 49.15.330 (d). The application submittal and review fees conform to the requirements of CBJ Chapter 49.15.

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The proposed use is listed at CBJ 49.25.300, Section 1.130 for 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. Public notice of this project was provided in the May 11, 2018 and May 21, 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. The proposal meets the requirements of CBJ 49.25.510.

Planning Commission
Case No.: USE 2018 0005
May 12, 2018
Page 7 of 7

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 587 square foot accessory apartment on a 5,000 square foot lot 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 of a 587 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. *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.

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

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

N/A

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the 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.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 04/13/2018
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description <i>Accessory Apartment on non-conforming lot</i>		
	PROPERTY LOCATION		
	Street Address <i>504 E St</i>	City/Zip <i>Juneau</i>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <i>Douglas Townsite BL 11, LT 6</i>		
	Assessor's Parcel Number(s) <i>2D040T110012</i>		
	LANDOWNER/ LESSEE		
	Property Owner's Name <i>Wilson, Alan & Mitchell, Sydney</i>	Contact Person: <i>Alan</i>	Work Phone: <i>209-6320</i>
	Mailing Address <i>7290 Glacier Hwy Juneau, AK 99801</i>	Home Phone:	Fax Number: <i>780-4327</i>
	E-mail Address <i>akrenovators@icloud.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>4-13-18</i> Date	
X	<i>[Signature]</i> Landowner/Lessee Signature	<i>[Blank]</i> 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>Wilson, Alan & Mitchell, Sydney</i>			
Mailing Address <i>7290 Glacier Hwy Juneau, AK 99801</i>			
E-mail Address <i>akrenovators@icloud.com</i>			
X	<i>[Signature]</i> Applicant's Signature	<i>4-13-18</i> Date of Application	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	☒	Permit Type	***SIGN***	Date Received
		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>04/13/2018</i>
		Variance Case (De Minimis and all other Variance case types)		<i>USE20180005, AAP20180003</i>
		Wetlands Permits		
		Zone Change Application		
		Other (Describe)		
	***Public Notice Sign Form filled out and in the file.			
Comments:			Permit Intake Initials <i>TC</i>	

Attachment A: Application

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

TO BE COMPLETED BY THE APPLICANT

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

ACCESSORY APARTMENT APPLICATION

Project Number	Project Name (15 characters)	Case Number AAP20180003	Date Received 04/13/2018
----------------	------------------------------	----------------------------	-----------------------------

DESCRIBE THE ACCESSORY APARTMENT:
Convert existing basement into Mother-in-law apartment

TYPE OF ACCESSORY APARTMENT
☒ Attached to or Within a Single-Family Dwelling ☐ Associated With a Detached Garage
☐ Within a Two-Unit Common-Wall Dwelling ☐ Not Affiliated with Another Structure (Stand alone)

AREA OF APARTMENT
 Net Floor Area 587.25 square feet
Areas common to more than one dwelling unit including entry ways, furnace rooms, laundry rooms, and interior stairways are not be included in the computation of net floor area.

PARKING
 Existing Spaces 4 Proposed Total Spaces 4
(Parking dimensions must be a minimum of 8.5' X 17', and each parking space must be drawn to scale on the site plan.)

SITE INFORMATION

ZONING DISTRICT <u>D-5</u>	UTILITIES AVAILABLE
MINIMUM LOT SIZE (\$49.25.400) <u>7,000</u>	WATER: ☒ Public ☐ On Site
ACTUAL LOT SIZE**** <u>5,000</u>	SEWER: ☒ Public ☐ On Site****

****Applicants please note that if the Actual Lot Size is less than the Minimum Lot Size required, the Accessory Apartment must be reviewed through the Conditional Use Permitting Process.

Permitting Process: ☐ Departmental Review ☐ Planning Commission

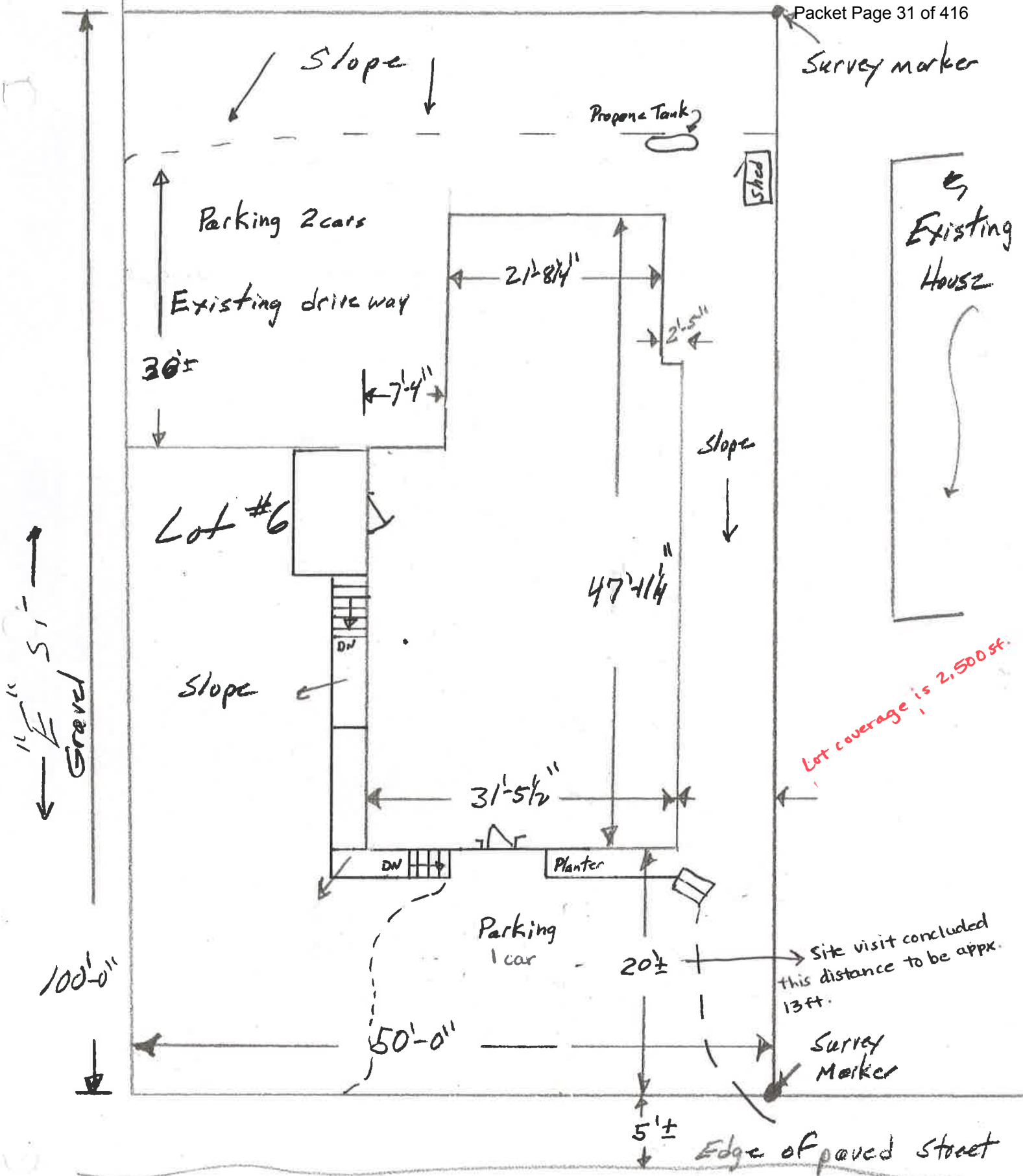
Fees (Departmental Approval)	Fees	Check No.	Receipt No.	Date
Application Fees	See Building Permit			

Fees (Conditional Use Permit)	Fees	Check No.	Receipt No.	Date
Application Fee	\$ <u>350.00</u>			
Public Notice Sign Fee	\$ <u>50.00</u>			
Public Notice Sign Deposit	\$ <u>100.00</u>			
Total	\$ <u>500.00</u>		<u>00154928</u>	<u>04/13/2018</u>

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.

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Attachment A: Application

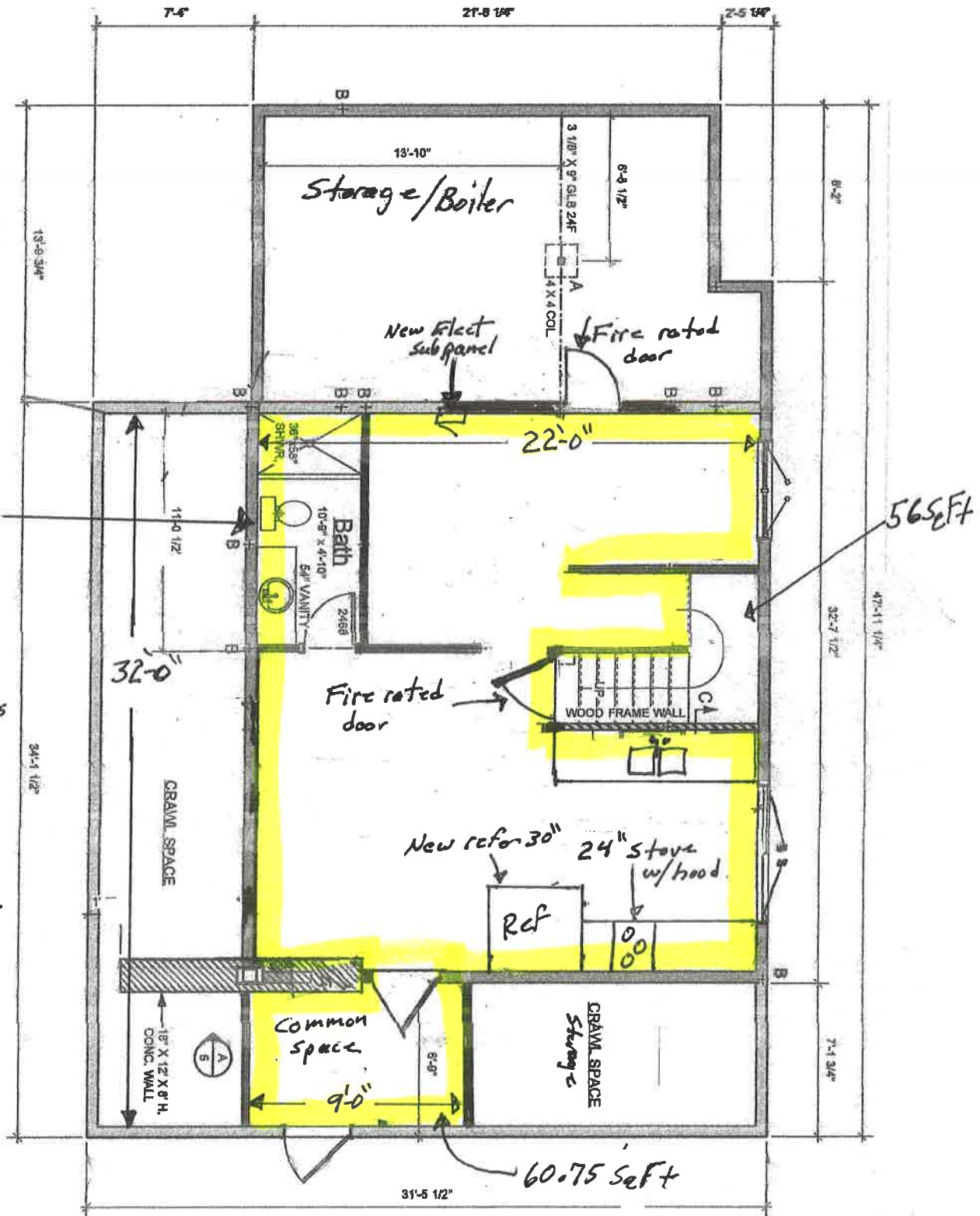


504 E St.
Plot Plan
4-13-18

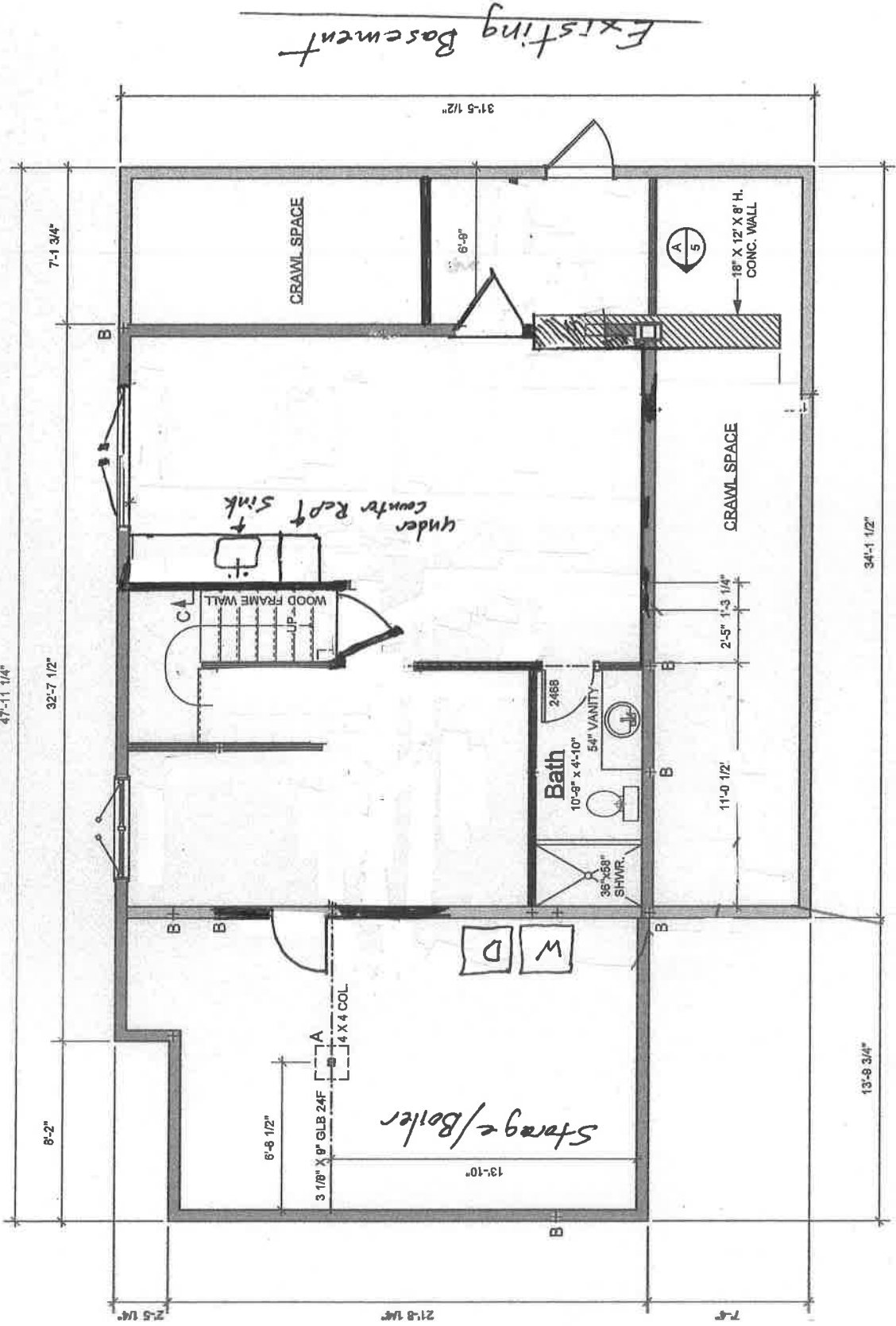
← 5th St →
paved

Attachment B: Site Plan

- This area
- Sound channel + 5/8" sheetrock over existing 5/8" sheetrock @ ceilings
 - 704 Sq Ft ...
 - 56 Sq Ft stairs
 - 60.75 Sq Ft Common Space
-
- Total Sq Ft proposed Apt
587.25 Sq Ft



Proposed Mother-in-law Apartment
4/2018



BASEMENT PLAN & PARTIAL 1st FLOOR FRAMING PLAN

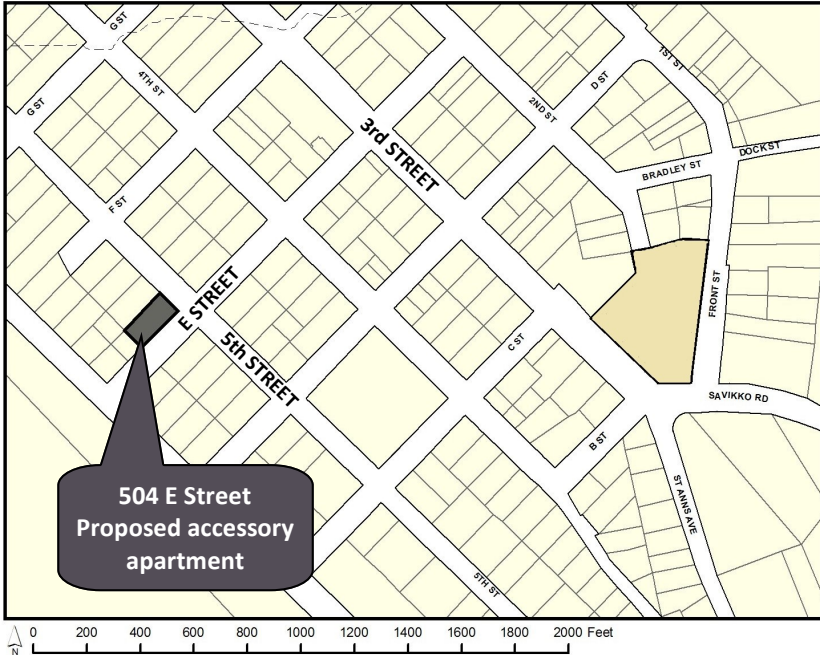
- + POINT LOAD ABOVE
- B: BUILDER VERIFY EXIST CONC. WALL BELOW POINT LOAD
- FULL HEIGHT CONC. WALL
- EXIST. STEM WALL
- WOOD FRAME WALL
- 1 HOUR PARTY WALL



DDY EST Douglas, AK

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 an **accessory apartment** on a **non-conforming lot** located at **504 E Street** in a **D5 zone**.

TIMELINE

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

Now through April 30, 2018

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

May 1 through 12 noon, Friday, May 18

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

HEARING DATE & TIME
7:00 pm, May 22, 2018

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

May 23

The results of the hearing will be posted online.

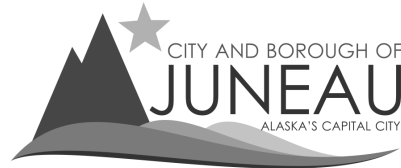
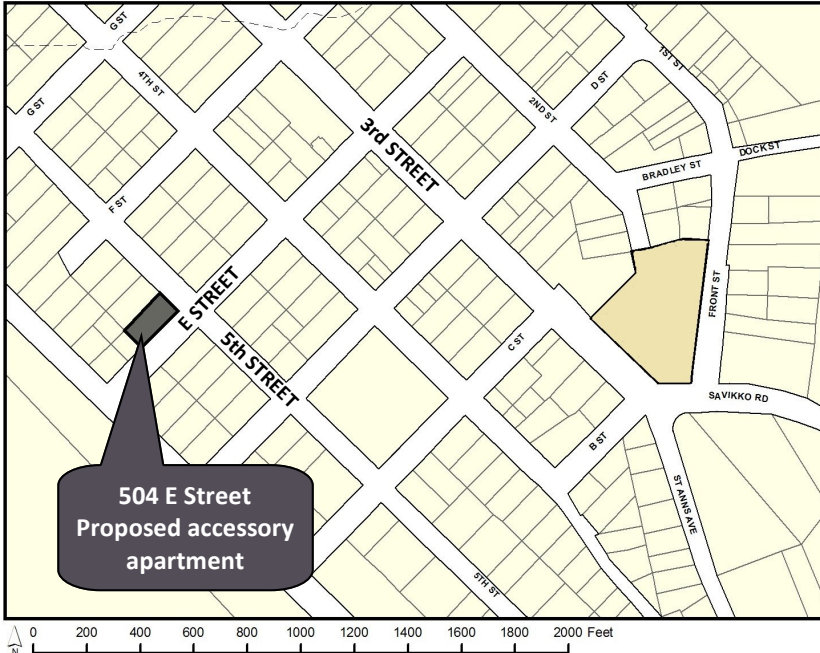
Phone: **(907)586-0715** ♦ Email: **pc_comments@juneau.org**
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Printed April 25, 2018

Case No.: USE2018 0005
Parcel No.: 2D040T110012
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



COMMUNITY DEVELOPMENT

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May 23

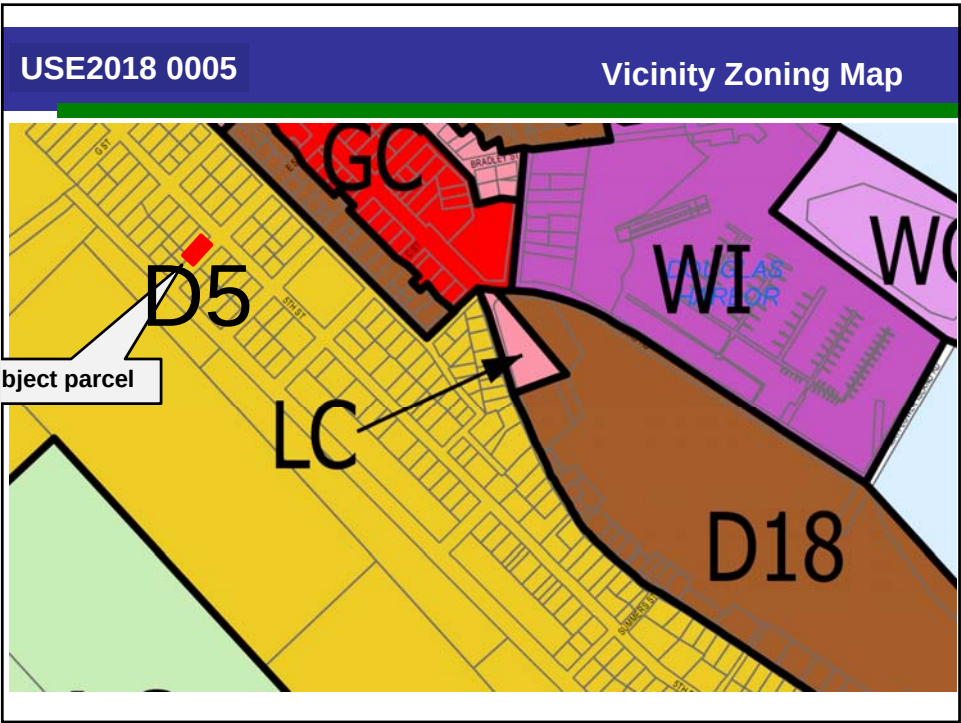
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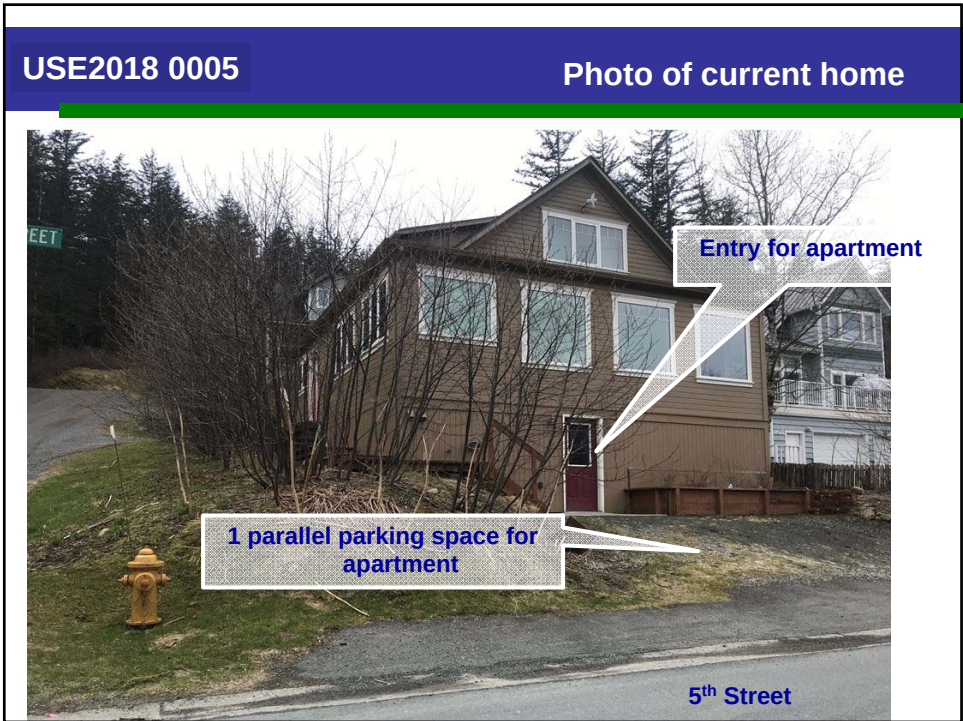
Phone: **(907)586-0715** ♦ Email: **pc_comments@juneau.org**
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Printed April 25, 2018

Case No.: USE2018 0005
Parcel No.: 2D040T110012
CBJ Parcel Viewer: <http://epv.juneau.org>

USE 2018-0005 - Conditional Use Permit for an accessory apartment on an undersized lot.





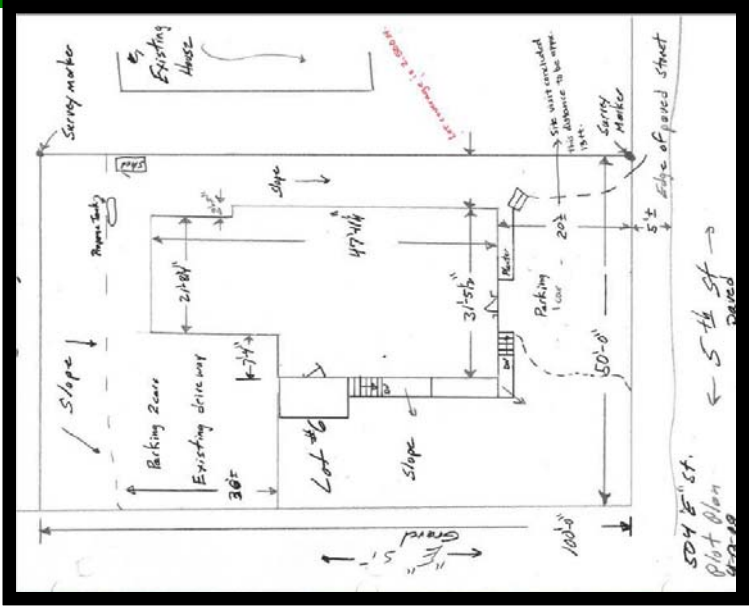
USE2018 0005

Photo of parking spaces



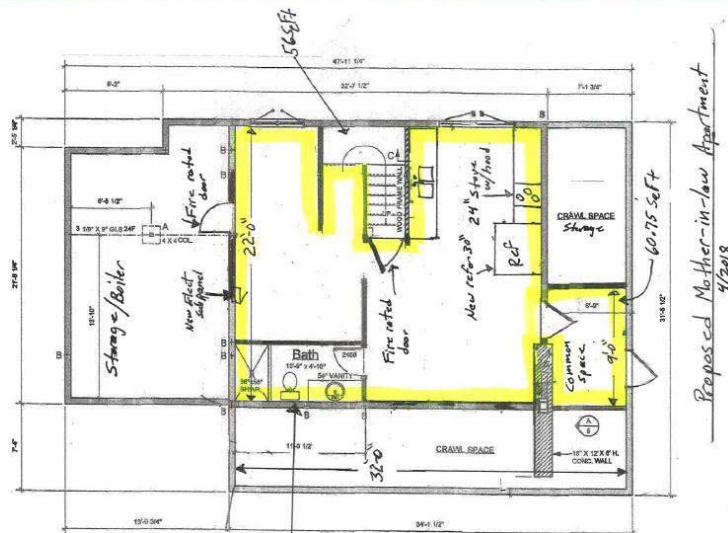
USE2018 0005

Proposed design



USE2018 0005

Proposed design



USE2018 0005

Recommendation

Staff recommends approval of the requested Accessory Apartment Permit with the advisory condition in Staff report:

1. Applicant should be aware of CBJ 42.20.095 regulation regarding noise restrictions.



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: March 29, 2018
Case No.: USE2018 0002

Building Pros Inc.
P.O. Box 32098
Juneau, AK 99803

Proposal: Conditional Use application to allow an encroachment of approximately 8 feet into the rear yard setback on parcels adjoining CBJ-owned land.

Property Address: Airport Boulevard

Legal Description: Lots 6A, 7A, 8A1, Block L, Valley Centre Greenbelt

Parcel Code No.: 5B1501090020; 5B1501090030; 5B1501090041

Hearing Date: March 27, 2018

The Planning Commission, at its regular public meeting adopted the analysis and findings listed in the attached memorandum dated March 12, 2018 and approved the an encroachment of approximately 8 feet into the rear yard setback on parcels adjoining CBJ-owned land to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. A minimum four foot high fence must be installed along the rear property lines to prevent future encroachments onto the abutting CBJ-owned land.

Attachments: March 12, 2018, memorandum from Jill Maclean, AICP Senior Planner, Community Development, to the CBJ Planning Commission regarding USE2018 0002.

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

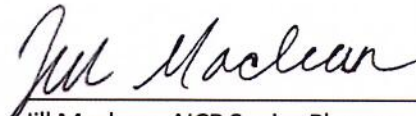
Building Pros Inc.
Case No.: USE2018 0002
March 29, 2018
Page 2 of 2

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

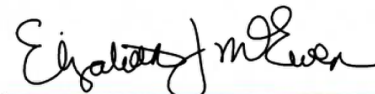
Effective Date: The permit is effective upon approval by the Commission, March 27, 2018.

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


Jill Maclean, AICP Senior Planner
Community Development Department


Nathaniel Dye, Acting Chair
Planning Commission



Filed With City Clerk

4/2/2018

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: May 14, 2018

TO: Board of Adjustment

FROM: Amy Liu, Planner 
Community Development Department

FILE NO.: ADP2018 0001

PROPOSAL: Alternative Development Permit for reduced street side and rear yard setback to accommodate workshop space over an existing single-story garage

GENERAL INFORMATION

Applicant: Elaine and Robert Schroeder

Property Owner: Elaine and Robert Schroeder

Property Address: 1706 Willow Drive

Legal Description: Lot 10, Evergreen Heights

Parcel Code Number: 1C030DEV0090

Site Size: 8,967 sq. ft.

Comprehensive Plan Future Land Use Designation: Urban Low Density Residential

Zoning: D5

Utilities: Public

Access: Willow Dr.

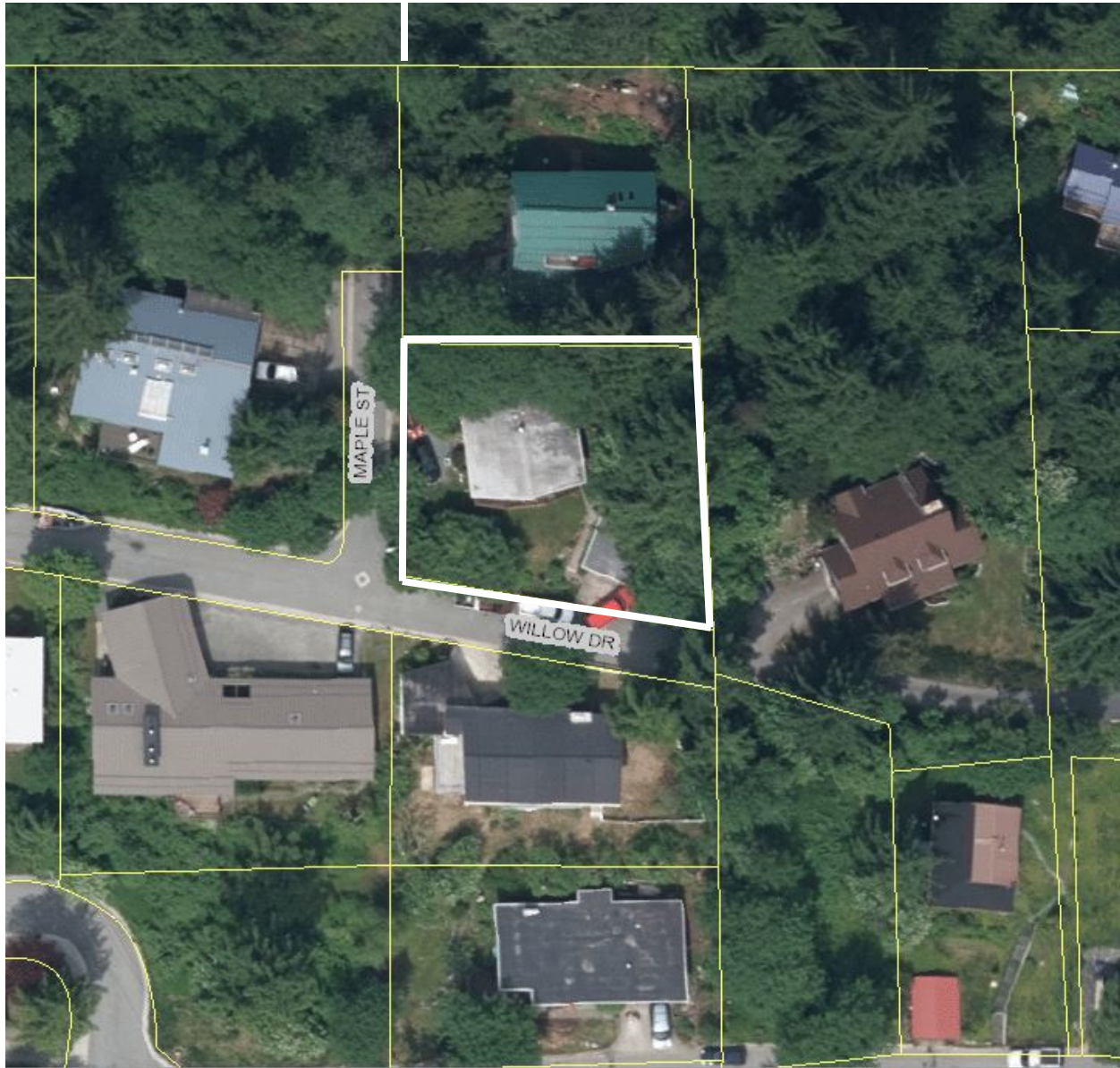
Existing Land Use: Single family residential

Board of Adjustment
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May 14, 2018
Page 2 of 8

Surrounding Land Use:

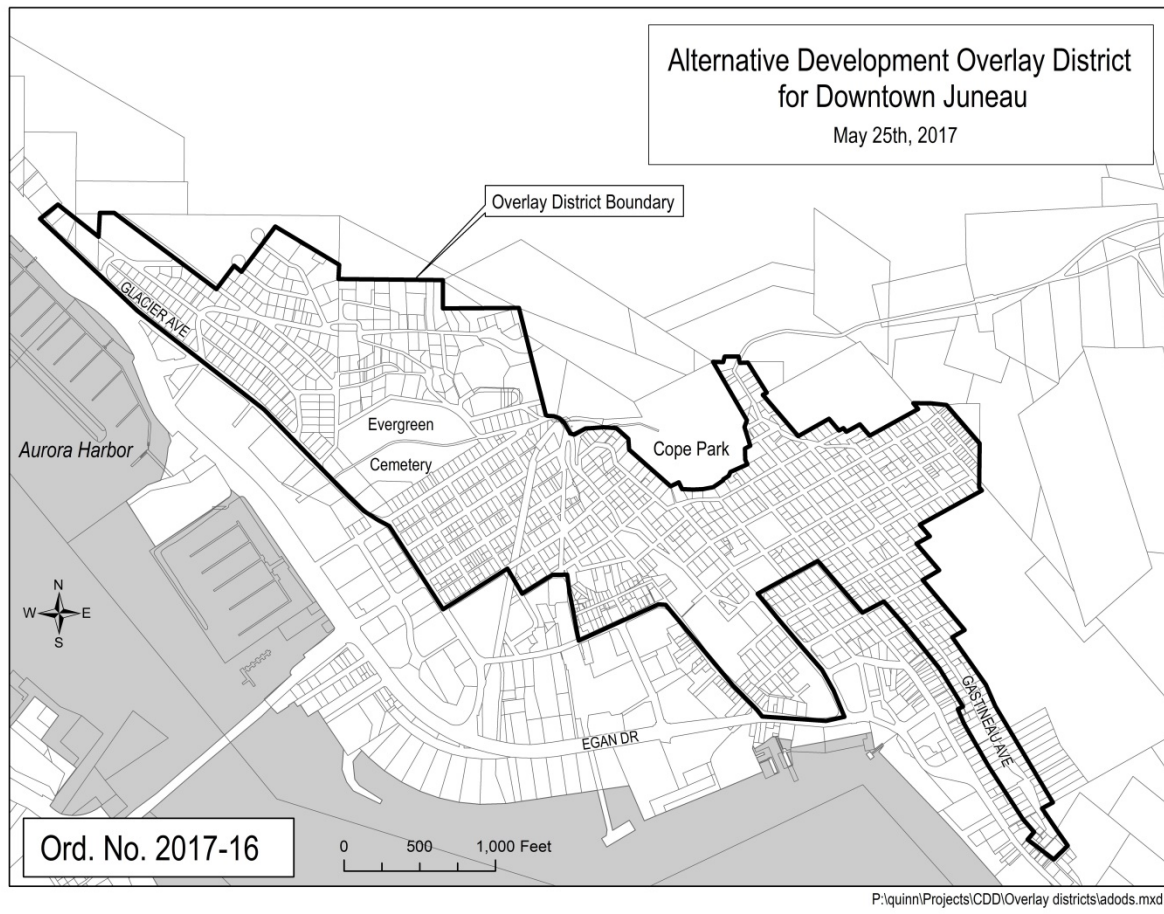
North	-	D5 single family residential
South	-	D5 single family residential
East	-	D5 single family residential
West	-	D5 single family residential

VICINITY MAP



ALTERNATIVE DEVELOPMENT OVERLAY DISTRICT MAP (Juneau)

Board of Adjustment
File No.: ADP 2018 0001
May 14, 2018
Page 3 of 8



ATTACHMENTS

Attachment A – Application and Public Notice
Attachment B – Assessor Office Correspondence
Attachment C – Assessor Office Photos

PROJECT DESCRIPTION

The applicant requests an Alternative Development Permit (ADP) for 8' street side setback and 14' rear setback for the development of a work shop space and balcony above an existing single story garage. The development is located in the downtown Juneau Alternative Development Overlay District (ADOD).

PUBLIC COMMENT

Staff did not receive any public comment at the time of the writing of this report regarding this application.

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AGENCY REVIEW

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

BACKGROUND

The applicants are seeking an ADP because their garage is nonconforming. According to the CBJ Assessor Office the single family dwelling and detached garage were constructed in 1962 (Attachment B). There are no building permits on file for either structure. In 1962 the site was zoned R1 and the required setbacks were 20' from a front, 10' from a street side, and 20' from the rear. The current street side setback requirement is 13', and rear yard setback requirement is 20'. There are no variances or any other documents showing CBJ approval of the existing setbacks. Staff recognizes that lack of documentation is common for buildings constructed around that time.

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

1. Calculate the mean of corresponding street side setbacks of residential buildings within a 150' radius. This method applies to building footprint expansions and thus does not apply to the current proposal.
2. Use the footprint of the existing building. Encroachment into a ROW or adjacent property would still be prohibited. This method may be used for granting the requested street side and rear yard setback reductions.

ANALYSIS

Project Site – The subject parcel is located in a D5 zoning district in the ADOD. The subject parcel is a standard lot at 8,967 square feet in total area. There is a single family dwelling and detached garage on site. The dwelling is 1,242 square feet in gross area. The detached garage is 460 square feet in area.

Based off of the application and CBJ Parcel Viewer, the dwelling is 19 feet from the front lot line, 5 feet from the side lot line, 31 feet from the street side lot line, and 39 feet from the rear

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lot line. The detached garage is 58 feet from the front lot line, and 50 feet from the side lot line, 8 feet from the side street lot line, 14 feet from the rear lot line (Attachment A).

As mentioned above, the setbacks in 1962 were 20 feet for the front, 5 feet for the side, 10 feet for the street side, and 20 feet for the rear. The lot is gradually sloping and separated from other lots by trees and other vegetation.

Project Design – The proposed second story will be used as a workshop space. The height of the garage with the complete second story would be 18 feet. The maximum allowed height for an accessory structure is 25 feet. The proposed second story would meet the D5 height requirement.

Plans also include a 4 foot wide balcony that projects 4 feet beyond the existing footprint of the building, and would be 4 feet from the side street lot line. According to *CBJ 49.25.430(4)(C)(i)*, this may be allowed.

CBJ 49.25.430(4)(C)(i) Unenclosed balconies, connecting deck stairways, walkways, ramps, and landings with or without roofs, may extend to the front lot line or street side lot lines provided the structure does not exceed five feet in internal width exclusive of support structure and is no closer than three feet to a side or rear lot line;

Traffic – The proposed development is for private use only. Staff does not anticipate subsequent changes in traffic.

Parking and Circulation – The current required parking for a single family dwelling is two off-street spaces. The garage provides two spaces. The second story workshop will not affect the parking requirement or existing parking and circulation.

Noise – The personal use workshop space is not expected to generate noise beyond that of other uses allowed outright in the D5 zoning district.

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

Habitat – There is no mapped habitat on site that is regulated by Title 49.

Property Value or Neighborhood Harmony – The development is surrounded by D5 zoning district consisting of single-family dwellings that are primarily one and two story structures. The second story garage with a balcony is in harmony with the surrounding neighborhood.

Conformity with Adopted Plans – The second story workshop meets several provisions of the Comprehensive Plan.

Board of Adjustment
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May 14, 2018
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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.

Sub-Area 6: Juneau (Comp Plan Maps K, M, & N)

1. Preserve the scale and densities of the older single family neighborhoods in the downtown area, including the Casey-Shattuck “flats” (emphasis added) and Star Hill historic districts, Chicken Ridge, Basin Road, Mt. Maria, the Highlands, and the higher density apartments and homes in the vicinity of the Federal Building.

FINDINGS

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

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

The Board of Adjustment shall adopt the Director's determination on each item set forth in paragraph (1) of this subsection, unless it finds by a preponderance of the evidence that the Director's determination was in error, and states its reasoning for each finding with particularity.

CBJ 49.70.1230 (f), Board of Adjustment Determinations, states that even if the Board of Adjustment adopts the Director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the hearing, that the development will more probably than not:

1. Materially endanger the public health or safety;
2. Substantially decrease the value of or be out of harmony with property in the neighboring area; or,
3. Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.

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

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

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

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

Yes. The requested permit is appropriate according to the Alternative Development Overlay District. The permit is listed at CBJ 49.25.300, Section 1.110 for the D5 zoning district.

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

Yes. As discussed in the above analysis, the proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the May 11 and May 21, 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. Furthermore, the proposed development complies with the height, parking and vegetative cover requirements of the D5 zoning district.

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

No. The project site is located in a D5 zoning district located within the downtown Juneau Alternative Development Overlay District. No evidence indicates that the proposed development will materially endanger public health or safety.

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

No. As discussed above the development is in harmony with the neighboring properties. No evidence has been presented to indicate the proposed personal use second story workshop will decrease property values.

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

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

Board of Adjustment
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RECOMMENDATION

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Alternative Development permit. The permit would allow for an 8 feet street side setback and 14 feet rear yard setback to accommodate workshop space over an existing single-story garage with the following condition.

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

DEVELOPMENT PERMIT APPLICATION

Project Number ADD 2017 0003	CITY and BOROUGH of JUNEAU	Date Received: 4/20/18
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description Shop addition above existing garage ADI for a reduced street side setback to accomodate		
	PROPERTY LOCATION		
	Street Address 1706 Willow Dr. Juneau AK	City/Zip Juneau AK 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) EVERGREEN HEIGHTS LT10		
	Assessor's Parcel Number(s) 16030DEV0090		
	LANDOWNER/ LESSEE		
	Property Owner's Name Elaine Schroeder	Contact Person: Thomas LeBlanc	Work Phone: 500-8727
	Mailing Address 1706 Willow Dr Juneau AK	Home Phone: 907 586 5843	Fax Number:
	E-mail Address thomas.l@carverllc.com 99801	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	Elaine Schroeder Landowner/Lessee Signature	4/19/18 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		Home Phone:	
E-mail Address		Fax Number:	
Other Contact Phone Number(s):			
X	Elaine Schroeder Applicant's Signature	4/19/18 Date of Application	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	☒	Permit Type	**SIGN	Date Received
		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) ADOD		4/20
	***Public Notice Sign Form filled out and in the file.			
Comments:			Permit Intake Initials AL	

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



ALTERNATIVE DEVELOPMENT PERMIT APPLICATION

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

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

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

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

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

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

PROJECT SUMMARY

Build a work shop above an existing garage

IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

☐ YES - Case #

☒ NO

Existing use of property:

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

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

UTILITIES PROPOSED

WATER: ☐ Public ☐ On Site

SEWER: ☐ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot _____ square feet

Total Area of Existing Structure(s) _____ square feet

Total Area of Proposed Structure(s) _____ square feet

EXTERNAL LIGHTING

Existing to remain

☒ No

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

Proposed

☒ No

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

ALL REQUIRED MATERIALS ATTACHED

☐ Complete Application

☐ Narrative including:

☒ Current use of land or building(s)

☐ Proposed setbacks, lot coverage, vegetative coverage

☐ How the proposed use complies with the Alternative Development Overlay District

☒ Plans (details on page 2)

DEPARTMENT USE ONLY BELOW THIS LINE

ALLOWABLE/ CONDITIONAL USE FEES

Fees	Check No.	Receipt	Date
Application Fees	\$ 400.00		4/19/18
Admin. of Guarantee	\$		
Adjustment	\$		
Pub. Not. Sgn Fee	\$		
Pub. Not. Sgn Deposit	\$		
Total Fee	\$		

AL

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Case Number

Date Received

Attachment A

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

4/20/18

Alternative Development Permit Application Instructions

Alternative Development permits are outlined in CBJ49.70.1200

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

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

1. Forms: Completed Alternative Development Permit Application and Development Permit Application forms.
2. Fees: Fee is \$400. Any development, work, or use done without the necessary Land Use permit issued will be subject to double fees. All fees are subject to change.
3. Project Narrative: A detailed narrative describing the project, including how the proposed project meets the purpose of the Alternative Development Overlay District.
4. Plans: All plans are to be drawn to scale and clearly show the items listed below:
 - A. Site plan, floor plan and elevation views of existing and proposed structures
 - B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances
 - C. Proposed traffic circulation within the site including access/ egress points and traffic control devices
 - D. Existing and proposed lighting (including cut sheets for each type of lighting)
 - E. Existing and proposed lot coverage (lot area covered by buildings)
 - F. Existing and proposed vegetation with location, area, height and type of plantings
 - G. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

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

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

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

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

Hearing: All Alternative Development Permit Applications must be reviewed by the Board of Adjustment for vote. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

Public Notice Responsibilities: Alternative Development requests must be given proper public notice as outlined in CBJ49.15.230:

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

N
NorthWind
Architects LLC
126 SEWARD ST.
JUNEAU, AK 99801
PH #907.586.6150
FX #907.586.6181
WWW.NORTHWINDARCH.COM

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

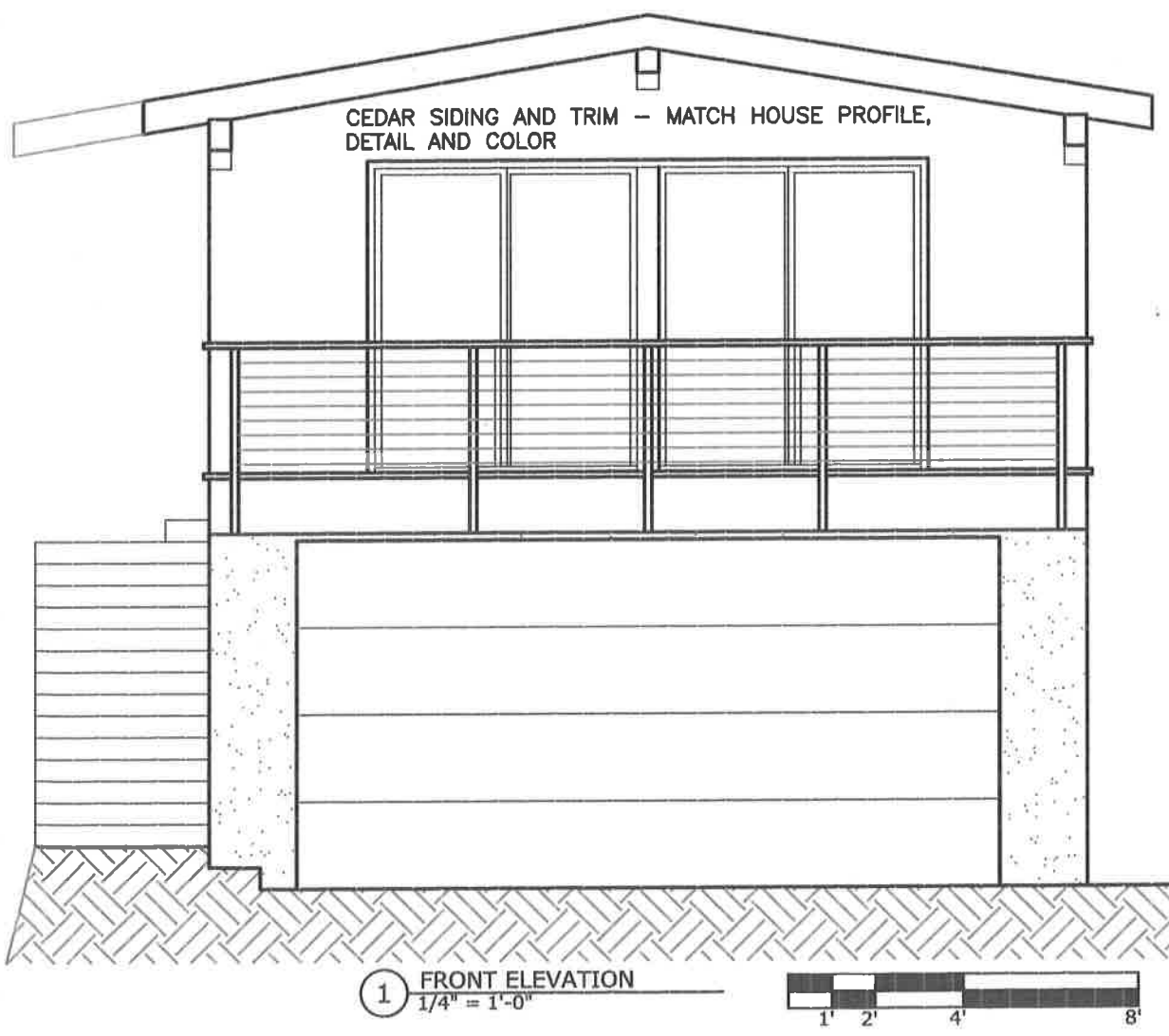
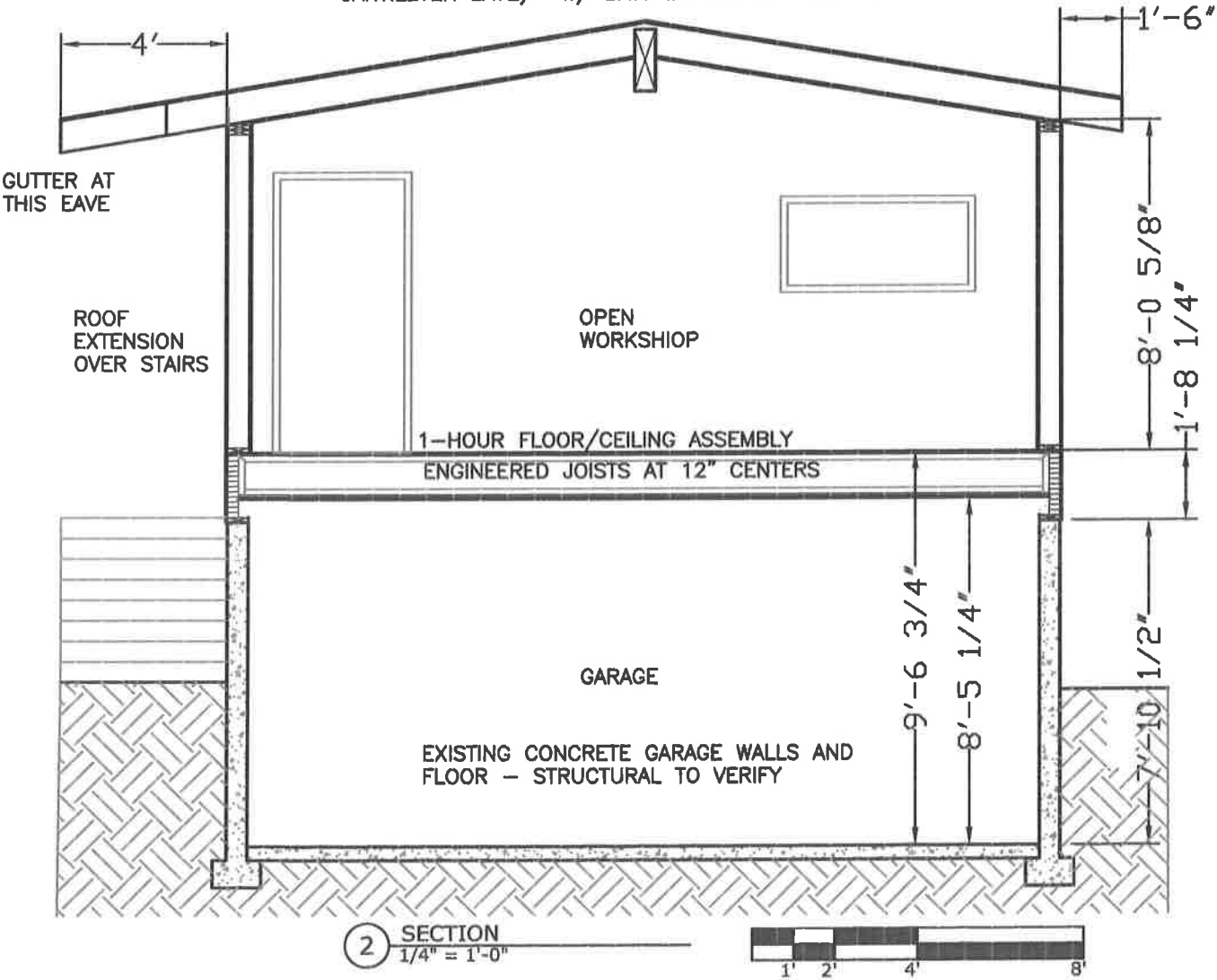
SCHOEDER GARAGE RENOVATIONS

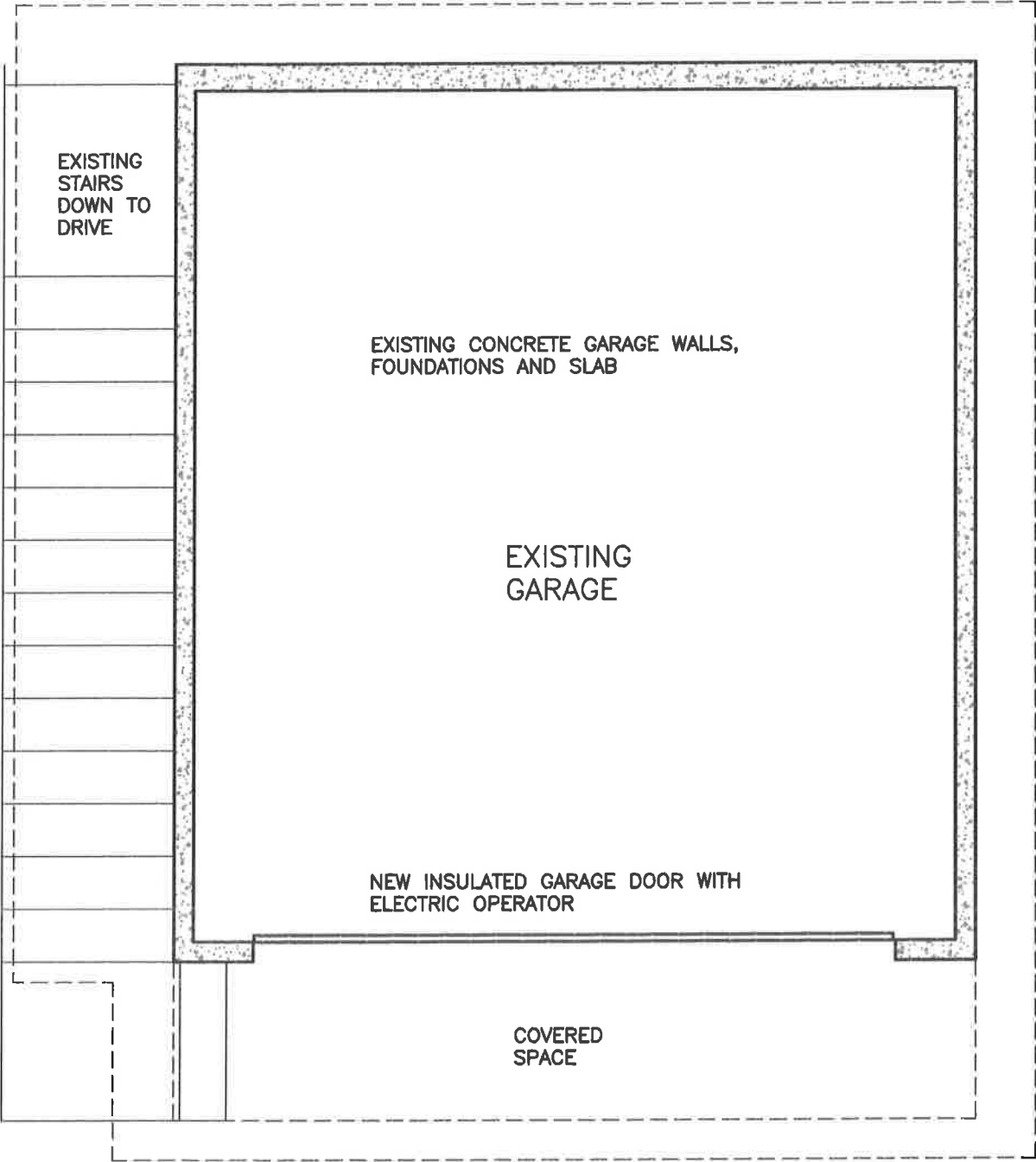
510 KENNEDY STREET
JUNEAU, ALASKA

SHEET TITLE
**STREET
ELEVATION
SECTION**
DATE: APRIL 4, 2018
REVISION:
CHECKED BY: SB
DRAWN: SB
SHEET #

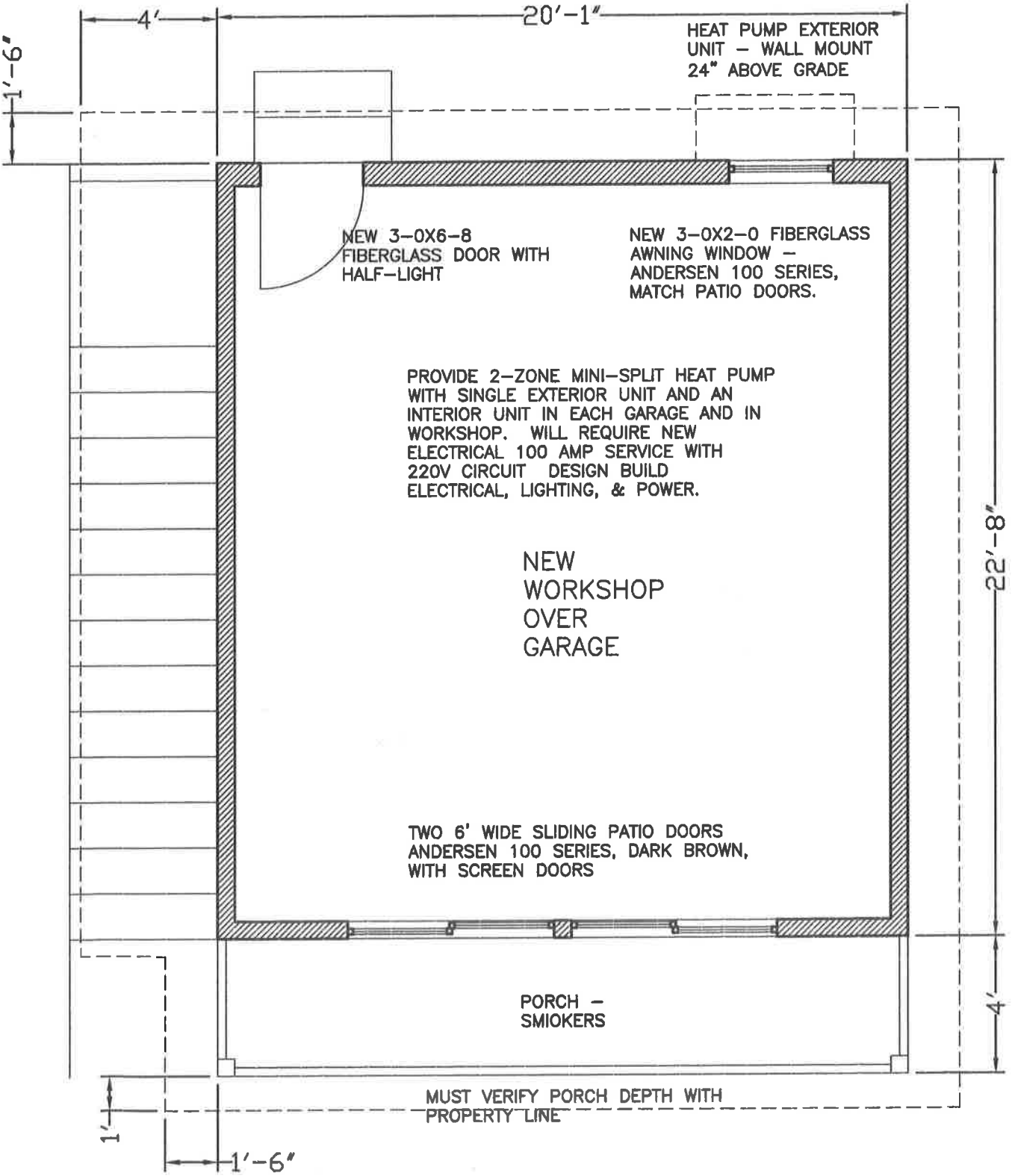
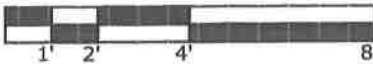
A3.0

METAL ROOF WITH FULL WATERPROOF MEMBRANE UNDERLAY AND SNOW STOPS
VENT JOIST CAVITIES AT EAVES AND RIDGE WITH WATER DAM DETAIL AT RIDGE VENT.
2X10 RAFTERS, 16" OC (ENGINEER VERIFY FOR LOAD AND
CANTILEVER EAVE) W/ BATT INSULATION FILL AND 1" AIR SPACE





2 GARAGE PLAN - LEVEL 1
1/4" = 1'-0"



1 SHOP PLAN - LEVEL 2
1/4" = 1'-0"



NorthWind Architects LLC

126 SEWARD ST.
JUNEAU, AK 99801
PH #907.586.6150
FX #907.586.6181
WWW.NORTHWINDARCH.COM

1" ACTUAL

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

SCHOEDER GARAGE RENOVATIONS

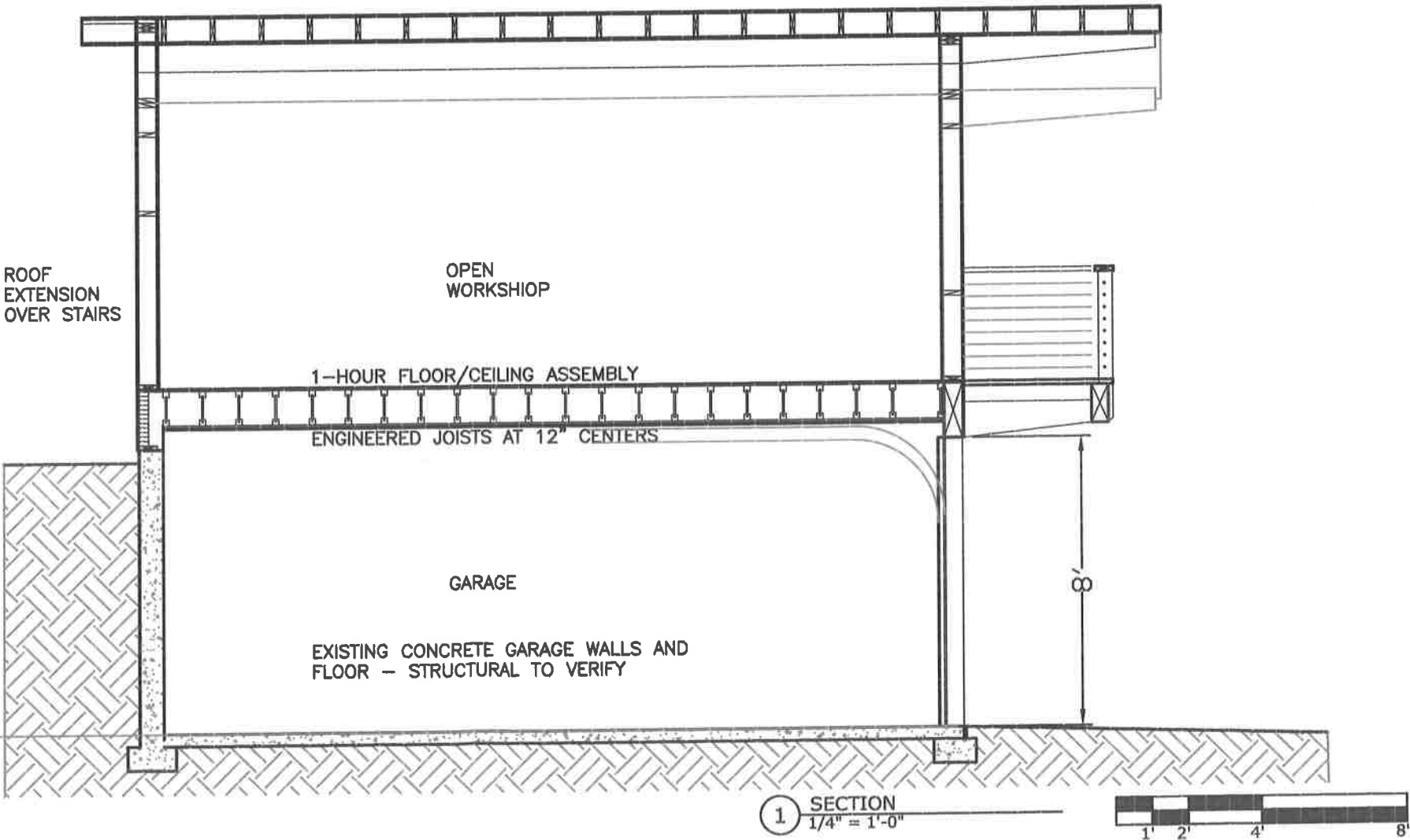
510 KENNEDY STREET
JUNEAU, ALASKA

SHEET TITLE:	
FLOOR PLAN, NOTES	
DATE:	APRIL 4, 2018
REVISION:	
CHECKED BY:	SB
DRAWN:	SB

SHEET #
A2.0

N
W
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SCHOEDER GARAGE RENOVATIONS

510 KENNEDY STREET
JUNEAU, ALASKA

SHEET TITLE:
SECTION

DATE: APRIL 4, 2018

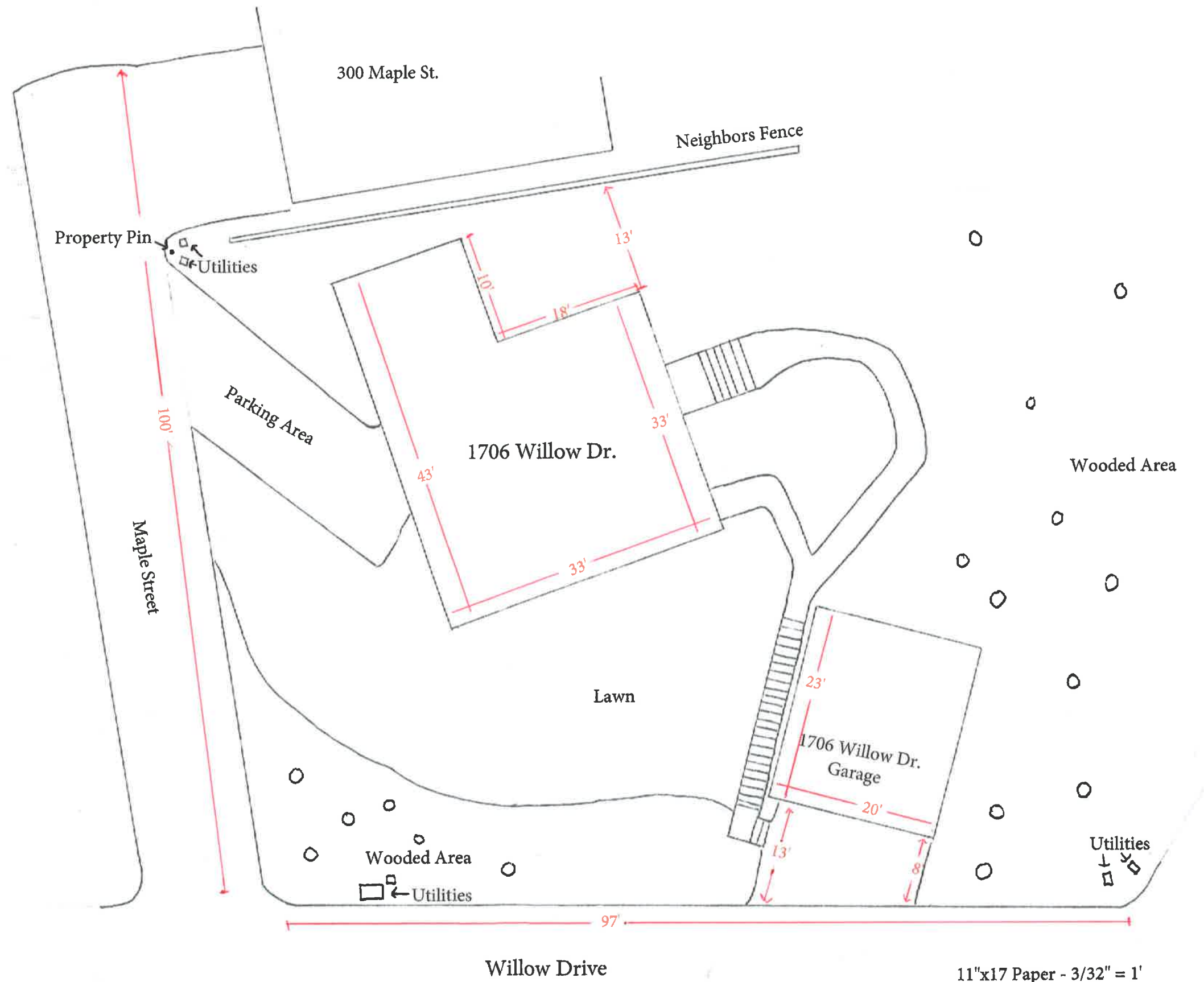
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SHEET #

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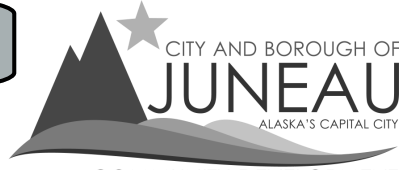
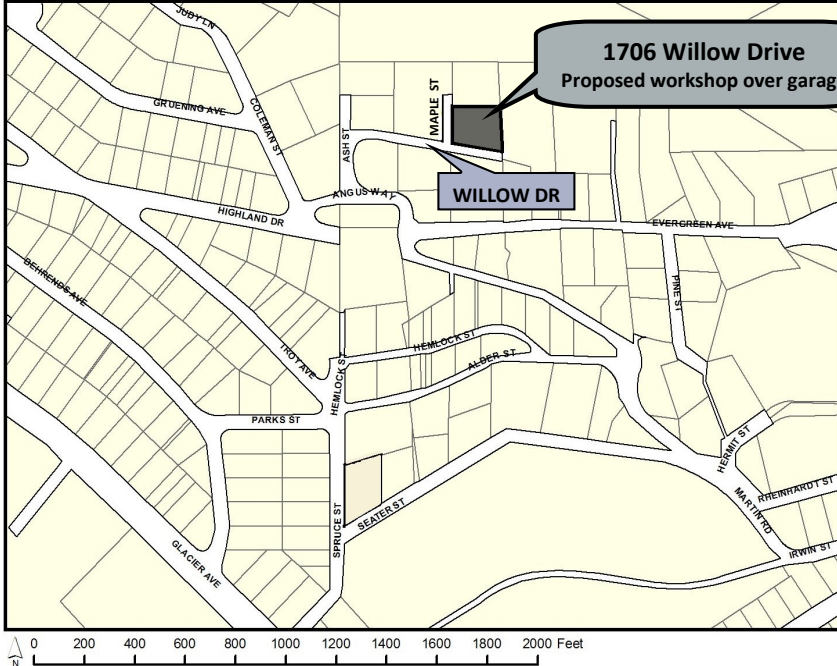
All properties across the street have almost no set-back at all. Tan house over hangs curb.



1706 Willow Dr.

Invitation to Comment

On a proposal to be heard by the CBJ Board of Adjustment
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 Board of Adjustment for an **Alternative Development Permit** for a **reduced street side setback to accommodate workshop space over an existing single-story garage** located at **1706 Willow Drive** in a **D5 zone**.

TIMELINE

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

Now through April 30, 2018

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

May 1 through 12 noon, Friday, May 18

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

HEARING DATE & TIME
7:00 pm, May 22, 2018

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

May 23

The results of the hearing will be posted online.

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

Printed April 23, 2018

Case No.: ADP2018 0001
Parcel No.: 1C030DEV0090
CBJ Parcel Viewer: <http://epv.juneau.org>

From: Mary Grant
Sent: Monday, April 16, 2018 3:32 PM
To: Amy Liu
Subject: RE: Building Records for 1C030DEV0090

Amy,

The file indicates that the garage and the residence were both built in 1962.

I can't tell you definitively where the year built information came from, just that for older buildings we rely on what is written on our property record cards. The year the main building was built is inside the card and for improvements such as detached garages, sheds and carports, the year built and other information is located on the back of the card.

Eventually we hope to have all of the property record cards scanned and attached as multimedia in Govern.

Mary Grant
 Property Appraiser III/ Deputy Assessor
 (907)586-0334

From: Amy Liu
Sent: Monday, April 16, 2018 1:53 PM
To: Mary Grant
Subject: Building Records for 1C030DEV0090

Mary,

I stopped by today to see if your office had more information about structures on 1C030DEV0090. I am specifically interested in when the garage was built. Needless to say, CDD records have not clarified this topic.

From Assessor's Office files, I was able to gather that the earliest evaluation of property value was in 1979. However, the database shows that the primary dwelling was built in 1962. Where does this number come from, and perhaps is it associated with a building permit or some other document from CBJ authorizing construction? And whenever the primary dwelling was built, was the garage built at the same time or another time?

To meet the customer's time line, I'm hoping to have more information by this Wednesday. Let me know if that works for you. Thanks for your help!

Amy Liu | Planner | City & Borough of Juneau
 (907) 586-0764 | amy.liu@juneau.org

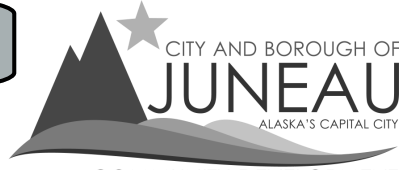
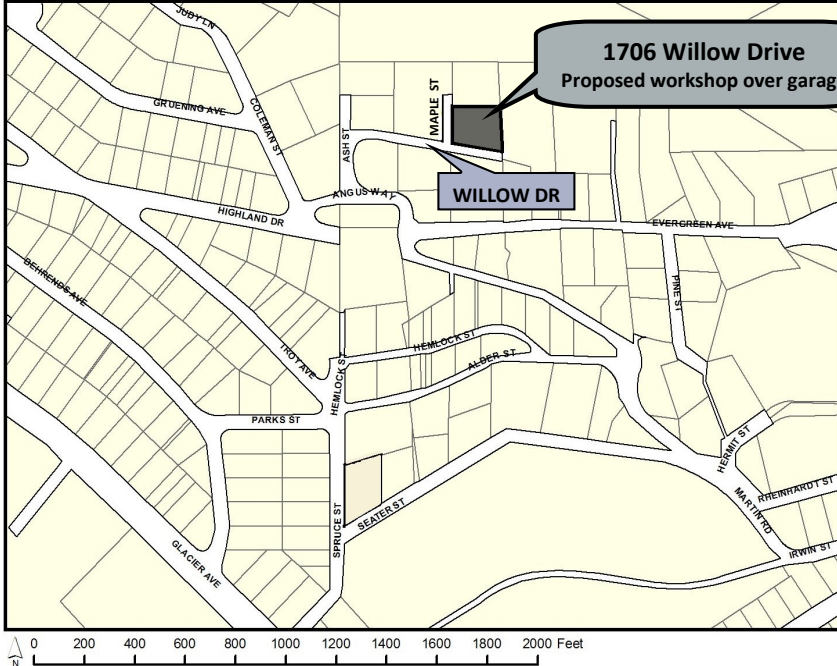




Attachment C

Invitation to Comment

On a proposal to be heard by the CBJ Board of Adjustment
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 Board of Adjustment for an **Alternative Development Permit** for a **reduced street side setback to accommodate workshop space over an existing single-story garage** located at **1706 Willow Drive** in a **D5 zone**.

TIMELINE

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

Now through April 30, 2018

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

May 1 through 12 noon, Friday, May 18

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

HEARING DATE & TIME
7:00 pm, May 22, 2018

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

May 23

The results of the hearing will be posted online.

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

Printed April 23, 2018

Case No.: ADP2018 0001
Parcel No.: 1C030DEV0090
CBJ Parcel Viewer: <http://epv.juneau.org>

ADP2018-0001

Alternative Development Permit for reduced street
side and rear yard setback to accommodate
workshop space over an existing single-story
garage

CBJ Planning Commission Presentation

May 22, 2018

Amy Liu



Vicinity Map



Site Zoning



Pink- D5, Single family and duplex

Green- Rural Reserve

Orange- D18 Multifamily



Proposal

The applicant requests an Alternative Development Permit (ADP) for 8' street side setback and 14' rear setback for the development of a work shop space and balcony above an existing single story garage.

The development is located in the downtown Juneau Alternative Development Overlay District (ADOD).

There are no comments from agency review or the public.

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



Background

The applicants are seeking an ADP because their garage is nonconforming.

- According to the CBJ Assessor Office the single family dwelling and detached garage were constructed in 1962.
- In 1962 the site was zoned R1 and the required setbacks were 20' from a front, 10' from a street side, and 20' from the rear.
- The current street side setback requirement is 13', and rear yard setback requirement is 20'.
- There are no building permits on file for either structure. There are no variances or any other documents showing CBJ approval of the existing. Staff recognizes that lack of documentation is common for buildings constructed around that time.



Background

The purpose of the ADOD is to provide adequate minimum standards for the development of buildings while preserving the character of the neighborhoods.

- Approving a setback reduction through an ADP would deem the subject structure to be legally nonconforming and also allow for the construction of the proposed second story workshop for private use.

Under 49.70.1240, the Board of Adjustment has the authority to reduce the street side yard setback by one of two methods.

1. Calculate the mean of corresponding street side setbacks of residential buildings within a 150' radius. This method applies to building footprint expansions and thus does not apply to the current proposal.
2. Use the footprint of the existing building. Encroachment into a ROW or adjacent property would still be prohibited. This method may be used for granting the requested street side and rear yard setback reductions.



Site Description

The subject lot is a standard lot at 8,967 square feet in total area.

- Lot is gradually sloping and separated from other lots by trees and other vegetation.

There is a dwelling and detached garage on site.

- Dwelling is 1,242 square feet in gross area.
- Dwelling is 19 feet from the front lot line, 5 feet from the side lot line, 31 feet from the street side lot line, and 39 feet from the rear lot line.
- Garage is 460 square feet in area.
- Garage is 58 feet from the front lot line, and 50 feet from the side lot line, 8 feet from the side street lot line, 14 feet from the rear lot line



Site Photo



Site

The proposed second story will be used as a workshop space. The proposed second story would meet the D5 height requirement.

- The height of the garage with the complete second story would be 18 feet. The maximum allowed height for an accessory structure is 25 feet.

Plans also include a 4 foot wide balcony that projects 4 feet beyond the existing footprint of the building, and would be 4 feet from the side street lot line.

According to CBJ 49.25.430(4)(C)(i), this may be allowed.

- CBJ 49.25.430(4)(C)(i) *Unenclosed balconies, connecting deck stairways, walkways, ramps, and landings with or without roofs, may extend to the front lot line or street side lot lines provided the structure does not exceed five feet in internal width exclusive of support structure and is no closer than three feet to a side or rear lot line;*



Analysis

- **Traffic** – The proposed development is for private use only. Staff does not anticipate subsequent changes in traffic.
- **Parking and Circulation** – The current required parking for a single family dwelling is two off-street spaces. The garage provides two spaces. The second story workshop will not affect the parking requirement or existing parking and circulation.
- **Noise** – The personal use workshop space is not expected to generate noise beyond that of other uses allowed outright in the D5 zoning district.



Analysis

- **Public Health or Safety** – There is no evidence indicating that there are any public health or safety impacts from the proposed encroachment. Based upon the plans the structure meets building and fire code requirements.
- **Property Value or Neighborhood Harmony** – The development is surrounded by D5 zoning district consisting of single-family dwellings that are primarily one and two story structures. The second story garage with a balcony is in harmony with the surrounding neighborhood.



Conformity With Adopted Plans

The second story workshop meets several provisions of the 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.



Conformity With Adopted Plans

Sub-Area 6: Juneau (Comp Plan Maps K, M, & N)

Preserve the scale and densities of the older single family neighborhoods in the downtown area, including the Casey-Shattuck "flats" (emphasis added) and Star Hill historic districts, Chicken Ridge, Basin Road, Mt. Maria, the Highlands, and the higher density apartments and homes in the vicinity of the Federal Building.



Staff's Findings

1. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.70.1200.
2. The requested permit is appropriate according to the Alternative Development Overlay District. The permit is listed at CBJ 49.25.300, Section 1.110 for the D5 zoning district.
3. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the May 11 and May 21, 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. Furthermore, the proposed development complies with the height, parking and vegetative cover requirements of the D5 zoning district.



Staff's Findings

4. The project site is located in a D5 zoning district located within the downtown Juneau Alternative Development Overlay District. No evidence indicates that the proposed development will materially endanger public health or safety.
4. The development is in harmony with the neighboring properties. No evidence has been presented to indicate the proposed personal use second story workshop will decrease property values.
4. The development is in general conformity with the 2013 Comprehensive Plan.



Staff's Recommendation

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Alternative Development permit. The permit would allow for an 8 foot street side setback to accommodate workshop space over an existing single-story garage with the following condition.

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



End of Presentation



CITY/BOROUGH OF JUNEAU
★ ALASKA'S CAPITAL CITY



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: May 22, 2018
File No.: ADP2018 0001

Elaine and Robert Schroeder
1706 Willow Drive
Juneau, AK 99801

Proposal: Alternative Development Permit for reduced street side and rear yard setback to accommodate workshop space over an existing single-story garage.

Property Address: 1706 Willow Drive

Legal Description: Lot 10, Evergreen Heights

Parcel Code No.: 1C030DEV0090

Hearing Date: May 22, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 14, 2018, and approved the Alternative Development Permit for a reduced street side and rear yard setback to accommodate workshop space over an existing single-story garage. The approved project is to be conducted as described in the project description and project drawings submitted with the application, and with the following conditions:

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

Attachments: May 14, 2018, memorandum from Amy Liu, Community Development, to the CBI Planning Commission regarding ADP2018 0001.

Elaine and Robert Schroeder
 File No.: ADP2018 0001
 May 22, 2018
 Page 2 of 2

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, May 22, 2018.

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

5/23/18
 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: May 12, 2018

TO: Planning Commission

FROM: Tim Felstead, Planner 
Community Development Department

CASE NO.: AME2018 0002

PROPOSAL: A rezone request from D-3 to D-15 along North Douglas Highway.

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

Applicant: Hank Martin

Property Owner: Hank Martin

Property Address: 4535 North Douglas Highway

Legal Description: Lot 9 Fraction, USS 230500; USS 2335 Fraction

Parcel Code No.: 6D0601130120

Site Size: 71,590 sq. ft. (1.64 acres) (USS 2305 Lot 9 Fraction = 55,042 sq. ft.;
USS 2335 Fraction = 16,548 sq. ft.)

Zoning: D-3

Utilities: Public Water; Public Sewer

Access: North Douglas Highway

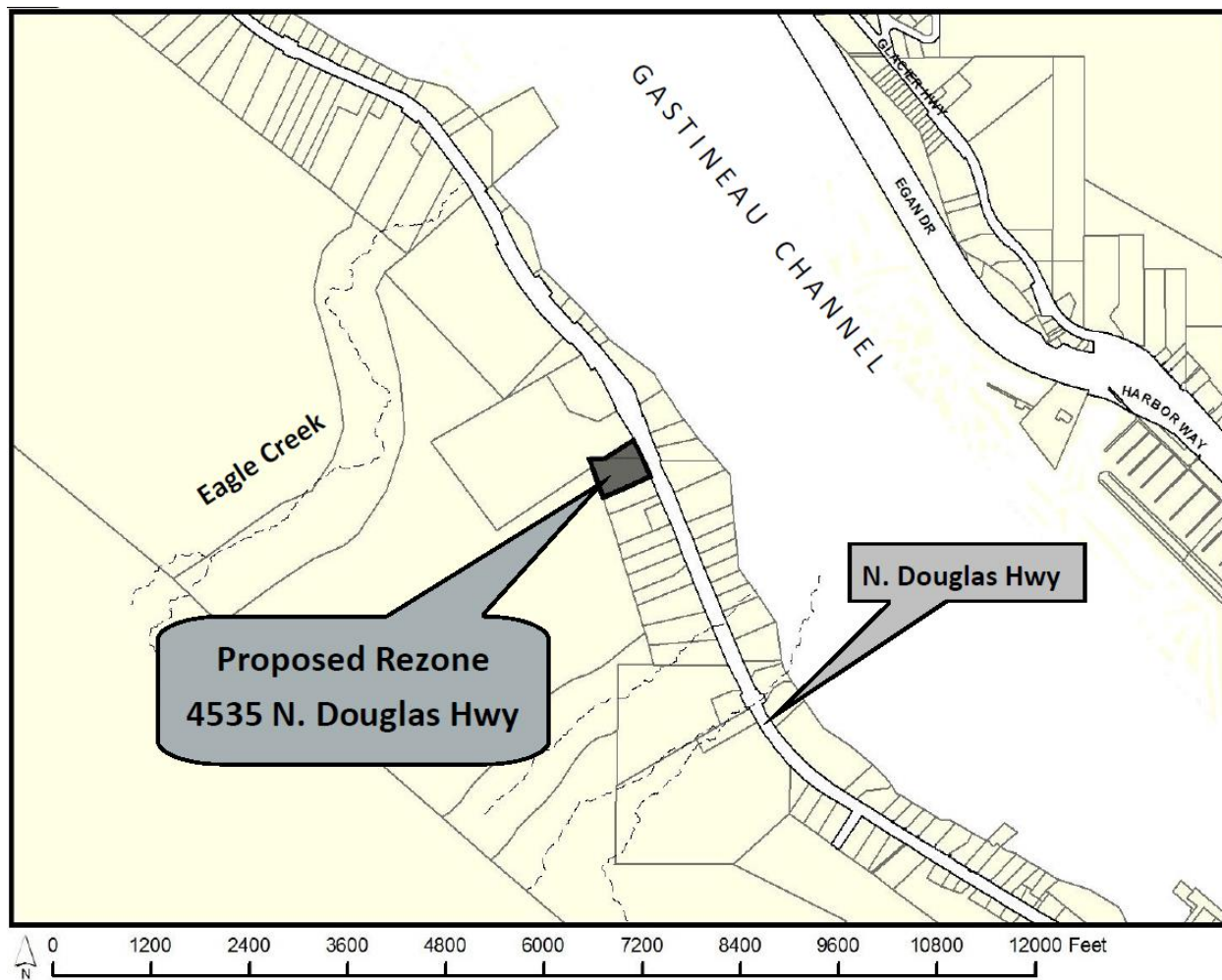
Existing Land Use: Single family dwelling; Vacant

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Surrounding Land Use:

- Northwest - Vacant (D-15)
- Northeast - North Douglas Highway (AK DOT&PF);
Single family dwellings or vacant (D-3)
- Southeast - Single Family dwelling (D-3)
- Southwest - Vacant (D-3)

VICINITY MAP



ATTACHMENTS

Attachment A	Application
Attachment B	Public notice and minutes for neighborhood meeting April 18, 2018, Douglas library
Attachment C	Public notice for Planning Commission meeting

Planning Commission
Case No.: AME2018 0002
May 12, 2018
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Attachment D	Map L from 2013 Comprehensive Plan showing proposed bench road alignment in relation to subject lot
Attachment E	2009 Traffic Impact Analysis regarding North Douglas Highway Rezones
Attachment F	Dimensional standards and abridged version of Land Use Code, Table of Permissible Uses, showing what permissible uses would be different between D-3 and D-15
Attachment G	Comment from public regarding bench road access

PROPOSAL

The applicant requests a rezone of 1.64 acres consisting of two legal lots from the existing D-3 zoning (single family residential) to D-15 zoning (multifamily residential). The request is an expansion of the existing D15 zoning of the adjacent, undeveloped 15.41 acre lot to the north. One of the two lots seeking rezone is vacant and the other has a single family residence. Both lots are under common ownership and are identified with one CBJ property tax parcel code number.

The applicant has no definite plans for development of the lots at this stage.

BACKGROUND

The smaller of the two lots was first surveyed in 1938 as a larger triangular lot (USS 2335). It appears the North Douglas Highway separated it from a larger downhill portion at some point. The larger downhill portion was sold in 1983. It is unclear when the smaller lot and larger lot came under common ownership.

The larger lot is a portion of a lot first surveyed in 1938 (USS 2305), which was then resurveyed and subdivided in 1953. The lot was then further subdivided in 1979 through a platting waiver (Platting resolution 692). The subject lots were first zoned D3 during the rezoning of the borough in 1987.

A number of lots to the north including a adjacent lot were rezoned in 2014 (AME2013 0016). The AME2013 0016 rezone case was initiated by CBJ in response to the lots being identified as transition zones (a mix of RR(T)D-3, D1(T)D-3, and RR(T)D-15). Transition zoning allowed the lots to be rezoned when public water and sewer were extended to them. During the review of AME2013 0016, it was noted that the 2013 Comprehensive Plan Land Use Map Designations of the lots allowed for higher density zoning than was assigned under the zoning map transition zoning designation. Accordingly, the Planning Commission recommended that a higher density zoning be applied to the lots, including a lot adjacent to the subject lot (originally the adjacent lot was designated as RR(T)D-3 but the Planning Commission recommended, and Assembly adopted, a D-15 zoning instead.

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It is worth noting that as a result of an appeal of the original Planning Commission recommendation to the Assembly for AME2013 0016, the Planning Commission was requested to review the recommendation a second time. The Planning Commission recommendation remained unchanged with the exception that some lots that were previously recommended to be rezoned D-5 were recommended to be rezoned to D-3 instead.

In cases MAP2008 0003 and MAP2008 0004, higher densities were also adopted by the Assembly or by the Planning Commission as was allowed under the Land Use Code at the time.

A neighborhood meeting was held on Wednesday, April 18, 2018 at the Douglas Library. Public notice of the neighborhood meeting was sent to property owners within 1,000 feet of the subject lot (Attachment B). This 1,000 foot distance corresponds with the boundary of the 2013 Comprehensive Plan Medium Density Residential land use boundary.

ZONE CHANGE INITIATION

The Land Use Code outlines the procedure and requirements regarding rezone requests.

CBJ 49.75 Article I, Rezoning.

CBJ 49.75.110. Initiation. A rezoning may be initiated by the director, the commission or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.

1. Was the proposed zone change initiated by the property owner during the appropriate time frame OR was the zone change initiated by the commission, assembly or director?

YES. The application for the subject zone change was initiated by the property owner in January, 2018.

2. Has the director provided adequate public notice through newspaper advertising, property owner mailings, and by requiring a public notice sign be posted on-site?

YES. A Notice of a Neighborhood Meeting on April 18, 2018 regarding the rezone request was mailed to all property owners within 1,000 feet of the subject property. A Notice of Public Hearing was mailed to owners within 500 feet of the subject parcel. Public notice of this project was provided in the May 11, 2018 and May 21, 2017 issues of the Juneau Empire in the "Your Municipality" section.

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Moreover, a public notice sign was posted on the site on Monday, May 7, 2018 visible from the right-of-way, which was at least two weeks prior to the scheduled Planning Commission hearing.

RESTRICTIONS AND PROCEDURE

The CBJ Land Use Code provides restrictions for zone district change requests.

CBJ 49.75.120. *Restrictions on Rezoning.*

Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezone requests which are substantially the same as a rezoning request rejected within the previous twelve months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zone district and the used allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

(Emphasis added.)

This proposal conforms to these restrictions:

1. **MET.** This is an expansion of an existing district, and the property is more than two acres in size.
2. **MET.** There has not been a similar request made for the property within the past year.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

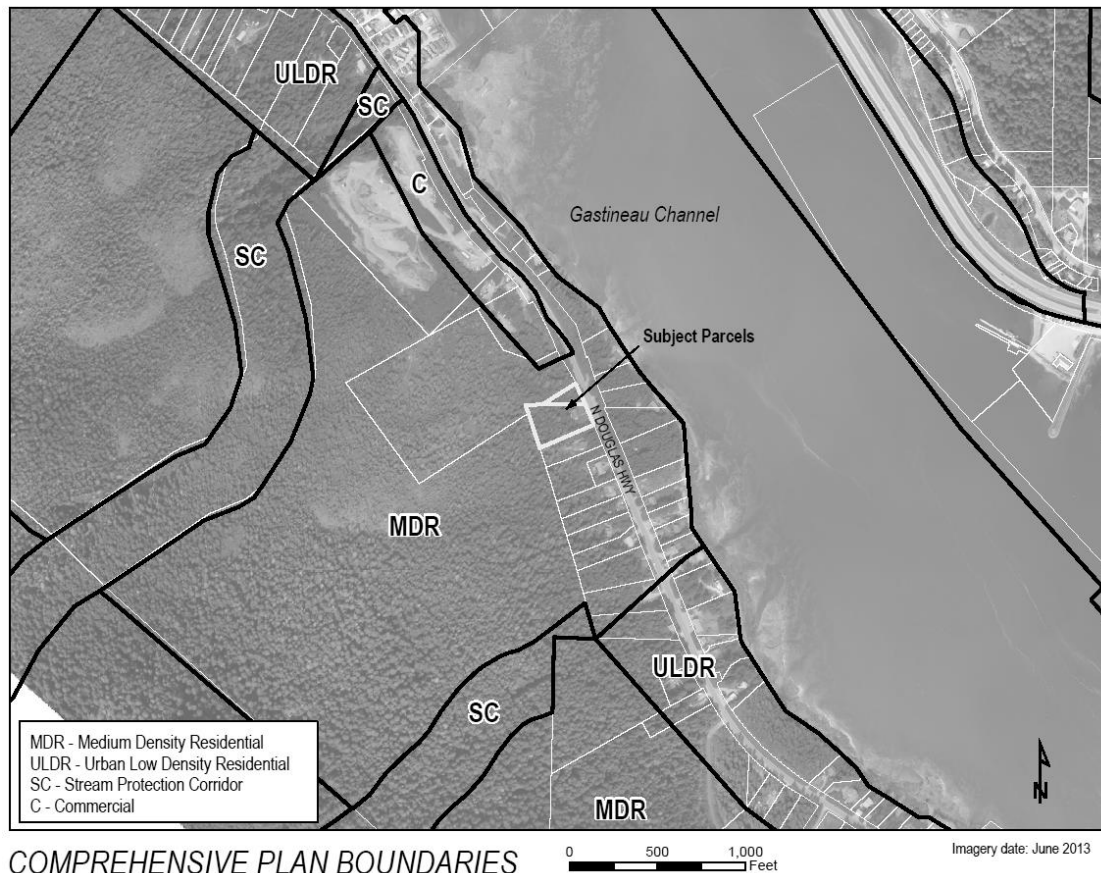
Comprehensive Plan Contents

The Comprehensive Plan land use designations and the subject lots are shown on the map below.

In the 2008 Comprehensive Plan, the Land Use designation for much of the area now designated Medium Density Residential (MDR) including the subject lot was ULDR(T)MDR. The (T) designation was for 'undeveloped or low density residential areas within the Urban Service Area boundary that did not yet have public sewer, water, or other specified improvements' (p.164, 2008 Comprehensive Plan).

Accordingly, the area was designated MDR when the 2013 Comprehensive Plan Land Use Designation Maps were updated in recognition that public sewer was provided in 2011 and water had been provided in 1987.

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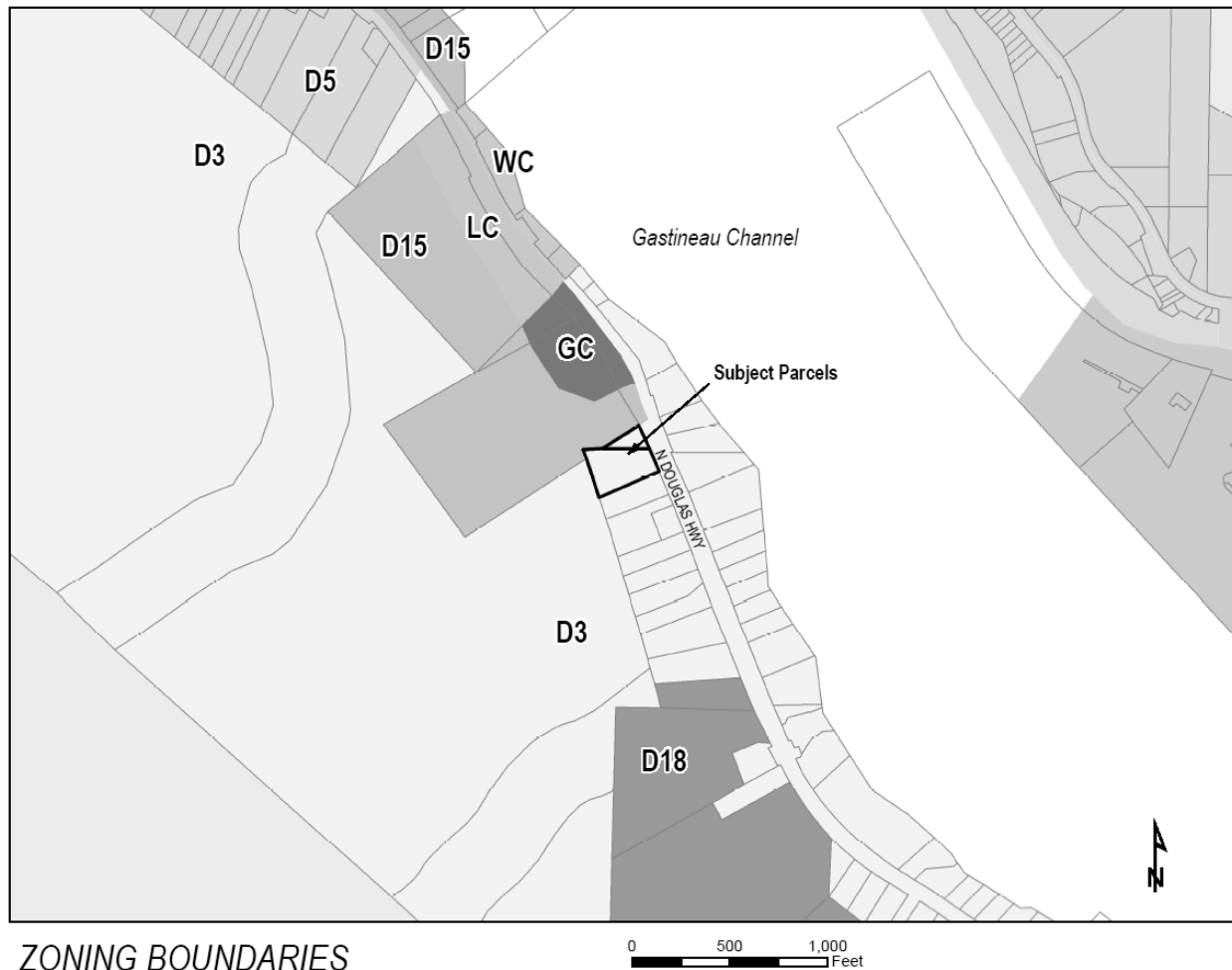
These lots were zoned D-3 in 1987 with Ordinance 87-49 that established major revisions borough-wide. The current zoning map for the area is below. As noted above a number of lots to the north of the subject lot were rezoned in 2014. The boundary of that rezone ordinance was the property line of subject lot. The current owner states they took possession of the subject lot in 2017, and therefore was unable to request to be included in the 2014 rezone.

This property is located in Subarea 8 of the 2013 Comprehensive Plan (Map L). The plan designates this property as MDR, Medium Low Density Residential. MDR is described as:

These lands are characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBI 49.25.300) (p. 147).

The subarea is described as 'Predominately Rural' which, when taken in its entirety, is accurate. However, the subarea encompasses all of North Douglas and West Douglas and there is considerable variation in the develop intensity and neighborhood character in the area near the Juneau-Douglas Bridge than that beyond Fish Creek Road for example.

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'Rural' is outlined in Chapter 3, Community Form, of the 2013 Comprehensive Plan as:

Rural areas can be found in the forested areas west of the Mendenhall River and in Thane, North Douglas and the out the road areas of Tee Harbor, Lena Cove, and Indian Cove. Residential densities are low at 1 to 3 units per acre. Many of these areas are served by public water but not public sewer service. If and when public sewer service is provided to rural areas, higher residential densities should be permitted in order to make the most efficient use of this sewer resource. Vacant parcels within rural neighborhoods that are provided municipal sewer service should be developed at suburban densities, although with site design and massing that reflects the rural character of the neighborhood (p. 14).
(Emphasis added.)

The Comprehensive Plan includes "Guidelines and Considerations" for each Subarea that should influence land use decisions in those particular areas. There are nine subareas within the CBJ. Subarea 8, which includes the subject property, as well as the rest of North Douglas and West

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Douglas, lists 14 guidelines and considerations that are meant to influence the future direction of the area. The following is especially relevant to the proposed rezone request in particular the provision of sewer, water, and vehicle traffic Level of Service:

4. *Unless and until municipal water and sewer services are provided to the North Douglas area, continue to allow for rural residential densities along the North Douglas Highway corridor and maintain the Resource Development land use designation for upland areas. Where municipal water and sewer service are provided, more efficient use of this land should be encouraged. Residential densities should be increased when, and where, roads, terrain, transit and other public services would provide the carrying-capacity for the additional residential population. However, the areas designated MDR but not currently provided municipal sewer service should remain in zoning designations that limit development to very low densities until municipal water and sewer service are provided and driveway access, roadway capacity, and intersection capacities and facilities serving that property meet the livability standard of a Level of Service D or better (p. 192).*

Also relevant is the Comprehensive Plan guidance on Level of Service is the description of 'transition' areas. While the subject lot is not subject to transition zoning, the adjacent lot prior to being rezoned in 2014 was subject to transition zoning.

Transition Area: *These lands are located within the Urban Service Area and are not yet provided public sewer service. When provided with sewer service, and when roadway and intersections serving these lands have adequate capacities to accommodate new development (such that post-development, the road and intersection Levels of Service would not be worse than LOS D), transition areas should be rezoned for the designated higher density residential development. Transition areas are designated as the intended higher density on the Comprehensive Plan land use maps, but rezoning these areas to match the land use designation must wait until public sewer service is extended to them (p.15).*

The Douglas Island Bench Road is proposed to run across CBJ owned land at the rear of the subject lot with a potential access also suggested to run through the much larger adjacent lot (see Attachment D). Given its proximity of the bench road alignment to this particular lot is the following is also relevant:

13. *When reviewing development proposals for Douglas Island, ensure that the site layout and circulation system configuration proposed minimizes direct vehicular access onto North Douglas Highway and does not obstruct or harm potential roadway access to an upland bench road to West Douglas or non-*

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motorized access to a trans-island trail system, including the Treadwell Ditch Trail.

The following policies are pertinent to this rezone request:

POLICY 3.1 TO BALANCE AVAILABILITY OF SUFFICIENT LAND WITHIN THE DESIGNATED URBAN SERVICE AREA BOUNDARY THAT IS SUITABLY LOCATED AND PROVIDED WITH THE APPROPRIATE PUBLIC SERVICES AND FACILITIES TO MEET THE COMMUNITY'S FUTURE GROWTH NEEDS AND THE PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

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.

POLICY 4.1 TO FACILITATE THE PROVISION AND MAINTENANCE OF SAFE, SANITARY AND AFFORDABLE HOUSING FOR ITS RESIDENTS.

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.

POLICY 8.8 TO RESPOND TO THE SPECIAL TRANSPORTATION NEEDS OF EACH SUBAREA OF THE CBJ AND TO INTEGRATE THEM INTO A BOROUGH-WIDE COMPREHENSIVE TRANSPORTATION PLAN, THIS SYSTEM SHOULD SEEK TO REDUCE THE CONSUMPTION OF FOSSIL FUELS BY FACILITATING EFFICIENT ROUTES OF TRAVEL, CONVENIENT AND RAPID TRANSIT, AND SAFE MOTORIZED- AND NON-MOTORIZED TRAVELWAYS.

8.8 – IA10 Work with ADOT&PF to undertake roadway capacity, vehicular turning movement, bus pullouts and pedestrian and bicycle safety improvements within the Urban Service Area where an existing intersection Level of Service on the state route is compromised (LOS D or worse); priority improvements should be given to intersections that would serve new high-density housing developments.

POLICY 10.1 TO FACILITATE AVILABILITY 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.

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10.1 – SOP2 Designate sufficient land on the Comprehensive Plan Land Use Maps and zoning maps to provide for a full range of housing types and desired by resident households. Provide choices in residential neighborhood character such that residents can choose to live in urban, suburban, and rural residential settings and neighborhoods.

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.

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

Discussion

Consistency of requested zoning with Comprehensive Land Use designation – the zoning density requested is consistent with that recommended for the MDR land use designation. The maximum recommended density is 20 dwelling units per acre. The adjacent parcel is already zoned D-15. The provision of water in 1987 and sewer in 2011 meets the requirement for the subject lot to be rezoned to a higher density and is consistent with the rezoning of the adjacent parcel in 2014.

Level of Service (LOS) for traffic – The LOS was addressed during the 2014 rezone which included the adjacent lot, north of the subject lot. The potential impact of that rezone on the LOS at both the Douglas Roundabout and the 10th Street/Egan Drive intersection is significantly greater than could occur if the subject lot is fully developed. The issue of traffic and access was also addressed in the 2014 rezone Staff report. Recognizing the impact that additional traffic from rezoning properties along North Douglas Highway, the CBJ commissioned a Traffic Impact Analysis (TIA) in 2009 to evaluate previous rezoning requests further south closer to the Juneau Douglas Bridge , specifically MAP2008 0003 and MAP2008 0004. The conclusions of this TIA are relevant to the rezone considered in this staff report.

The TIA Study Area evaluated potential future traffic impacts along the North Douglas Highway from the roundabout to just past Nelson Creek. The TIA further divided the study area into three sections according to phases in which sewer service was being extended. The subject area is within Study Area 2 (see Attachment E). The study concludes that traffic generated by future development at higher densities along North Douglas Highway will negatively impact the Level Of Service (LOS) at the Douglas roundabout and at the intersection of Egan Drive and 10th Street. LOS is a measure of average time a vehicle has to wait before getting into an intersection – it is used to rate the performance of a road intersection. The table below

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describes the difference between the LOS categories. The CBJ Comprehensive Plan states that ideally an intersection should not drop below an LOS D. An LOS E in the AM Peak hour and LOS D in the PM Peak hour was already being achieved at the 10th/Egan intersection in 2009.

Table 15- Intersection Level of Service Criteria			
Level of Service	Signalized Control Delay (sec/veh)	Roundabout Control Delay (sec/veh)	General Description
A	≤10	≤10	Free flow
B	>10 – 20	>10-15	Stable flow (slight delays)
C	>20 – 35	>15-25	Stable flow (acceptable delays)
D	>35 – 55	>25-35	Approaching unstable flow (tolerable delay, occasionally wait through more than one signal cycle before proceeding)
E	>55 – 80	>35-50	Unstable flow (intolerable delay)
F	> 80	>50	Forced flow (jammed)
Source: Highway Capacity Manual (TRB, 2000)			

Source of Table: 2009 Traffic Impact Analysis for CBJ North Douglas Rezone

On page 3-22 the study estimated how much additional traffic could be added before LOS F is reached. The study concludes that at 10th and Egan the limiting time is PM peak hour. The TIA states the intersection could accommodate 517 additional vehicles before reaching LOS F.

For the Douglas roundabout the limiting time is the AM peak hour, and 334 additional vehicles could be accommodated before LOS F is reached. The TIA also notes that access road schemes for future development in the study area have not been established (p. 3-27). Future driveways and access roads will be subject to the DOT&PF permitting process. However, the TIA recommends that access points for new developments should be aggregated to the extent possible, and access roads should be spaced at least one quarter mile from adjacent access roads. This would be reviewed by at the time of development for larger multifamily developments with auxiliary turn lanes on North Douglas Highway a likely recommendation from those reviews. A common access was a condition of a rezone to Light Commercial and General Commercial approximately 1000 feet north of the subject lot (CBJ Ordinance 89-07).

Significant infrastructure projects will be required to ensure development of the lots subject to the 2014 rezone do not further move the LOS at either end of the Douglas-Juneau bridge beyond LOS D. Such projects include long standing priorities of a significant redesign of the 10th/Egan intersection, and a second crossing between Douglas Island and the main land. Such

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projects are beyond the scope of any single developer and would likely need to be undertaken by the State and/or CBJ.

In response to the request for comment on the 2014 rezone, DOT&PF expressed concern with future access points and would like to see them limited. DOT&PF commented that it is difficult to comment without specific development plans. For MAP2008 0003 and MAP2008 0004 DOT&PF stated they would reserve comment until specific development proposals, accompanied by driveway permit requests, were submitted. DOT&PF have repeated their comments for the subject rezone.

The CBJ Land Use Code may also require future applications for development to submit traffic impact analyses. This places the burden of mitigation on the developer whose proposal triggers the number of trips that requires mitigation. Full development of either of the two adjacent lots to the north of the subject lot would trigger a traffic impact analysis. Full development of the subject lots at a D-15 density will likely not trigger a TIA. Currently any proposal of more than 8 dwelling units would require Conditional Use Permit. During the Conditional Use Permit process, and the subsequent parking and access review for a building permit, improvements both inside and outside development can be required. A typical apartment generates 6.65 weekday Average Daily Trips (ADT) according to the Institute of Traffic Engineers Trip Generation Handbook, 9th Edition. For the 25 dwelling units possible on the subject lots if zoned D-15, this would result in 166 ADT. This would be adjusted depending on the type of multifamily development (e.g. single family type dwellings vs apartments). For developments expected to generate less than 250 daily trips a TIA is not required. It is unlikely future residential development of this site at D15 density will require a TIA. Douglas Highway is managed by the State, and they may require a TIA when an access permit is requested.

When the subject lots are further developed it is recommended that access be combined with the adjacent lot to the north if possible. This would be in keeping with the TIA recommendation for combined accesses for multifamily developments.

Additionally, the establishment of more dense housing makes an improved business case to provide day long bus service along North Douglas Highway where only peak hour service is currently provided. This would afford greater opportunity for transit use to improve LOS at the bridge intersections.

The target of maintaining LOS D for new developments may need to be revised given limited State resources and if a seemingly competing community goal to provide additional housing within the urban service area is to be met.

The sole public attendee of the neighborhood meeting commented that they had concerns about additional traffic being added to North Douglas Highway.

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Bench Road – One member of the public contacted CBJ regarding the rezone and its potential impact to access to the proposed bench road alignment. Given the collective size of the two subject lots, it would be inappropriate to require land to be set aside for connection to the CBJ property behind to provide connection to a bench road – a 60 foot wide right-of-way would cover ¼ of the subject lots. The adjacent lot to the north may be better suited to provide for a future connection. This connection should be reviewed when the adjacent lot is developed.

COMPLIANCE WITH CBJ LAND USE CODE

In evaluating the dimensional standards and allowed uses the primary difference between the existing zoning district and the requested zoning district is that the requested zoning allows for multifamily development. According to the Land Use Code, all residential districts are established to provide a healthy, safe, and pleasant environment for residential living protected from incompatible and disruptive activities.

The Land Use Code describes D-3 zoning districts as:

‘...intended to accommodate primarily single-family and duplex residential development at a density of three dwelling units per acre. D-3 zoned lands are primarily located outside the urban service boundary where public utilities are not provided. The density reflects the existing pattern of development of properties in the district. There is a limited amount of D-3 zoned lands located within the urban service boundary. These are lands for which a lower density is deemed appropriate or, in the case of transition zones, where the zoning will be changed to a higher density when sewer and water are provided.’

While D-15 zoning districts are described as:

‘...intended to accommodate primarily multifamily residential development at 15 units per acre respectively. These are relatively low-density multifamily districts.’

Dimensional Standard Analysis

Generally, the D-3 dimensional standards are greater than those required for D-15. D-3 requires larger lot sizes and setbacks, allows less lot coverage, and requires greater vegetative cover. The Table of Dimensional Standards is provided in Attachment F.

The subject lots could potentially be subdivided but access requirements would need to be addressed. CBJ classes the portion of North Douglas Highway in the vicinity of the rezone to the bridge as a ‘minor arterial’ (DOT classes it as a ‘collector’). The Land Use Code requires lots that are subdivided and access directly from a CBJ classified arterial road to be a minimum of 36,000 square feet in size. Collectively, the subject lots would not be large enough to subdivide any further unless access was provided from a new right-of-way or using shared access provisions.

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Any subdivision of the lots would work towards the goal of concentrating access points along North Douglas Highway.

Permissible Use Analysis

An abridged version of the Land Use Code Table of Permissible Uses showing only permissible uses that are different between D-3 and D-15 is provided in Attachment F.

Currently the lots could each be developed since they are legal lots. With D-3 zoning the larger lot could be permitted to have two single family dwellings and two 1,000 square foot accessory apartments, while the smaller lot could have one single family dwelling and one 1,000 square foot accessory unit. If fully developed at a density of D-15, collectively the two subject lots could be developed with 25 dwelling units although parking requirements, maximum lot coverage, and height limitations would have to be addressed with any development.

Other than higher dwelling density, the different uses allowed in D-15 tend to be more commercial in nature although many may require conditional use permits. Development that could be permitted in a D15 zone include a mobile home park, an RV park, common wall dwellings, light manufacturing, offices, a health care clinic, a day care center, or a small restaurant with or without a drive through. No animal care services, sand/gravel operations or funeral homes are permitted in a D15 zone. The difference in allowed uses in D-15 over D-3 is already present in the neighborhood due to the D15 zoning of the adjacent lot. and Light Commercial (30 dwelling units per acre) and General Commercial (50 dwelling units per acre) zoning is already present 1,000 feet north of the subject lot (per Ordinance 99-01am, the nearest General Commercial lot is restricted to use as an automotive sales and workshop only).

PUBLIC COMMENT

The neighborhood meeting was held April 18, 2018, at the Douglas Library. The single resident that attended was concerned about traffic safety impacts from additional traffic that might occur if the lots were developed to higher density (see Attachment B). A further written comment was received from another member of the public addressing the need to ensure access to the proposed bench road alignment (see Attachment G). Both of these issues have been addressed above.

Planning Commission
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HABITAT

There are no habitat areas regulated by the CBJ Land Use Code that would be impacted by a rezone.

FINDINGS

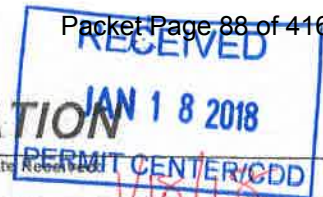
After review of the application materials, the CBJ Land Use Code, and the 2013 Comprehensive Plan, the Director makes the following findings:

1. The request meets the submittal requirements and the rezoning initiation, zone change restrictions, and procedural requirements of the CBJ Land Use Code. The application was timely filed in January, is an expansion of an existing zoning district, and is not similar to a request made in the previous year.
2. Based on the above analysis and discussion, Staff finds that the rezone request substantially conforms to the land use maps of the Comprehensive Plan.

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.

DEVELOPMENT PERMIT APPLICATION



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

PROJECT / APPLICANT INFORMATION	Project Description A rezone request to up-zone from D-3 to D-15 along North Douglas Highway to provide multi-family accommodation.		
	PROPERTY LOCATION		
	Street Address 4535 N. Douglas HWY	City/Zip Juneau/99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) USS 2335 FR & USS 2305 LT 9 FR		
	Assessor's Parcel Number(s) 6D0601130120		
	LANDOWNER/ LESSEE		
	Property Owner's Name Hank Martin	Contact Person: Hank	Work Phone:
	Mailing Address 4535 N. Douglas HWY	Home Phone:	Fax Number:
	E-mail Address hankmartin@yahoo.com	Other Contact Phone Number(s): (907)957 0032	
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application			
X	<u>Hank Martin</u>	01/17/2018	
	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	<u>Hank Martin</u>	01/17/2018	
	Applicant's Signature	Date of Application	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE				
	☒	Permit Type Building/Grading Permit	***SIGN	Date Received	Application Number(s)
		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	✓	1/15/18	AME20180002	
	Other (Describe)				
Comments: Public meeting should be organized.					Permit Intake Initials TJP

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS
I:\FORMS\2010 Applications

Attachment A

Revised November 2009

JAN 18 2018

PERMIT CENTER/CDD

ZONE CHANGE APPLICATION

Project Number	Project Name (15 characters)	Case Number AME 20180002	Date Received 1/18/18		
LEGAL DESCRIPTION(S) AND LIMITS OF PROPERTY TO BE REZONED: USS 2335 FR & USS 2305 LT 9 FR					
IS THIS AN EXPANSION OF AN EXISTING ZONE?		☒ Yes ☐ No			
Total Land Area of Proposed Change <u>1.64</u> acres		Comp Plan Designation <u>MDR</u>			
Current Zone(s) <u>D3</u>		Comp Plan Map <u>L</u>			
New Zone Requested <u>D15</u>					
TYPE OF ZONE CHANGE REQUESTED: ☒ Regular ☐ Transition					
HAS THIS OR A SIMILAR ZONE CHANGE BEEN REQUESTED IN THE PREVIOUS 12 MONTHS? ☐ Yes ☒ No					
UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site					
PURPOSE OF THE REQUESTED ZONE CHANGE: The 2013 Comp Plan Land Use map has the Parcel# 6D0601130120 in an MDR area and the adjacent parcel# 6D060115001 also in a MDR area zoned D-15. Changing the proposed Lot from a D-3 to a D-15 would be in conformity with the comprehensive plan.					
IS THERE A PROPOSED USE OF THE LAND?		☒ Yes ☐ No			
PROPOSED BUFFERS TO ADJACENT ZONES?		☐ Yes ☒ No			
DESCRIBE (INCLUDING TYPE AND DENSITY OF PROPOSED DEVELOPMENT): The type of development proposed would be multi-family with a 5,000 sq.ft minimum lot size allowing 15 units per acre. - Development is uncertain at this stage. Possible lot sale or development of dwellings.					
DESCRIBE ANY POTENTIAL IMPACTS TO PUBLIC INFRASTRUCTURE:					
STREETS: <u>Eventual access driveway would need to be cleared with</u>					
WATER: <u>DOT</u>					
SEWER: <u>Utility connections would be required.</u>					
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.	ZONE CHANGE FEES				
		Fees	Check No.	Receipt	Date
	Application Fees	\$ <u>600</u>			
	Admin. of Guarantee	\$ <u>-</u>			
	Adjustment	\$ <u>-</u>			
	Pub. Not. Sign Fee	\$ <u>50</u>			
	Pub. Not. Sign Deposit	\$ <u>100</u>			
Total Fee	\$ <u>750</u>				

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

Rezone of two D3 Lots on North Douglas Highway to D15 using zoning of neighboring lot

Case Number: PAC20180005
 Applicant: John Geary/Hank Martin
 Property Owner: Hank Martin
 Property Address: 4535 N Douglas Hwy
 Parcel Code Number: 6D0601130120
 Site Size: 71,590sf (1.6435 ac)
 Zoning: D3
 Existing Land Use: Single family residence on two lots

Conference Date:	January 16, 2018
Report Issued:	January 16, 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
Tim Felstead	Planner	Tim.felstead@juneau.org
John Geary		jgconstruction@live.com
Beth McKibben (discussed with Tim Felstead but was not present at counter)	Planning Manager	Beth.mckibben@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.

1. **Zoning** – A lot can expand the zoning of a neighboring lot without meeting the minimum 2 acre requirement that normally goes with rezones.

The previous rezone case we discussed was instigated by a property owner in what was then a transition zone. CBJ should have rezoned those lots when sewer and water was provided but it seems it was overlooked. The Comprehensive Plan also has other maps that indicate the future land use type including residential density. The transition zone for the neighboring lot was from D1 to D3 but that didn't match the Comprehensive Plan which stated it should be at least D5 and be multi-family zoning as a minimum.

The neighboring lot to the neighboring lot was zoned D1(T)D15 and so the neighboring lot was provided with the same D15 zoning to be consistent.

The lot you are interested in was already D3 which is why it wasn't identified as being a transition zone. However, it is identified as an Medium Residential lot in the Comprehensive Plan just like the neighboring lot is; going from D3 to D10/D15 would be in conformity with the Comprehensive Plan. All because it is zoned D15 though doesn't mean it has to be developed as a multi-family dwelling, you could still do single family dwellings.

The other thing is that rezones can only be initiated by the public in January and July. You need to get a pre-application conference scheduled and an application submitted by the end of the month.

This is two lots that can both be legally developed despite only having one CBJ Parcel #. If the vacant lot were developed it would need a new address and Parcel #.

It is understood the development plans for the lot could range from simply selling it to the neighboring property owner to developing a multi-family development.

2. **Setbacks** – D15 setbacks are 20ft front yard, 15 ft rear yard and 5 ft side yard. Side of lot that abuts D3 would adopt the D3 setback of 10ft. If rear lot lines abut D3 the rear yard setback would be 25ft ft.
3. **Height** – 35ft for D15- same as D3 so house would not be made nonconforming
4. **Access and Parking** – Should do preliminary check with DOT regarding ROW. Parking would be determined at time of development.
5. **Landscaping** – 30% vegetative cover required for D15.
6. **Lighting** – NA
7. **Building** – NA
8. **Fire District** – Fire access standards would have to be met for multi-family dwellings
9. **Engineering** – NA
10. **Noise** – NA
11. **Drainage** – Addressed at time of development
12. **Utilities** – (water, power, sewer, etc.) Connection to utilities would be addressed at time of subdivision.
13. **Wetlands** – N/A
14. **Habitat** – (Eagle, Riparian, etc.) –

Pre-Application Conference Final Report

15. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement –**
16. **Flood – N/A**
17. **Plat or covenant restrictions – N/A**
18. **Other Agency Reviews –** (DOT&PF, Alcohol Beverage Control Board, Corps of Engineers, DEC waste-water, DNR, USF&WL, FAA, US Coast Guard, Corrections etc.) – DOT input will be sort at time of rezone review.

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. Rezone application
2. Development permit application

Additional submittal requirements:

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

1. A copy of this pre-application conference report.
2. Comprehensive plan maps, existing zoning map.

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.

- 1.

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.

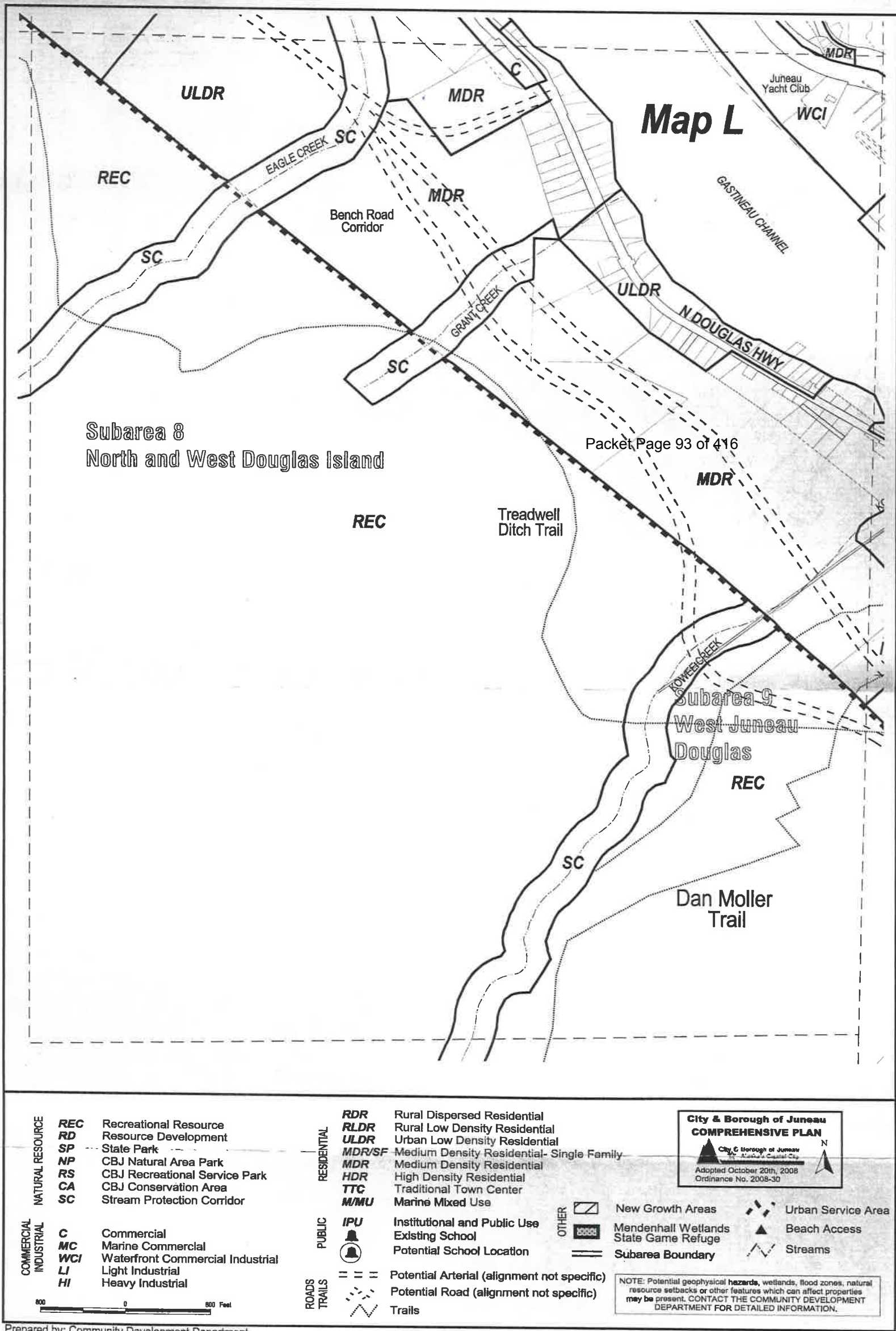
1. \$600 rezone fee
2. \$150 public notice sign fee. (\$100 refundable if returned within 1 week of hearing)

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:

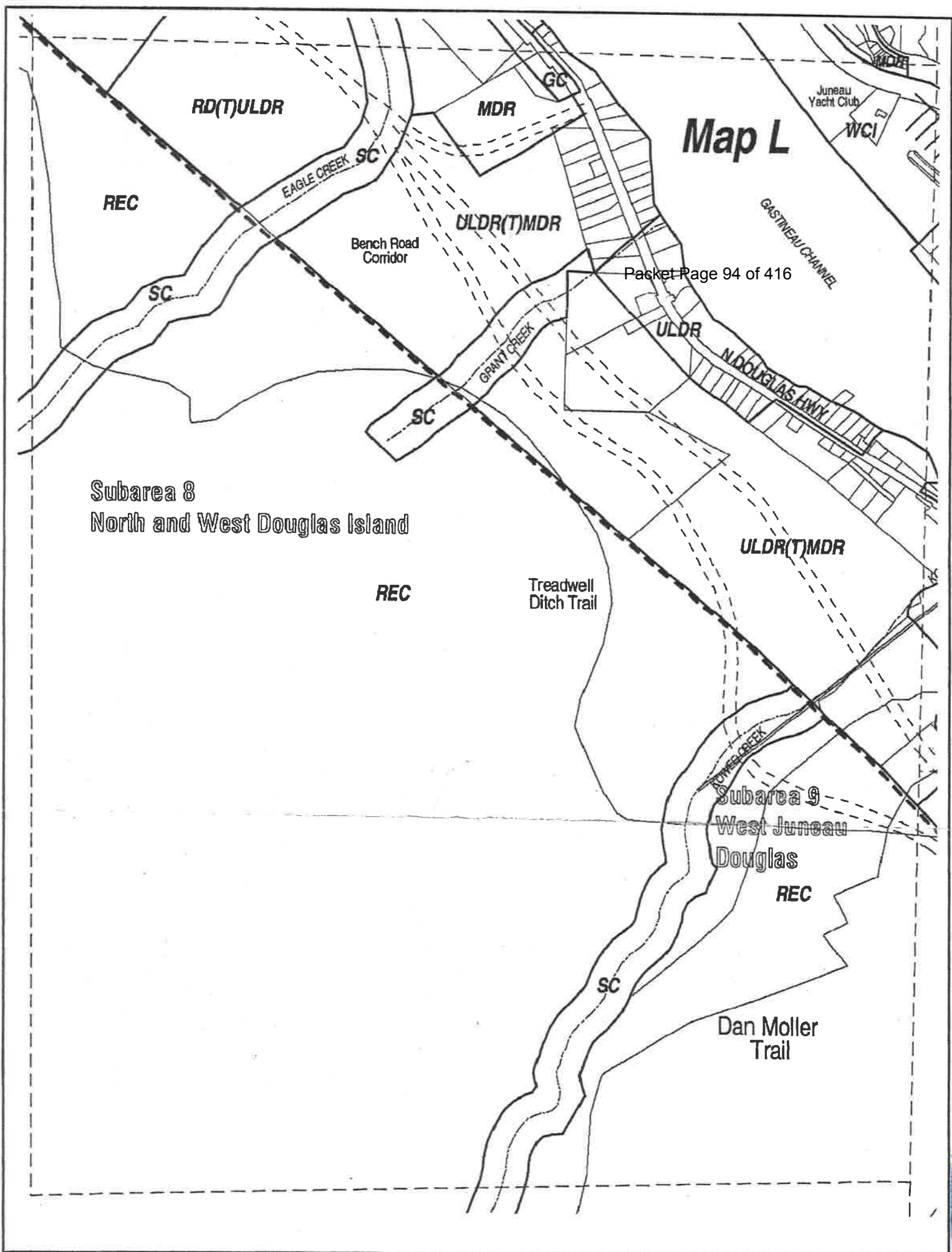
City/Borough of Juneau
Permit Center
230 S. Franklin Street,



2013 Comp Plan Land Use Map

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2008 Comp Plan Land Use Map



NATURAL RESOURCE COMMERCIAL INDUSTRIAL	REC Recreational Resource RD Resource Development SP State Park FP Federal Park NP CBJ Natural Area Park RS CBJ Recreational Service Park CA CBJ Conservation Area SC Stream Protection Corridor GC General Commercial WC Waterfront Commercial WCI Waterfront Commercial Industrial HC/LI Heavy Commercial/Light Industrial IND Industrial	RESIDENTIAL PUBLIC ROADS TRAILS RDR Rural Dispersed Residential RLDR Rural Low Density Residential ULDR Urban Low Density Residential MDR/SF Medium Density Residential- Single Family MDR Medium Density Residential HDR High Density Residential MU Mixed Use M/MU Marine Mixed Use IPU Institutional and Public Use Existing School Potential School Location == Potential Arterial (alignment not specific) --- Potential Road (alignment not specific) Trails	OTHER New Growth Areas Mendenhall Wetlands State Game Refuge Subarea Boundary Urban Service Area Beach Access Streams NOTE: Potential geophysical hazards, wetlands, flood zones, natural resource setbacks or other features which can affect properties may be present. CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT FOR DETAILED INFORMATION.
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Hank Martin

4535 N. Douglas HWY Juneau, AK 99801 | (907) 957-0032 | hankmartin@yahoo.com

~~01/18/2018~~

Community Development Department

City and Borough of Juneau

155 S. Seward

Juneau, AK 99801

Dear Community Development Department:

I'm requesting a rezone request to Up-zone Parcel # 6D061130120 that has the legal description USS 2335 FR & USS 2305 LT 9 FR from D-3 to D-15. This lot is identified as medium residential lot in the Comprehensive Plan and so a rezone to D-15 would be conformity with the Comprehensive Plan.

I have attached the email from Tim Feistead that goes in to the detail about the neighboring lot (6D0601150011) being rezoning and how its neighboring lot was provided with the same D-15 zoning to be consistent.

Thanks for considering zone change application.

Sincerely,



Hank Martin

Hank Martin

From: JG Construction LLC <jgconstruction@live.com>
Sent: Tuesday, January 16, 2018 12:23 PM
To: Hank Martin
Subject: Fwd: Rezone of 4535 Glacier Hwy



FYI

Sent from my iPhone

Begin forwarded message:

From: Tim Felstead <Tim.Felstead@juneau.org>
Date: January 16, 2018 at 12:06:00 PM AKST
To: 'JG Construction LLC' <jgconstruction@live.com>
Subject: Rezone of 4535 Glacier Hwy

John,

I have had a look through the staff report for rezones of the neighboring property. The lot you are interested in was not included in the rezone. A lot can expand the zoning of a neighboring lot without meeting the minimum 2 acre requirement that normally goes with rezones.

The previous rezone case we discussed was instigated by a property owner in what was then a transition zone. CBJ should have rezoned those lots when sewer and water was provided but it seems it was overlooked. The Comprehensive Plan also has other maps that indicate the future land use type including residential density. The transition zone for the neighboring lot was from D1 to D3 but that didn't match the Comprehensive Plan which stated it should be at least D5 and be multi-family zoning as a minimum.

The neighboring lot to the neighboring lot was zoned D1(T)D15 and so the neighboring lot was provided with the same D15 zoning to be consistent.

The lot you are interested in was already D3 which is why it wasn't identified as being a transition zone. However, it is identified as an Medium Residential lot in the Comprehensive Plan just like the neighboring lot is; going from D3 to D10/D15 would be in conformity with the Comprehensive Plan. All because it is zoned D15 though doesn't mean it has to be developed as a multi-family dwelling, you could still do single family dwellings.

The other thing is that rezones can only be initiated by the public in **January and July**. You need to get a pre-application conference scheduled and an application submitted by the end of the month.

Tim

Tim Felstead

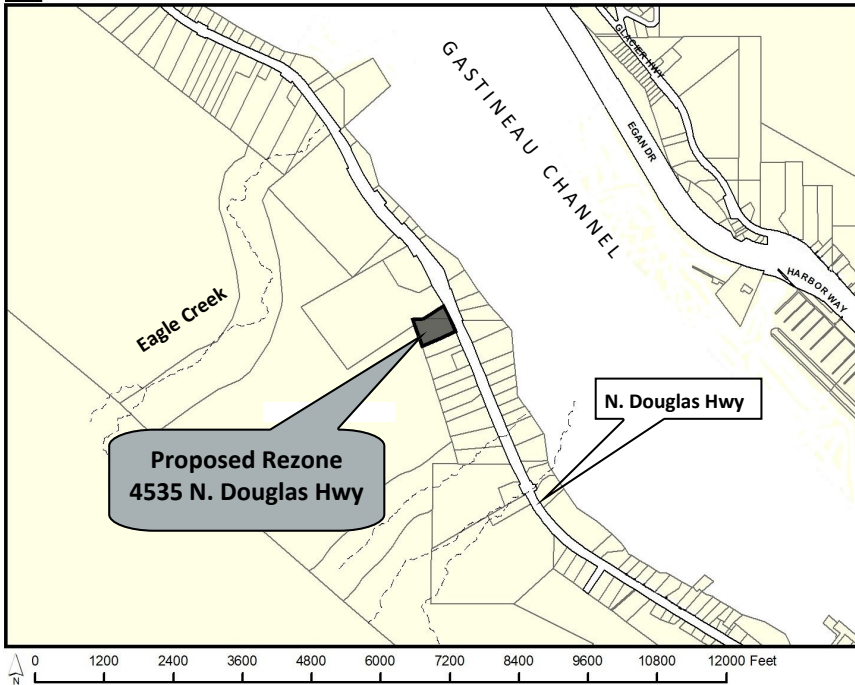
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Attachment A

Please Come to a Meeting

About a Proposed Rezone in Your Neighborhood
Your Community, Your Voice

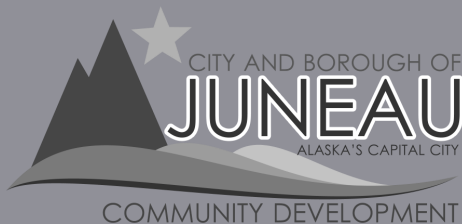


COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

The Community Development Department is hosting an opportunity for the community to discuss an application to rezone a property at 4535 N. Douglas Highway from D-3 to D-15, which would allow for more dwellings per acre. Depending on your property's location from the subject lot, you may also be able to request this same rezone. Your questions, comments and concerns will be addressed at this neighborhood meeting.



NEIGHBORHOOD MEETING
Wednesday, April 18, 6 to 7 pm
Douglas Public Library Meeting Room

If you are not able to attend but have questions or comments, please contact
Tim Felstead, CDD Planner, at (907) 586-0466 or tim.felstead@juneau.org.

This project is scheduled for review by the Planning Commission on May 22, 2018. All property owners within 500 feet of the proposed rezone will receive a separate notice with details on how and where to submit comments or testify before the Commission.

Printed April 6, 2018

Attachment B

Case No.: AME2018 0002
Parcel No.: 6D0601130120
CBJ Parcel Viewer: <http://epv.juneau.org>

AME2018 0002 Neighborhood Meeting

A request to rezone the property at 4535 N. Douglas Highway from D-3 to D-15

Wednesday, April 18, 2018

6:00 PM, Douglas Public Library Meeting Room

IN ATTENDANCE:

Tim Felstead, Planner II, CBJ Community Development Department

Hank Martin, Applicant

Philip Gray, Neighbor

PRESENTATION:

Mr. Felstead shared a PowerPoint presentation to review the process of applying for and obtaining a rezoning of a property. He pointed out that staff specifically analyzes such applications for consistency with the CBJ Comprehensive Plan. The Comp Plan identifies this area as Medium Density Residential (MDR), which are *lands characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).*

Mr. Felstead next discussed the parcel in question at 4535 N. Douglas Highway and the general area. He stated that Mr. Martin, the applicant, does not have specific development plans in mind at this time. In the future, the process of obtaining a Conditional Use Permit for any development over 8 dwelling units would provide opportunity for additional public input about those plans.

Question from Audience: Does this public notice go in the newspaper or just to neighbors?

Answer from Planner: The postcard mailing for this public meeting was sent to property owners within 1,000 feet of 4535 N. Douglas Highway. Public notice for the Planning Commission hearing will be sent to those within 500 feet per the Land Use Code although others may be added to the public notice list at their request.

Mr. Felstead next reviewed the Table of Permissible Uses to compare D3 and D15 zoning. Development that could be permitted in a D15 zone include a mobile home park, an RV park, common wall dwellings, light manufacturing, offices, a health care clinic, a day care center, or a small restaurant with or without a drive through. No animal care services, sand/gravel operations or funeral homes are permitted in a D15 zone.

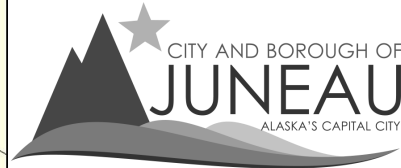
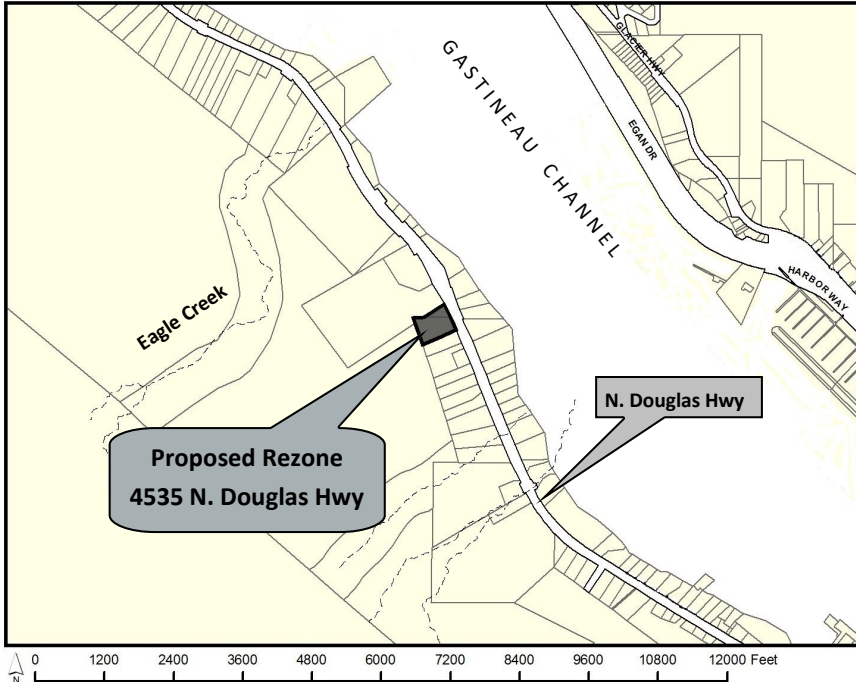
NEXT STEPS:

The Planning Commission is scheduled to hear this application on Tuesday, May 22, 2018. The meeting begins at 7:00 pm in CBJ Assembly Chambers. Neighbors within 500 feet of the property will receive notice of the hearing, as well as the North Douglas Neighborhood Association. Notice is also posted in the Juneau Empire and on the CBJ webpage.

Mr. Felstead's staff report will be posted for the public by Monday, May 14. It will include any public comments received by April 30; however comments received by noon on Friday, May 18 will be sent directly to the Commissioners. Testimony can also be given at the May 22nd meeting.

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 **Rezone** of **4535 N. Douglas Highway** from **D-3 to D-15**, allowing for more dwellings per acre. If recommended for approval, the request will be sent to the CBJ Assembly for final consideration.

TIMELINE

Staff Report expected to be posted Monday, May 14 at

<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>

Now through April 30, 2018

May 1 through 12 noon, Friday, May 18

HEARING DATE & TIME
7:00 pm, May 22, 2018

[month/day]

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

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

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.

Results will be posted online, and if recommended for approval, the case will be sent to the CBJ Assembly.

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



CITY AND BOROUGH OF JUNEAU
TRAFFIC IMPACT ANALYSIS
NORTH DOUGLAS HIGHWAY REZONE
Juneau, Alaska

August 2009

Prepared for:
City and Borough of Juneau
155 S Seward Street
Juneau, Alaska 99801

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SUMMARY

The City and Borough of Juneau is anticipating the re-zoning of land along North Douglas Highway. The re-zoning is allowed under the 2008 update of the City and Borough of Juneau Comprehensive Plan. The City and Borough of Juneau is extending the sanitary sewer system along North Douglas Highway, which removes a significant impediment to development. Housing growth is expected to include both the development of vacant land and subdivision of existing, developed parcels.

This Traffic Impact Analysis includes estimates of projected growth along this corridor and the analysis of impacts to traffic conditions at the Douglas roundabout and at the Egan Drive and 10th Street intersection. Level of service and capacity at these intersections will be negatively impacted by development along North Douglas Highway. The rezoning action will not generate traffic, but as development occurs over time, capacity improvements will eventually be required to meet minimum traffic standards.

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ACRONYMS

CBJ.....	City and Borough of Juneau
CDD.....	Community Development Department
DOL.....	Alaska Department of Labor and Workforce Development
DOT&PF.....	Alaska Department of Transportation and Public Facilities
DU.....	dwelling unit
EIS.....	Environmental Impact Statement
ITE.....	Institute of Transportation Engineers
LOS.....	level of service
NCHRP.....	National Cooperative Highway Research Program
NDH.....	North Douglas Highway
PPH.....	persons-per-household
PUD.....	Planned Unit Development
ROW.....	right-of-way
TIA.....	Traffic Impact Analysis
v/c.....	volume to capacity ratio

1 INTRODUCTION

The City and Borough of Juneau (CBJ) has requested a traffic impact analysis (TIA) for the re-zoning of land along North Douglas Highway (NDH), and specifically for the area bounded by Kowee Creek on the southeast and Bonnie Brae subdivision to the northwest. The re-zoning is anticipated and allowed under the 2008 update of the CBJ Comprehensive Plan

It is unlikely that proposed development over time due to the rezone will tax the capacity of NDH. The Alaska Department of Transportation and Public Facilities (DOT&PF) is most interested in the potential impacts to traffic conditions at the Douglas roundabout and at the intersection of Egan Drive and 10th Street. This TIA includes a development projection to support the traffic projections needed for the analysis of these intersections. The analysis includes capacity and safety studies.

2 DEVELOPMENT PROJECTION

The NDH corridor can be divided into three fairly specific sections (see Figure 1 – Study Area Map). Section One is the first mile or so of NDH that will be served by the upcoming sewer project. Section Two is the area between Section One and Bonnie Brae. Section Three is Bonnie Brae itself and the area across the highway on the channel side. The development potential for each section will be projected in this Development Projection Summary. First, however, some general information and analysis of Juneau's population and housing history are needed to set the stage.

2.1 CBJ Development Trends

The development of a city can be somewhat characterized with statistics on population and housing. There are three sources of information on population in Alaska: 1) the U.S. Census Bureau; 2) the Alaska Department of Labor and Workforce Development (DOL); and 3) the CBJ's Community Development Department (CDD) annual population estimate. Data on housing is taken from CDD's building permit records and the Assessor's records. Table 1 shows combined data from these sources.

There is quite a difference between CDD's estimate for 1990 and the U.S. Census result for that year. More recently, the DOL and CDD estimates are much closer to each other and both agencies show that the population high point was in 2005. The difference between the estimates was only 11 people. More significantly, Juneau has lost population from 2005 to the present. This is due to several factors:

- Construction on the Kensington Mine was largely complete by May 2008, and construction workers that had moved to Juneau on a temporary basis had left town by the time the estimate was prepared¹.
- Movement of several state department commissioner positions, and their support staff, to places outside Juneau.
- A generally flat economy locally.
- The 2008 nationwide general recession, first sensed in early 2008, but in full tilt by the end of the year.

Two sources of data on the housing stock are in play. Table 1 shows housing stock estimates drawn from the CBJ Assessor's records. The other source is CDD's Building Permit records. Table 2 provides a summary of the history from that source.

¹ A large reduction in staff at the Kensington Mine from over 100 to about 20 today occurred after CDD published the 2008 population estimate. This decline will show up in the mid-2009 estimate, if CDD does one.

Table 1 - CBJ Housing and Population History

No. Dwelling Units* (DU)	Persons per Household (PPH)	Population Estimates			
		Year	AK Dept. of Labor	CBJ Comm. Dev. Dept	
				Population	Mo./Yr. Prepared
13,007	2.48	2008	N/A	30,947	05/08
		2007	N/A	N/A	
12,801	2.48	2006	30,650	31,160	06/06
		2005	31,182	31,193	02/06
		2004	31,094	31,142	1/05
		2003	31,286	31,283	1/04
		2002	30,991	30,981	1/03
12,369	2.49	2001	30,453	30,903	11/01
		2000	(US Census) 30,711	31,262	11/00
		1999		30,852	11/99
11,965	2.60	1998		30,684	10/98
11,781	2.60	1997		30,396	10/97
11,515	2.65	1996		30,209	10-11/96
11,186	2.65	1995		29,755	10/95
10,912	2.64	1994		29,078	10/94
10,821	2.64	1993		28,791	10/93
10,538	2.76	1992		29,251	10/92
10,451	2.76	1991		28,965	9-10/91
		1990	(US Census) 26,751	29,881	9-10/90
* This number is derived from Assessor records, not the Building Permit data. DU – Dwelling Unit PPH – Persons Per Household					

Table 2- Building Permit Records	
Year	No. Res. Units Added
1997	232
1998	147
1999	138
2000	114
2001	108
2002	153
2003	205
2004	149
2005	142
2006	157
2007	97
2008	55
Total	1,694

One discrepancy is evident. The number of Dwelling Units (DUs) claimed (Assessor) in 1997 was 11,781. Table 2 (Building Permit) shows that 1,694 units were added to the housing stock. These two numbers total 13,475, yet the CDD claims (Assessor) just 13,007 DUs in 2008; so where are the missing 468 DUs? This seems like a large number. There are three considerations.

1. The City does not keep good records of the number of DUs lost over the years. There may be data available, but it doesn't show up in the two City sources used to develop the tables above.
2. The Building Permit information is based on permits issued and may not reflect how many units were actually built. A discussion with Debra Purves, the CBJ Building Official, suggests this is unlikely to account for very many units. By the time a developer is all the way to the end of the Building Permit process, there has been a significant amount of time and money spent on planning and design and so the incentive to finish the project is high.
3. CDD's DU totals for building permits processed in 2008 were reviewed by Walsh Planning & Development Services and found to be somewhat inaccurate. Some building permits were listed as showing production of a new DU when in fact they did not. Some projects were remodel efforts that were listed as creating new units but in fact did not. One project clearly removed an apartment from a house, lowering the inventory by one.

The larger question though, is if there are were 28,965 people living in Juneau in 1991 in 10,451 DUs, and in 2008 there were 13,007 DUs housing 30,947 people (and this after the population had actually been larger, topping out in 2005 according to both DOL and CDD); then how can so few people inhabit so many homes? The answer is in two parts, Persons Per Household (PPH) and vacancy rates. The former is lower than in 1991 and the latter is much higher.

Table 3 - Occupancy and Vacancy Data							
	No. DU	Vac. Rate	Occupied Units	Multiply	Persons per Household	Gross Derived Population	Corrected After Summing Subarea Calculations
1991	10,451	1.20%	10,325	X	2.76	28,497	28,965
2008	13,007	3.55%	12,546	X	2.48	31,114	30,947
NOTE: The reason for the difference between the "Gross" and "Corrected" populations is that CDD performs the Vacancy/PPH calculation for each of nine subareas in the City and sums the products of those calculations. The Gross column above is the product of the summary numbers in the table							

Juneau had a housing shortage in 1991 (and anecdotally, has had since anyone can remember) causing the higher PPH and very low vacancy rates. It was a seller's market. Other data show an aging of the population, which indicates that there were more children in homes in 1991 compared to 2008. As the children moved out and started their own households, the parents stayed on as well, thus lowering the PPH.

A true buyer's market is generally said to reflect a 5 percent vacancy rate. In 2008 Juneau was getting close. Apartments (4.42 percent) were near 5 percent and duplexes (7.29 percent) were considerably higher; but the gold standard – the detached single-family home – only reached 2.16 percent². Local real estate agents say this is enough to cause sellers to be "negotiable" and home prices did fall slightly in 2008.

The 2008 year was an instructive one for housing analysis. According to a real estate broker whose firm handled 20 percent of the transactions in 2008, there were 284 residential sales in Juneau during that year, including condominiums, townhouses, attached homes, and detached single-family homes. The broker's estimate was that 75 percent of the buyers were people who already lived in Juneau and wanted to upgrade (or perhaps downgrade to reflect smaller family size) from previous quarters.

2.2 Future CBJ Trends

The recent past might seem to portend a glum development future for Juneau. This will be explored further below, but the *need* for additional housing should also be examined. The CBJ conducted a housing study recently. The key standard for assessing housing affordability, as set forth in the study, is as follows:

"For a homeowner, the mortgage, private mortgage insurance, homeowners' association fee, and taxes, plus essential utilities, should not exceed 30% of the household's income."³

A similar standard is set for renters. The report goes on to say that in 2000, "approximately 37 percent of CBJ *renter* households paid more than 30 percent of their income for shelter and about 17 percent of *owner* households paid more than 30 percent of their income for shelter." (Emphasis in the original)

² All of these vacancy factors came from CDD's 2008 population estimate.

³ The report does not specify whether this is gross income or net take-home pay. Discussions with local bankers show bank policy of 30 percent, or less, of the gross is needed to qualify for a mortgage. The 30 percent is to cover the mortgage, all insurances, homeowner's fees, and taxes. It does not include utilities.

Oddly, the report goes on to say these figures did not include the costs of essential utilities such as home heating, power, water, sewer, and garbage service. Obviously, if the essential utilities were included, the number of renters and owners who pay too much would be higher still, especially considering the recent price hikes in fuel oil. Neither standard addresses fire and liability insurance.

Two other standards relating to the health of the housing stock relate to safety/sanitary conditions and overcrowding. The report says Juneau is doing well regarding these standards, but clearly not in the affordability department. Finally, after some hedging, the report declares that “an addition of 750 to 1,000 units in the near term would probably significantly ease the cost burden on Juneau households.”

The CBJ report does not specify what kind of additional units should be supplied and it should be clear that this is an expression of need based on affordability - not necessarily market demand. In general, it is safe to say that as long as there is an assured variety in the units – ranging from rental apartments through large, detached single-family homes – then Juneau’s housing affordability problem would be addressed by additional development. The report goes on to address ways and means to expand the housing inventory. The original purpose for this traffic study – to rezone a large area of land soon to be served with sewer along NDH – will definitely serve to help meet the report’s goals. The CBJ is serious about expanding the housing stock, having already taken several actions to encourage developers to produce affordable units.

Finally, on the subject of housing, the conclusion is apparent that even with little or no population growth, there is still pressure to build more dwelling units to address that part of the population that wants to upgrade (or perhaps just live in a different location), and to address that part of the population that does not have enough affordable housing options.

Population growth has been slow in Juneau. Just how slow depends on which starting point is used. The DOL estimates are never exactly the same as CDD’s but they are much closer in recent years. At the common starting point on Table 1, 1990, there is a much wider discrepancy. DOL uses the U.S. Census for years ending in zero and the number in 1990 was 26,751. CDD’s estimate for 1990 was 29,881, a difference of 3,130 people.

The highest population, according to both CDD and DOL, was in 2005. Using DOL numbers, the population grew by 4,431 people from 1990 to 2005. According to CDD, the population grew by about 1,312 people over the same 15-year period. The DOL numbers indicate a growth rate of 1.04 percent per year compounded annually. The CDD growth rate works out to about 0.3 percent per year.

CDD and the DOT&PF have typically used growth rates of 1.0 to 1.5 percent per year for planning purposes. Merging the DOL and CDD numbers to arrive at an anticipated growth rate is mathematically awkward, and the past does not always foretell the future. Even so, there are anticipated events that may help a projection:

- Opening of the Kensington Mine will require 300 workers to finish construction and begin operations. Construction could finish in mid-to-late 2010, at that point the permanent mine population is expected to be about 200, which will generate another 170 indirect jobs. The 370 total jobs could reflect a population increase of 500 to include spouses and children.
- The Juneau access road, now called the Lynn Canal Highway, will generate construction jobs for many years if it goes forward. There is still doubt over whether the project will ever launch, but it is

state and local policy that it should. DOT&PF has stated the intention that the work will be broken up into small increments that will allow local and regional contractors to bid on the job. The Final Environmental Impact Statement (EIS) for the road estimates that direct, indirect, and induced employment will total 360 jobs. The project will go on for several years – at least 5 and potentially as long as 12.

- The Alaska state budget looks flat for the immediate future but if the price of oil stabilizes post-recession, and the gas pipeline draws closer to reality, it can be expected that the Juneau-based state employee work force will grow modestly.
- The price of gold is higher at present than it has been for decades. If the mining industry sees the price stay high, then interest in other mines could be sparked. The Tulsequah Chief Mine up the Taku River is slated to start up in 2009. A few local direct jobs will be created, and the mine's developer expects to spend about \$25 million a year in Juneau (mostly on commodities), which will generate some indirect jobs. There are many other historic mine sites, which are still believed to contain valuable ore. Foremost of these is the AJ Mine, which was the subject of much endeavor during the late 1980s and the first half of the 1990s, sparking a lot of economic activity just in the exploration, planning, and permitting effort.
- Juneau has many amenities and appears to be a reasonably attractive place to retire. Many who have lived here during their careers continue to stay after retiring. Certainly the City and Borough of Sitka has enjoyed this status, even to the point where people from out-of-town have arrived to retire.
- There is also a pattern of in-migration from the smaller outlying communities that are having economic problems of their own.

All of the foregoing suggests that the current decline may be short and that modest growth can be expected in the next 20 years. A merged DOL/CDD derived growth rate of 0.7 percent might actually reflect reality, but working with a slightly higher rate will ensure that traffic is not under-projected. So, Table 4 is based on a 1.0 percent population growth rate. However, the housing growth rate is based on a higher number. As noted above, there are higher vacancy rates and lower occupancy rates today than 18 years ago. From 1990 to 2000, housing grew at almost 1.8 percent. From 2001 to 2008 the rate dropped to less than 1.0 percent. For the future, given natural growth, new industry, and community pressure to make housing more affordable, a housing growth rate of 1.2 percent was used.

Table 4 was compounded on an annual basis. The population for each year is 101.0 percent of the preceding year and the housing units for each year are 101.2 percent of the number for the preceding year.

Table 4 - Population and Housing Growth Projection		
Year	Pop. @ 1.0%/yr.	Dwelling Units @ 1.2%/yr
2009	*31,247	**13,062
2010	31,559	13,219
2011	31,875	13,377
2012	32,193	13,538
2013	32,516	13,700
2014	32,840	13,865
2015	33,169	14,031
2016	33,501	14,200
2017	33,836	14,370
2018	34,174	14,542

Table 4 - Population and Housing Growth Projection		
Year	Pop. @ 1.0%/yr.	Dwelling Units @ 1.2%/yr
2019	34,516	14,717
2020	34,861	14,894
2021	35,210	15,072
2022	35,562	15,253
2023	35,917	15,436
2024	36,276	15,622
2025	36,640	15,809
2026	37,006	15,999
2027	37,376	16,190
2028	37,750	16,384
2029	38,127	16,580
2030	38,509	16,779
*Taken from the 2008 CDD estimate with a 300 increase due to start up of the Kensington.		
** These are the 2008 (May) numbers plus the building permits issued that year.		

This indicates 1,832 new units will be added between 2010 and 2020, and an additional 1,885 new units between 2021 and 2030⁴. The question arises, what kind will they be? The percentage of high-density units like condos and apartments is sure to go up because there is so little land available for lower-density developments. According to its population estimate, CDD describes the distribution of housing types in 2008 as follows (Table 5):

Table 5 - Housing Mix in 2008		
Housing Type	Total Units	% of Whole
Single-family (SF)	5,735	44.09
Apartments (SF)	683	5.25
Duplex	580	4.46
Zero-Lot	826	6.35
Condo/Townhouse	1,184	9.10
Multi-Family	2,666	20.49
Mobile Home	1,237	9.52
Boats	89	0.68
RVs	7	0.06
Total Housing Units	13,007	100.00

Some further background will set the stage for estimating the future housing mix. The CBJ requires public sewer and water for any development that is denser than one unit per acre. There are several areas north of Auke Bay that are in private ownership and have been developed at this density, and several areas also in private ownership that could be so developed in the future. This is the most land-consumptive and least affordable form of residential development. Traditional neighborhoods in the utility-served areas of town are developed at densities of three to five units per acre. These are the D-3 and D-5 zoning districts, which also allow duplexes and zero-lot line structures. There is a land penalty for the double units. In D-3, the minimum lot size for a single-family unit is 12,000 square feet. A

⁴ Despite the difference in growth rates, the change in PPH is very small. It will shrink from 2.39 in 2009 to 2.29 in 2030, according to the table.

double unit requires 18,000 square feet. For D-5, the single unit minimum is 7,000 square feet and a double unit needs 10,500 square feet.

This kind of development is most easily done on flat dry land, and the east Mendenhall Valley (east of the Mendenhall River) has become Juneau's primary traditional residential area since it is served with both water and sewer. There is relatively little un-built area left in the east valley but sewer has now been extended to the upper west valley along Back Loop Road, and D-3/D-5 development is proceeding there, albeit at a slow pace. There are also sloping areas supporting D-3/D-5 developments, with Mountainside Estates and West Juneau as the primary examples. These homes have views as well as higher development costs and are less affordable than those in flat areas. There is some room for further growth in both areas but the homes will be expensive, generally over \$500,000.

So, the first factor to consider is the increasing scarcity of flat, dry land that is served with public water and sewer. A second factor is the general increase in the cost of building materials ranging from sand to concrete and lumber. A third factor is that the CBJ land use code now provides more options for smaller homes. These are:

1. The Planned Unit Development (PUD) code that allows higher-density, i.e., smaller lots, in exchange for creating public areas and parks to be shared by the development's residents. There is no limit on the house size for PUDs.
2. The Cottage Housing code, similar to PUDs, where there are shared amenities but no real lot associated with the house. Each house would be a single unit, but limited to 1,200 square feet on two floors.
3. Bungalow housing, which will allow small homes no greater than 1,000 square feet to be built as infill on pre-developed lots.

All three of these new options provide that each unit can be bought, thus allowing the owner to gain equity just as in traditional housing, but the land is managed by the community association in the same way as a condominium association. All three would allow the feel of single-family homes in much denser developments, thus providing more affordable homes than traditional single-family developments.

A fourth factor is recent local trends in housing type development. The period from 2001 to 2008 may be more instructive than the earlier housing history. The housing mix in 2001, compared with that of 2008 in percentages, is demonstrated in Table 6:

Table 6 - Housing Mix Comparison: 2001-2008			
Housing Mix in 2001			2008
Housing Type	Total Units	% of Whole	% of Whole
Single-family (SF)	5,323	43.06	44.09
Apartments (SF)	587	4.76	5.25
Duplex	572	4.48	4.46
Zero-Lot	774	6.28	6.35
Condo/Townhouse	1,098	8.89	9.10
Multi-Family	2,628	21.26	20.49
Mobile Home	1,225	9.93	9.52
Boats	129	1.06	0.68

Table 6 - Housing Mix Comparison: 2001-2008			
	Housing Mix in 2001		2008
Housing Type	Total Units	% of Whole	% of Whole
RVs	33	0.28	0.06
Total Housing Units	12,369	100.00	100.00

As can be seen, no meaningful trend is apparent (except for RVs). What can be expected, given the other factors cited, is that more of the single-family detached dwellings will be of the smaller size now contemplated in the land use code. With that, the projections for the future can be estimated based on the current mix. For 2020 and 2030, the distributions of new units are expected to be as follows (Table 7):

Table 7 - Housing Mix Comparison, New Units: 2020 to 2030				
	Housing Mix in 2020, New Units		Housing Mix in 2030, New	
Housing Type	Total Units	% of Whole	Total Units	% of Whole
Single-family (SF)	808	44.09	831	44.09
Apartments (SF)	96	5.25	99	5.25
Duplex	82	4.46	84	4.46
Zero-Lot	116	6.35	120	6.35
Condo/Townhouse	168	9.10	172	9.10
Multi-Family	375	20.49	386	20.49
Mobile Home	174	9.52	179	9.52
Boats	12	0.68	13	0.68
RVs	1	0.06	1	0.06
Total Housing Units	1,832	100.00	1,885	100.00

The 2020 projection added to the 2030 projection accounts for all of the 3,717 new housing units expected to be built in Juneau by 2030.

2.3 North Douglas Projections

Now the question of how many of these new units would or could be built along NDH can be addressed. First, it appears that the entire length of NDH, out to Bonnie Brae, will eventually be served with sewer before 2020. The current sewer project, to be completed in 2009, will start at the Douglas Bridge and extend about 1-mile northwest, ending at 4300 North Douglas Highway. A second phase, funded and planned for 2010, will go at least as far as the Channel View Terrace mobile home park. What remains is a third phase to connect the rest of the way to Bonnie Brae, which is already served with public sewer. This is not funded but is seen by CBJ Engineering to be reasonable for near-term completion and thus is assumed to be built for our projections.

2.4 Section One: Kowee Creek to End of 2009 Sewer Extension

This area, on the uphill side of the highway, is specifically addressed in the 2008 update of the CBJ Comprehensive Plan as a transition area that is to be given high-density residential zoning when sewer is available. The area beyond is not given any transitional status. The Comprehensive Plan shows Section One as transitioning from "Urban Low-density Residential" to "Medium Density Residential." In zoning terms, this has the practical effect of changing from a one unit per acre limitation (forced by lack

of sewer, not zoning) to one or more of three higher-density options: 10 units per acre, 15 units per acre, or 18 units per acre. This analysis will address development potential as if the entire area uphill of NDH is rezoned to one of the three classifications. The uphill area is a band of land about 1,200 feet wide and almost a mile long.

The area on the water side of Section One is not shown as transitional, meaning it would keep the zoning it has now – D-3. There are 31 individual parcels on the water side of Section One. All but 5 have houses on them, sometimes duplexes. The arrival of sewer will enable more duplexes, or apartment additions to single-family homes. There is one tract that has about 600 feet of frontage on the highway and might be seen to have subdivision potential, but this is made difficult by the CBJ rule that requires new lots to front on residential streets, not arterials, which is the classification of NDH. There are topographic challenges as well. The overall growth potential for this tract is no more than 20 new units

The uphill side of Section One has the most significant growth potential. The rezone application submitted in July 2008 was specific to Parcel 1 and Parcel 5 (see Figure 2). It is anticipated that the City will expand the request to include the entire area between those two parcels and actually, a little further; one parcel short of the area presently zoned General Commercial. This would have the effect of rezoning Parcels 2, 3, and 4 as well as all of the smaller lots – nearly all of which have been developed with single-family houses. The five major parcels are vacant save for Parcel 3, which has a church building on it. The rezone application requests change to D-18, or 18 units per acre. This is typical for apartments, condominiums, row houses, townhouses, and for the new DU types envisioned in the City's new cottage and bungalow housing options.

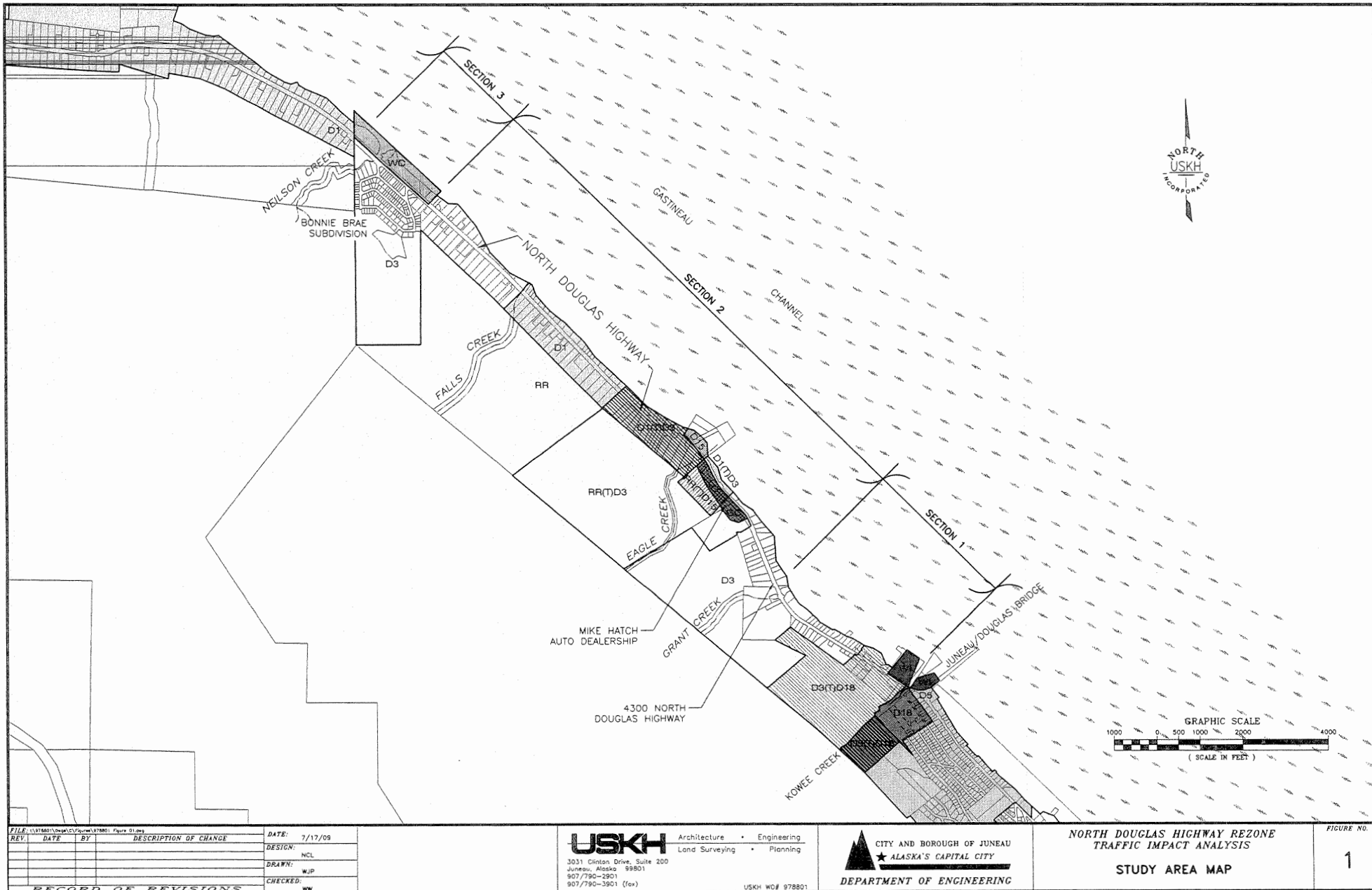
Parcel 1: 86 acres. No direct access to an existing street. There is an access agreement with the owner of Parcel 4 and a pioneer road, with gate, has been built across Parcel 4 and across the lower portion of Parcel 1. This is shown on Figure 1. A DOT&PF driveway permit was obtained for the driveway intersection with NDH, and sight distance was evaluated at that time. The pioneer road was built to meet CBJ grade and curve requirements and can easily be finished as a public street.

The upper portion of Parcel 1 may be very difficult to develop because of steep slopes and perched wetlands. Legal density for a given parcel is calculated on the basis of how much land is available *after the land needed for right-of-way (ROW) is deducted*. A rough layout of roads for Parcel 1 indicates that up to 8 acres of ROW would have to be dedicated. Rough development considerations that account for wetlands and steep slopes produce another 20-acre penalty leaving 58 acres for density calculation. This produces a development potential of 1,044 DUs if rezoned to D-18.

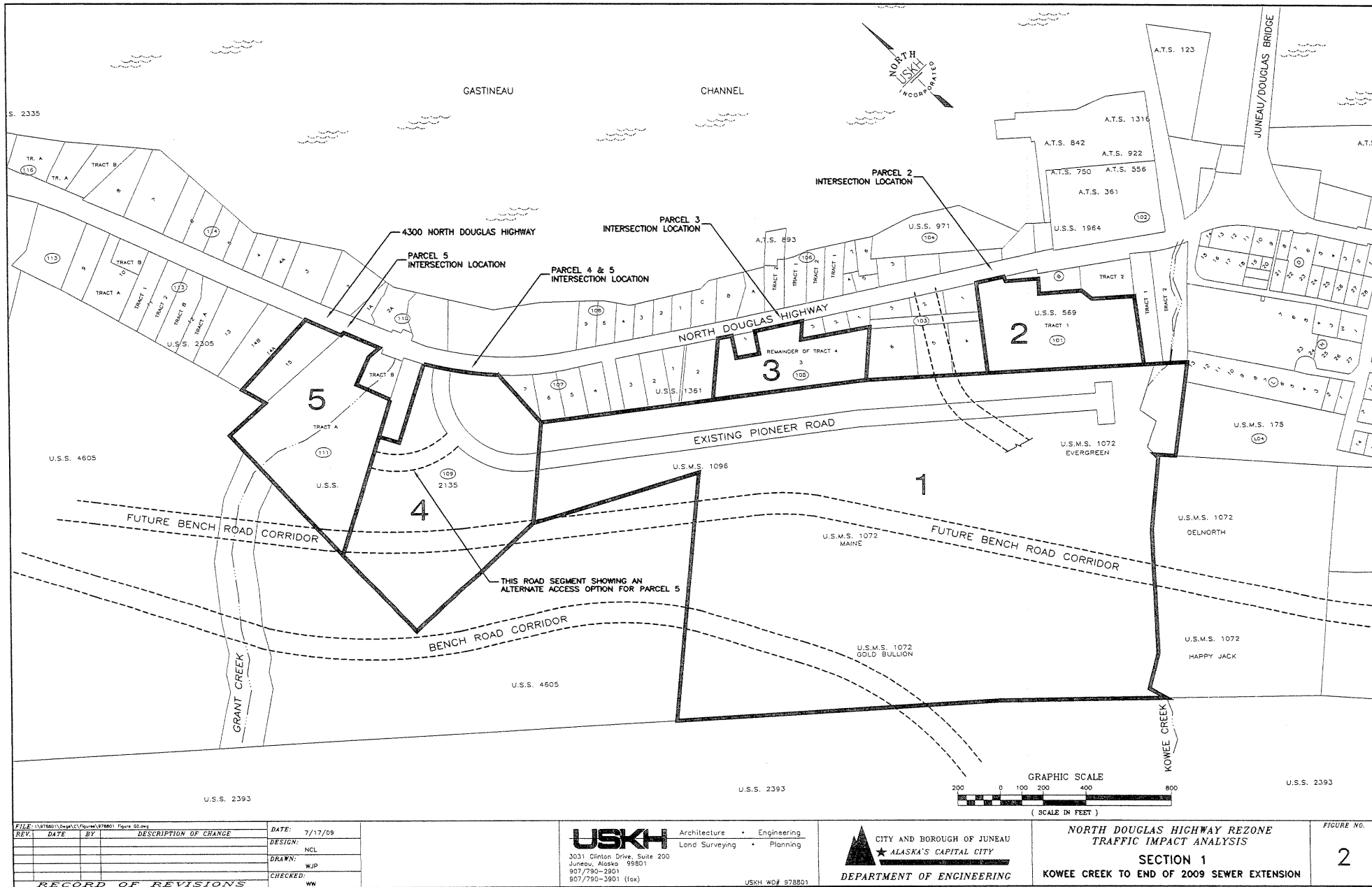
Parcel 2: 6 acres. Has direct adjacency with NDH. Moderate uphill slope with view potential. This parcel could be developed with a public street. Doing so would probably consume an acre, producing development potential of 90 units. The potential rises to 108 units if no public road is dedicated. There is a possibility that street development on Parcel 2 could be designed to facilitate access to USS 569, and lots 4, 5, and 6 to the west of Parcel 2, which are presently land locked. (There appears to be an unconnected section of ROW in front of these three lots and so there would be no ROW deduction penalty for the three.) Lot 5 presently has a duplex on it, accessed by a long driveway across the private land between it and NDH. Together, these three

lots comprise 148,104 square feet. At D-18, the three lots could host 61 DUs; a total of 151 units supplying traffic to the intersection location shown for Parcel 2.

Parcel 3: 4.23 acres. The parcel has two potential access locations to NDH. The arrow on the map points to an existing driveway. There is a 6,048 square foot building presently in use as a church. The property has a moderate uphill slope with view potential. The slope is too steep to allow convenient development with internal public streets, so the most likely high-density development scenario is as an apartment or condominium facility. At D-18, the parcel could host 76 DUs.



Attachment E



Parcel 4: 17 acres. This parcel has an easy uphill slope and has been developed with the pioneer road leading to Parcel 1. If developed as shown, about an acre of land would be lost to ROW leaving 16 acres to calculate density. This would enable the parcel to host up to 288 dwelling units at D-18 zoning.

Parcel 5: 10.4 acres. The parcel also has an easy uphill slope. Present development planning shows a direct street intersection with NDH. That same planning has resulted in a trial road layout that would consume 1.4 acres of land, leaving 9 acres for density calculation. At D-18, the parcel could host 162 units.

Alternative for Parcels 4 and 5: There may be reluctance to have two public street intersections so close together; as would be the case if both Parcels 4 and 5 were developed independently. An option would be to extend access from Parcel 4 over to Parcel 5 uphill from NDH (see Figure 2). This additional length of road would deduct about nine units from the full build-out potential for Parcel 4. The result, however, would be a street intersection with NDH that supports traffic from Parcels 1, 4, and 5. At full build-out, this could be traffic from 1,485 dwelling units. By contrast, the Cordova Street intersection with Douglas Highway receives traffic from 390 dwelling units, (approximately 210 SF DUs and 180 apartment units.)

At present, it is expected that all of the land will convert to D-18. There are, however, options for lower-density zones such as D-15 and D-10. It is possible that the City could resort to lower-density zones as a compromise. Table 8 shows the development potential under each scenario.

Table 8 - Section One, Uphill Side, Development Potential Scenarios				
Parcel	Usable Acres	No. DU @ D-10	No. DU @ D-15	No. DU @ D-18
1	58	580	870	1,044
2	6	60	90	108
3	4.23	42	63	76
4	16	160	240	288
5	9	90	135	162
Totals	77.53	932	1,398	1,678

2.5 Section Two: End of 2009 Sewer Extension to Bonnie Brae

The water side has a short multi-family area containing two mobile home parks and a small apartment building. These have been on private sewer for many years and were created long before the modern CBJ land use code. The arrival of public sewer would increase the development potential, but probably not by much since the mobile home units already cover most of the usable land. The apartment building could be enlarged somewhat but it sits on a very small parcel. Further out, there are 64 waterfront single-family parcels, of which only 5 are vacant. There is potential to add apartments to the single-family homes but otherwise there is just no meaningful amount of land to develop.

The uphill side has 74 parcels, of which 11 are vacant. Many are the result of “panhandle” subdivisions where a single, wide and deep parcel is cut into two lots, one behind the other and they share a single driveway for access to NDH. There are 34 lots configured this way, and an additional 21 that are large enough to divide as well. This produces the potential for 21 additional lots, most of which would be

large enough to host a duplex. That, plus the ability to add apartments and the vacant lots add up to a potential increase of 60 units over the next 20 years.

2.6 Section Three: Bonnie Brae-Subdivision and the Commercial Area on the Water Side

The water side is zoned Waterfront Commercial, a fairly limited category where most development must be related to the water in some way. Apartment buildings are not allowed, but hotels and motels are. Single-family homes and duplexes are allowed, as are subdivisions. The parcels are narrow and the residential road requirement discussed above would make subdividing for residential purposes very challenging. Finally, there are two large parcels. One is the ERA Helicopters base and they are not likely to be willing to redevelop their parcel. The other parcel is undeveloped, but its owners have been discussing commercial options with the CBJ.

The uphill side is Bonnie Brae subdivision, which contains 112 dwelling units, mostly in zero-lot line configurations, and 12 vacant lots. All of the vacant lots have the potential to add 2 units so there is an immediate opportunity to build 24 more units on lots that already have street frontage and utilities. Interestingly, there is a 98-acre parcel above Bonnie Brae that is left over from the original subdivision. Within this parcel is another 6.6-acre area designated as a park site and the CBJ is shown as a co-owner. The other 91.4 acres likely have some development potential but also contain a lot of forested wetlands and muskegs. Moreover, a new access route would most likely be required to connect the undeveloped area to NDH. The existing Bonnie Brae entrances might allow some modest development of the area immediately adjacent to the upper portion of Bonnie Brae, but not for the potentially hundreds of lots that could be created with road access. Absent a new road, there is probably potential for another 50 units.

2.7 Summary

The overall population and housing growth projections above estimate the demand for 3,717 new dwelling units over the next 20 years. The three sections of NDH under this analysis would be able to host nearly half of those. Absent some dramatic new availability of land, such as on West Douglas, there is every likelihood that the development predicted for North Douglas will occur.

Table 9 - Development Potential, Kowee Creek to Bonnie Brae					
		Existing DU	New DU Potential		
Section One	Water Side of NDH	27	20		
	Uphill Side of NDH	32	D-10	D-15	D-18
			580	870	1,044
			60	90	108
			42	63	76
			160	240	288
			90	135	162
Section Two	Water Side of NDH	115	20	20	20
	Uphill Side of NDH	63	60	60	60
Section Three	Water Side of NDH	2	10	10	10
	Bonnie Brae Sub.	112	74	74	74
Totals		351	1,116	1,582	1,862

The CBJ Engineering Department issued a conceptual design and technical report for the North Douglas sewer project in 1998. This document presented a 30-year population forecast that coincides with the 20-year planning horizon for the re-zone study. The sewer study included nine zones, the first four of which include the re-zone study area limits. The sewer study provides estimates for the design year (2028) population and full build-out, or saturation, population. Table 10 summarizes developable land area, the potential mix of DU types, and population projections from the sewer study. The sewer study predicted a growth in housing units of 219 housing units from 1998 to 2028, and a saturation-level increase of 1393 housing units.

The growth of 1,116 to 1,862 housing units reported in this Development Projection Summary is more in line with the saturation projections than the 2028 forecast in the sewer report.

Table 10 - North Douglas Sewer - Growth Projection Summary							
Zone	Undeveloped Land (Acres)	Existing (1998)		Design (2028)		Saturation	
		DU	Population	DU	Population	DU	Population
1	214	80	223	112	312	510	1,564
2	145	48	260	133	370	297	860
3	264	87	242	119	332	328	947
4	150	81	226	151	421	554	1,567
Totals	773	296	951	515	1,435	1,689	4,938
Source: North Douglas Sewer Conceptual Design and Technical Report, CBJ Engineering Department, December 1985							

3 TRAFFIC ANALYSIS

This section describes existing traffic conditions, and projected traffic conditions in the year 2028 with the development of the NDH corridor area. It is organized into sections that describe: project trip generation and assignment; 2028 with-project volumes; and future LOS.

3.1 Trip Generation and Distribution

Trip generation for this project was based on the methodologies outlined in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*. The *ITE Trip Generation Manual* is a nationally recognized and locally accepted method for estimating the travel characteristics of homes and businesses. Trip generation was determined by creating a composite trip generation rate based on the variety of possible developments that are expected to take place along NDH.

Table 11 below outlines the land uses that were used to calculate the composite trip generation rate.

Table 11- ITE Land Uses and Descriptions	
Land Use	Description
210: Single-Family Detached Housing	All single-family detached homes on individual lots. Typical subdivision.
220: Apartment	Rental dwelling unit with at least three other dwelling units. Typical four-plex.
221: Low-Rise Apartment	Rental dwelling units located in rental buildings that have one or two levels.
223: Mid-Rise Apartment	Rental dwelling units located in rental buildings that have between three and ten levels.
230: Condo/Townhouse	Residential ownership units that have at least one other unit in the same building structure.
231: Low-Rise Condo/Townhouse	Residential units located in buildings with one or two levels.
270: Residential PUD	Residential planned urban development is a combination of residential land uses.

All land uses described in the Table 11 were used to determine two composite trip generation rates. Composite Rate A was based on land uses 210, 220, 221, and 270. This rate was then applied to all development proposed on the water side in Section One of NDH, all of Section Two and Section Three. Composite Rate B was based on land uses 220, 221, 223, 230, and 231. This rate was applied to all development proposed on the uphill side of NDH for Section One only. The trip generation rates equate trip generation to the number of dwelling units.

After the composite trip generation rates were calculated, they were applied to the projected number of new dwelling units described earlier in this report in Table 9. Trips for three different scenarios were calculated based on the different zoning options available, including: D-10, D-15, and D-18. The trips calculated for areas on the water and uphill sides of NDH were combined to determine the total new trip generation for both the AM and PM peak hour conditions.

A summary of trip generation projections for NDH is shown in the following tables for the weekday AM and PM peak hours. Table 12, Table 13, and Table 14 outline the trip generation for the D-10, D-15, and D-18 development scenarios, respectively.

Table 12 - Project Trip Generation, D-10 Zoning							
	Dwelling Units	AM Peak Hour Trips			PM Peak Hour Trips		
		In	Out	Total	In	Out	Total
Composite Rate A	184	23	80	103	85	45	129
Composite Rate B	932	102	342	444	339	199	539
Total							
Source: ITE Trip Generation Manual (8 th Edition)							

Table 13 - Project Trip Generation, D-15 Zoning							
	Dwelling Units	AM Peak Hour Trips			PM Peak Hour Trips		
		In	Out	Total	In	Out	Total
Composite Rate A	184	23	80	103	85	45	129
Composite Rate B	1,398	153	512	665	509	299	808
Total							
Source: ITE Trip Generation Manual (8 th Edition)							

Table 14 - Project Trip Generation, D-18 Zoning							
	Dwelling Units	AM Peak Hour Trips			PM Peak Hour Trips		
		In	Out	Total	In	Out	Total
Composite Rate A	184	23	80	103	85	45	129
Composite Rate B	1,678	184	615	799	611	359	970
Total							
Source: ITE Trip Generation Manual (8 th Edition)							

3.2 Trip Distribution and Forecast Traffic Volumes

Trip distributions from the proposed development were estimated based on existing turning movement distributions at the Douglas roundabout and at the 10th and Egan intersections. As such, 10 percent of project trips are expected to/from Douglas, thus traveling straight through the Douglas Highway/NDH roundabout. The remaining trips cross the bridge and diverge at the Egan Drive/10th Street intersection. At this point, 25 percent of total project trips are expected to/from the north on Egan Drive (toward the Mendenhall Valley), 5 percent to/from the east on 10th Street, and 60 percent to/from the south on Egan Drive (toward downtown).

Project trips were then assigned to the study area based on the distribution assumptions. Typically, a growth rate is applied to existing traffic and added to project generated trips. A growth rate was not used in this case because Juneau has not shown any significant traffic growth in the past several years. The project trip assignments were combined with existing traffic volumes for both the AM and PM peak hours.

3.3 Traffic Operations

Traffic conditions were evaluated for this study using the Level of Service (LOS) methodologies of the *Highway Capacity Manual* (Transportation Research Board, 2000). The *Highway Capacity Manual* (HCM) is a nationally recognized and locally accepted method of measuring traffic flow and congestion for intersections. Criteria range from LOS A, indicating free-flow conditions with minimal vehicle delays, to LOS F, indicating congestion with significant vehicle delays.

LOS for a signalized intersection is defined in terms of the average delay experienced by all vehicles at the intersection, typically over a specified time period such as a peak hour. Threshold values are listed in Table 15. LOS for roundabout intersections has not been defined by the HCM due to the variety of analysis methods available. However, the National Cooperative Highway Research Program (NCHRP) Report 572 recommends using stop controlled intersection criteria for roundabout LOS. These criteria are shown in Table 15 and are reported by approach. The differing LOS criteria reflect drivers' increased tolerance for delay at signalized intersections.

Table 15- Intersection Level of Service Criteria			
Level of Service	Signalized Control Delay (sec/veh)	Roundabout Control Delay (sec/veh)	General Description
A	≤10	≤10	Free flow
B	>10 – 20	>10-15	Stable flow (slight delays)
C	>20 – 35	>15-25	Stable flow (acceptable delays)
D	>35 – 55	>25-35	Approaching unstable flow (tolerable delay, occasionally wait through more than one signal cycle before proceeding)
E	>55 – 80	>35-50	Unstable flow (intolerable delay)
F	> 80	>50	Forced flow (jammed)
Source: Highway Capacity Manual (TRB, 2000)			

The Egan Drive and 10th Street intersection is a signalized intersection. The LOS was calculated using Synchro Version 7, Build 793 (Trafficware, 2007). This intersection analysis software tool is based on the methodologies of HCM 2000 and is accepted by DOT&PF. The Douglas roundabout intersection was analyzed using the methodologies presented in NCHRP 572, which is the DOT&PF preferred method. Roundabout delay and LOS are reported as a weighted average for the entire intersection, while the volume to capacity (v/c) ratio is reported for the approach with the highest v/c ratio. Signal statistics are reported as an average for the entire intersection.

3.3.1 Existing Conditions

Existing traffic operations were analyzed as a means of comparison against the trips generated by the development along NDH. Evaluations were conducted based upon existing road geometries and control data noted in the field. Table 16 and Table 17 provide summaries of existing LOS, average vehicle delays, and the v/c ratio.

Table 16- Existing Level of Service Summary – AM Peak Hour			
Location			
	LOS¹	Delay²	V/C³
Egan/10 th	E	57.0	1.12
Douglas Hwy/NDH	B	12.5	0.77
1. LOS = level-of-service 2. Average control delay for intersection (sec/veh) 3. V/C = volume to capacity ratio			

Table 17 - Existing Level of Service Summary – PM Peak Hour			
Location			
	LOS¹	Delay²	V/C³
Egan/10 th	D	51.0	1.17
Douglas Hwy/NDH	A	8.4	0.65
1. LOS = level-of-service 2. Average control delay for intersection (sec/veh) 3. V/C = volume to capacity ratio			

3.3.2 Future Conditions

The intersections were analyzed to evaluate traffic conditions and operations that include the proposed development, based on the forecasts described above. Table 18 and Table 19 provide a summary of the analyses for the AM and PM peak hours, respectively.

Table 18- Future Level of Service Summary – AM Peak Hour									
Location	D-10 Development			D-15 Development			D-18 Development		
	LOS¹	Delay²	V/C³	LOS	Delay	V/C	LOS	Delay	V/C
Egan/10 th	F	103.1	1.30	F	125.9	1.50	F	361.9	3.11
Douglas Hwy/NDH	F	149.7	1.17	F	343.7	1.38	F	519.3	1.52
1. LOS = level-of-service 2. Average control delay for intersection (sec/veh) 3. V/C = volume to capacity ratio									

Table 19- Future Level of Service Summary – PM Peak Hour

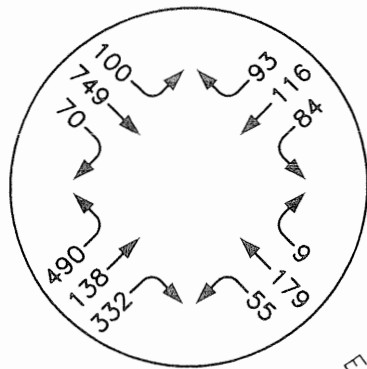
Location	D-10 Development			D-15 Development			D-18 Development		
	LOS ¹	Delay ²	V/C ³	LOS	Delay	V/C	LOS	Delay	V/C
Egan/10 th	F	184.4	2.18	F	244.6	2.58	F	361.9	3.11
Douglas Hwy/NDH	B	13.7	0.71	C	24.2	0.90	E	48.0	1.00

1. LOS = level-of-service
2. Average control delay for intersection (sec/veh)
3. V/C = volume to capacity ratio

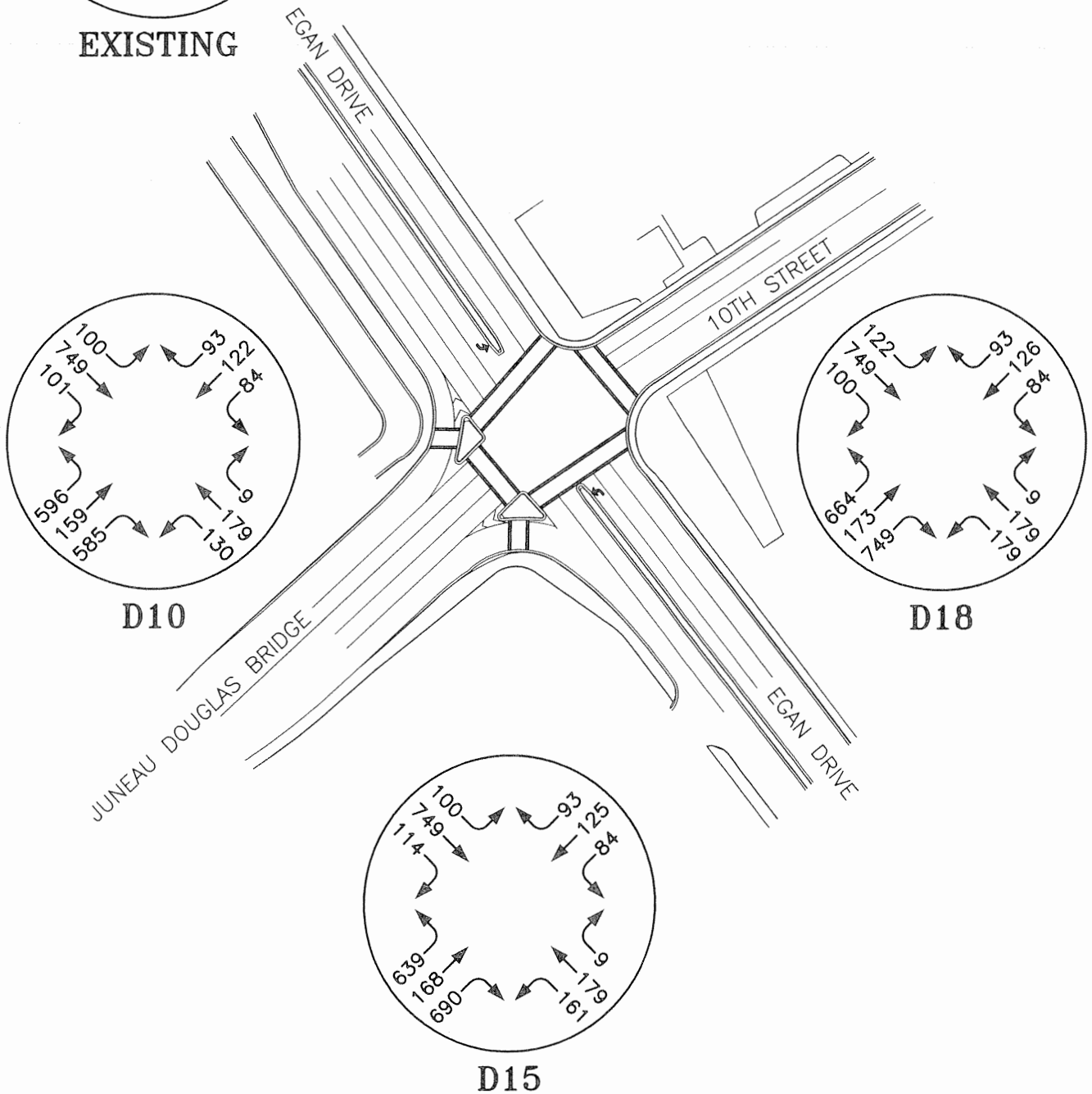
Traffic Volumes at these two intersections are portrayed in Figures 3 through 6. AM and PM traffic volumes are shown for the existing conditions along with each of the different levels of development.

The intersections were also evaluated to estimate how much additional traffic could be added before the LOS was reduced to F. At Egan Drive/10th Street, the limiting time was the PM peak hour. The intersection would be able to accommodate an additional 517 entering vehicles before reaching LOS F during the PM peak hour, assuming the signal phase splits could be optimized for the traffic volumes. This corresponds to an additional 184 dwelling units at Composite Rate A plus an additional 666 dwelling units at Composite Rate B.

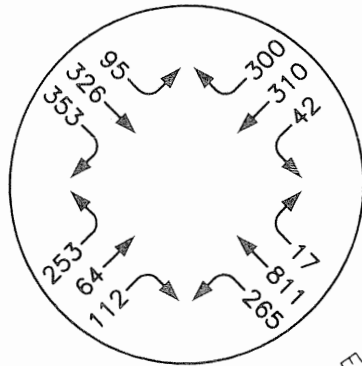
At the Douglas Highway/NDH roundabout, the AM peak hour was the limiting time, at which time the roundabout would be able to accommodate an additional 334 vehicles before reaching LOS F. This corresponds to an additional 184 dwelling units at Composite Rate A plus an additional 481 dwelling units at Composite Rate B. The Federal Highway Administration states that when v/c ratios on roundabout approaches exceed 0.85, operations tend to breakdown frequently and unpredictably. If the v/c ratio threshold is used to determine roundabout failure, only 126 additional AM peak hour vehicles could be added. This corresponds to an additional 184 dwelling units at Composite Rate A plus an additional 48 dwelling units at Composite Rate B.



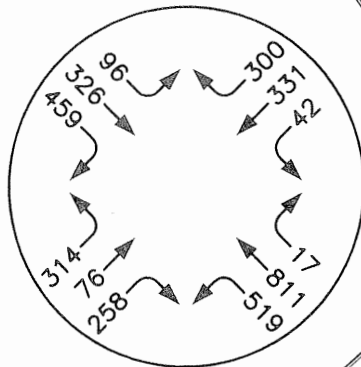
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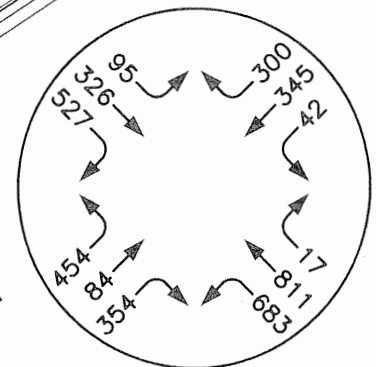
USKH Architecture • Engineering Land Surveying • Planning	 CITY AND BOROUGH OF JUNEAU ★ ALASKA'S CAPITAL CITY DEPARTMENT OF ENGINEERING	PROJECT: NORTH DOUGLAS HIGHWAY REZONE TRAFFIC IMPACT ANALYSIS	FIGURE NO. 3
		TITLE: AM VOLUME DATA FOR 10TH STREET & EGAN DRIVE	



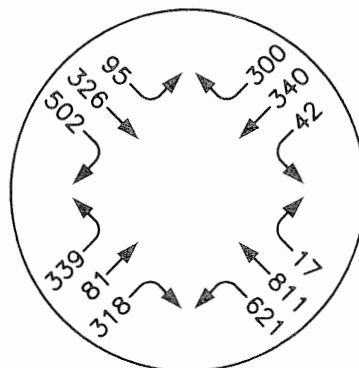
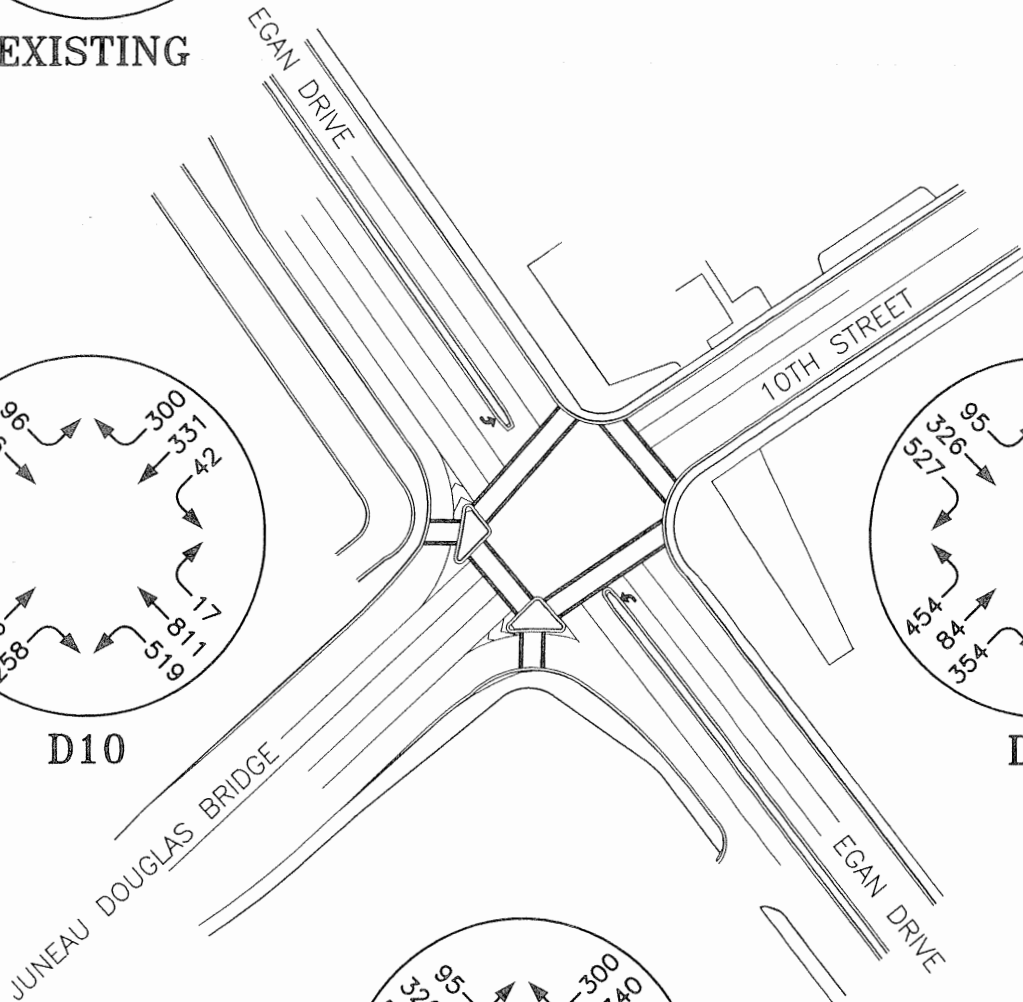
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D10

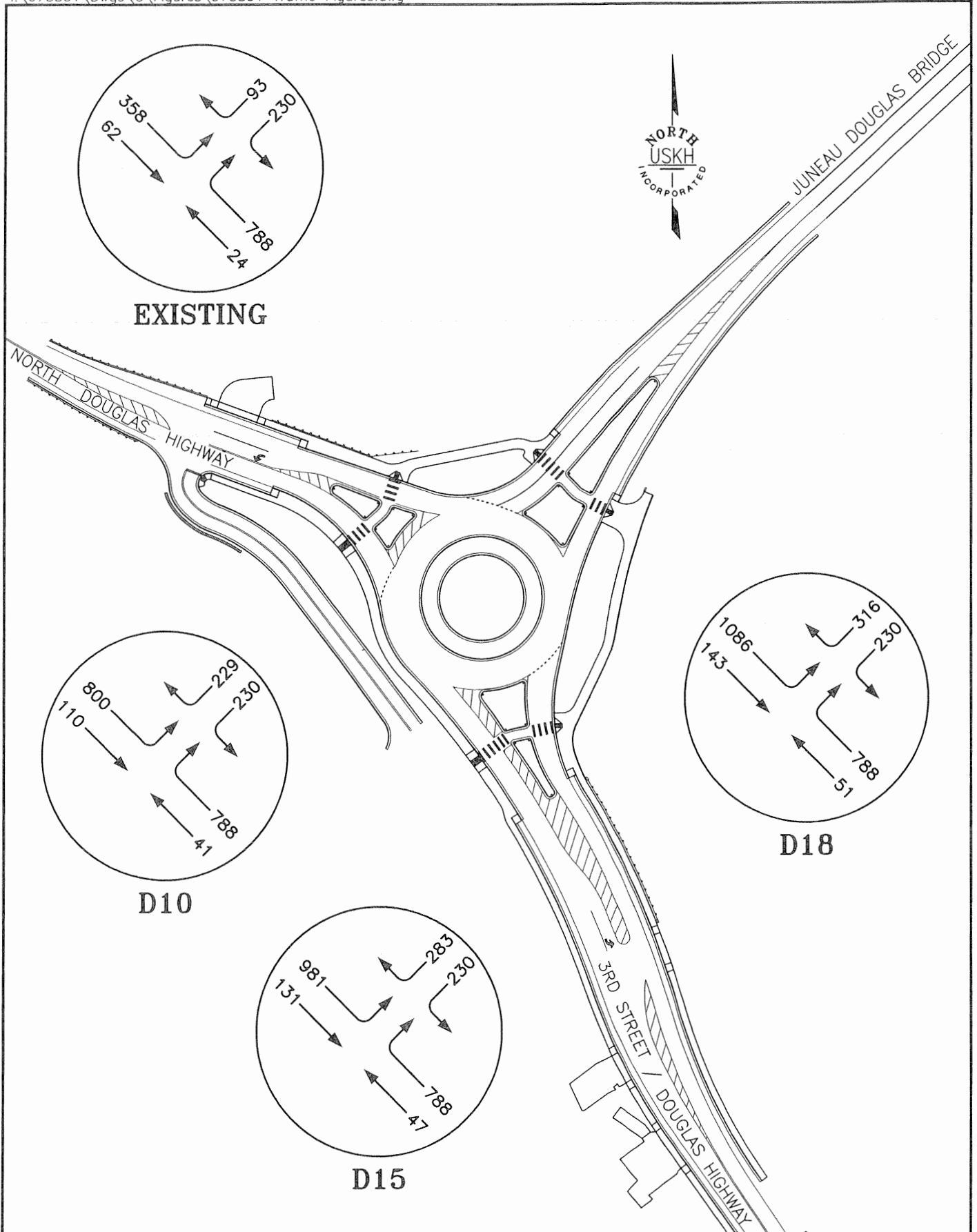


D18



D15

 Architecture • Engineering Land Surveying • Planning	 CITY AND BOROUGH OF JUNEAU ★ ALASKA'S CAPITAL CITY DEPARTMENT OF ENGINEERING	PROJECT: NORTH DOUGLAS HIGHWAY REZONE TRAFFIC IMPACT ANALYSIS	FIGURE NO.
		TITLE: PM VOLUME DATA FOR 10TH STREET & EGAN DRIVE	4
		CLIENT: CITY & BOROUGH OF JUNEAU	



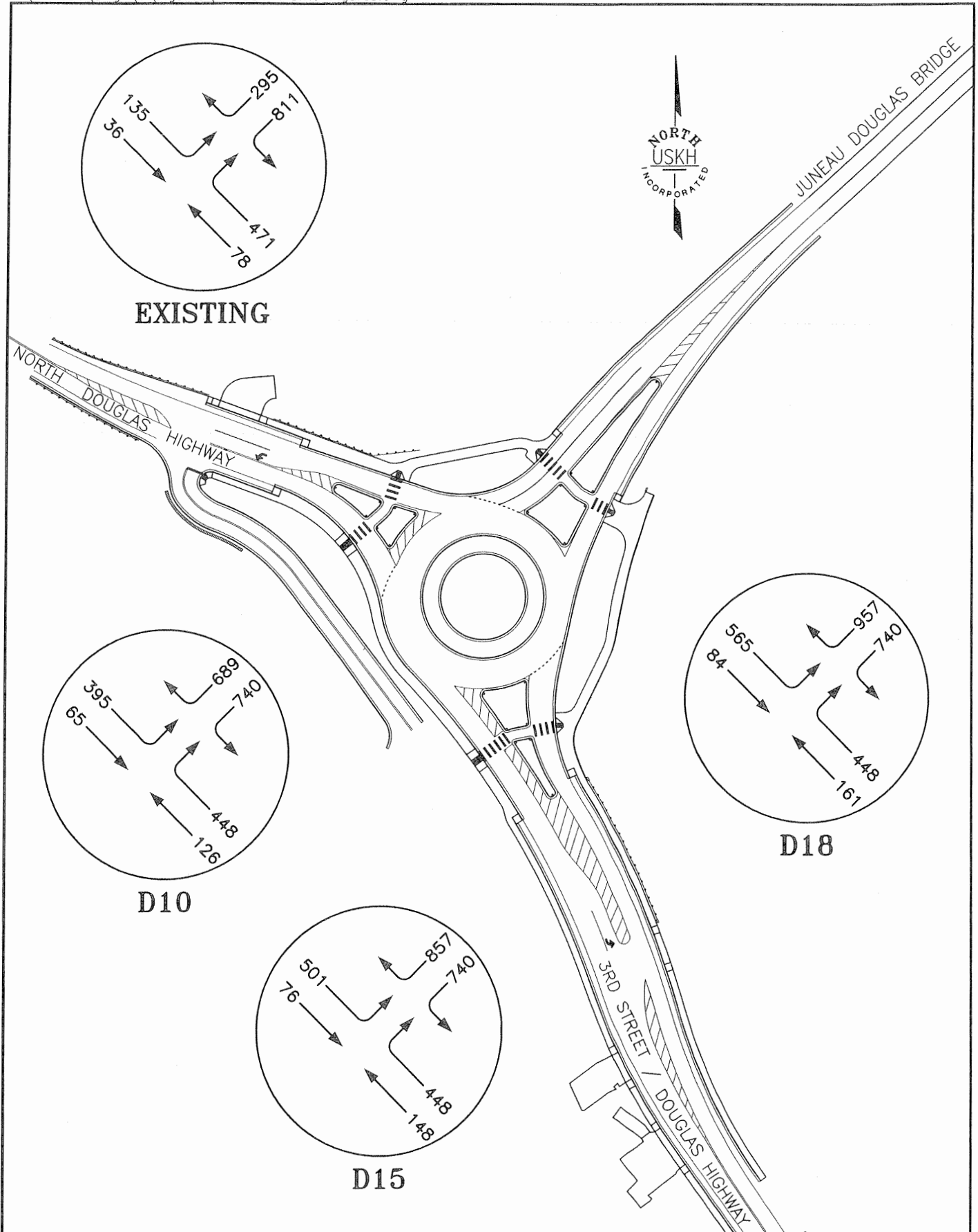
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DEPARTMENT OF ENGINEERING

PROJECT: NORTH DOUGLAS HIGHWAY REZONE
TITLE: AM VOLUME DATA FOR
THE DOUGLAS ROUNDABOUT
CLIENT: CITY & BOROUGH OF JUNEAU

FIGURE NO.

5



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DEPARTMENT OF ENGINEERING

PROJECT: NORTH DOUGLAS HIGHWAY REZONE
TITLE: PM VOLUME DATA FOR
THE DOUGLAS ROUNDABOUT
CLIENT: CITY & BOROUGH OF JUNEAU

FIGURE NO.

6

3.4 Access Road Intersections

The access road schemes for future development along the NDH corridor have not been established at this time. Driveways and access roads connecting to NDH will be subject to the DOT&PF driveway permit process. In general, access points for new developments should be aggregated to the extent feasible, and access roads should be spaced at least one quarter mile from adjacent access roads.

The need for auxiliary lanes at access road intersections will depend on the traffic demands at the intersection, both turning onto the access road and continuing through the intersection on NDH. The following figures from NCHRP 457 give guidance on what traffic thresholds justify adding auxiliary turn bays onto NDH. Figure 7 applies for left-turn lanes and Figure 8 is applicable to right-turn lanes. It will be the responsibility of the developer to determine what, if any, auxiliary lanes are necessary on the access roads.

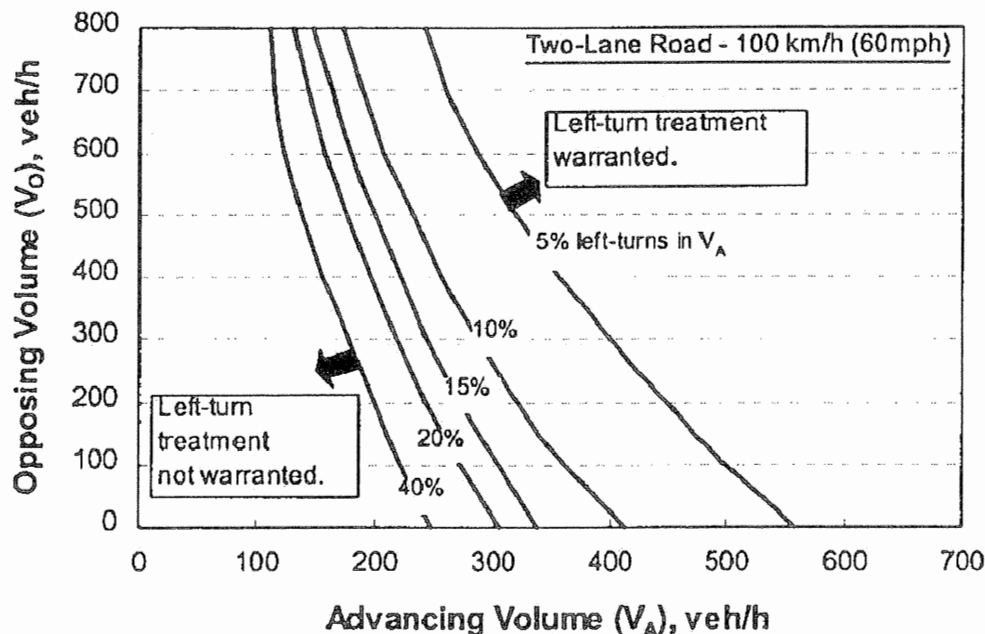


Figure 7 Left-Turn Lane Thresholds

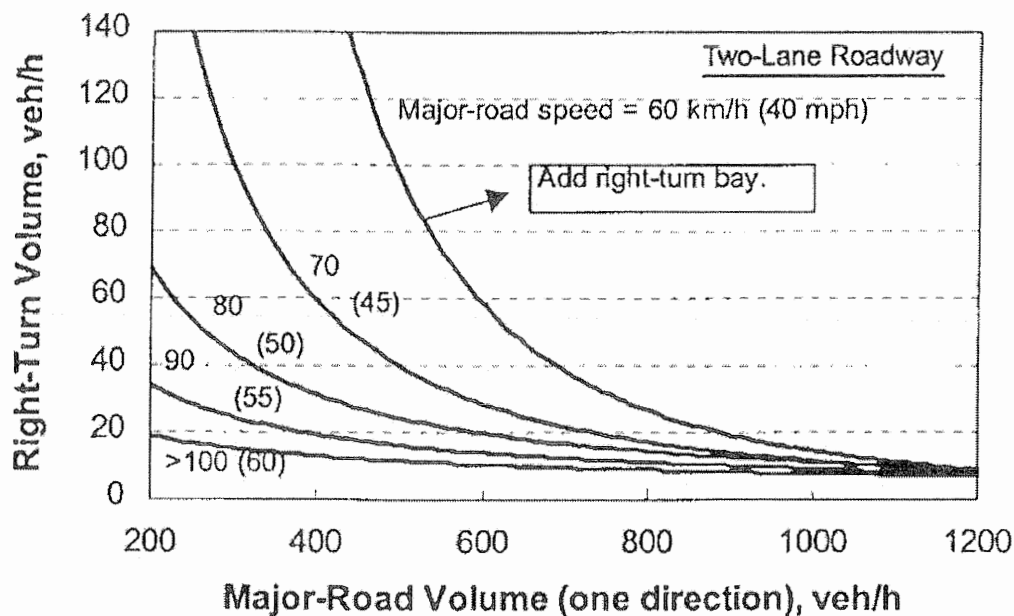


Figure 8 Right-Turn Lane Thresholds

3.5 Pedestrian and Bicycle Facilities

This segment of North Douglas Highway has 12-foot traffic lanes and 6- to 8-foot shoulders. Commuter bicycle traffic may use the traffic lanes or shoulders. The shoulders provide for other non-motorized traffic. In the 5-year time period analyzed in Section 2.6, only one collision involving non-motorized traffic has occurred. In May 2004 a vehicle collided with a pedestrian near 1.3 Mile causing a minor injury. The collision occurred during daylight hours on a straight and dry section of highway; inadequate pedestrian facilities do not appear to have been a factor.

Shoulder widths should be maintained when adding or improving access points along the highway. If auxiliary lanes are warranted, maintaining current lane and shoulder widths will help maintain a safe environment for non-motorized use.

3.6 Accident Analysis

DOT&PF analyzed safety at the intersections of Egan Drive and 10th Street and Douglas Highway and NDH and published the results in a Preliminary Engineering Report in December 2002. The analysis concluded that both intersections warranted safety improvements. DOT&PF constructed the roundabout at the Douglas Highway and NDH intersection to address capacity and safety in 2006. Recommended improvements at Egan Drive and 10th Street have not been constructed. DOT&PF has not recently studied collisions at these two intersections, but since traffic volumes have not increased, anecdotal evidence suggests no significant changes in safety conditions at the Egan Drive and 10th Street intersection, and improved safety at the Douglas roundabout.

DOT&PF provided collision statistics for NDH north of the roundabout for 2003 through 2007. A total of 37 collisions were reported within the limits of this study. No collisions resulted in fatalities, 3 caused

an incapacitating injury, 12 caused only non-incapacitating or possible injuries, and 22 resulted only in property damage. The tables below summarize the number of collisions by date, location and type.

Table 20 - Collisions by Year	
Year	No.
2003	12
2004	7
2005	5
2006	6
2007	7
Total	37

Table 21 - Collisions by Location	
Milepoint Range	No.
0 - 0.5	7
0.5 - 1	5
1 - 1.5	8
1.5 - 2	6
2 - 2.5	2
2.5 - 3	4
3 - 3.3	5
Total	37

Table 22 - Collisions by Type	
Type	No.
Rear End	8
Angle	9
Pedestrian	1
Parked Vehicle	1
Intersection/Driveway	15
Single Vehicle	17
Multiple Vehicle	20

The collision history shows a pattern of accidents at intersections and driveways, which is typical of high-speed highways with many access points. The rate of accidents is not high, but adding driveways along NDH is likely to increase that rate. To the extent possible, new development should use existing access points. New and improved access points should meet DOT&PF intersection and driveway design standards. Auxiliary lanes, if warranted (Section 2.4), should be used.

3.7 Traffic Impact Mitigation

Full development at any of the three housing mix scenarios presented in Chapter 1 would eventually result in LOS levels at Egan Drive and 10th Street that fall below minimum LOS standards. However, this development will occur over time and the re-zoning action in and of itself does not generate traffic. The re-zoning action will not require traffic impact mitigation. This report identifies the likelihood of decreased LOS at the critical intersections analyzed in this study as development occurs along NDH.

4 CONCLUSIONS

The development of land along NDH has the potential to accommodate much of Juneau's population growth for the next 20 years. The traffic generated by this development will negatively impact the LOS at the Douglas roundabout and the intersection of Egan Drive and 10th Street. Eventually, improvements to these intersections may be warranted to allow this growth to occur. Mitigation of impacts to pedestrian and bicycle facilities and safety are not likely to be warranted.

The re-zoning action will not cause impacts to traffic, but does increase the opportunity and potential for growth in the study area. Mitigation of these future impacts is not required for the rezoning action. As the development occurs over time, the impacts are projected to increase to the point that improvements at the subject intersections will be necessary.

TABLE 49.25.400
TABLE OF DIMENSIONAL STANDARDS

Zoning Regulations	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Minimum Lot Size ¹															
Permissible Uses	36,000	36,000	12,000	7,000	3,600 ¹⁰	6,000	5,000	5,000	4,000	4,000	2,000	2,000	2,000	2,000	2,000
Bungalow ⁹		18,000	6,000	3,500	2,500	3,000	3,000	2,500							
Duplex	54,000	54,000	18,000	10,500											
Common Wall Dwelling				7,000	3,600 ¹⁰	5,000	3,500	2,500		2,500					
Single-family detached, two dwellings per lot	72,000	72,000	24,000												
Minimum lot width	150'	150'	100'	70'	40'	50'	50'	50'	50'	50'	20'	20'	20'	20'	20'
Bungalow ⁹		75'	50'	35'	25'	25'	25'	25'							
Common wall dwelling				60'	40'	40'	30'	20'		20'					
Minimum lot depth	150'	150'	100'	85'	85' ¹⁰	85'	80'	80'	80'	80'	80'	60'	60'	60'	60'
Maximum lot coverage															
Permissible uses	10%	10%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Conditional uses	20%	20%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Maximum height permissible uses	45'	35'	35'	35'	35'	35'	35'	35'	None	45' ⁴	45'	55'	35' ⁴	45' ⁴	None

Zoning Regulations	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Accessory	45'	25'	25'	25'	25'	25'	25'	25'	None	35'	35'	45'	35' ⁴	45' ⁴	None
Bungalow ⁹		25'	25'	25'	25'	25'	25'	25'							
Minimum front yard setback ³	25'	25'	25'	20'	20' ¹⁰	20'	20'	20'	0'	5' ^{5,8}	25'	10'	10'	10'	10'
Minimum street side yard setback	17'	17'	17'	13'	10'	13'	13'	13'	0'	5'	17'	10'	10'	10'	10'
Minimum rear yard setback ³	25' ²	25'	25'	20'	10'	20'	15'	10'	0'	5'	10'	10'	10'	10'	10'
Minimum side yard setback ³	15' ²	15'	10'	5'	3'	5'	5'	5'	0'	5'	10'	10'	10'	10'	0'
Common wall dwelling				10' ⁶	3'	5' ⁷	5' ⁷	5' ⁷		5' ⁷					

Notes:

1. Minimum lot size is existing lot or area shown on chart in square feet.
2. Sixty feet between nonresidential and designated or actual residential site; 80 feet between industrial, extractive and other uses.
3. Where one district abuts another the greater of the two setbacks is required for both uses on the common property line.
4. (Height Bonus) Reserved.
5. (Pedestrian Amenities Bonus) Reserved.
6. Zero-foot setback for the portion of the dwelling with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, and ten-foot setback for the remaining side yards of the lot.
7. Zero-foot setback for the portion of the dwelling with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, and five-foot setback for the remaining side yards of the lot.
8. On corner lots, buildings shall be set back 15 feet from a street intersection. The area in which buildings shall be prohibited shall be determined by extending the edge of the traveled ways to a point of intersection, then measuring back 15 feet, then connecting the points.
9. Special restrictions apply to construction on bungalow lots. See special use provisions 49.65.600.
10. For lots adjacent to an alley, the following reductions to the dimensional standards apply:
 - (a) Minimal lot area includes 50% of adjacent alley (see graphic).
 - (b) Minimal lot depth includes 50% of the width of adjacent alley.
 - (c) Minimum front yard setback of ten feet.

49.25.300 - Determining uses.

- (a)
 - (1) *Listed uses.* There is adopted the table of permissible uses, table 49.25.300. The uses permitted in a zoning area shall be determined through the table of permissible uses by locating the intersection of a horizontal, or use axis and a vertical, or zone axis. The conditions and procedures applicable to the use in the zone thus located shall be as indicated thereat by the digits "1," "2" or "3" as more fully set out in this section and by letters of the alphabet as more fully set out by footnotes in the table. The absence of a digit at the intersection of use and zone axes means that the identified use is not permitted in the identified zone.
 - (2) *Unlisted uses.* The allowability of a use not listed shall be determined pursuant to section 49.20.320.
 - (3) *Uses listed more than once.* Where a use might be classified under more than one category, the more specific shall control. If equally specific, the more restrictive shall control.
 - (4) *Accessory uses.* Uses constituting an incidental or insubstantial part of a permissible use and commonly associated with the permissible use may be allowed as an accessory use.
- (b)
 - (1) When used in conjunction with a particular use in the table of permissible uses, the number "1" indicates that the use requires department approval pursuant to chapter 49.15, article III, in conjunction with the issuance of a building permit. The use is allowed in the district, but limited conditions may be attached to the approval.
 - (2) The number "2" indicates the use requires an allowable use permit from the planning commission. Such uses are allowed in the district, but specified conditions may be attached to the allowable use permit by the commission. The permit procedure is outlined in chapter 49.15, article I.
 - (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.
- (c) A combination of digits such as "1, 3" or "2, 3" indicates that the approval procedure for the identified use in the identified zone will vary depending on whether the project is a major or minor development.
 - (1) If the project is a minor development the first number of the combination shall indicate the applicable procedure.
 - (2) If the project is a major development the second number shall indicate the applicable procedure.
 - (3) Minor development means development which is classified by zoning district as follows:
 - (A) *Rural reserve district:* A residential development containing two or fewer dwelling units, two or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building totaling less than 10,000 square feet or using less than one acre of land in total.
 - (B) *Single-family residential districts:* A residential development containing two or fewer dwelling units, two or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building totaling less than 5,000 square feet or using less than 10,000 square feet of land in total.

- (C) *Multifamily residential districts*: A residential development containing eight or fewer dwelling units, eight or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building totaling less than 5,000 square feet or using less than 10,000 square feet of land in total.
- (D) *Commercial and mixed use districts*: A residential development containing 12 or fewer dwelling units, 12 or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building totaling less than 10,000 square feet or using less than one-half acre of land in total.
- (E) *Industrial districts*: Non-residential buildings totaling 15,000 square feet or using less than one acre of land in total.
- (4) Major development means all development activity that is not a minor development.
- (5) Exceptions. Exceptions to the use of minor and major development classifications as a method of determining the applicable approval procedure shall be as noted in the table of permissible uses.

(Serial No. 87-49, § 2, 1987; Serial No. 89-01, § 2, 1989; Serial No. 89-14, § 2, 1989; Serial No. 89-16, § 2, 1989; Serial No. 89-20, § 2, 1989; Serial No. 89-28, § 2, 1989; Serial No. 89-29, § 2, 1989; Serial No. 89-30, § 2, 1989; Serial No. 89-31, § 2, 1989; Serial No. 90-21, § 2, 1990; Serial No. 90-52, § 3, 1990; Serial No. 90-54, §§ 2, 3, 1991; Serial No. 91-01, § 3, 1991; Serial No. 91-36, § 2, 1991; Serial No. 92-09, § 3, 1992; Serial No. 93-05, § 2, 1993; Serial No. 93-46, §§ 2—4(Exh. A) and (Exh. B), 1993; Serial No. 94-07, §§ 2, 3(Exh. A) and (Exh. B), 1994; Serial No. 94-40, § 2(Exh. A), 1994; Serial No. 95-09, §§ 2, 3(Exh. A) and (Exh. B), 1995; Serial No. 97-10, § 2(Exh. A), 1997; Serial No. 97-19, § 2(Exh. A), 1997; Serial No. 97-47, §§ 2, 3(Exh. A), 1997; Serial No. 98-09, § 4(Exh. A), 1998; Serial No. 98-39, §§ 2—4(Exh. A), 1998; Serial No. 98-40, § 2(Exh. A), 1999; Serial No. 99-22, § 7, 1999; Serial No. 2000-46, § 2(Exh. A), 11-20-2000; Serial No. 2001-12, § 2(Exh. A), 4-02-2001; Serial No. 2010-22, §§ 2, 3(Exh. A), 7-19-2010; [Serial No. 2015-07\(b\)\(am\), § 2, 2-23-2015, eff. 3-26-2015](#); [Serial No. 2015-03\(c\)\(am\), § 18, 8-31-2015](#).)

TABLE OF PERMISSIBLE USES - CBJ 49.25.300

			Zones														
	Use Description		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
1.000	RESIDENTIAL																
1.100	Single-family dwellings																
	1.120	Single-family detached, two dwellings per lot	1	1	1												
1.300	Multifamily dwellings							1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3		
1.600	Miscellaneous, rooms for rent situations																
	1.610	Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, transitional housing, and temporary residences. Owner or manager must live on site.	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	3 ^N		
	1.630	Single room occupancies with private facilities						1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
1.800	Mobile homes																
	1.810	Residential mobile homes on individual lots ^E	3	3	3												
	1.820	Mobile home parks ^E					3	3	3	3	3	3					

			Zones														
	Use Description		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
	1.830	Mobile home subdivision ^E				3	3	3	3	3	3	3					
	1.840	Recreational vehicle parks ^F	3 ^F	3 ^F	3 ^F												
1.900	Common wall development																
	1.910	Two dwelling units				1	1	1	1	1							
	1.920	Three or more dwelling units					1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3			
3.000	PROFESSIONAL OFFICE, CLERICAL, RESEARCH, REAL ESTATE, OTHER OFFICE SERVICES ^G																
3.100	Offices greater than 1,000 but not more than 2,500 square feet							3	3	3	1	1	1	1	3 ^N		
4.000	MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS ^G																
4.050	Light manufacturing		3 ^T						3	3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	1 ^N , 3 ^N	1, 3
4.150	Rock crusher		3 ^T	1 _Q	1 _Q											3 ^N	3
6.000	RECREATION, AMUSEMENT, ENTERTAINMENT																
6.100	Indoor activity conducted entirely within building or substantial structure																

			Zones														
Use Description			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
6.120	Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges					3	3	3	3	3	1, 3	1, 3	1, 3	1, 3			3
6.130	Theaters seating for 200 or fewer		3 ^T						3	3	1	1	1	1	3 ^N		3
6.200	Outdoor activity conducted outside enclosed buildings or structures																
7.000	INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES																
7.150	Health care clinics, other medical treatment facilities providing out-patient care								3	3	1, 3	1, 3	1, 3	1, 3			
7.300	Day care centers							3	3	3	1, 3	1, 3	1, 3	1, 3			
8.000	RESTAURANTS, BARS, NIGHTCLUBS																
8.050	Small restaurants, less than 1,000 ft ² without drive through service		3 ^T					3	3	3	1	1	1	1	1 ^N		3
10.000	STORAGE, PARKING, MOORAGE																
10.230	Snow storage basin																
10.235	Regional, ½ to 1 acre		3	3	3 ^Z						3 ^Z	3			3 ^Z	1	1

			Zones														
Use Description			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
10.237	Area wide, over 1 acre		3	3 ^Z	3 ^Z							3 ^Z				3	3
10.500	Moorage																
10.510	Public, commercial		3	3	3						3	3	3	3	1, 3	1, 3	1, 3
10.600	Floating structures supporting seasonal, commercial recreation		3	3	3										3	3	
12.000	SERVICES AND ENTERPRISES RELATED TO ANIMALS																
12.100	Veterinary clinic		3	3	3						3	1, 3	3	3	1 ^N , 3 ^N	1 ^N , 3 ^N	1
12.250	Day animal services, grooming, walking, day care		3	3	3	3	3				3	3	3	3			1, 3
12.310	Wild animal rehabilitation facilities without a visitor component		3	3	3	3					3	3			3 ^N		3
14.000	AQUACULTURE, AGRICULTURE, SILVICULTURE, MINING, QUARRYING OPERATIONS, SPRING WATER BOTTLING																
14.100	Aquaculture		3	3	3						3	3	3	3	1	1	3
14.200	Commercial agricultural operations																

			Zones														
	Use Description		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
	14.220	Including farm animals ^M	1, 3	3													1, 3
	14.230	Stabling of farm animals ^M	3	3	3	3					3	3					1, 3
14.250	Personal use agriculture																
	14.253	Hens, 6 maximum	1	1	1	1	1	1	3	3	1	1	3	3	1	1	1
14.400	Mining operations		2, 3 K	3	3										3 ^N	3 ^N	2
14.500	Sand and gravel operations ^I		3	3	3						3	3			3 ^N	3 ^N	3
14.800	Spring water bottling		3	3			3	3	3	3	3	3					1, 3
15.000	MISCELLANEOUS PUBLIC AND SEMIPUBLIC FACILITIES																
15.100	Post office		3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	1, 3
15.400	Military reserve, National Guard centers		3	3	3						3	3			3 ^N	3 ^N	3
15.700	Public works facility		3	3	3	3					3	3					1,

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
																3
18.500	Wireless Communication Facilities	See CBJ 49.65, Wireless Communication Facilities														
20.000	CEMETERY, CREMATORIUM, MORTUARY															
20.300	Funeral home	3	3	3	3	3	3			1, 3	1	3	3			

Key:

1. Department approval requires the department of community development approval only.
- 1, 3. Department approval required if minor development, conditional use permit required if major development.
2. Allowable use permit requires planning commission approval.
3. Conditional use permit requires planning commission approval.
- 2, 3. Allowable use permit required if minor development, conditional use permit required if major development.

Notes:

- A. A single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.
- B. *Reserved.*
- C. *Reserved.*
- D. *Reserved.*

- E. See special use regulations for mobile homes, chapter 49.65, article III.
- F. See special use regulations for recreational vehicles, chapter 49.65, article IV. This use allowed by service area designation not zoning district.
- G. All uses subject to additional performance standards, chapter 49.65, article VIII.
- H. *Reserved.*
- I. *Reserved.*
- J. Applies to over 2 acres of harvest area.
- K. See special use regulations, chapter 49.65, article I. Mining operations are a conditional use in the urban mining district and an allowable use in the rural mining district.
- L. See special use regulations, chapter 49.65.200, article II.
- M. Only applicable to the commercial or private stabling of more than three farm animals, or where the running or stabling area is closer than 100 feet to the nearest residence other than the owner for any number of farm animals.
- N. Use must be water-dependent, water-related, or water-oriented.
- O. Standards for collection structures: containers must be well maintained and allow no spillage of contents; a specific person or group must be responsible for maintenance of the structure and that person or group shall have a contact telephone number posted on the collection structure; collection structure must be situated so as to not affect traffic or parking; directional signs shall be limited to six square feet and identification signs shall be limited to 24 square feet; such signs will not be included in total sign area allowed for a complex; and the structure shall not exceed a height of six feet. Identification is to be in the following format: greater prominence, the City and Borough recycling logo and the recyclable material identification; lesser prominence, the sponsor name and the contact phone number.
- P. Preexisting allowable or conditional use permit: If recycling activity is determined by the director to be an accessory use to a use previously permitted under either an allowable or a conditional use permit, the activity may be approved by the department. Other conditions may be required before recycling activity is permitted.
- Q. Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise.
- R. Towers shall: be for amateur use only; meet the setback requirements of the zoning district; be unlit except as required by the Federal Aviation Administration. Towers shall be installed in conformance with a valid building permit, application for which shall include a copy of the applicant's amateur station license.
- S. Limited to lots directly fronting on Glacier Highway West of Industrial Boulevard.
- T. Must be associated with a unique site specific feature in order to function. Example: Glacier research station - Juneau Icefield location.
- U. No storage permitted on the first floor of a building.

- V. Primarily intended for rooftop locations in urban areas.
- W. The capacity of a park shall be determined by the Director of the Community Development Department or designee in consultation with the Director of the Parks and Recreation Department.
- X. Special requirements apply to accessory apartment applications. See CBJ § 49.25.510(k).
- Z. Snow storage may be permitted for a maximum of five years. After five years a new application must be filed.
- AA. Does not apply to wireless communication facilities.
- AB. Use is prohibited in the urban service area but allowed outside the urban service area. An owner or manager must live on site.
- AC. Use is prohibited within 1,000 feet of recognized neighborhood association established in accordance with CBJ chapter 11.35.

(Serial No. 2002-14, § 2, 4-1-5-2002; Serial No. 2002-29, § 2, 11-4-2002; Serial No. 2003-27am, § 5, 6-16-2003; Serial No. 2003-41, § 2, 9-22-2003; Serial No. 2003-41, § 2, 9-8-2003; Serial No. 2004-09, § 2, 4-12-2004; Serial No. 2006-07, § 2, 4-3-2006; Serial No. 2007-39, § 8, 6-25-2007; Serial No. 2009-22(b), § 2, 10-12-2009; Serial No. 2010-22, § 3(Exh. A), 7-19-2010; [2014-32\(e\)am, §§ 6—8, 9-29-2014, eff. 10-29-2014](#); [Serial No. 2015-07\(b\)\(am\), §§ 2—4, 2-23-2015, eff. 3-26-2015](#); [Serial No. 2015-34\(am\), § 2, 7-20-2015, eff. 8-20-2015](#); [Serial No. 2015-03\(c\)\(am\), § 19, 8-31-2015](#); [Serial No. 2015-32, §§ 2, 3, 8-10-2015](#); [Serial No. 2015-38\(b\)\(am\), § 6, 5-2-2016, eff. 6-2-2016](#); [Serial No. 2015-39\(am\), §§ 2—7, 11-9-2015](#))

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

From: Margo Waring [<mailto:margowaring@gmail.com>]

Sent: Friday, April 20, 2018 5:58 PM

To: PC_Comments

Subject: North Douglas Rezone

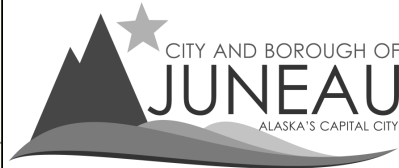
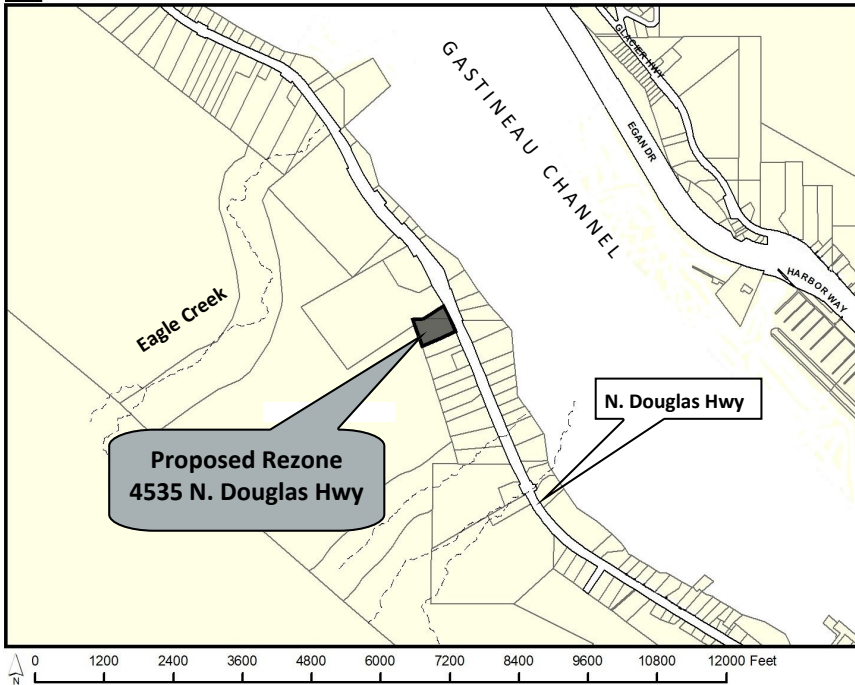
I was unable to attend the meeting at the Douglas Library on the re-zone of a parcel on the North Douglas Hwy.

My comment is that, if the re-zone is granted, I hope you will make sure that access to the Bench Road is provided so that we do not get into the situation where the Bench Road is jeopardized because too many parcels are developed without access.

Margo Waring
11380 N. Douglas Hwy
Juneau, AK 99801

Please Come to a Meeting

About a Proposed Rezone in Your Neighborhood
Your Community, Your Voice

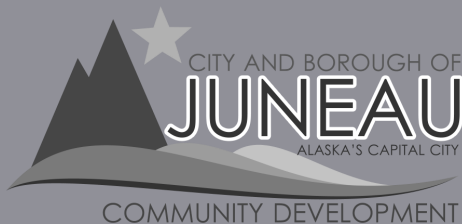


COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

The Community Development Department is hosting an opportunity for the community to discuss an application to rezone a property at 4535 N. Douglas Highway from D-3 to D-15, which would allow for more dwellings per acre. Depending on your property's location from the subject lot, you may also be able to request this same rezone. Your questions, comments and concerns will be addressed at this neighborhood meeting.



NEIGHBORHOOD MEETING
Wednesday, April 18, 6 to 7 pm
Douglas Public Library Meeting Room

If you are not able to attend but have questions or comments, please contact
Tim Felstead, CDD Planner, at (907) 586-0466 or tim.felstead@juneau.org.

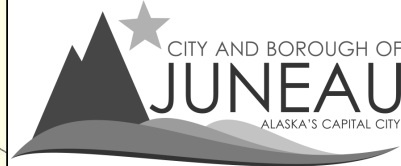
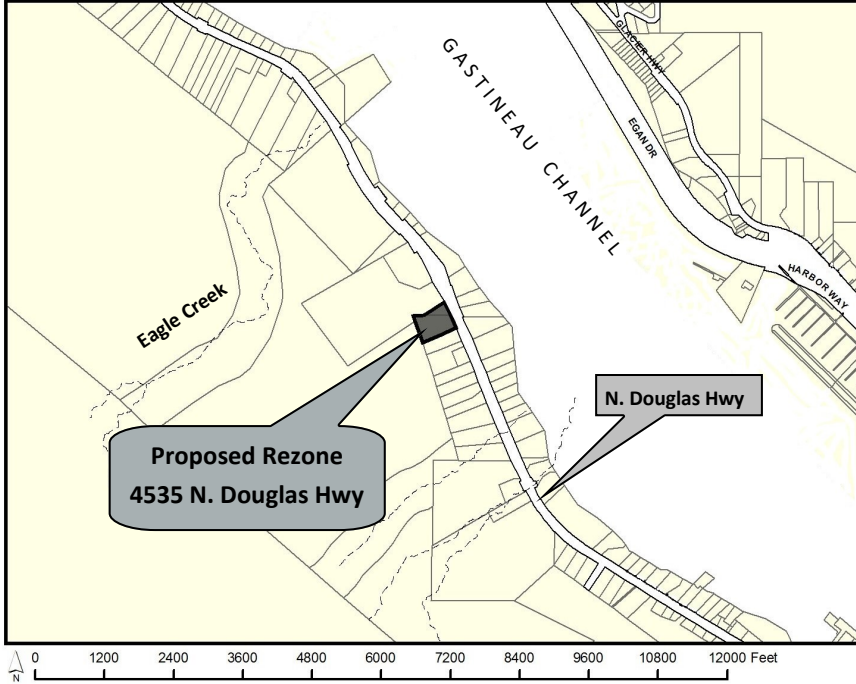
This project is scheduled for review by the Planning Commission on May 22, 2018. All property owners within 500 feet of the proposed rezone will receive a separate notice with details on how and where to submit comments or testify before the Commission.

Printed April 6, 2018

Case No.: AME2018 0002
Parcel No.: 6D0601130120
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



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 **Rezone** of **4535 N. Douglas Highway** from **D-3 to D-15**, allowing for more dwellings per acre. If recommended for approval, the request will be sent to the CBJ Assembly for final consideration.

TIMELINE

Staff Report expected to be posted Monday, May 14 at

<https://beta.juneau.org/assembly/assembly-minutes-and-agendas>

Now through April 30, 2018

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

May 1 through 12 noon, Friday, May 18

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

HEARING DATE & TIME
7:00 pm, May 22, 2018

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

[month/day]

Results will be posted online, and if recommended for approval, the case will be sent to the CBJ Assembly.

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

Printed April 19, 2018

Case No.: AME2018 0002

Parcel No.: 6D0601130120

CBJ Parcel Viewer: <http://epv.juneau.org>

AME2018 0002

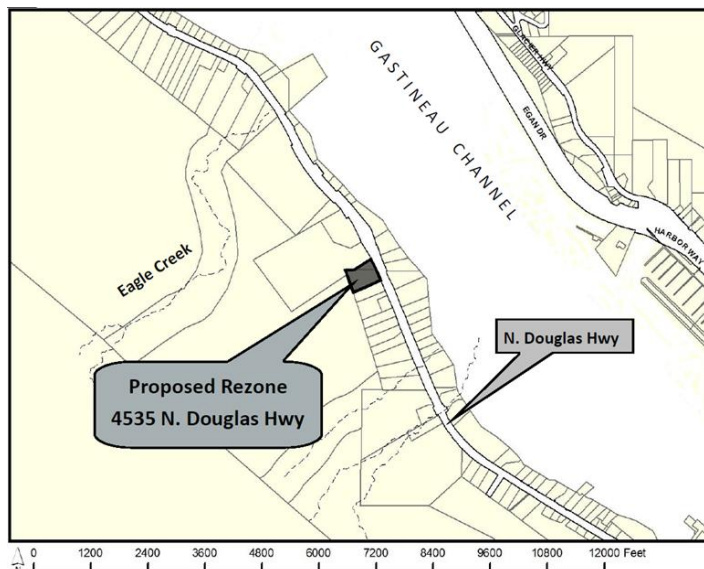
A rezone request from D-3 to D-15 along North Douglas Highway.

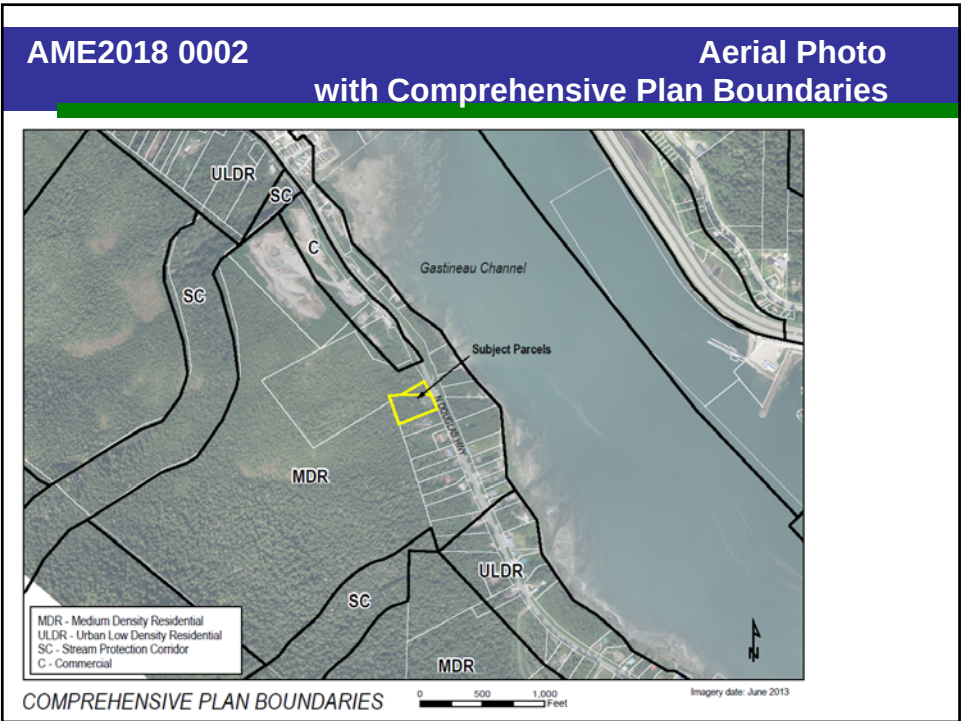
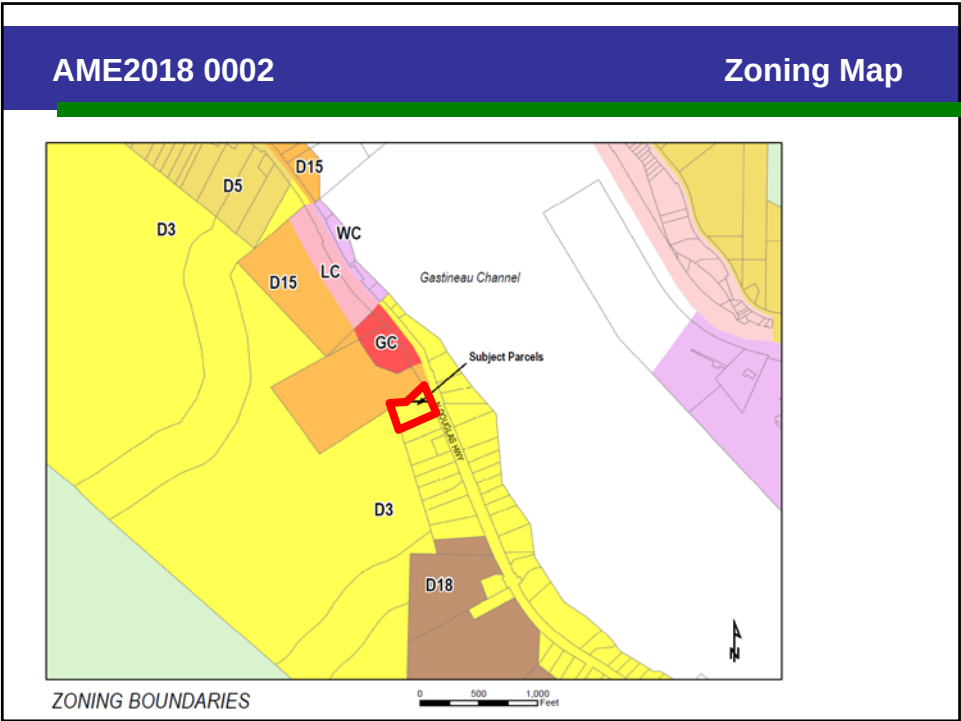
Planning Commission Meeting
May 22, 2018



AME2018 0002

Vicinity Map





Overview	
Site Size:	1.64 acres (71,590 sf)
Property Owner/Applicant:	Hank Martin (since 2017)
Existing Zoning:	D-3 (Single family residential),
Comprehensive Plan	
Land Use Designation:	MDR (Medium Density Residential)
Utilities:	City water and sewer
Access:	North Douglas Highway
Existing Land Use:	Single family dwelling

Rezone Requirements
CBJ 49.75.120. RESTRICTIONS ON REZONINGS <i>Rezoning must be more than two acres OR an expansion of an existing zone.</i> The rezone request is an expansion of the adjacent D-15 zone district <i>Requests which are substantially the same as a rezoning request rejected within the previous twelve months shall not be considered.</i> A similar request has not been made within the previous twelve months

Rezone Requirements

49.75.120 Restrictions on Rezoning

A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

Zone Change Options and Alternatives

ZONE CHANGE OPTIONS AND ALTERNATIVES

The options are to:

- recommend approval to the Assembly for the request as submitted,
- deny the request as submitted,
- recommend an alternative to the Assembly.

Comprehensive Plan Policies and Guidance

In considering re-zoning requests, the Planning Commission and the Assembly should aim to promote the highest and best use of the land under consideration and all new zoning or re-zoning designations are required to be substantially consistent with the Comprehensive Plan and associated land use maps.

In some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards. (Page 147)

Comprehensive Plan Land Use Designation

The Comprehensive Plan designates this property as MDR, Medium Low Density Residential. MDR is described as:

These lands are characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300) (p. 147).

Subarea 8 of Comprehensive Plan – Predominantly Rural

Rural areas can be found in the forested areas west of the Mendenhall River and in Thane, North Douglas and the out the road areas of Tee Harbor, Lena Cove, and Indian Cove. Residential densities are low at 1 to 3 units per acre. Many of these areas are served by public water but not public sewer service. If and when public sewer service is provided to rural areas, higher residential densities should be permitted in order to make the most efficient use of this sewer resource. Vacant parcels within rural neighborhoods that are provided municipal sewer service should be developed at suburban densities, although with site design and massing that reflects the rural character of the neighborhood (p. 14).

(Emphasis added.)

Level of Service

Table 15- Intersection Level of Service Criteria

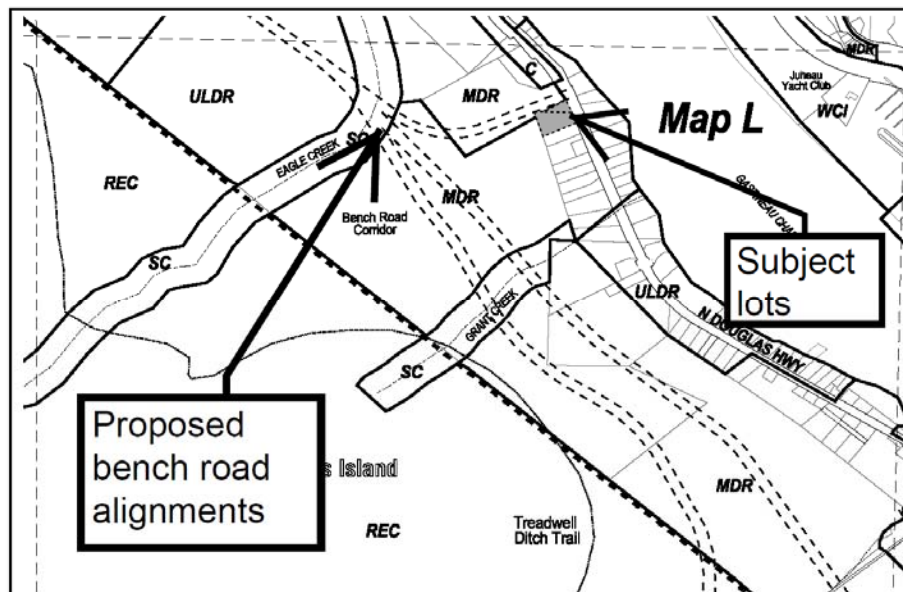
Level of Service	Signalized Control Delay (sec/veh)	Roundabout Control Delay (sec/veh)	General Description
A	≤10	≤10	Free flow
B	>10 – 20	>10-15	Stable flow (slight delays)
C	>20 – 35	>15-25	Stable flow (acceptable delays)
D	>35 – 55	>25-35	Approaching unstable flow (tolerable delay, occasionally wait through more than one signal cycle before proceeding)
E	>55 – 80	>35-50	Unstable flow (intolerable delay)
F	> 80	>50	Forced flow (jammed)

Source: Highway Capacity Manual (TRB, 2000)

North Douglas Traffic Impact Analysis 2009

- Douglas Roundabout and 10th Street intersection only have so much capacity as currently designed.
- Common access points on North Douglas Highway should be pursued where possible.
- Improvements to intersections and 2nd crossing not considered

Bench Road Access



Land Use Code

D-3 zoning districts:

'...intended to accommodate primarily single-family and duplex residential development at a density of three dwelling units per acre. D-3 zoned lands are primarily located outside the urban service boundary where public utilities are not provided. The density reflects the existing pattern of development of properties in the district. There is a limited amount of D-3 zoned lands located within the urban service boundary. These are lands for which a lower density is deemed appropriate or, in the case of transition zones, where the zoning will be changed to a higher density when sewer and water are provided.'

D-15 zoning districts are described as:

'...intended to accommodate primarily multifamily residential development at 15 units per acre respectively. These are relatively low-density multifamily districts.'

Findings

After review of the application materials, the CBJ Land Use Code, and the 2013 Comprehensive Plan, the Director makes the following findings:

1. The request meets the submittal requirements and the rezoning initiation, zone change restrictions, and procedural requirements of the CBJ Land Use Code. The application was timely filed in January, is an expansion of an existing zoning district, and is not similar to a request made in the previous year.
2. Based on the above analysis and discussion, Staff finds that the rezone request substantially conforms to the land use maps of the Comprehensive Plan.

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.

Findings

CBJ 49.75.120. RESTRICTIONS ON REZONINGS.

Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezone requests which are substantially the same as a rezoning request rejected within the previous twelve months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

AME2018 0002

Rezone Requirements

CBJ 49.75.130 – PROCEDURE. A rezoning shall follow the procedure for a major development permit except for the following:

- (1) The commission decision for approval shall constitute only a recommendation to the assembly.*
- (2) As soon as possible after the commission's recommendation, the assembly shall provide public notice and hold a public hearing on the proposed rezoning. A rezoning shall be adopted by ordinance, and any conditions thereon shall be contained in the ordinance. Upon adoption of any such ordinance, the director shall cause the official zoning map to be changed in accordance therewith.*
- (3) The commission decision for denial shall constitute a final agency decision on the matter which will not be presented to the assembly unless it is appealed to the assembly in accordance with CBJ 49.20.120.*



Planning Commission

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

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: June 4, 2018

File No.: AME2018 0002

City and Borough of Juneau
City and Borough Assembly
155 South Seward Street
Juneau, AK 99801

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a rezone request from D-3 to D-15 along North Douglas Highway.

Property Address: 4535 North Douglas Highway

Legal Description: USS 2335 Fraction & USS 2305 Lot 9 Fraction

Parcel Code Number: 6D0601130120

Hearing Date: May 22, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 12, 2018, and recommended that the City and Borough Assembly adopt staff's recommendation for the rezone of two lots consisting of 1.64 acres from D-3 to D-15 by adopting the zoning of an adjacent lot.

Attachments: May 12, 2018, memorandum from Tim Felstead, Community Development, to the CBJ Planning Commission regarding AME2018 0002.

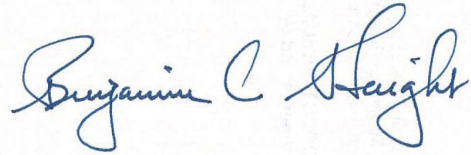
This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of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

City and Borough Assembly
File No.: AME2018 0002
June 4, 2018
Page 2 of 2

Project Planner: _____



Tim Felstead, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

June 5, 2018

Date

cc: Plan Review

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



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

DATE: May 14, 2018

TO: Planning Commission

FROM: Amy Liu, Planner 
Community Development Department

CASE NO.: USE2018 0003

PROPOSAL: Conditional Use Permit for a year-round bed and breakfast.

GENERAL INFORMATION

Applicant: Gretchen Powers

Property Owner: Gretchen Powers

Property Address: 10497 Fox Farm Trail

Legal Description: Lot 11, Spruce Point Estates

Parcel Code Number: 4B2001030150

Site Size: 22,966 Square Feet

Comprehensive Plan Future Land Use Designation: Rural Low Density Residential

Zoning: D1

Utilities: City water and private septic

Access: Fox Farm Trail

Existing Land Use: Single Family Residence

Surrounding Land Use:

- North - D-1/Single Family Residence
- South - D-1/Single Family Residence
- East - D-1/Single Family Residential
- West - Auke Bay

Planning Commission
Case No.: USE 2018 0003
May 14, 2018
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VICINITY MAP



ATTACHMENTS

- Attachment A – Conditional Use Application
- Attachment B – Notice of Decision for case USE2014 0017
- Attachment C – Staff Report for case USE2014 0017
- Attachment D – Public Notice
- Attachment E – Public Comment
- Attachment F – 1989 Plat Spruce Point Estates
- Attachment G – As-built
- Attachment H – Floor Plan
- Attachment I – Lighting and Circulation Plan
- Attachment J – Assessor’s Comment

Planning Commission
Case No.: USE 2018 0003
May 14, 2018
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PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a year round four bedroom bed and breakfast in a D-1 zoning district. The existing home has four bedrooms, three of which would be used as guest rooms.

BACKGROUND

The applicant purchased the four bedroom single family residence located at 10497 Fox Farm Trail in June 2014 with the intent to operate a bed and breakfast. The lot was platted in 1989 as part of the Spruce Point Estates Subdivision (Attachment F). The single family residence was built in 1991.

Conditional Use Permit, USE2014 0017 was approved on January 27, 2015 for the operation of a bed and breakfast at 10497 Fox Farm Trail with three conditions (Attachment B):

- 1. The bed and breakfast shall not exceed a maximum occupancy of 8 guests and 2 owners/caretakers.*
- 2. Outdoor events shall be limited to 10 p.m. Monday through Thursday and midnight Friday and Saturday.*
- 3. The applicants shall submit a list of house rules that address noise, trespassing and parking to the Community Development Department.*

The applicant did not submit the list of House Rules prior to the permit's expiration date, July 27, 2016, and thus did not meet condition #3. The applicant has included house rules in the application for USE2018 0003. The proposed bed and breakfast operation has not changed from that reviewed in USE2014 0017.

Public Comment – Several members of the public expressed concern regarding potential for trespassing, on-street parking, noise, and increased foot traffic along the waterfront. Staff addressed comments by referring to the project's House Rules, compliance with CBJ code, and an existing public park easement along the shore.

One commenter wrote in support of the bed and breakfast, and also requested more information regarding onsite parking, noise mitigation, and restricting the number of guests. Staff was able to provide requested information. The commenter also suggested that outdoor events be limited to 10:00 pm for every day of the week and that bonfires be prohibited. Staff's recommended conditions for USE2018 0003 are unchanged from conditions for USE2014 0017 (Attachment E).

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ANALYSIS

Project Site – The site is a 22,966 square foot lot in a D-1 zoning district and is located near the cul de sac of Fox Farm Trail on the west side of the Mendenhall Peninsula. Fox Farm Trail is a CBJ maintained roadway. The lot is bordered by trees on the front and two side property lines. Adjacent lots are developed with single family residences. There is a 30 foot wide public park easement that runs along the shore of the subject lot and neighboring lots (Attachment F).

CBJ 49.80.120 defines a bed and breakfast as, “a dwelling in which more than two bedrooms are used for commercial lodging provided by the owner or operator who lives on site”. According to CBJ 49.25.300 *Table of Permissible Uses*, bed and breakfasts are allowed in the D-1 zoning district with an approved Conditional Use Permit.

The applicant’s home meets the zoning district’s setback requirements. The dwelling is 25 feet from the front lot line, 40 feet from the rear lot line, an average of 15.9 feet from the northern side lot line, and 50 feet from the southern side lot line (Attachment G). The required setbacks for the D1 zoning district are 25 feet for the front, 25 feet for the rear, and 10 feet for the side.

Project Design – The single family residence is 3,123 square feet with four bedrooms and three bathrooms. The upper floor of the residence consists of a garage, dining room, living room, kitchen, one full bathroom and one bedroom. The lower floor consists of three bedrooms, two bathrooms, and laundry facilities. There is access to a large deck from the bottom floor.

The upper floor bedroom is for the applicant. The other three bedrooms are for guests. Upgrades to plumbing and heating systems and other minor interior remodeling were done in the past four years. The proposed bed and breakfast does not change the footprint or the exterior of the home (Attachment H).

Per condition #1 of the Notice of Decision (NOD) for USE2014 0017, the bed and breakfast is limited to no more than eight guests at a time. Of three guest bedrooms, one room will have a king size bed, one room will have a queen sized bed, and one room will have two bunk beds. John Young, CBJ Building Plan Reviewer, stated that the International Building Code allows residences that are transient in nature to adhere to standard residential construction standards if they contain 10 or fewer occupants.

Traffic – The property is located in a low density residential neighborhood near the end of the Fox Farm Trail cul de sac. Traffic consists of residents leaving and returning to their residences. According to the 9th Edition of the ITE Trip Generation Manual, a single-family home is estimated to generate approximately 10 average daily trips (ADT). The Manual does not include estimates for bed-and-breakfasts. However, there is an estimate for a “single hotel room”. Staff estimates that the three guest rooms will generate approximately 4 ADT per guest bedroom. The combined total of all trips is 22 ADT. CBJ 49.40.300 states that a traffic impact analysis is not required when a development is projected to generate less than 250 average trips in a day.

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A traffic impact analysis is not required. Staff does not anticipate traffic generated by the bed and breakfast to adversely affect traffic flow on Fox Farm Trail.

Parking and Circulation – Per CBJ 49.40.210, the parking requirement for a bed and breakfast is one space per two guest bedrooms. The parking requirement for a single family residence is two spaces. The total parking requirement is four spaces. A standard parking space is 8.5' x 17'. The site has a two car garage and a 20' x 42' driveway. The site can accommodate six vehicles, which exceeds the minimum parking requirement. House Rules explicitly prohibit on-street parking (Attachment I).

Noise – There is potential for guests gathered on the outdoor patio or beach to disturb neighbors to the north and south. There may be noise from guests arriving and departing. As such, the applicant has established guidelines for guests that address noise. In the House Rules (Attachment A), outdoor events are limited to no later than 10:00 p.m. from Monday through Thursday, and no later than midnight on Friday and Saturday. Children younger than 12 years old and pets are not allowed. The applicant will live onsite to manage activity. These rules, along with the occupancy limit condition and the existing vegetative buffer between properties, is expected to mitigate noise impacts to neighbors.

Public Health or Safety – The owner has upgraded the onsite septic system to meet Alaska Department of Environmental Conservation standards. The owner has also upgraded the plumbing, heating, and alarm systems for smoke and carbon dioxide. Lights illuminate the driveway and front door to the house to facilitate safe entry and exit. Glare from lights is shielded by surrounding vegetation.

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

Property Value or Neighborhood Harmony – The Spruce Point Estates Declaration of Protective Covenants, Conditions, and Restrictions does not specifically mention uses that are restricted in the subdivision. The House Rules establishes conduct for guests are intended to maintain neighborhood harmony. Guidelines specifically prohibit on street parking, excessive noise, trespassing onto neighboring property, smoking, pets, and children younger than 12 years old. The CBJ Assessor expressed that she found nothing of concern regarding the bed and breakfast application.

Conformity with Adopted Plans – The Comprehensive Plan identifies the need to promote independent and over-night travelers and promote “development that supports year-round visitor services and activities”. Further, Policy 5.4 in the Comprehensive Plan states:

POLICY 5.4 TO ENCOURAGE TOURISM, CONVENTION AND OTHER VISITOR-RELATED SERVICES, WHILE PROTECTING JUNEAU’S NATURAL, CULTURAL AND ECONOMIC ATTRACTIONS FOR LOCAL RESIDENTS AND VISITORS ALIKE, AND TO PARTICIPATE IN THE

Planning Commission
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ACCOMMODATION OF THE FUTURE GROWTH OF TOURISM IN A MANNER THAT ADDRESSES BOTH COMMUNITY AND INDUSTRY CONCERNS.

A small locally owned and operated bed and breakfast meets the intent of this policy.

FINDINGS

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

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

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

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

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

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

1. Is the application for the requested conditional use permit complete?

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 1.610 for the D1 zoning district.

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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 May 11 and May 21, 2018 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. Based on the preceding analysis no evidence is found to indicate that the proposed use, 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 preceding analysis no evidence is found to indicate that the proposed use, with conditions, will substantially decrease the value of or be out of harmony with property in the neighboring area.

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

Yes. Based on the preceding analysis it is found that the proposed development is in general conformity with the Comprehensive Plan of the City and Borough of Juneau.

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 year-round bed and breakfast.

The approval is subject to the following conditions:

1. The bed and breakfast shall not exceed a maximum occupancy of 8 guests and 2 owners/caretakers.
2. Outdoor events shall be limited to 10 p.m. Monday through Thursday and midnight Friday and Saturday.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: <u>April 4, 2018</u>
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description <u>to operate a B&B from home</u>		
	PROPERTY LOCATION		
	Street Address <u>10497 Fox Farm Tr.</u>		City/Zip <u>Juneau, AK 99801</u>
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>Lot 11, Spruce Pt. Estates, Plat 89-11a Juneau Record Dist.</u>		
	Assessor's Parcel Number(s) <u>4B2001030150</u>		
	LANDOWNER/ LESSEE		
	Property Owner's Name <u>Gretchen Powers</u>		Contact Person: <u>Gretchen</u> Work Phone: <u>723-1822</u>
	Mailing Address <u>10497 Fox Farm Tr.</u>		Home Phone: <u>723-1822</u> Fax Number: <u>NONE</u>
	E-mail Address <u>gretchenem@gmail.com</u>		Other Contact Phone Number(s):
	PROJECT / APPLICANT	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****	
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:			
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.			
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X		<u>Gretchen Powers</u> Landowner/Lessee Signature	Date <u>4/4/2018</u>
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 <u>SAME</u>		Contact Person: Work Phone:	
Mailing Address		Home Phone: Fax Number:	
E-mail Address		Other Contact Phone Number(s):	
X	<u>Gretchen Powers</u> Applicant's Signature	Date of Application <u>4/4/2018</u>	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE				
	☒	Permit Type Building/Grading Permit	**SIGN	Date Received	Application Number(s)
		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		<u>4/4/18</u>	<u>USE2018003</u>
		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 <u>TC</u>	

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number <u>Use 20180003</u>	Date Received <u>4/4/2018</u>																																			
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: <u>Bed & Breakfast</u>																																						
***An Accessory Apartment Application will also be required.																																						
DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. <u>To create a B & B out of our existing bedroom here</u>																																						
IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☒ NO ☐ YES – Case # _____																																						
CURRENT USE OF LAND OR BUILDING(S): <u>Residential, Zoned D-1</u>																																						
PROPOSED USE OF LAND OR BUILDING(S): <u>Private Residence & B & B</u>																																						
UTILITIES PROPOSED: WATER: ☒ Public ☐ On Site SEWER: ☐ Public ☒ On Site																																						
SITE AND BUILDING SPECIFICS: Total Area of Lot <u>22,966</u> square feet Total Area of Existing Structure(s) <u>4391</u> square feet Total Area of Proposed Structure(s) <u>0</u> square feet <u>(3161 occupied)</u>																																						
EXTERNAL LIGHTING: Existing to remain ☐ No ☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures Proposed ☐ No ☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures																																						
PROJECT NARRATIVE AND SUBMITTAL CHECKLIST: ☐ Site Plan ☐ Floor Plan of proposed buildings ☐ Elevation view of existing and proposed buildings ☐ Proposed Vegetative Cover ☐ Existing and proposed parking areas (including dimensions) and proposed traffic circulation ☐ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)																																						
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.		<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 style="text-align: right;">\$ <u>500.00</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Admin. of Guarantee</td> <td style="text-align: right;">\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Adjustment</td> <td style="text-align: right;">\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td style="text-align: right;">\$ <u>50.00</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td style="text-align: right;">\$ <u>100.00</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td style="text-align: right;">\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>		ALLOWABLE/CONDITIONAL USE FEES	Fees	Check No.	Receipt	Date	Application Fees	\$ <u>500.00</u>	_____	_____	_____	Admin. of Guarantee	\$ _____	_____	_____	_____	Adjustment	\$ _____	_____	_____	_____	Pub. Not. Sign Fee	\$ <u>50.00</u>	_____	_____	_____	Pub. Not. Sign Deposit	\$ <u>100.00</u>	_____	_____	_____	Total Fee	\$ _____	_____	_____	_____
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NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Allowable/Conditional Use Permit Application Instructions

Pre-Application Conference: A pre-application conference is required prior to submitting an application. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via e-mail at permits@juneau.org.

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

Forms: A completed Allowable/Conditional Use Permit Application and Development Permit Application form. The "land owner or lessee consent" signature is mandatory for all landowners on the Development Permit Application form.

Fees: The fee is dependent upon the class of the proposed use. Land Use fees generally range from \$350 to \$1,600. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.

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

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

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

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

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

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

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

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

Public Notice Responsibilities: As part of the Allowable/Conditional Use permitting process, all permit requests must be given proper public notice, which consists of the following:

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

Applicant: Will post a sign on the site at least 14-days prior to the meeting. The sign shall be visible from a public right-of-way or where determined to be appropriate by the Department. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned by 4:30 p.m. on the Monday following the scheduled hearing date. If the sign is returned later than the Monday after the Planning Commission meeting, but within two weeks of the meeting, \$50.00 may be refunded. The applicant may make and erect their own sign. Please speak with the Community Development Department for more information.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



Community Development

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

DATE: January 16, 2015

TO: Planning Commission

FROM: Chrissy McNally, Planner *Chrissy McNally*
Community Development Department

FILE NO.: USE2014 0017

PROPOSAL: Conditional Use to operate a 4 bedroom bed and breakfast in the D-1 zoning district.

GENERAL INFORMATION

Applicant: Russell & Gretchen Powers

Property Owner: Russell & Gretchen Powers

Property Address: 10497 Fox Farm Trail

Legal Description: Spruce Point Estates Lot 11

Parcel Code Number: 4-B20-0-103-0-150-0

Site Size: 0.53 Acres

Comprehensive Plan Future Land Use Designation: Rural Low Density Residential (RLDR)

Zoning: D-1

Utilities: City water & private septic

Access: Fox Farm Trail

Existing Land Use: Single Family Residence

Surrounding Land Use:

North	-	D-1/Single Family Residence/Auke Bay
South	-	D-1/Single Family Residence/Auke Bay

November 3, 2014

City/Borough of Juneau
Permit Center
230 S. Franklin St.
Juneau, AK 99801

Proposal: Application for Conditional Use Permit, Case Number PAC20140032

We are requesting a conditional use permit to operate a year round bed and breakfast from our home at 10497 Fox Farm Trail. Attachment A is an "as built" survey showing the homes' orientation on the lot. Attachment B shows the 2 story floor plan & attic storage. Attachment C is our site plan with lighting, parking, & traffic flow.

This home was constructed in 1992, with 4 bedrooms and 3 bathrooms, located in a D-1 residential zoning district. The site is a low density waterfront wooded peninsular area of Juneau. This home has had no updates in the last 15 years, except for a new deck and greenhouse in 2007. We plan to update the plumbing & heating systems, install interior soundproofing, updated smoke & CO alarm system, interior paint, & floor coverings in the near future. No structural changes are planned. The front of the garage is 42' from the street, the north side of the home is 15.4' from the treed property line, the south side is over 50' from the treed property line, and the rear of the lot is tidewater.

Lighting- There are five 100 watt exterior lights for the front entryway and driveway. A neighborhood street light is located on the north side of our driveway, providing additional illumination. We plan on not changing the current lighting.

Parking- There are 2 parking spaces in the garage and space for 4 vehicles in the 20' wide by 42' long driveway. Providing off street parking is an important aspect for us. We are open to increasing the parking space into the yard area if it becomes an issue in the future.

Proposed Traffic Circulation- Traffic in this neighborhood consists of residents driving to and from their homes and light traffic from sight seers, as this is the last cul-de-sac on Fritz Cove Rd. Our proposal will have minimal effect on the current traffic flow.

Island View B&B Policies

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APR 04 2018

PERMIT CENTER/CDD

Reservations and Payment

Reservations will be taken online and must be guaranteed with a major credit card. An advance payment will be required of the first night's stay plus applicable Alaska state tax and local bed tax equivalent to 12% of the room rate. Payment in full is due upon check-in. Refunds will not be made for delayed check-in or early departure. The Island View B&B accepts cash, traveler's checks, Visa, MasterCard, and American Express credit cards. Checks will not be accepted less than 14 days before arrival date.

Security Deposit

Credit card and signature authorization will be kept on file for security deposit. Guests agree that an appropriate/replacement fee will be charged to the credit card on file for any missing items and/or damage to flooring, carpet, furnishings, walls, or damage to any other property owned by the Island View B&B. Inspection will occur before departure of guest.

Minimum Stay

A two night minimum stay is required.

Cancellations

- Should you wish to cancel or change your reservation for any reason, we require notification via telephone. We are a small privately-owned business so cancellations affect us to a great extent. A processing fee of \$30 will be charged for all cancellations unless made within 24 hours of the time the reservation was confirmed.
- The full amount of the reservation will be charged for cancellations 20 days or less from date of arrival.
- Cancellations over 20 days will forfeit the deposit and be charged for any additional nights if we are unable to re-book the room. If we are able to re-book your room, your deposit less a \$30 processing fee plus 10% of the reservation total will be refunded.
- Shortened stays and early check-outs will be responsible for the full amount of the reservation.
- Once a reservation is made we cannot refund money for cancellations on the following holidays: New Year's Day, Valentine's Day, Memorial Day weekend, the 4th of July, and Labor Day weekend.

Additional Guests

Rates are based on double occupancy. Two people per room maximum.

Check-in and Check-Out Times

- Check-in time: 3:00 pm-7:00 pm. Early or late arrivals must be prearranged prior to arrival date by email or by telephone 1-907-723-1822.
- Check-out: 11:00am. Late check out may not be possible due to new guest arrivals. If you are able to check out late up to 1:00 pm a late check out fee of \$40 will be assessed. After 1:00 pm guests will be charged full nightly rate. We are more than happy to look after luggage as needed.

Smoking

For the comfort of all of our guests we are a smoke-free property. Smoking in a non-designated area will result in a minimum \$350 cleaning recovery fee. Use of candles, tobacco, incense, or charcoal briquettes are prohibited due to insurance regulations.

Children

Although we are fond of children we cannot accept children younger than 12 years old.

Pets

Pets are not allowed.

Beach Area

Registered guests may enjoy the beach, but we ask that no one go beyond the Island View property. Our neighbors' beach areas are private property. It is important that our neighbors not be disturbed.

Quiet Time:

We ask that voices, television noise, and radios be kept low before 7:00 am.

Quiet time on the property is 10:00pm Sunday through Thursday and 12:00am on Friday and Saturday. The fire pit must be extinguished no later than these hours, and the hot tub will be closed after these hours.

Parking

Parking is available in the driveway. Parking on the street is not allowed.

Bath Oils in the Hot Tub

Not allowed.

Write a Review

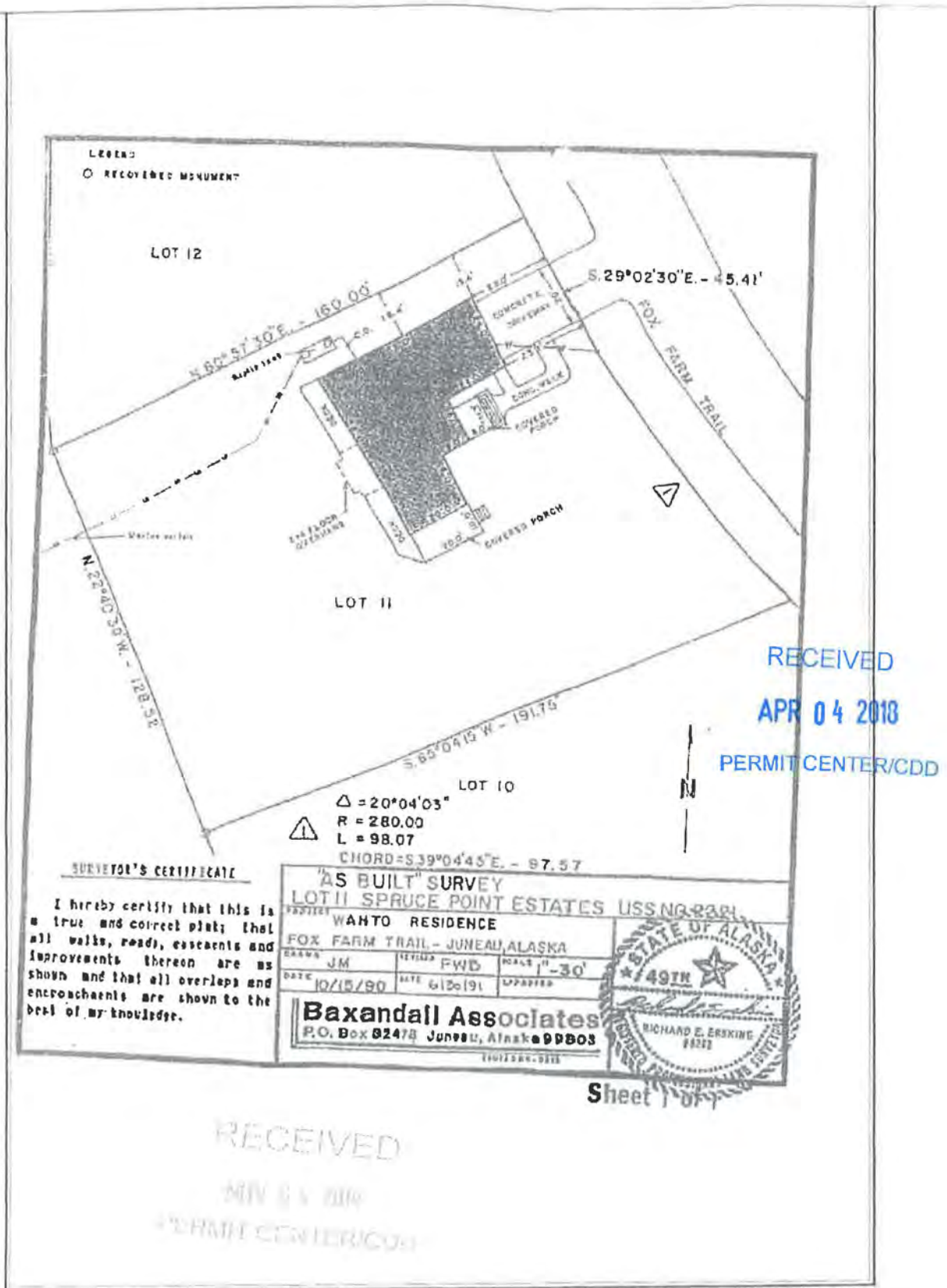
It is important to the owners to know how your visit went so if you will take the time to fill out the provided questionnaire we would appreciate it.

Thank you,

Gretchen & Rusty Powers

$$Scale: 1'' = 25'$$

Attachment A



East - Auke Bay
West - D-1/Single Family Residential

Vicinity Map



ATTACHMENTS

Attachment A: Conditional Use application
Attachment B: 1989 Plat Spruce Point Estates
Attachment C: As-built
Attachment D: Front of residence
Attachment E: Floor plan
Attachment F: Lighting and circulation plan
Attachment G: Letter from Gary Hayden, P.E.
Attachment H: Public comment
Attachment I: Public notice

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APR 04 2018
PERMIT CENTER/CDD

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a year round 4 bedroom bed and breakfast in the D-1 zoning district.

Planning Commission
File No.: USE2014 0017
January 16, 2015
Page 3 of 9

BACKGROUND

The applicants purchased the single family residence located at 10497 Fox Farm Trail in June 2014 with the intent to operate a bed and breakfast. The lot was platted in 1989 as part of the Spruce Point Estates Subdivision, and the single family residence was built in 1991.

ANALYSIS

Project Site – CBJ 49.80.120 defines a bed and breakfast as, “a dwelling in which more than two bedrooms are used for commercial lodging provided by the owner or operator who lives on site”. The site is located in a D-1 zoning district on the west side of Mendenhall Peninsula in a low density residential neighborhood. According to CBJ 49.25.300 *Table of Permissible Uses* bed and breakfasts are allowed in the D-1 zoning district with a Conditional Use Permit.

The subject site is 22,966 square feet and was platted in 1989 as part of the Spruce Point Estates Subdivision. It is located near the cul-de-sac of Fox Farm Trail. Fox Farm Trail is a CBJ maintained roadway. There are 21 lots in the subdivision which are governed by 24 covenants and a Homeowners Association. There is a shared boat dock for members of the subdivision; however, its use requires an annual fee (see Vicinity Map).

The subject site is lined with large evergreen and deciduous trees on both the north and south property lines (Figure 1). Both these property lines border single family residences. Additional trees were recently planted along the front yard property line (Attachment D). There is a pedestrian access easement to the shoreline along the southern property line (Figure 1). The rear of the property is a tidewater lot line. The distance from the residence to the northern property line is approximately 15 feet. The distance from the residence to the southern property line is approximately 50 feet.

The top floor of the residence contains the garage, dining room, living room, kitchen, one full bathroom and one bedroom. The bottom floor contains three bedrooms, two bathrooms, and laundry facilities. There is access to a large deck from the bottom floor (Figure 2).

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Figure1: Site Aerial



Figure 2: Rear of house looking from tideline

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Project Design – The single family residence is 3,123 square feet with 4 bedrooms and 3 bathrooms. According to the applicant, there is an attic space they plan to convert to their personal bedroom. Therefore, before this work is complete three bedrooms will serve as rentals and one bedroom will be used by the owners. Following completion of the attic bedroom, four bedrooms would be available to rent. The owners intend to upgrade the plumbing and heating systems as well as other minor interior improvements.

Currently, the proposed bed and breakfast is limited to no more than eight guests at a time. According to John Young, CBJ Building Plan Reviewer, the International Building Code allows residences that contain sleeping units that are transient in nature to adhere to standard residential construction standards if they contain 10 or fewer individuals. Beyond ten individuals, stricter construction requirements would be required for the residence. Title 49, the Land Use Code, does not list a maximum number of allowable bedrooms for a bed breakfast.

Traffic – The property is located in a low density residential neighborhood near the end of the Fox Farm Trail cul-de-sac. Traffic consists of residents traveling to and from their residences. According to the applicant, there are also occasional sight seers. There is no expectation that traffic generated by the proposed bed and breakfast would adversely affect traffic flow on Fox Farm Trail.

Staff received comments from two adjacent property owners that were concerned about increased traffic in the neighborhood as a result of the proposed bed and breakfast. The neighbor to the north is concerned about on-street parking in front of their property.

Parking and Circulation – The parking requirement for a bed and breakfast is 1 space per 2 bedrooms. The parking requirement for a single family residence is 2 spaces. Therefore, a total of 4 parking spaces are required for this development. The parking space requirements in CBJ 49.40.210(b)(1) require a parking space to be 8.5 feet wide and 17 feet long. The site has a two car garage and a 20 foot wide by 42 foot long driveway. Therefore, the site can accommodate 6 vehicles, exceeding the minimum parking requirement. However, one car per rented bedroom is a reasonable expectation. With four available parking spaces in the driveway, the site can accommodate one car per rented bedroom.

The neighbor to the north commented that they are concerned bed and breakfast guests will park in front of their property on the street (Attachment H). However, they have spoken to the applicants about their concerns and believe the applicants will maintain sufficient off-street parking for guests.

Noise – With the recommended condition of 8 guests, the proposed bed and breakfast would have 10 individuals on site. There is the potential for guests gathered on the outdoor patio or beach to disturb neighbors to the north and south. There may also be additional noise from guests arriving and departing. The applicants have stated that they intend to establish guidelines for guests that

Planning Commission
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will address noise.

Based on adjacent property concerns, staff recommends that a condition be placed on the proposed use that outdoor events be limited to no later than 10 p.m. Monday through Thursday and midnight on Fridays and Saturdays. This condition along with the occupancy limit condition and with existing vegetative buffer between properties is expected to mitigate off site noise impacts.

Public Health or Safety – The owners have hired an engineer to upgrade the onsite septic system to meet Alaska Department of Environmental Conservation standards (Attachment F). As previously mentioned the owners intend to upgrade the plumbing and heating systems and smoke and carbon dioxide alarm systems.

There are lights illuminating the driveway and entryway to the house. These will provide for safe entry and exist for the proposed bed and breakfast (Attachment F). Sufficient off-street parking is provided for the proposed use, ensuring guests will not park in the right-of-way disturbing traffic and pedestrians.

Neighbors have commented that they are concerned with guests walking on the shorelines and any liability that may occur if someone were injured on their property. Staff informed the applicant of this concern, and they intend to address trespassing with each guest.

Habitat – There are no eagle nests, anadromous fish streams, wetlands, or other sensitive areas on the subject site.

Property Value or Neighborhood Harmony –The Spruce Point Estates *Declaration of Protective Covenants, Conditions and Restrictions* do not specifically mention uses that are restricted in the subdivision. The document does state that one professional sign of one and one half square feet is allowed at each property.

The owner of the property at the end of the cul-de-sac wrote a letter in support of the use. However, staff received two email statements from neighboring property owners opposing the use (Attachment H). The adjacent property owner to the north stated they are not opposed to the use, but want to ensure guests will not trespass on their property, sufficient off-street parking will be provided, and nighttime noise will not disturb adjacent property owners.

Staff received a call from one neighboring property owner that was concerned about guests using the neighborhood dock. Use of this dock requires paid membership and is accessed through a private property. When the applicants purchased the property they opted not to pay for rights to use the dock.

The applicants have stated that they intend to establish guidelines for guests to protect the privacy of adjacent property owners. Based on the concerns of neighboring property owners, available off-

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street parking and the International Building Code requirement previously mentioned, staff recommends a condition that the bed and breakfast be limited to eight guests– 2 per bedroom.

Conformity with Adopted Plans – The subject site is designated as Rural Low Density Residential (RLDR) on the Comprehensive Plan Land Use maps. RLDR is defined as

Rural residential land at densities of one to three dwelling units per acre, based on existing platting and capability of the land to accommodate on-site septic systems and wells or whether the land is served by municipal water and sewer service

Issuance of a conditional use permit for a four bedroom bed and breakfast is allowable based on CBJ 49.25.300 Section 1.610 *Table of Permissible Uses*. The Comprehensive Plan identifies the need to promote independent and over-night travelers and promote “development that supports year-round visitor services and activities”. Further, Policy 5.4 in the Comprehensive Plan states:

POLICY 5.4 TO ENCOURAGE TOURISM, CONVENTION AND OTHER VISITOR-RELATED SERVICES, WHILE PROTECTING JUNEAU’S NATURAL, CULTURAL AND ECONOMIC ATTRACTIONS FOR LOCAL RESIDENTS AND VISITORS ALIKE, AND TO PARTICIPATE IN THE ACCOMMODATION OF THE FUTURE GROWTH OF TOURISM IN A MANNER THAT ADDRESSES BOTH COMMUNITY AND INDUSTRY CONCERNS.

A small locally owned and operated bed and breakfast fits within this vision set forth in the Comprehensive Plan.

FINDINGS

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

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
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

Planning Commission
 File No.: USE2014 0017
 January 16, 2015
 Page 8 of 9

development will more probably than not:

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

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

1. Is the application for the requested conditional use permit complete?

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 1.610 for the D-1 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 December 6, 2014 and December 15, 2014 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. Based on the preceding staff analysis, no evidence is found to indicate that the proposed use, 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. There is no evidence to suggest that the proposed development will decrease property values in the neighboring area. With appropriate conditions, this development will not substantially be out of harmony with property in the neighboring area.

Planning Commission
File No.: USE2014 0017
January 16, 2015
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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 staff analysis, it is found that the proposed development is in general conformity with the Comprehensive Plan of the City and Borough of Juneau.

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

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

N/A

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit, USE2014 0017. The permit would allow the development of a 4 bedroom bed and breakfast in the D-1 zoning district subject to the following conditions:

1. The bed and breakfast shall not exceed a maximum occupancy of 8 guests and 2 owners/caretakers.
2. Outdoor events shall be limited to 10 p.m. Monday through Thursday and midnight Friday and Saturday.
3. The applicants shall submit a list of house rules that address noise, trespassing and parking to the Community Development Department.

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APR 04 2013

PERMIT CENTER/CDD

November 3, 2014

City/Borough of Juneau
Permit Center
230 S. Franklin St.
Juneau, AK 99801

Proposal: Application for Conditional Use Permit, Case Number PAC20140032

We are requesting a conditional use permit to operate a year round bed and breakfast from our home at 10497 Fox Farm Trail. Attachment A is an "as built" survey showing the homes' orientation on the lot. Attachment B shows the 2 story floor plan & attic storage. Attachment C is our site plan with lighting, parking, & traffic flow.

This home was constructed in 1992, with 4 bedrooms and 3 bathrooms, located in a D-1 residential zoning district. The site is a low density waterfront wooded peninsular area of Juneau. This home has had no updates in the last 15 years, except for a new deck and greenhouse in 2007. We plan to update the plumbing & heating systems, install interior soundproofing, updated smoke & CO alarm system, interior paint, & floor coverings in the near future. No structural changes are planned. The front of the garage is 42' from the street, the north side of the home is 15.4' from the treed property line, the south side is over 50' from the treed property line, and the rear of the lot is tidewater.

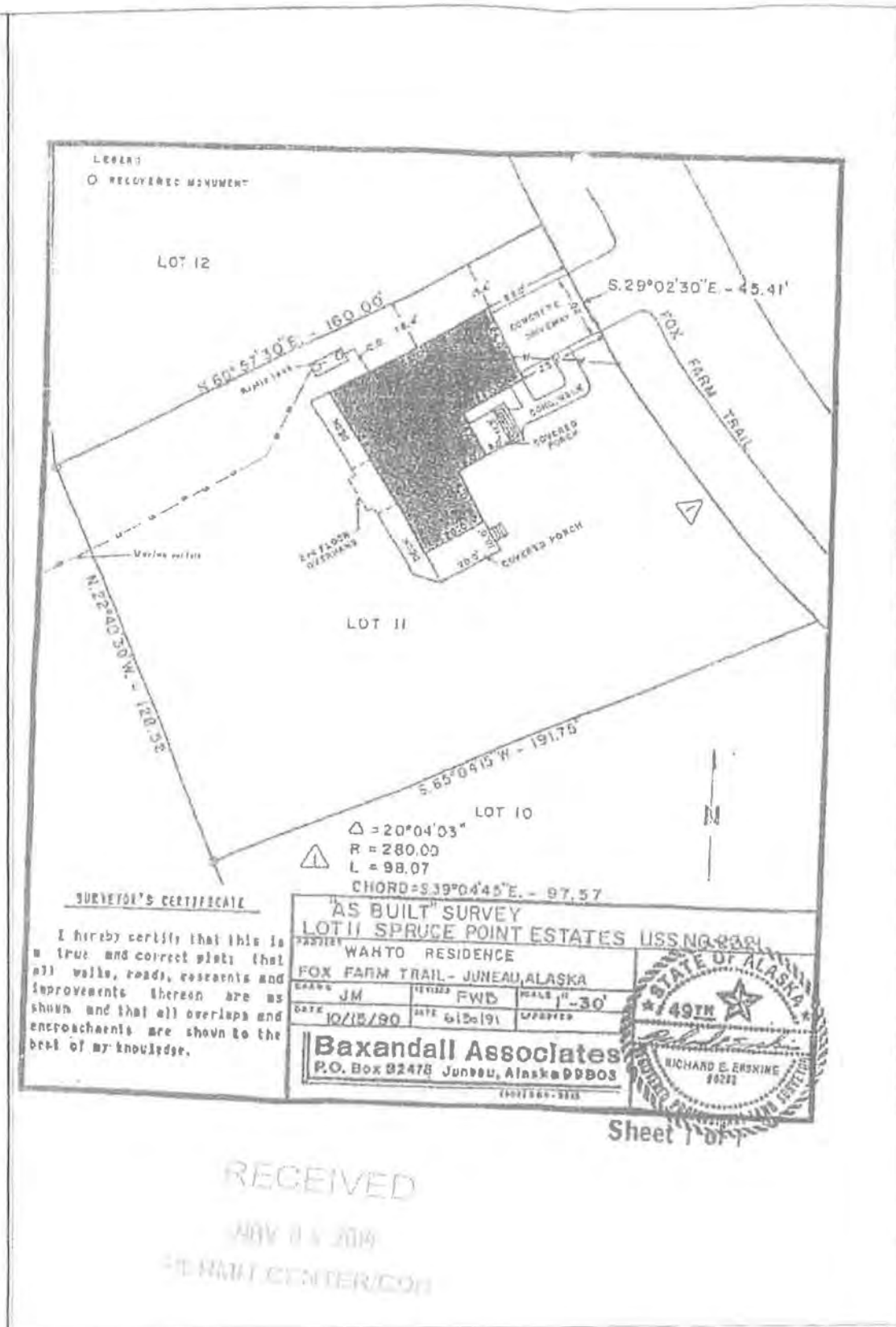
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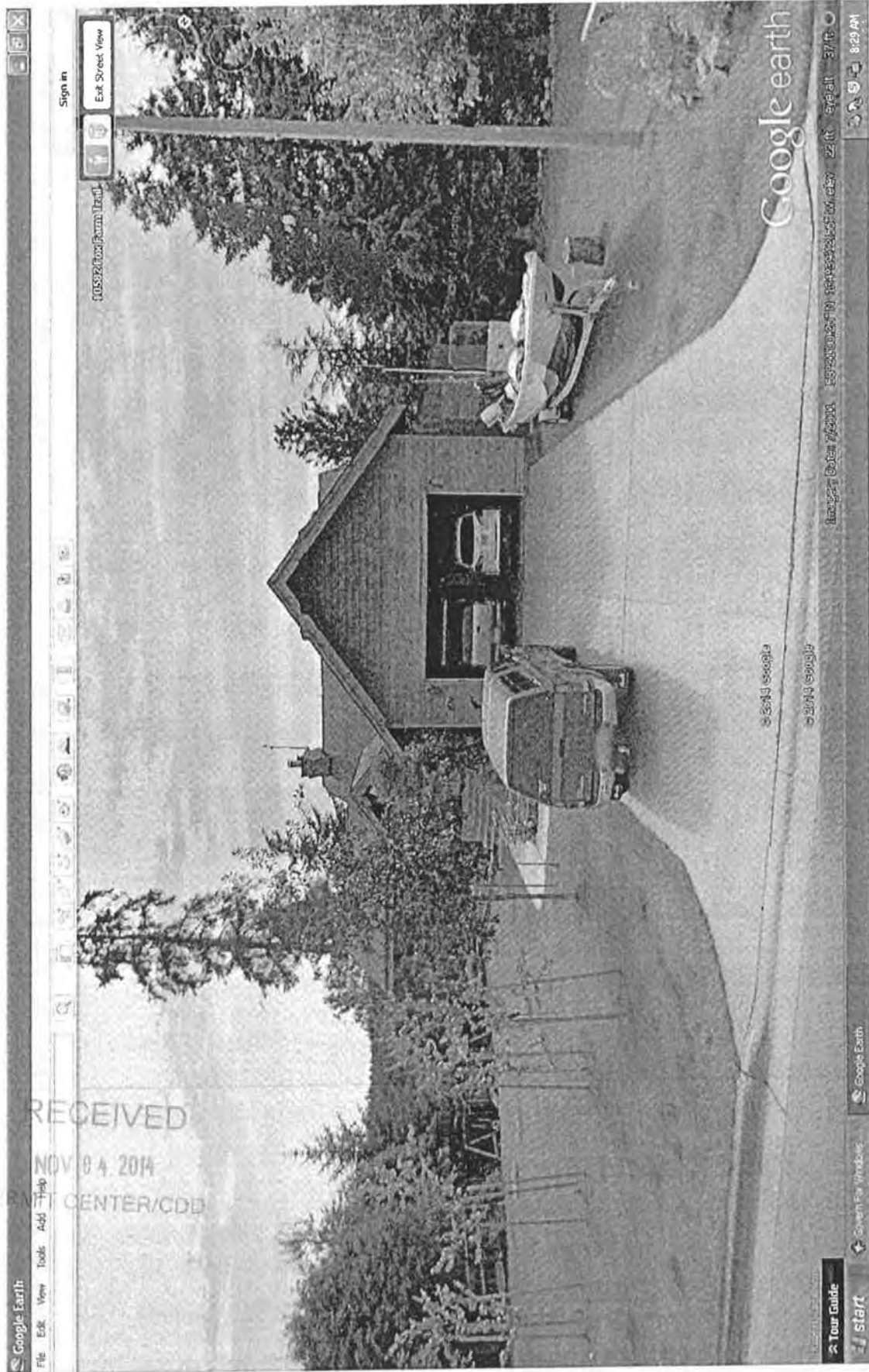
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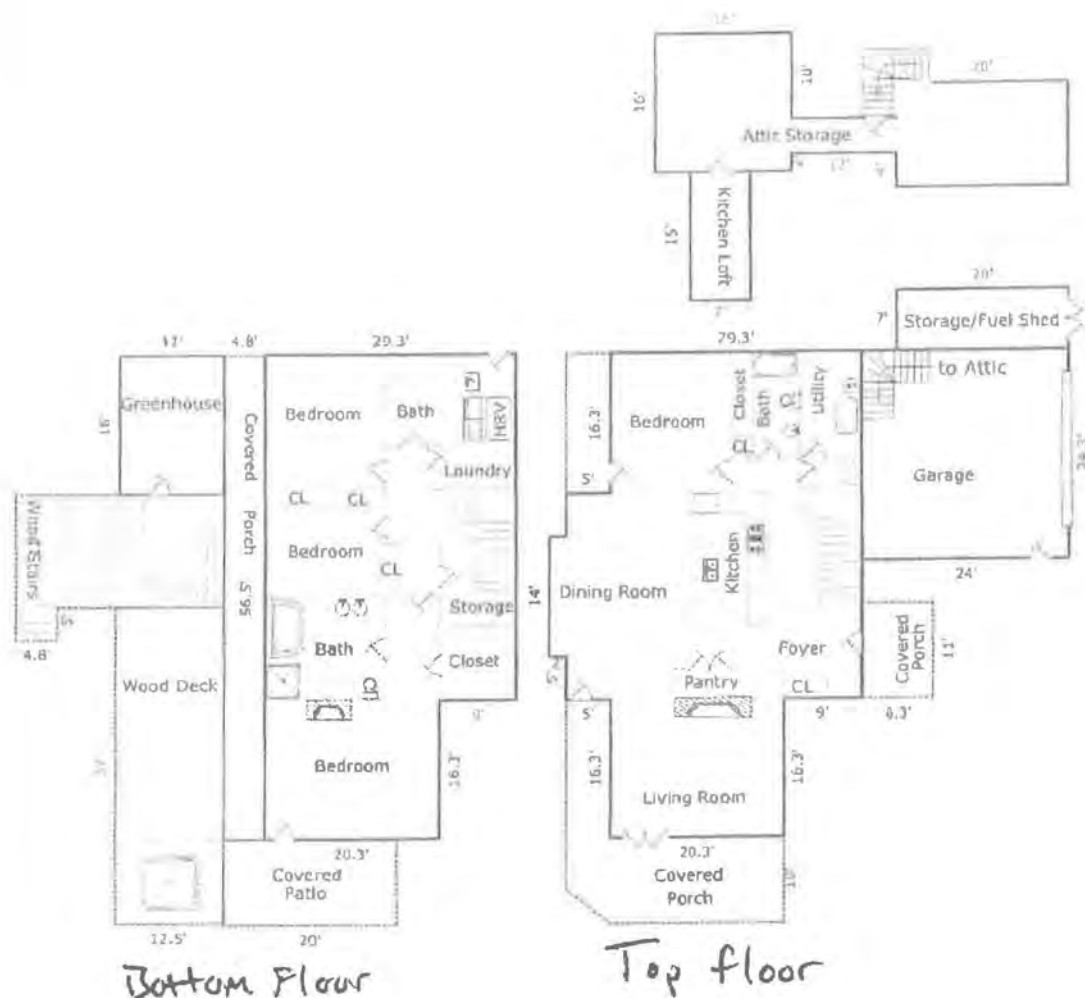
Proposed Traffic Circulation- Traffic in this neighborhood consists of residents driving to and from their homes and light traffic from sight seers, as this is the last cul-de-sac on Fritz Cove Rd. Our proposal will have minimal effect on the current traffic flow.



Attachment A







Sketch by Apex Sketch v8 Standard™

Comments: All calculations are approximate. Room and utility placement is estimated for visualization.

AREA CALCULATIONS SUMMARY

Code	Description	Net Size	Net Totals
GLA1	Ground Floor	1506.38	1506.38
GLA2	Main Floor	1654.38	1654.38
GAR	Garage	582.00	582.00
P/P	Covered Balcony	81.25	
	Covered Side Porch	323.75	
	Covered Porch	90.75	
	Ground floor Cvd Dk	268.38	
	Stairs to beach	335.81	
	Wood Deck	462.50	
	Covered Conc Patio	200.00	1762.44
OTH	Storage/Fuel Shed	140.00	
	Greenhouse	192.00	
	Attic Storage	544.00	
	Kitchen Loft Area	105.00	981.00

LIVING AREA BREAKDOWN

	Breakdown	Subtotals
Ground Floor	29.3 x 40.3	1177.31
	16.3 x 20.3	329.06
Main Floor	34.3 x 5.0	171.25
	16.3 x 20.3	329.06
	36.3 x 14.0	507.50
	5.0 x 34.3	171.25
	16.3 x 29.3	475.31

Net LIVABLE Area

(rounded)

3161

7 Items

(rounded)

3161

EA² **ENGINEERING ANALYSIS --- APPLICATIONS**

Gary Hayden, P.E. P.O. Box 210076 Auke Bay, Alaska 99821
(907) 789-7293

akea2@me.com

November 28, 2014

Mr. Rusty Powers
10497 Fox Farm Trail
Juneau, Alaska 99801

Electronic copy sent to rusty@plumbandheat.com

Subject: On-lot Wastewater System Upgrade
 Engagement of engineering services
 Lot 11 Spruce Point Estates
 Juneau, Alaska

This letter is to acknowledge that you have engaged **EA²** to act as your engineer concerning upgrades to the on-site wastewater treatment and disposal system serving 10497 Fox Farm Trail.

We have discussed your planned development and business ideas. Our preliminary discussions indicates that some upgrades to the existing sewage treatment system are needed. We have also explored various concept designs for upgrades which could be acceptable to ADEC. The next step will be for me to discuss these concepts with the staff at ADEC and choose the preferred option. I will then complete a detail design and submit it for review and permitting by ADEC.

I am confident that together we will be able to meet the regulatory requirements then install upgrades to the wastewater treatment system which comply with current standards.

I look forward to working with you on this project.

Sincerely,



Gary Hayden, PE

Megan Daniels

From: Martin Beckner <tightline51@live.com>
Sent: Thursday, December 04, 2014 4:16 PM
To: Christine McNally
Subject: Fox Farm Trail Conditional Use Permit Application Response

Dear Ms. McNally:

We are adjacent property owners (10468 Fox Farm Trail; 4B2001030210). We request that the Planning Commission deny the application for this proposed conditional use of subject property. This use violates the spirit and the Spruce Point Estates Protective Covenants, Conditions and Restrictions and would have a negative impact on our ability to quietly enjoy our neighborhood and property due to increased automotive and foot traffic.

Sincerely,

Martin and Linda Beckner

Hi Chrissy,

We are next door neighbors of the Powers who are planning to open a B&B on Fox Farm Trail. Our main concerns about the B&B are parking on a narrow street and especially in front of our mailbox, noise especially at night, and liability from their clients using things that belong to us or trespassing on our property.

We have had a discussion with the Powers and feel that they know and understand our concerns and we feel we can work with them if issues come up. We understand that they plan to add more offstreet parking in their existing yard. So we are not opposed to allowing the B&B to happen if these issues are addressed.

Mike McKrill and Lisa Rollin
10507 Fox Farm Trail

Megan Daniels

From: Mary Mearig <mearig@gci.net>
Sent: Monday, December 01, 2014 1:05 PM
To: Christine McNally
Subject: File No. USE2014 0017 - bed and breakfast at PCN 4-B20-0-103-015-0

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. McNally:

We are adjacent property owners (10478 Fox Farm Trail; PCN 4-B20-0-103-020-0). We request that the Planning Commission deny the application for this proposed conditional use of subject property. This use violates the spirit and intent of the Spruce Point Estates Protective Covenants, Conditions and Restrictions. Sincerely,

Lance & Mary Mearig

JAN VAN DORT
10518 Fox Farm Trail
Juneau, Alaska 99801
907.321.0271
jvandort@gci.net

December 10, 2014

Re: USE2014 0017; Powers

Ms. Chrissy McNally, Planner
Via email: christine.mcnally@juneau.org

Dear Ms. McNally and Commission Members:

My wife, Phyllis Carlson, and I have lived in Spruce Point Estates subdivision since 1991. We are two lots away from the location of the proposed bed and breakfast. We have long believed that the subdivision, particularly the portion where Rusty and Gretchen Powers reside, would be an ideal location for a bed and breakfast because it is quiet and friendly, has no through-traffic, is relatively dry for Juneau, is at street level, is fully accessible and possesses beautiful views of Auke Bay, Stephens Passage and the lower end of Lynn Canal. In sum, it is the best that Juneau has to offer. We are looking forward to greeting people from different parts of the world and sharing our gardens with them when they walk by our home.

We strongly support Rusty and Gretchen in this endeavor and urge that you grant the use permits which will enable them to succeed. They have not asked me to write this letter. I am sending it to you because of my heartfelt belief that enterprise of this nature enhances the image and enjoyment of our community by people who do not live here and makes Juneau a better place for everyone.

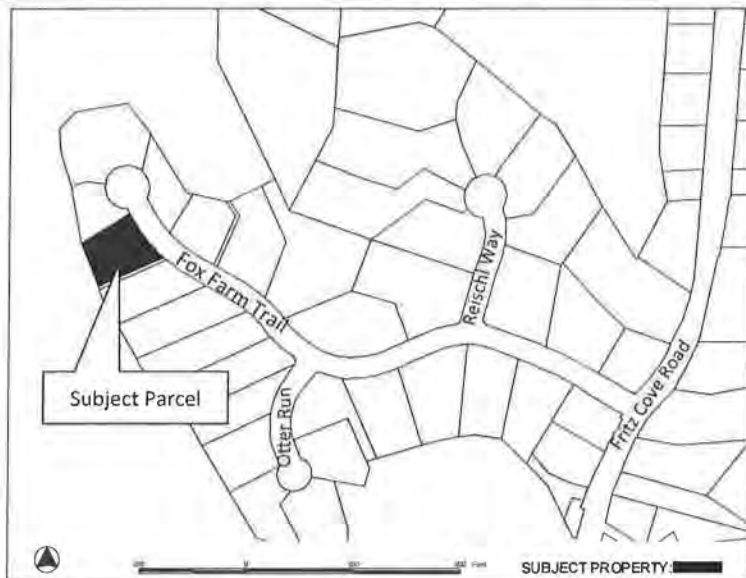
Thank you for your time, attention and consideration.

Sincerely,

Jan Van Dort

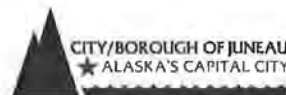


NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Conditional Use to allow a bed and breakfast.

* Rescheduled from the December 16, 2014 Special Planning Commission Meeting.

File No:	USE2014 0017	Applicant:	Russell & Gretchen Powers
To:	Adjacent Property Owners	Property PCN:	4-B20-0-103-015-0
Hearing Date:	January 27, 2015	Owner:	Russell & Gretchen Powers
Hearing Time:	7:00 PM	Size:	0.53 Acres
Place:	Assembly Chambers	Zoned:	D-1
	Municipal Building	Site Address:	10497 Fox Farm Trail
	155 South Seward Street	Accessed Via:	Fox Farm Trail
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Chrissy McNally at christine.mcnally@juneau.org or at 586-0761.



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: December 10, 2014



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

Project name POWERS B&B

Case Number: PAC20180021

Applicant: **Gretchen Powers**

Property Owner: Russel Powers

Property Address: **10497 Fox Farm Trail**

Parcel Code Number: 4B2001030150

Site Size: 22966 sqft

Zoning: D 1

Existing Land Use:

Conference Date: 04/04/2018 @ 10:30

Report Issued: (Date)

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
Gretchen Powers	owner	GretchenCM@gmail.com
Teri		
Kyle		

Pre-Application Conference Final Report

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. (Add application forms required)
2. (Add notes as necessary)

Additional submittal requirements:

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

1. A copy of this pre-application conference report.
2. (Add any necessary supporting documents required in the application forms OR that may be useful supporting information)

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.

1. (Add any items required with the forms that are not applicable to the Conditional Use application)
- 2.

Fee estimates

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

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

1. (List individual permit fees and sign fees)
- 2.

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

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** – (check special districts – ADOD / Historic)
2. **Setbacks** –
3. **Height** –
4. **Access** –
5. **Parking** – (check if in Juneau / Douglas Geographic area)
6. **Lot Coverage** –
7. **Vegetative Coverage** –
8. **Lighting** –
9. **Noise** –
10. **Flood** – (check floodplain)
11. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** –
12. **Wetlands** –
13. **Habitat** – (Eagle – remind applicant to check with Feds; Riparian, etc.) –
14. **Plat or Covenant Restrictions** –

Building Division:

15. **Building** –
16. **Outstanding Permits** –

General Engineering/Public Works:

17. **Engineering** –
18. **Drainage** –
19. **Utilities** – (water, power, sewer, etc.)

Fire Marshal:

20. **Fire Items/Access** –

Other Applicable Agency Review:

21. DOT&PF / Alcohol Beverage Control Board / Army Corps / DEC (wastewater) / DNR / USF&W / F&G / FAA / Corrections...
- 22.

List of required applications

DATE: January 15, 2015

TO: Planning Commission

FROM: Chrissy McNally, Planner
Community Development Department

FILE NO.: USE2014 0017

PROPOSAL: Conditional Use to operate a 4 bedroom bed and breakfast in the D-1 zoning district.

GENERAL INFORMATION

Applicant: Russell & Gretchen Powers

Property Owner: Russell & Gretchen Powers

Property Address: 10497 Fox Farm Trail

Legal Description: Spruce Point Estates Lot 11

Parcel Code Number: 4-B20-0-103-0-150-0

Site Size: 0.53 Acres

Comprehensive Plan Future Land Use Designation: Rural Low Density Residential (RLDR)

Zoning: D-1

Utilities: City water & private septic

Access: Fox Farm Trail

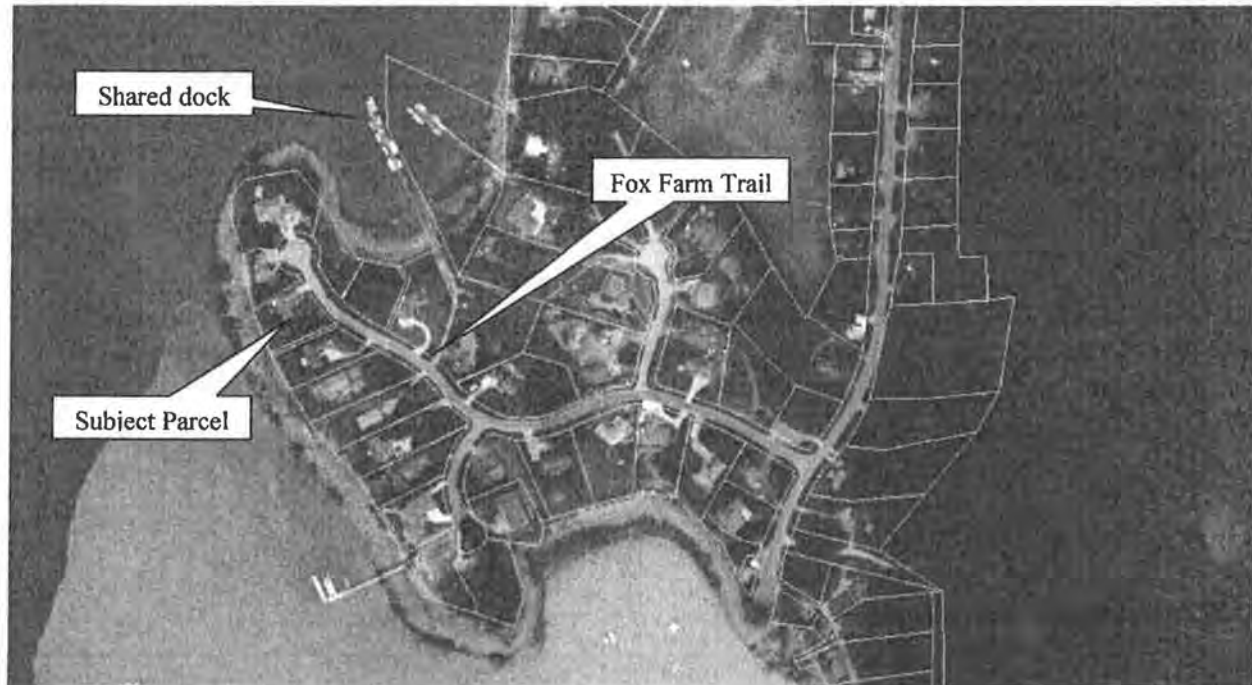
Existing Land Use: Single Family Residence

Surrounding Land Use:

North	-	D-1/Single Family Residence/Auke Bay
South	-	D-1/Single Family Residence/Auke Bay
East	-	Auke Bay
West	-	D-1/Single Family Residential

Planning Commission
File No.: USE2014 0017
January 15, 2015
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Vicinity Map



ATTACHMENTS

Attachment A: Conditional Use application
Attachment B: 1989 Plat Spruce Point Estates
Attachment C: As-built
Attachment D: Front of residence
Attachment E: Floor plan
Attachment F: Lighting and circulation plan
Attachment G: Letter from Gary Hayden, P.E.
Attachment H: Public comment
Attachment I: Public notice

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a year round 4 bedroom bed and breakfast in the D-1 zoning district.

Planning Commission
File No.: USE2014 0017
January 15, 2015
Page 3 of 9

BACKGROUND

The applicants purchased the single family residence located at 10497 Fox Farm Trail in June 2014 with the intent to operate a bed and breakfast. The lot was platted in 1989 as part of the Spruce Point Estates Subdivision and the single family residence was built in 1991.

ANALYSIS

Project Site – CBJ 49.80.120 defines a bed and breakfast as, “a dwelling in which more than two bedrooms are used for commercial lodging provided by the owner or operator who lives on site”. The site is located in a D-1 zoning district on the west side of Mendenhall Peninsula in a low density residential neighborhood. According to CBJ 49.25.300 *Table of Permissible Uses* bed and breakfasts are allowed in the D-1 zoning district with a Conditional Use permit.

The subject site is 22,966 square feet and was platted in 1989 as part of the Spruce Point Estates Subdivision. It is located near the cul de sac of Fox Farm Trail. Fox Farm Trail is a CBJ maintained roadway. There are 21 lots in the subdivision which are governed by 24 covenants and a Homeowners Association. There is a shared boat dock for members of the subdivision; however, its use requires an annual fee (see Vicinity Map).

The subject site is lined with large evergreen and deciduous trees on both the north and south property lines (Figure 1). Both these property lines border single family residences. Additional trees were recently planted along the front yard property line (Attachment D). There is a pedestrian access easement to the shoreline along the southern property line (Figure 1). The rear of the property is a tidewater lot line. The distance from the residence to the northern property line is approximately 15 feet. The distance from the residence to the southern property line is approximately 50 feet.

The top floor of the residence contains the garage, dining room, living room, kitchen, one full bathroom and one bedroom. The bottom floor contains three bedrooms, two bathrooms, and laundry facilities. There is access to a large deck from the bottom floor (Figure2).

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File No.: USE2014 0017
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Figure1: Site Aerial



Figure 2: Rear of house looking from tideline

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January 15, 2015
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Project Design – The single family residence is 3,123 square feet with 4 bedrooms and 3 bathrooms. According to the applicant, there is an attic space they plan to convert to their personal bedroom. Therefore, before this work is complete three bedrooms will serve as rentals and one bedroom will be used by the owners. The owners intend to upgrade the plumbing and heating systems as well as other minor interior improvements.

The proposed bed and breakfast is limited to no more than eight guests at a time. According to John Young, CBJ Building Plan Reviewer, the International Building Code allows residences that contain sleeping units that are transient in nature to adhere to standard residential construction standards if they contain 10 or fewer individuals. Beyond ten individuals, stricter construction requirements would be required for the residence. Title 49, the Land Use Code does to list a maximum number of allowable bedrooms for a bed breakfast.

Traffic – The property is located in a low density residential neighborhood near the end of the Fox Farm Trail cul de sac. Traffic consists of residents coming to and from their residences. According to the applicant, there are also occasional sight seers. There is no expectation that traffic generated by the proposed bed and breakfast would adversely affect traffic flow on Fox Farm Trail.

Staff received comments from two adjacent property owners that were concerned about increased traffic in the neighborhood as a result of the proposed bed and breakfast. The neighbor to the north is concerned about on street parking in front of their property.

Parking and Circulation – The parking requirement for a bed and breakfast is 1 space per 2 bedrooms. The parking requirement for a single family residence is 2 spaces. Therefore, a total of 4 parking spaces are required for this development. The parking space requirements in CBJ 49.40.210(b)(1) require a parking space to be 8.5 feet wide and 17 feet long. The site has a two car garage and a 20 foot wide by 42 foot long driveway. Therefore, the site can accommodate 6 vehicles, exceeding the minimum parking requirement. However, one car per rented bedroom is a reasonable expectation. With four available parking spaces in the driveway, the site can accommodate one car per rented bedroom.

The neighbor to the north commented that they are concerned bed and breakfast guests will park in front of their property on the street (Attachment H). However, they have spoken to the applicants about their concerns and believe the applicants will maintain sufficient off street parking for guests.

Noise – With the recommended condition of 8 guests, the proposed bed and breakfast would have 10 individuals on site. There is the potential for guests gathered on the outdoor patio or beach to disturb neighbors to the north and south. There may also be additional noise from guests arriving and departing. The applicants have stated that they intend to establish guidelines for guests that will address noise.

Based on adjacent property concerns, staff recommends that a condition be placed on the proposed use that outdoor events be limited to no later than 10 p.m. Monday through Thursday and midnight

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on Fridays and Saturdays. This condition along with the occupancy limit condition and with existing vegetative buffer between properties is expected to mitigate off site noise impacts.

Public Health or Safety – The owners have hired an engineer to upgrade the onsite septic system to meet Alaska Department of Environmental Conservation standards (Attachment F). As previously, mentioned the owners intend to upgrade the plumbing and heating systems and smoke and carbon dioxide alarm systems.

There are lights illuminating the driveway and entryway to the house. These will provide for safe entry and exist for the proposed bed and breakfast (Attachment F). Sufficient off street parking is provided for the proposed use, ensuring guests will not park in the right-of-way disturbing traffic and pedestrians.

Neighbors have commented that they are concerned with guests walking on the shorelines and any liability that may occur if there were an injury on their property. Staff informed the applicant of this concern and they intend to address trespassing with each guest.

Habitat – There are no eagle nests, anadromous fish streams, wetlands, or other sensitive areas on the subject site.

Property Value or Neighborhood Harmony – The Spruce Point Estates *Declaration of Protective Covenants, Conditions and Restrictions* do not specifically mention uses that are restricted in the subdivision. The document does state that one professional sign of one and one half square feet is allowed at each property.

The owner of the property at the end of the cul de sac wrote a letter in support of the use. However, staff received two email statements from neighboring property owners opposing the use (Attachment H). The adjacent property owner to the north stated they are not opposed to the use, but want to ensure guests will not trespass on their property, sufficient off street parking will be provided, and nighttime noise will not disturb adjacent property owners.

Staff received a call from one neighboring property owner that was concerned about guests using the neighborhood dock. Use of this dock requires paid membership and is accessed through a private property. When the applicants purchased the property they opted not to pay for rights to use the dock.

The applicants have stated that they intend to establish guidelines for guests to protect the privacy of adjacent property owners. Based on the concerns of neighboring property owners, available off street parking and the International Building Code requirement previously mentioned, staff recommends a condition that the bed and breakfast be limited to eight guests, 2 per bedroom.

Conformity with Adopted Plans – The subject site is designated as Rural Low Density Residential (RLDR) on the Comprehensive Plan Land Use maps. RLDR is defined as

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Rural residential land at densities of one to three dwelling units per acre, based on existing platting and capability of the land to accommodate on-site septic systems and wells or whether the land is served by municipal water and sewer service

Issuance of a conditional use permit for a four bedroom bed and breakfast is allowable based on CBJ 49.25.300 Section 1.610 *Table of Permissible Uses*. The Comprehensive Plan identifies the need to promote independent and over-night travelers and promote “development that supports year-round visitor services and activities”. Further, Policy 5.4 in the Comprehensive Plan states:

POLICY 5.4 TO ENCOURAGE TOURISM, CONVENTION AND OTHER VISITOR-RELATED SERVICES, WHILE PROTECTING JUNEAU’S NATURAL, CULTURAL AND ECONOMIC ATTRACTIONS FOR LOCAL RESIDENTS AND VISITORS ALIKE, AND TO PARTICIPATE IN THE ACCOMMODATION OF THE FUTURE GROWTH OF TOURISM IN A MANNER THAT ADDRESSES BOTH COMMUNITY AND INDUSTRY CONCERNS.

A small locally owned and operated bed and breakfast fits in with this vision set forth in the Comprehensive Plan.

FINDINGS

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

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
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.

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File No.: USE2014 0017
January 15, 2015
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Per CBJ §49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. Is the application for the requested conditional use permit complete?

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 1.610 for the D-1 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 December 6, 2014 and December 15, 2014 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. Based on the preceding staff analysis, no evidence is found to indicate that the proposed use, 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. There is no evidence to suggest that the proposed development will decrease property values in the neighboring area. With appropriate conditions, this development will not substantially be out of harmony with property in the neighboring area.

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

Yes. Based on the preceding staff analysis, it is found that the proposed development is in general conformity with the Comprehensive Plan of the City and Borough of Juneau.

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?

Planning Commission
File No.: USE2014 0017
January 15, 2015
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N/A

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a 4 bedroom bed and breakfast in the D-1 zoning district subject to the following conditions:

1. The bed and breakfast shall not exceed a maximum occupancy of 8 guests and 2 owners/caretakers.
2. Outdoor events shall be limited to 10 p.m. Monday through Thursday and midnight Friday and Saturday.
3. The applicants shall submit a list of house rules that address noise, trespassing and parking to the Community Development Department.



**PLANNING COMMISSION
NOTICE OF DECISION**

Date: January 28, 2015

File No.: USE2014 0017

Russell & Gretchen Powers
10497 Fox Farm Trail
Juneau, Alaska 99801

Application For: Conditional Use to operate a 4 bedroom bed and breakfast in the D-1 zoning district.
Legal Description: Spruce Point Estates Lot 11
Property Address: 10497 Fox Farm Trail
Parcel Code No.: 4-B20-0-103-015-0
Hearing Date: January 27, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 16, 2015 and approved the Conditional Use Permit to operate a 4 bedroom bed and breakfast in the D-1 zoning district to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The bed and breakfast shall not exceed a maximum occupancy of 8 guests and 2 owners/caretakers.
2. Outdoor events shall be limited to 10 p.m. Monday through Thursday and midnight Friday and Saturday.
3. The applicants shall submit a list of house rules that address noise, trespassing and parking to the Community Development Department.

Attachments: January 16, 2015 memorandum from Chrissy McNally, Community Development, to the CBJ Planning Commission regarding USE2014 0017.

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

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

Effective Date: The permit is effective upon approval by the Commission, January 27, 2015.

155 So. Seward Street, Juneau, Alaska 99801-1397

Powers

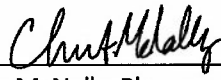
File No.: USE2014 0017

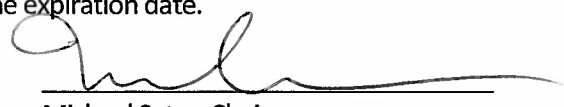
January 28, 2015

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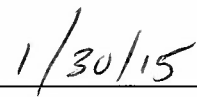
Expiration Date: The permit will expire 18 months after the effective date, or July 27, 2016 if no House Rules have been submitted in accordance with condition 3 and the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


Chrissy McNally, Planner
Community Development Department


Michael Satre, Chair
Planning Commission


Filed With City Clerk


Date

cc: Plan Review

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



Community Development

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

DATE: January 16, 2015

TO: Planning Commission

FROM: Chrissy McNally, Planner *Chrissy McNally*
Community Development Department

FILE NO.: USE2014 0017

PROPOSAL: Conditional Use to operate a 4 bedroom bed and breakfast in the D-1 zoning district.

GENERAL INFORMATION

Applicant: Russell & Gretchen Powers

Property Owner: Russell & Gretchen Powers

Property Address: 10497 Fox Farm Trail

Legal Description: Spruce Point Estates Lot 11

Parcel Code Number: 4-B20-0-103-0-150-0

Site Size: 0.53 Acres

Comprehensive Plan Future Land Use Designation: Rural Low Density Residential (RLDR)

Zoning: D-1

Utilities: City water & private septic

Access: Fox Farm Trail

Existing Land Use: Single Family Residence

Surrounding Land Use:

North	-	D-1/Single Family Residence/Auke Bay
South	-	D-1/Single Family Residence/Auke Bay

East - Auke Bay
West - D-1/Single Family Residential

Vicinity Map



ATTACHMENTS

Attachment A: Conditional Use application
Attachment B: 1989 Plat Spruce Point Estates
Attachment C: As-built
Attachment D: Front of residence
Attachment E: Floor plan
Attachment F: Lighting and circulation plan
Attachment G: Letter from Gary Hayden, P.E.
Attachment H: Public comment
Attachment I: Public notice

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a year round 4 bedroom bed and breakfast in the D-1 zoning district.

Planning Commission
File No.: USE2014 0017
January 16, 2015
Page 3 of 9

BACKGROUND

The applicants purchased the single family residence located at 10497 Fox Farm Trail in June 2014 with the intent to operate a bed and breakfast. The lot was platted in 1989 as part of the Spruce Point Estates Subdivision, and the single family residence was built in 1991.

ANALYSIS

Project Site – CBJ 49.80.120 defines a bed and breakfast as, “a dwelling in which more than two bedrooms are used for commercial lodging provided by the owner or operator who lives on site”. The site is located in a D-1 zoning district on the west side of Mendenhall Peninsula in a low density residential neighborhood. According to CBJ 49.25.300 *Table of Permissible Uses* bed and breakfasts are allowed in the D-1 zoning district with a Conditional Use Permit.

The subject site is 22,966 square feet and was platted in 1989 as part of the Spruce Point Estates Subdivision. It is located near the cul-de-sac of Fox Farm Trail. Fox Farm Trail is a CBJ maintained roadway. There are 21 lots in the subdivision which are governed by 24 covenants and a Homeowners Association. There is a shared boat dock for members of the subdivision; however, its use requires an annual fee (see Vicinity Map).

The subject site is lined with large evergreen and deciduous trees on both the north and south property lines (Figure 1). Both these property lines border single family residences. Additional trees were recently planted along the front yard property line (Attachment D). There is a pedestrian access easement to the shoreline along the southern property line (Figure 1). The rear of the property is a tidewater lot line. The distance from the residence to the northern property line is approximately 15 feet. The distance from the residence to the southern property line is approximately 50 feet.

The top floor of the residence contains the garage, dining room, living room, kitchen, one full bathroom and one bedroom. The bottom floor contains three bedrooms, two bathrooms, and laundry facilities. There is access to a large deck from the bottom floor (Figure 2).

Planning Commission
File No.: USE2014 0017
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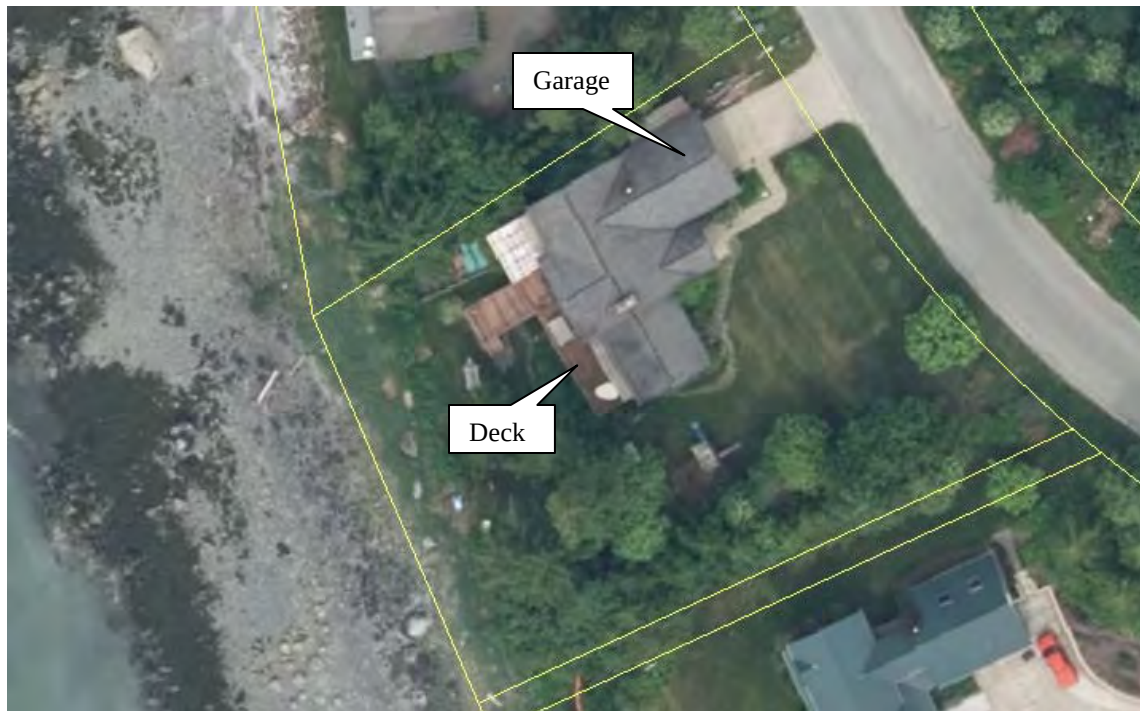


Figure1: Site Aerial



Figure 2: Rear of house looking from tideline

Planning Commission
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Project Design – The single family residence is 3,123 square feet with 4 bedrooms and 3 bathrooms. According to the applicant, there is an attic space they plan to convert to their personal bedroom. Therefore, before this work is complete three bedrooms will serve as rentals and one bedroom will be used by the owners. Following completion of the attic bedroom, four bedrooms would be available to rent. The owners intend to upgrade the plumbing and heating systems as well as other minor interior improvements.

Currently, the proposed bed and breakfast is limited to no more than eight guests at a time. According to John Young, CBJ Building Plan Reviewer, the International Building Code allows residences that contain sleeping units that are transient in nature to adhere to standard residential construction standards if they contain 10 or fewer individuals. Beyond ten individuals, stricter construction requirements would be required for the residence. Title 49, the Land Use Code, does not list a maximum number of allowable bedrooms for a bed breakfast.

Traffic – The property is located in a low density residential neighborhood near the end of the Fox Farm Trail cul-de-sac. Traffic consists of residents traveling to and from their residences. According to the applicant, there are also occasional sight seers. There is no expectation that traffic generated by the proposed bed and breakfast would adversely affect traffic flow on Fox Farm Trail.

Staff received comments from two adjacent property owners that were concerned about increased traffic in the neighborhood as a result of the proposed bed and breakfast. The neighbor to the north is concerned about on-street parking in front of their property.

Parking and Circulation – The parking requirement for a bed and breakfast is 1 space per 2 bedrooms. The parking requirement for a single family residence is 2 spaces. Therefore, a total of 4 parking spaces are required for this development. The parking space requirements in CBJ 49.40.210(b)(1) require a parking space to be 8.5 feet wide and 17 feet long. The site has a two car garage and a 20 foot wide by 42 foot long driveway. Therefore, the site can accommodate 6 vehicles, exceeding the minimum parking requirement. However, one car per rented bedroom is a reasonable expectation. With four available parking spaces in the driveway, the site can accommodate one car per rented bedroom.

The neighbor to the north commented that they are concerned bed and breakfast guests will park in front of their property on the street (Attachment H). However, they have spoken to the applicants about their concerns and believe the applicants will maintain sufficient off-street parking for guests.

Noise – With the recommended condition of 8 guests, the proposed bed and breakfast would have 10 individuals on site. There is the potential for guests gathered on the outdoor patio or beach to disturb neighbors to the north and south. There may also be additional noise from guests arriving and departing. The applicants have stated that they intend to establish guidelines for guests that

Planning Commission
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will address noise.

Based on adjacent property concerns, staff recommends that a condition be placed on the proposed use that outdoor events be limited to no later than 10 p.m. Monday through Thursday and midnight on Fridays and Saturdays. This condition along with the occupancy limit condition and with existing vegetative buffer between properties is expected to mitigate off site noise impacts.

Public Health or Safety – The owners have hired an engineer to upgrade the onsite septic system to meet Alaska Department of Environmental Conservation standards (Attachment F). As previously mentioned the owners intend to upgrade the plumbing and heating systems and smoke and carbon dioxide alarm systems.

There are lights illuminating the driveway and entryway to the house. These will provide for safe entry and exist for the proposed bed and breakfast (Attachment F). Sufficient off-street parking is provided for the proposed use, ensuring guests will not park in the right-of-way disturbing traffic and pedestrians.

Neighbors have commented that they are concerned with guests walking on the shorelines and any liability that may occur if someone were injured on their property. Staff informed the applicant of this concern, and they intend to address trespassing with each guest.

Habitat – There are no eagle nests, anadromous fish streams, wetlands, or other sensitive areas on the subject site.

Property Value or Neighborhood Harmony –The Spruce Point Estates *Declaration of Protective Covenants, Conditions and Restrictions* do not specifically mention uses that are restricted in the subdivision. The document does state that one professional sign of one and one half square feet is allowed at each property.

The owner of the property at the end of the cul-de-sac wrote a letter in support of the use. However, staff received two email statements from neighboring property owners opposing the use (Attachment H). The adjacent property owner to the north stated they are not opposed to the use, but want to ensure guests will not trespass on their property, sufficient off-street parking will be provided, and nighttime noise will not disturb adjacent property owners.

Staff received a call from one neighboring property owner that was concerned about guests using the neighborhood dock. Use of this dock requires paid membership and is accessed through a private property. When the applicants purchased the property they opted not to pay for rights to use the dock.

The applicants have stated that they intend to establish guidelines for guests to protect the privacy of adjacent property owners. Based on the concerns of neighboring property owners, available off-

Planning Commission
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 January 16, 2015
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street parking and the International Building Code requirement previously mentioned, staff recommends a condition that the bed and breakfast be limited to eight guests– 2 per bedroom.

Conformity with Adopted Plans – The subject site is designated as Rural Low Density Residential (RLDR) on the Comprehensive Plan Land Use maps. RLDR is defined as

Rural residential land at densities of one to three dwelling units per acre, based on existing platting and capability of the land to accommodate on-site septic systems and wells or whether the land is served by municipal water and sewer service

Issuance of a conditional use permit for a four bedroom bed and breakfast is allowable based on CBJ 49.25.300 Section 1.610 *Table of Permissible Uses*. The Comprehensive Plan identifies the need to promote independent and over-night travelers and promote “development that supports year-round visitor services and activities”. Further, Policy 5.4 in the Comprehensive Plan states:

POLICY 5.4 TO ENCOURAGE TOURISM, CONVENTION AND OTHER VISITOR-RELATED SERVICES, WHILE PROTECTING JUNEAU’S NATURAL, CULTURAL AND ECONOMIC ATTRACTIONS FOR LOCAL RESIDENTS AND VISITORS ALIKE, AND TO PARTICIPATE IN THE ACCOMMODATION OF THE FUTURE GROWTH OF TOURISM IN A MANNER THAT ADDRESSES BOTH COMMUNITY AND INDUSTRY CONCERNS.

A small locally owned and operated bed and breakfast fits within this vision set forth in the Comprehensive Plan.

FINDINGS

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

1. Whether the application is complete;
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
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

Planning Commission
File No.: USE2014 0017
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development will more probably than not:

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

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

1. Is the application for the requested conditional use permit complete?

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 1.610 for the D-1 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 December 6, 2014 and December 15, 2014 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. Based on the preceding staff analysis, no evidence is found to indicate that the proposed use, 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. There is no evidence to suggest that the proposed development will decrease property values in the neighboring area. With appropriate conditions, this development will not substantially be out of harmony with property in the neighboring area.

Planning Commission
File No.: USE2014 0017
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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 staff analysis, it is found that the proposed development is in general conformity with the Comprehensive Plan of the City and Borough of Juneau.

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

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

N/A

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit, USE2014 0017. The permit would allow the development of a 4 bedroom bed and breakfast in the D-1 zoning district subject to the following conditions:

1. The bed and breakfast shall not exceed a maximum occupancy of 8 guests and 2 owners/caretakers.
2. Outdoor events shall be limited to 10 p.m. Monday through Thursday and midnight Friday and Saturday.
3. The applicants shall submit a list of house rules that address noise, trespassing and parking to the Community Development Department.

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

DEVELOPMENT PERMIT APPLICATION

Project Number USE20140017	CITY and BOROUGH of JUNEAU	Date Received: 11/4/14
Project Name (City Staff to Assign Name)		

Project Description <i>To operate a bed and breakfast from our home.</i>

PROPERTY LOCATION	
Street Address <i>10497 Fox Farm Trail</i>	City/Zip <i>Juneau AK 99801</i>
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <i>Lot 11, Spruce Point Estates, Plat 89-16, Juneau Recording District</i>	
Assessor's Parcel Number(s) <i>AB2001030150</i>	

LANDOWNER/LESSEE	
Property Owner's Name <i>Russell + Gretchen Powers</i>	Contact Person: <i>Rusty</i>
Mailing Address <i>10497 Fox Farm Trail</i>	Work Phone: <i>789-3332</i>
E-mail Address <i>Rusty@plumbandheat.com</i>	Home Phone: <i>723-2552</i>
	Fax Number: <i>789-6868</i>
	Other Contact Phone Number(s): <i>Gretchen 723-1822</i>

LANDOWNER/LESSEE CONSENT	
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	Date <i>11/3/14</i>
X <i>[Signature]</i> Landowner/Lessee Signature	Date <i>11/3/14</i>

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:
Mailing Address	Work Phone:
E-mail Address	Home Phone:
	Fax Number:
	Other Contact Phone Number(s):
X <i>[Signature]</i> Applicant's Signature	Date of Application <i>11/3/14</i>

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)			
	X Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		<i>11/4/14</i>	<i>USE20140017</i>
	Variance Case (De Minimis and all other Variance case types)			
	Wetlands			
	Permits			
	Zone Change			
	Application			
	Other (Describe)			
Comments:				
***Public Notice Sign Form filled out and in the file.				
Permit Intake Initials:				

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS
I:\FORMS\2010 Applications Revised November 2009

November 3, 2014

City/Borough of Juneau
Permit Center
230 S. Franklin St.
Juneau, AK 99801

Proposal: Application for Conditional Use Permit, Case Number PAC20140032

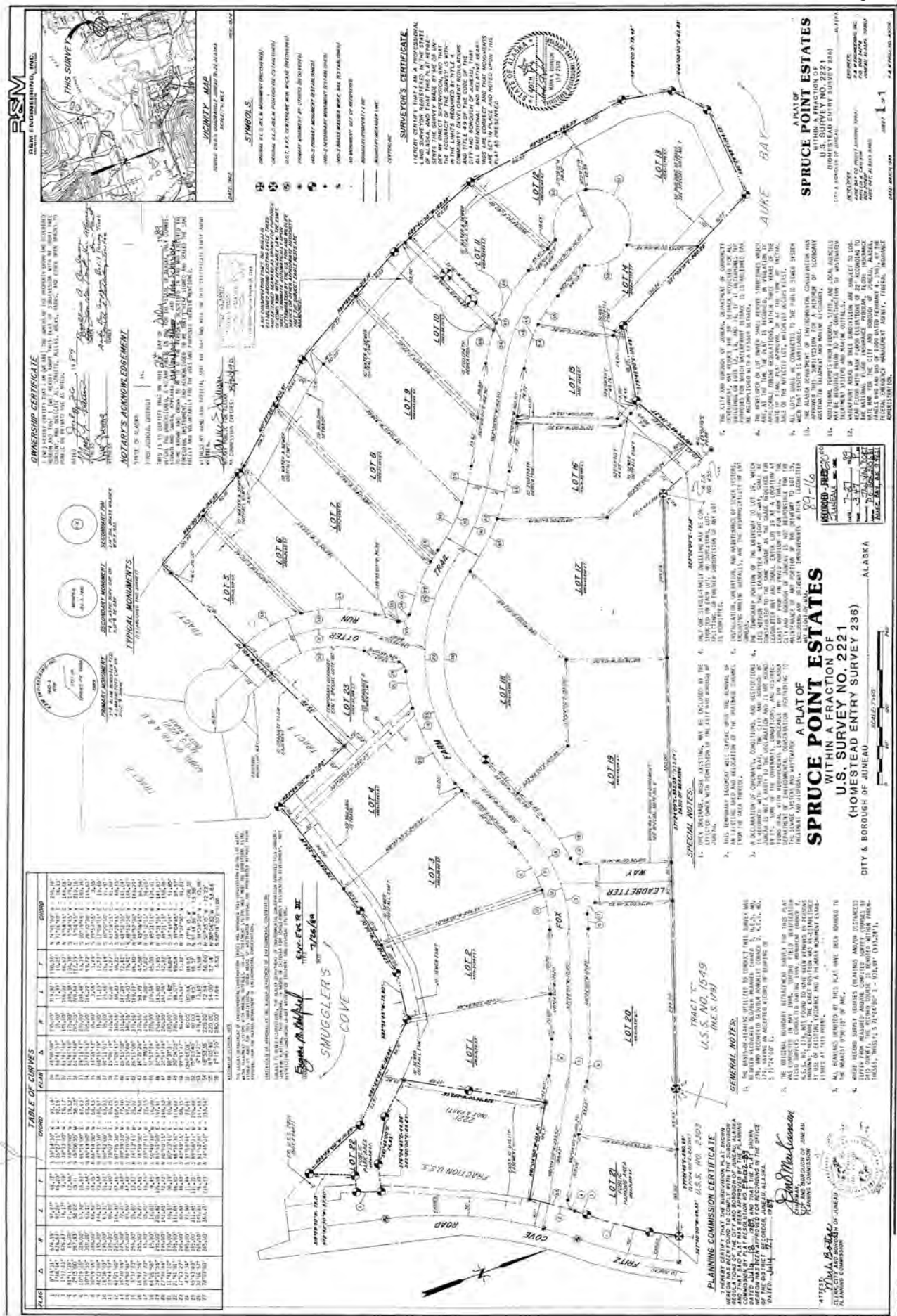
We are requesting a conditional use permit to operate a year round bed and breakfast from our home at 10497 Fox Farm Trail. Attachment A is an "as built" survey showing the homes' orientation on the lot. Attachment B shows the 2 story floor plan & attic storage. Attachment C is our site plan with lighting, parking, & traffic flow.

This home was constructed in 1992, with 4 bedrooms and 3 bathrooms, located in a D-1 residential zoning district. The site is a low density waterfront wooded peninsular area of Juneau. This home has had no updates in the last 15 years, except for a new deck and greenhouse in 2007. We plan to update the plumbing & heating systems, install interior soundproofing, updated smoke & CO alarm system, interior paint, & floor coverings in the near future. No structural changes are planned. The front of the garage is 42' from the street, the north side of the home is 15.4' from the treed property line, the south side is over 50' from the treed property line, and the rear of the lot is tidewater.

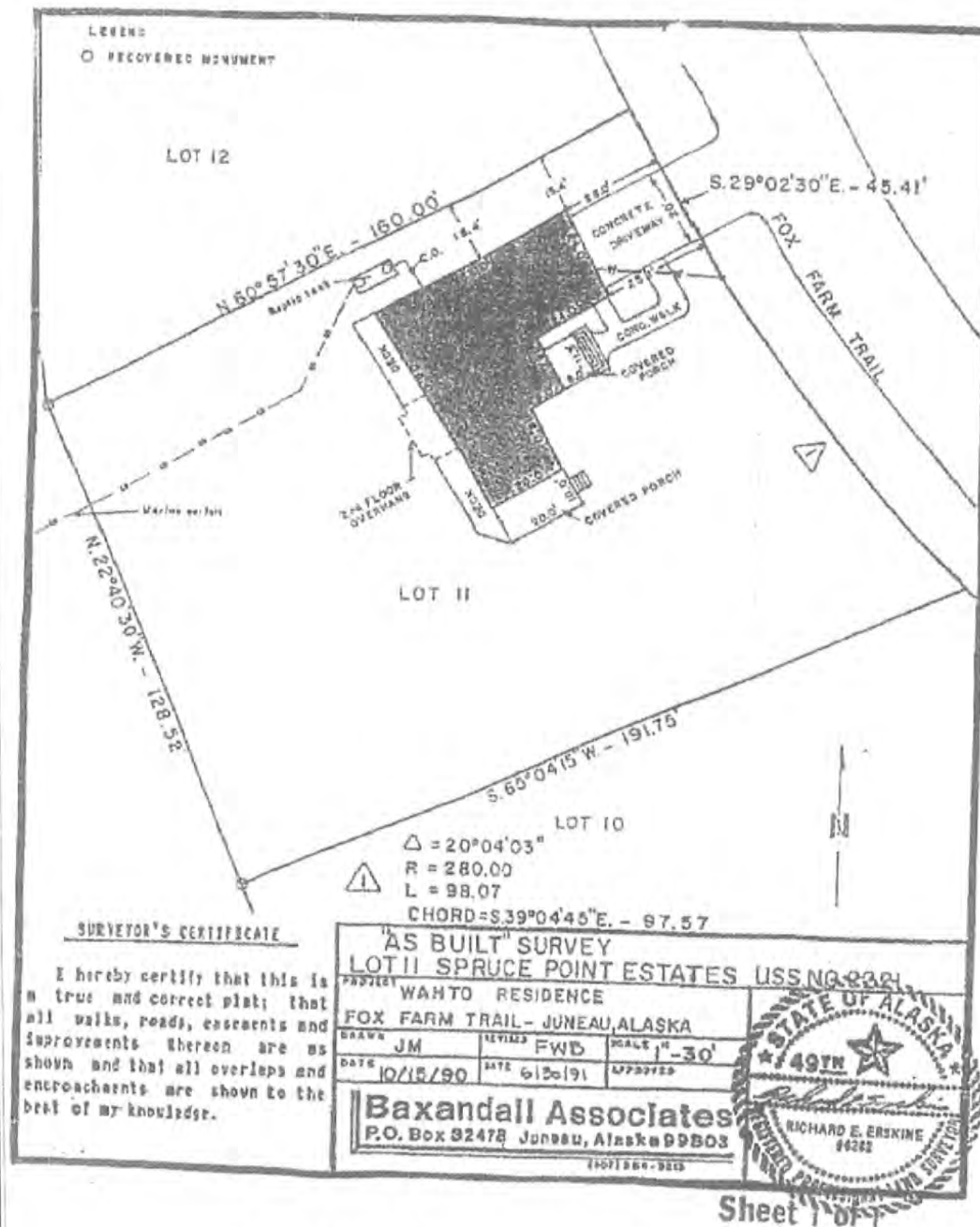
Lighting- There are five 100 watt exterior lights for the front entryway and driveway. A neighborhood street light is located on the north side of our driveway, providing additional illumination. We plan on not changing the current lighting.

Parking- There are 2 parking spaces in the garage and space for 4 vehicles in the 20' wide by 42' long driveway. Providing off street parking is an important aspect for us. We are open to increasing the parking space into the yard area if it becomes an issue in the future.

Proposed Traffic Circulation- Traffic in this neighborhood consists of residents driving to and from their homes and light traffic from sight seers, as this is the last cul-de-sac on Fritz Cove Rd. Our proposal will have minimal effect on the current traffic flow.



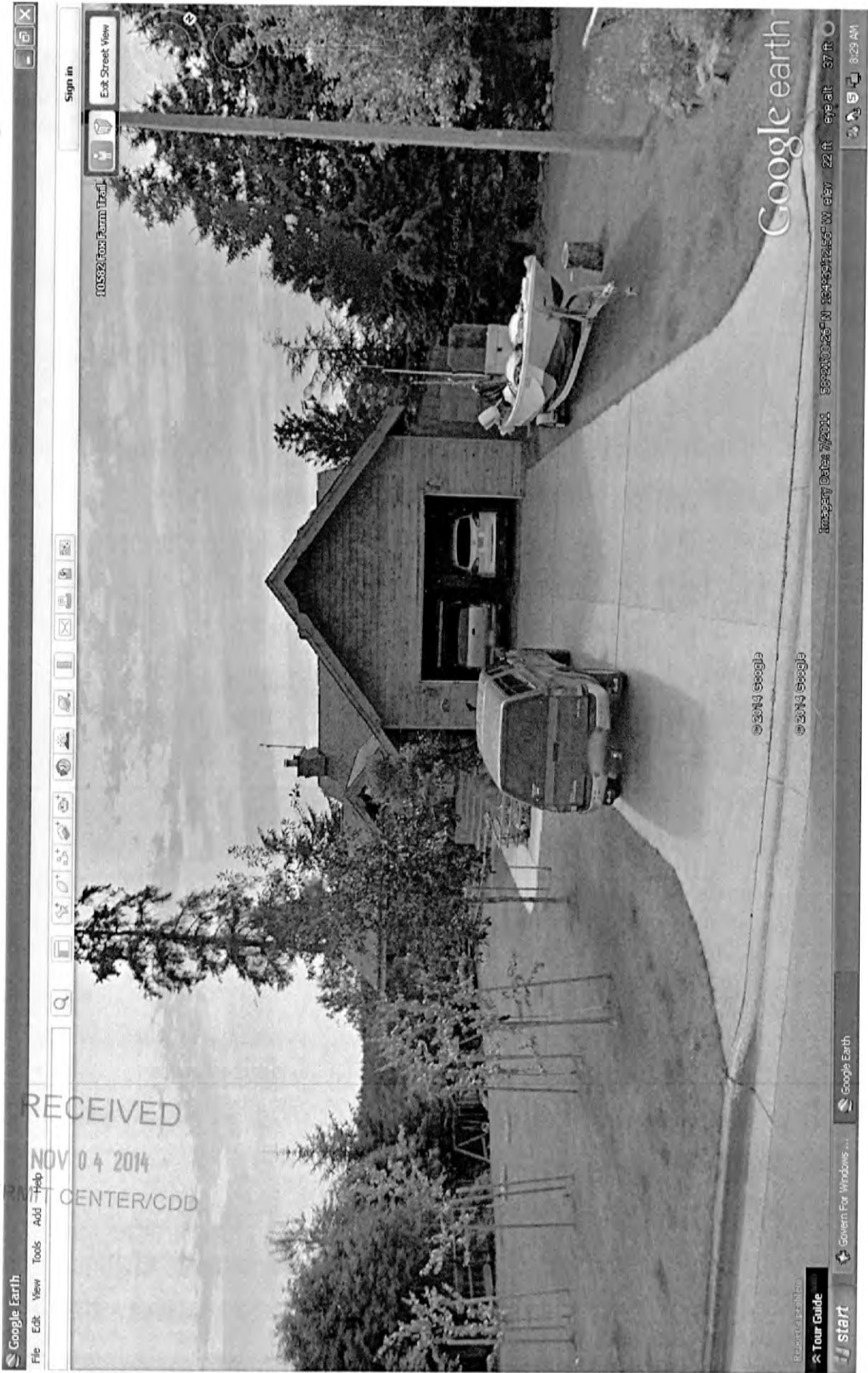
Attachment A

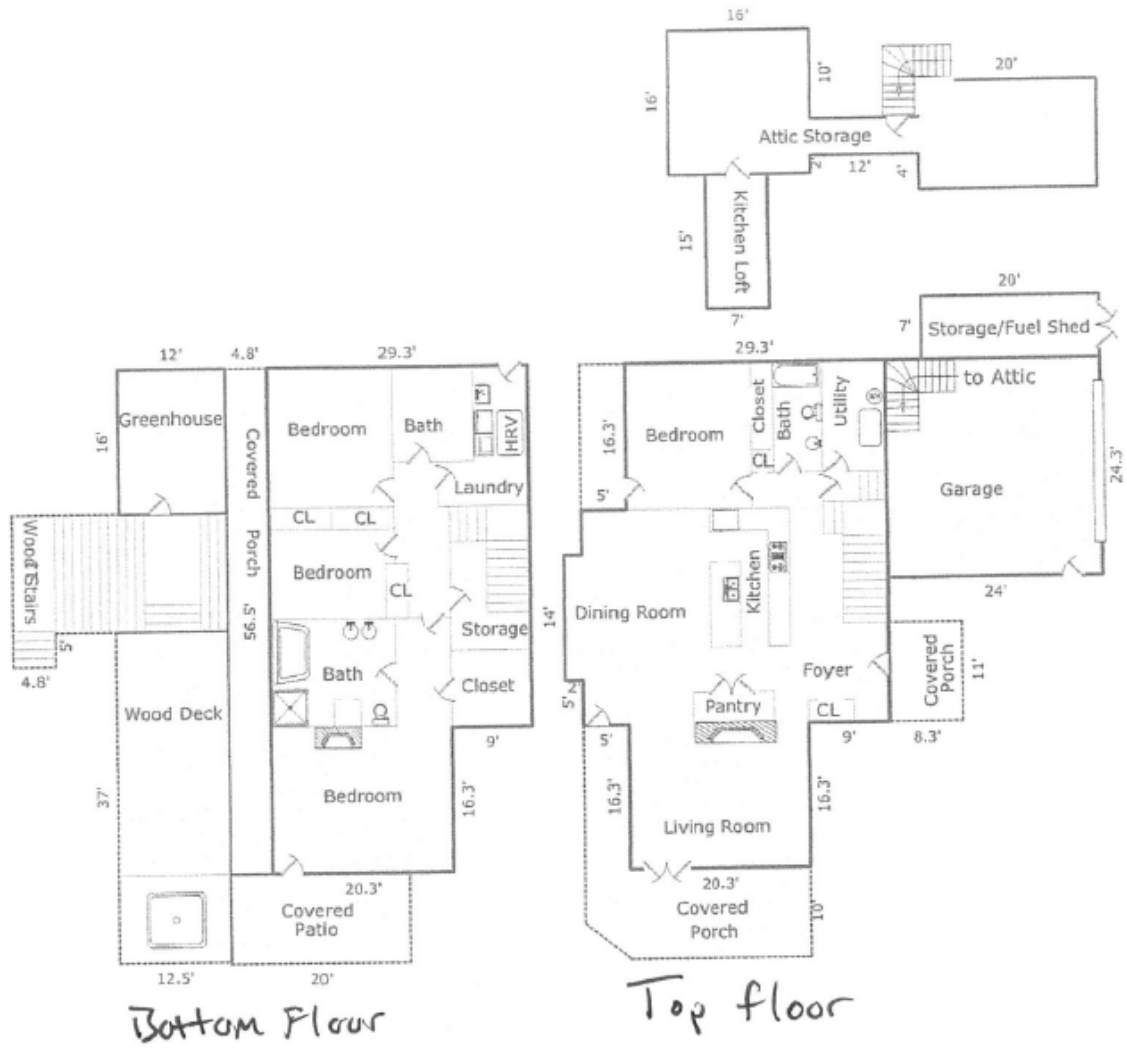


RECEIVED

NOV 04 2014

PERMIT CENTER/CDD

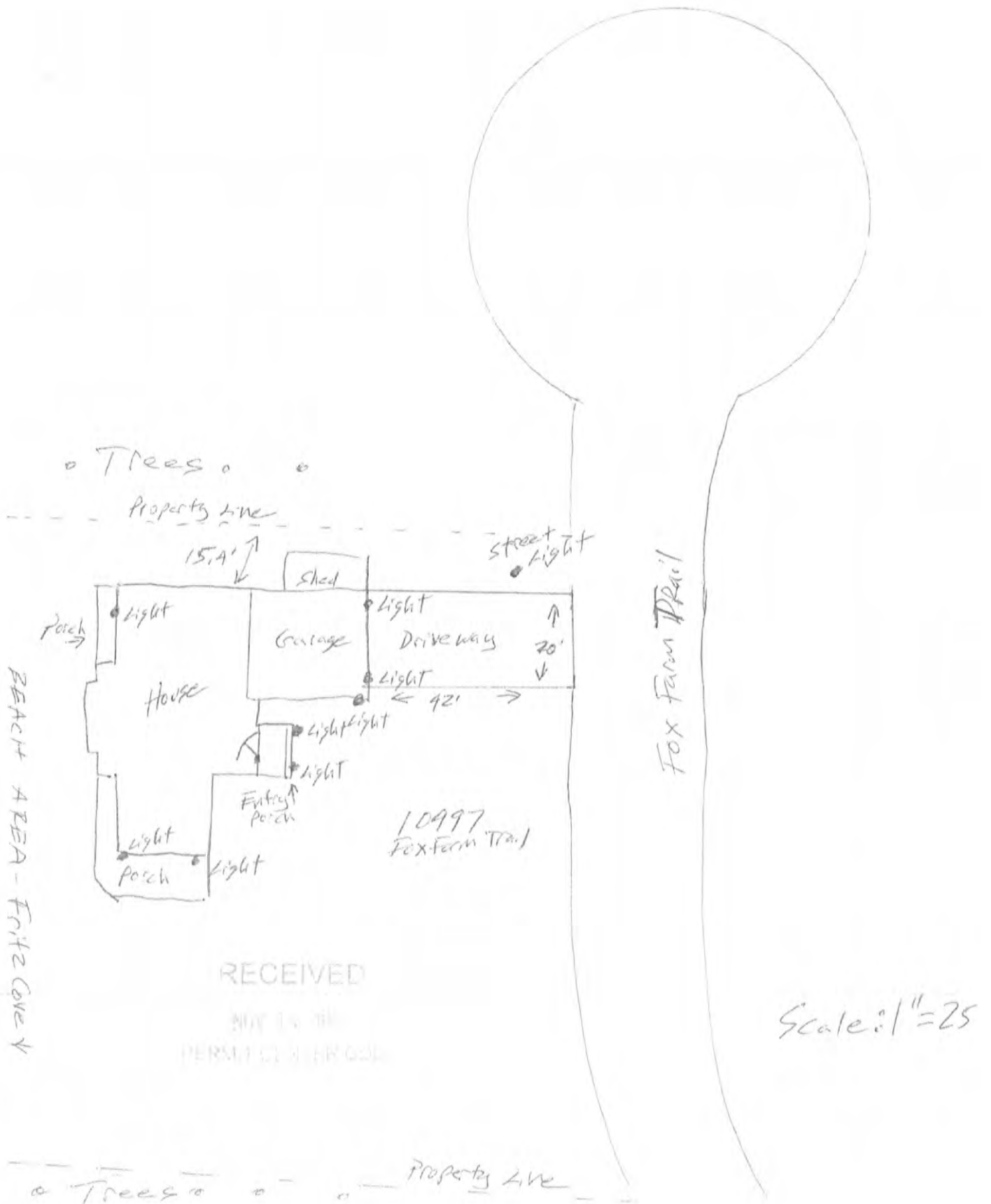




Sketch by Apex Sketch v5 Standard™
Comments: All calculations are approximate. Room and utility placement is estimated for visualization.

RECEIVED
IV 04 2014
CENTER

AREA CALCULATIONS SUMMARY				LIVING AREA BREAKDOWN			
Code	Description	Net Size	Net Totals	Breakdown		Subtotals	
GLA1	Ground Floor	1506.38	1506.38	Ground Floor			1177.31
GLA2	Main Floor	1654.38	1654.38	29.3	x 40.3		329.06
GAR	Garage	582.00	582.00	16.3	x 20.3		
P/P	Covered Balcony	81.25		Main Floor			171.25
	Covered Side Porch	323.75		34.3	x 5.0		329.06
	Covered Porch	90.75		16.3	x 20.3		507.50
	Ground floor Cvd Dk	268.38		36.3	x 14.0		171.25
	Stairs to beach	335.81		5.0	x 34.3		475.31
	Wood Deck	462.50		16.3	x 29.3		
	Covered Conc Patio	200.00	1762.44				
OTH	Storage/Fuel Shed	140.00					
	Greenhouse	192.00					
	Attic Storage	544.00					
	Kitchen Loft Area	105.00	981.00				
Net LIVABLE Area		(rounded)	3161	7 Items	(rounded)	3161	



EA²

ENGINEERING ANALYSIS --- APPLICATIONS

Gary Hayden, P.E. P.O. Box 210076 Auke Bay, Alaska 99821
(907) 789-7293

akea2@me.com

November 28, 2014

Mr. Rusty Powers
10497 Fox Farm Trail
Juneau, Alaska 99801

Electronic copy sent to rusty@plumbandheat.com

Subject: On-lot Wastewater System Upgrade
Engagement of engineering services
Lot 11 Spruce Point Estates
Juneau, Alaska

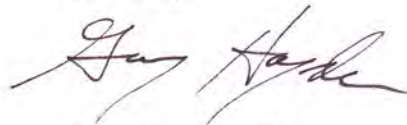
This letter is to acknowledge that you have engaged **EA²** to act as your engineer concerning upgrades to the on-site wastewater treatment and disposal system serving 10497 Fox Farm Trail.

We have discussed your planned development and business ideas. Our preliminary discussions indicates that some upgrades to the existing sewage treatment system are needed. We have also explored various concept designs for upgrades which could be acceptable to ADEC. The next step will be for me to discuss these concepts with the staff at ADEC and choose the preferred option. I will then complete a detail design and submit it for review and permitting by ADEC.

I am confident that together we will be able to meet the regulatory requirements then install upgrades to the wastewater treatment system which comply with current standards.

I look forward to working with you on this project.

Sincerely,



Gary Hayden, PE

Megan Daniels

From: Martin Beckner <tightline51@live.com>
Sent: Thursday, December 04, 2014 4:16 PM
To: Christine McNally
Subject: Fox Farm Trail Conditional Use Permit Application Response

Dear Ms. McNally:

We are adjacent property owners (10468 Fox Farm Trail; 4B2001030210). We request that the Planning Commission deny the application for this proposed conditional use of subject property. This use violates the spirit and the Spruce Point Estates Protective Covenants, Conditions and Restrictions and would have a negative impact on our ability to quietly enjoy our neighborhood and property due to increased automotive and foot traffic.

Sincerely,

Martin and Linda Beckner

Hi Chrissy,

We are next door neighbors of the Powers who are planning to open a B&B on Fox Farm Trail. Our main concerns about the B&B are parking on a narrow street and especially in front of our mailbox, noise especially at night, and liability from their clients using things that belong to us or trespassing on our property.

We have had a discussion with the Powers and feel that they know and understand our concerns and we feel we can work with them if issues come up. We understand that they plan to add more offstreet parking in their existing yard. So we are not opposed to allowing the B&B to happen if these issues are addressed.

Mike McKrill and Lisa Rollin
10507 Fox Farm Trail

Megan Daniels

From: Mary Mearig <mearig@gci.net>
Sent: Monday, December 01, 2014 1:05 PM
To: Christine McNally
Subject: File No. USE2014 0017 - bed and breakfast at PCN 4-B20-0-103-015-0

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. McNally:

We are adjacent property owners (10478 Fox Farm Trail; PCN 4-B20-0-103-020-0). We request that the Planning Commission deny the application for this proposed conditional use of subject property. This use violates the spirit and intent of the Spruce Point Estates Protective Covenants, Conditions and Restrictions. Sincerely,

Lance & Mary Mearig

JAN VAN DORT

10518 Fox Farm Trail

Juneau, Alaska 99801

907.321.0271

jvandort@gci.net

December 10, 2014

Re: USE2014 0017; Powers

Ms. Chrissy McNally, Planner

Via email: christine.mcnally@juneau.org

Dear Ms. McNally and Commission Members:

My wife, Phyllis Carlson, and I have lived in Spruce Point Estates subdivision since 1991. We are two lots away from the location of the proposed bed and breakfast. We have long believed that the subdivision, particularly the portion where Rusty and Gretchen Powers reside, would be an ideal location for a bed and breakfast because it is quiet and friendly, has no through-traffic, is relatively dry for Juneau, is at street level, is fully accessible and possesses beautiful views of Auke Bay, Stephens Passage and the lower end of Lynn Canal. In sum, it is the best that Juneau has to offer. We are looking forward to greeting people from different parts of the world and sharing our gardens with them when they walk by our home.

We strongly support Rusty and Gretchen in this endeavor and urge that you grant the use permits which will enable them to succeed. They have not asked me to write this letter. I am sending it to you because of my heartfelt belief that enterprise of this nature enhances the image and enjoyment of our community by people who do not live here and makes Juneau a better place for everyone.

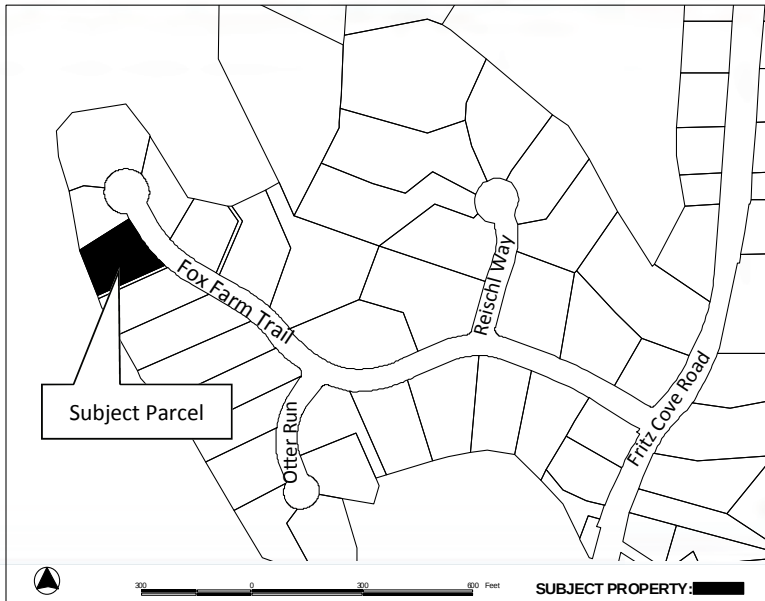
Thank you for your time, attention and consideration.

Sincerely,

Jan Van Dort



NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: Conditional Use to allow a bed and breakfast.

* Rescheduled from the December 16, 2014 Special Planning Commission Meeting.

File No:	USE2014 0017	Applicant:	Russell & Gretchen Powers
To:	Adjacent Property Owners	Property PCN:	4-B20-0-103-015-0
Hearing Date:	January 27, 2015	Owner:	Russell & Gretchen Powers
Hearing Time:	7:00 PM	Size:	0.53 Acres
Place:	Assembly Chambers	Zoned:	D-1
	Municipal Building	Site Address:	10497 Fox Farm Trail
	155 South Seward Street	Accessed Via:	Fox Farm Trail
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.

If you have questions, please contact Chrissy McNally at christine.mcnally@juneau.org or at 586-0761.

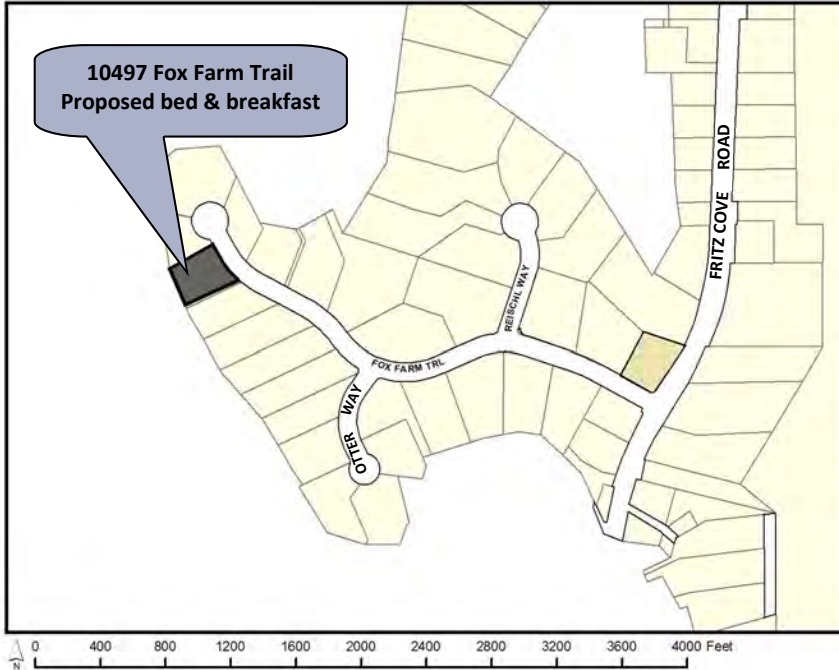


Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: December 10, 2014

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 year-round bed and breakfast located at **10497 Fox Farm Trail** in a **D1 zoning district**.

TIMELINE

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

Now through April 30, 2018

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

May 1 through 12 noon, Friday, May 18

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

HEARING DATE & TIME
7:00 pm, May 22, 2018

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

May 23

The results of the hearing will be posted online.

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

Printed April 19, 2018

Case No.: USE2018 0003
Parcel No.: 4B2001030150
CBJ Parcel Viewer: <http://epv.juneau.org>

From: Lisa Rollin <lrollin@gci.net>
Sent: Thursday, May 3, 2018 2:12 PM
To: PC_Comments
Subject: conditional use permit for year-round B & B at 10497 Fox Farm Trail

I live next door to Gretchen Powers, and I support her application for a conditional use permit for a year-round B & B at her home. Gretchen (and her late husband, Rusty) have been good neighbors in the past, and I anticipate that she will continue to be respectful of my rights and responsive to my concerns.

The issues that I am concerned about include limiting the maximum number of guests allowed at a time, providing adequate off-street parking for that number of people, maintaining restrictions on noise from 9 PM-7 AM, ensuring that any designated smoking area is far from any neighbors' windows and doors, limiting fires on the beach (due to proximity of neighbors' windows and doors), and managing guests' access of B & B property so as not to encroach on the neighbors' property.

Thank you.

Lisa Rollin
789-9116

From: Mike McKrill <mmckrill@gci.net>
Sent: Monday, April 30, 2018 3:14 PM
To: PC_Comments
Subject: Conditional Use Permit for a year-round bed and breakfast at 10497 Fox Farm Trail

Hi,

I am a next door neighbor to this property and probably the neighbor who will be the most impacted by a decision to allow this conditional use.

I am not the least bit excited about the prospect of having a bed and breakfast business right next door. My biggest concern is that if this permit goes forward, there needs to be a condition set for offstreet parking for any and all vehicles that will be using the property. The street is quite narrow and ends in a cul-de-sac just past the subject property and right in front of my property. People visiting the subject property have a strong tendency to park in front of my property and particularly right in front of my mailbox and newspaper box. This is not acceptable to me and I think the only way to avoid this is for the permit holder to provide offstreet parking. In addition, when there is snow in the winter, the problem is even more acute as the street tends to get narrower and narrower. And school buses need every inch of room available to turn around in the cul-de-sac.

My other main issue is with noise. My bedroom window is directly adjacent to the deck of the subject property. I am very concerned about noise on the deck and on the beach on late evenings. Hopefully there will be conditions attached to any permit pertaining to hours when noise must end. And I hope that the city will provide a copy of any permit with conditions listed so that neighbors can see what has been allowed and what has been restricted. And I also wonder what recourse the neighbors have if the permit is issued and the the conditions of the permit are not met by the owner of the business. Will any offstreet parking that is a condition for the permit have to be in place before the business is started?

Thanks for hearing my concerns,

Mike McKrill

10507 Fox Farm Trail

From: Amy Liu
Sent: Tuesday, April 24, 2018 4:49 PM
To: Beth McKibben
Subject: FW: Follow up re: CUP on Fox Farm Trail

Beth, FYI.

Amy Liu | Planner | City & Borough of Juneau
(907) 586-0764 | amy.liu@juneau.org

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

From: Amy Liu
Sent: Tuesday, April 24, 2018 4:45 PM
To: 'Ray Matiashowski'
Subject: RE: Follow up re: CUP on Fox Farm Trail

Ray,

The Planning Commission will make the decision to approve or deny on May 22 at 7:00 PM. You and any other member of the public welcome to give public testimony in addition to submitting comments that will be included in the staff report.

Please feel free to read the 2018 application, 2015 notice of decision, 2014/2015 staff report, and the subdivision plat. Let me know of your questions and comments.

Amy Liu | Planner | City & Borough of Juneau
(907) 586-0764 | amy.liu@juneau.org

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

From: Ray Matiashowski [mailto:raym@kpunet.net]
Sent: Tuesday, April 24, 2018 4:08 PM
To: Amy Liu
Subject: Re: Follow up re: CUP on Fox Farm Trail

Sounds like the decision has already been made...by you.

RM

> On Apr 24, 2018, at 2:24 PM, Amy Liu <Amy.Liu@juneau.org> wrote:

>

> Ray,

>

> I've addressed your message line-by-line below.

>

>

> 1) While I have not yet spoken to everyone in the impacted area, the ones I have spoken with told me that they do not support the CUP and that they provided comments during the prior application process. They feel that their comments on the original application were largely ignored by the CBJ at that time and they somewhat dispirited about the current process because of this.

>

> The perspectives of neighbors are valid, and I could not speak to individual interactions with CDD. However, I would point to a few examples in the staff report for the 2014 application of how public comment influenced conditions of approval. You were emailed the staff report on 4/23/18. Excerpts are shared below.

>

> "Staff received a call from one neighboring property owner that was concerned about guests using the neighborhood dock. Use of this dock requires paid membership and is accessed through a private property. When the applicants purchased the property they opted not to pay for rights to use the dock. The applicants have stated that they intend to establish guidelines for guests to protect the privacy of adjacent property owners. Based on the concerns of neighboring property owners, available off street parking and the International Building Code requirement previously mentioned, staff recommends a condition that the bed and breakfast be limited to eight guests, 2 per bedroom."

>

> "The neighbor to the north commented that they are concerned bed and breakfast guests will park in front of their property on the street (Attachment H). However, they have spoken to the applicants about their concerns and believe the applicants will maintain sufficient off street parking for guests."

>

> "With the recommended condition of 8 guests, the proposed bed and breakfast would have 10 individuals on site. There is the potential for guests gathered on the outdoor patio or beach to disturb neighbors to the north and south. There may also be additional noise from guests arriving and departing. The applicants have stated that they intend to establish guidelines for guests that will address noise. Based on adjacent property concerns, staff recommends that a condition be placed on the proposed use that outdoor events be limited to no later than 10 p.m. Monday through Thursday and midnight on Fridays and Saturdays. This condition along with the occupancy limit condition and with existing vegetative buffer between properties is expected to mitigate off site noise impacts."

>

> "Neighbors have commented that they are concerned with guests walking on the shorelines and any liability that may occur if there were an injury on their property. Staff informed the applicant of this concern and they intend to address trespassing with each guest."

>

>

> 2) I'd like to know what role the comments of the affected neighbors play in this process? What weight is assigned to the comments of the affected neighbors?

>

> CDD administers CBJ Code, particularly Title 49. CDD evaluates a proposal for its consistency with CBJ Code. CDD receives and addresses public comment as it relates to CBJ Code. For example, if a property owner raised a fence that met all CBJ Code requirements, and a neighbor requested that the fence be taken down, CDD would ultimately determine that the fence could remain. This is because the property owner has a conditioned right to raise that fence per CBJ Code.

>

> As shown by the excerpts above, there were ways to condition approval of the bed and breakfast in a way that was consistent with CBJ Code and relevant to public comment. Nevertheless, we are analyzing the proposal again through the current conditional use permit application. Your comments will be included in the new analysis.

>

>

> 3) I don't know if you've been out to Fox Farm Trail, and specifically to the applicant's property, but if you do go out there you will see that this is a unique spot.

>

> I have not visited the site. It's important to note that the most recent plat of the subdivision both you and the applicant are in, dated 1989, shows that 30' from the meander line is "public park area". This public park area can be accessed via the dedicated footpath across the street from you, between Lot 16 and Lot 15. As such, members of the public walking along the beach in front of your lot is not a form a trespassing.

>

>

> 4) "It's on a dead-end street so the guests will have no alternative ingress or egress to/from the property without going by everyone in the neighborhood. They will also have nowhere to walk or recreate without impacting others in the area. It really is not a good spot for a commercial undertaking of any kind, especially one that will bring additional visitors to the area. We did not choose to live in this area so that we can constantly be confronted with visitors to the area. This is greatly troubling to me and, apparently, to at least some of my neighbors."

>

> My comments on item 2 are also relevant here. As mentioned before, the applicant's House Rules and onsite management are designed to prohibit trespassing. And, the beach is actually platted as a public area.

>

>

>

> Ray, if you are still in conversation with neighbors who are against or have questions regarding the proposal, please feel free to have them email or call me. Email is better since I see messages sooner and more often than I check my voicemail.

>

> Regards,

>

> Amy Liu | Planner | City & Borough of Juneau

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

>

> -----Original Message-----

> From: Ray Matiashowski [mailto:raym@kpunet.net]

> Sent: Tuesday, April 24, 2018 1:21 PM

> To: Amy Liu

> Cc: Ray Matiashowski

> Subject: Re: Follow up re: CUP on Fox Farm Trail

>

> Hi Amy. Yes, I did receive your email last night and have spent time reading the contents. I have also been in touch with many of my neighbors regarding this Conditional Use Permit application. While I have not yet spoken to everyone in the impacted area, the ones I have spoken with told me that they do not support the CUP and that they provided comments during the prior application process. They feel that their comments on the original application were largely ignored by the CBJ at that time and they somewhat dispirited about the current process because of this.

>

> I'd like to know what role the comments of the affected neighbors play in this process? What weight is assigned to the comments of the affected neighbors?

>

> I don't know if you've been out to Fox Farm Trail, and specifically to the applicant's property, but if you do go out there you will see that this is a unique spot. It's on a dead-end street so the guests will have no alternative ingress or egress to/from the property without going by everyone in the neighborhood. They will also have nowhere to walk or recreate

without impacting others in the area. It really is not a good spot for a commercial undertaking of any kind, especially one that will bring additional visitors to the area. We did not choose to live in this area so that we can constantly be confronted with visitors to the area. This is greatly troubling to me and, apparently, to at least some of my neighbors.

>

> RM

>

>

>

>

>

>

>

>> On Apr 24, 2018, at 11:55 AM, Amy Liu <Amy.Liu@juneau.org> wrote:

>>

>> Ray,

>>

>> Ray,

>>

>> Please see my email, subject " CDD Follow-Up on USE20180003, Part B" sent on 4/23/18 at 5:07 PM to read the House Rules. The preceding email, subject "... Part A" contains the 2015 notice of decision and 2014 staff report. Both emails were sent a few minutes prior to your message below, so let me know if there's any confusion about where they are in your inbox.

>>

>> I will try to find other documentation as they relate to your inquiry about the timing of the House Rules.

>>

>> Regards,

>>

>> Amy Liu | Planner | City & Borough of Juneau

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

>>

>> -----Original Message-----

>> From: Ray Matiashowski [mailto:raym@kpunet.net]

>> Sent: Monday, April 23, 2018 5:17 PM

>> To: Amy Liu

>> Cc: Ray Matiashowski

>> Subject: Follow up re: CUP on Fox Farm Trail

>>

>> Hi Amy:

>>

>> Thanks for taking the time to talk with me this afternoon. I wanted to follow up on our conversation regarding the information you will be sending to me. In particular, I want to remind you that I am interested in seeing your documentation regarding the fact that the applicant had their "home rules" developed and in a written format prior to the due date and that they had simply forgotten to "hit the send button" as you stated. I believe this oversight may have been more significant than you indicated on the phone with me today.

>>

>> According to what you said to me today, the development and submission of the home rules was integral to addressing the concerns of the residents closest to the proposed Conditional Use Permit application. Again, I look forward to your documents showing that these home rules had indeed been developed prior to the due date and that the applicant had simply forgotten to send them to the Borough. You indicated to me today that this omission was what caused the entire CUP process to be redone, which is the process you are going through now.

>>

>> I am also looking forward to seeing the additional information contained in your file for this particular project. Again, my family and I bought our home in August of 2015 and so we were not a part of the original application process.

>>
>> Thanks Amy. I look forward to working with you on this Conditional Use Permit application process.

>>
>> RM

>>

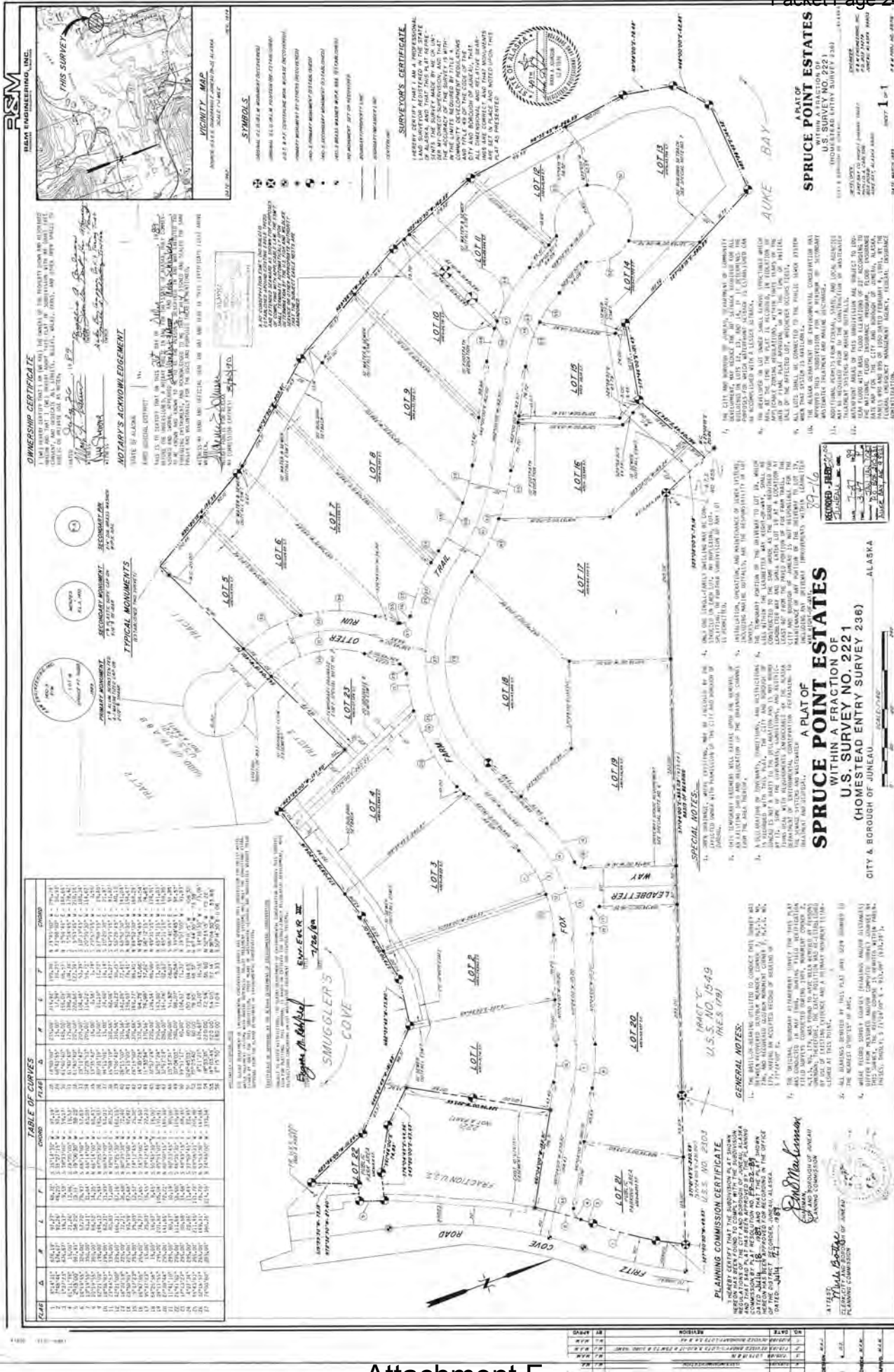
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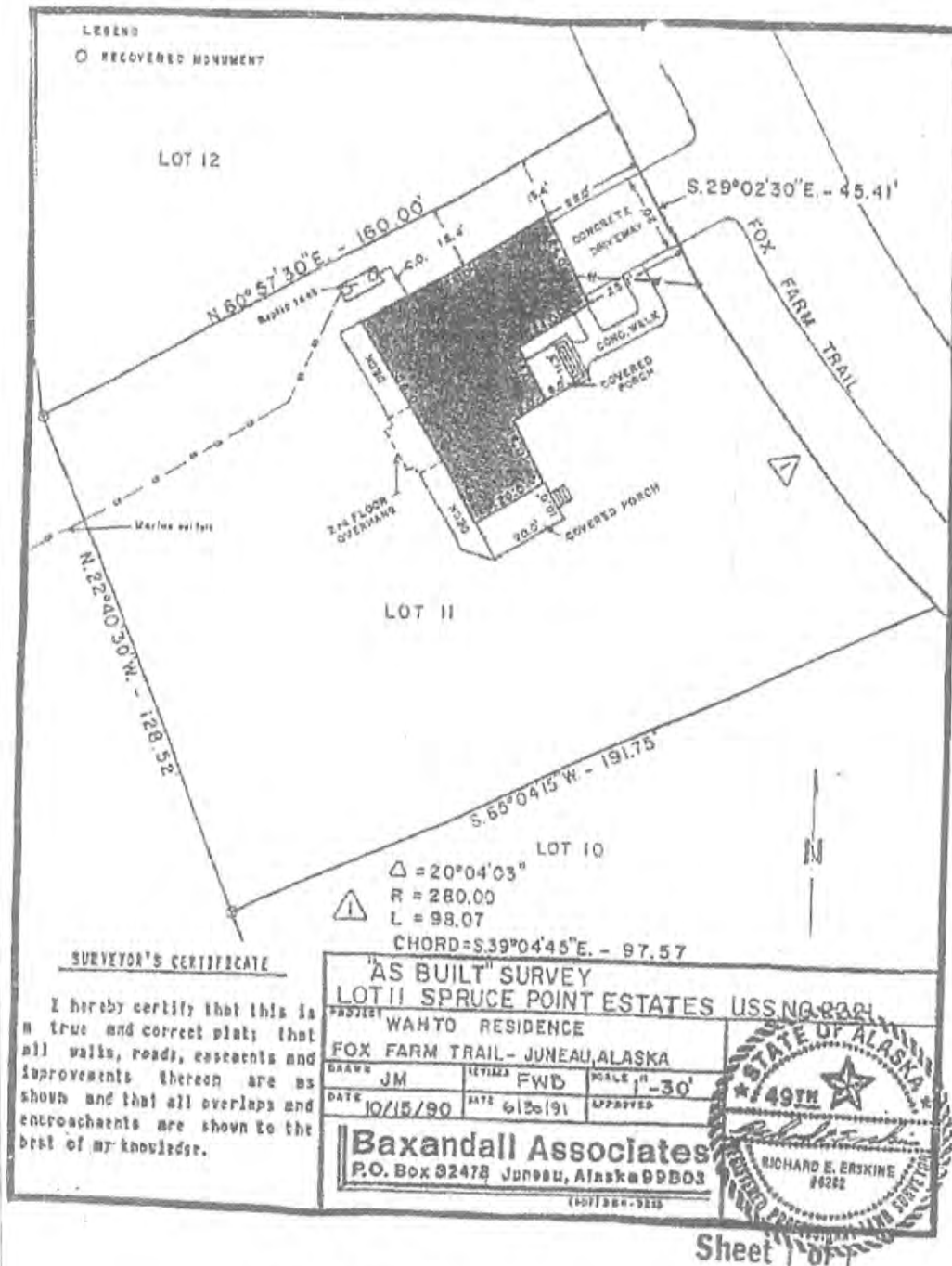
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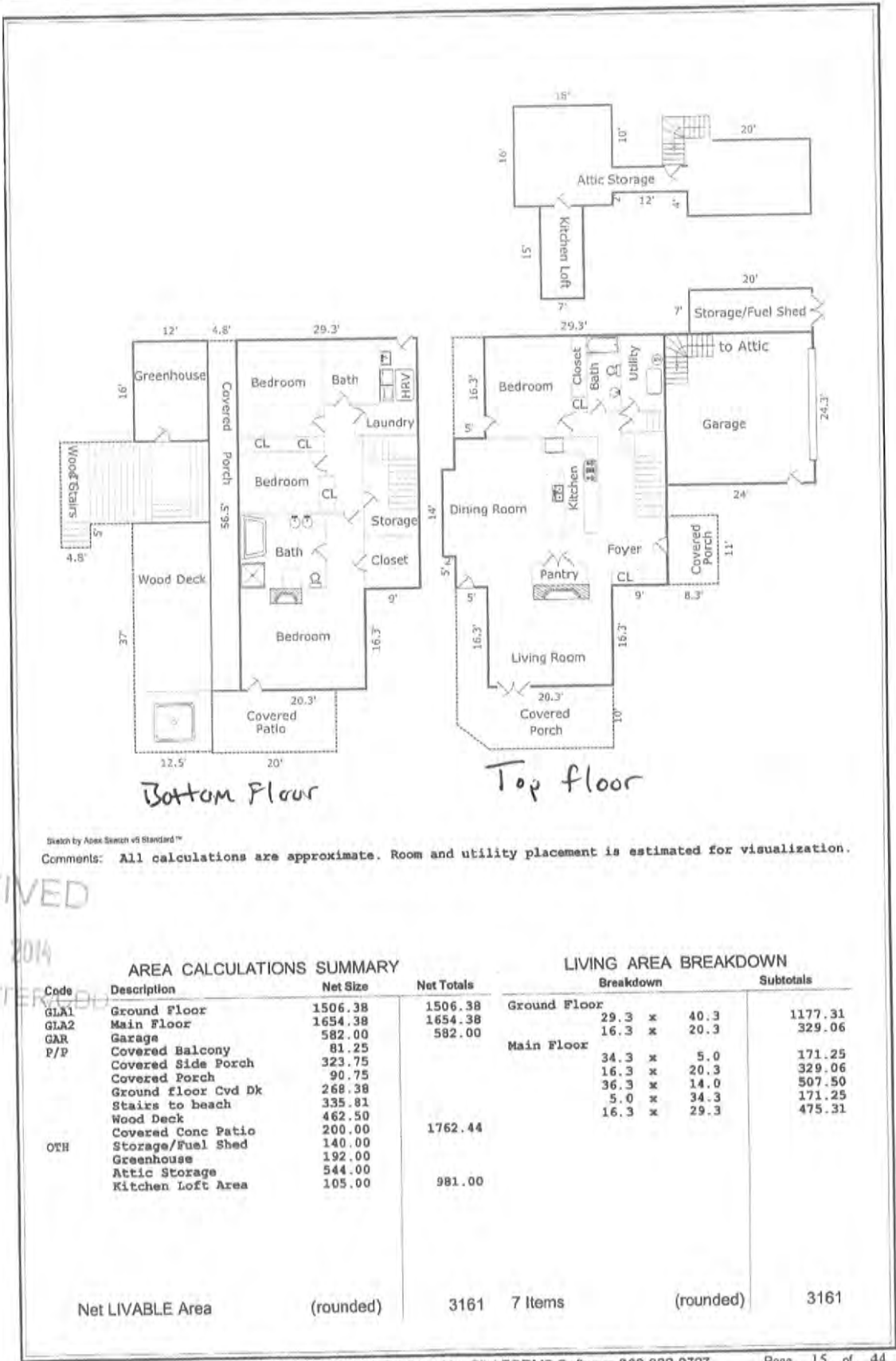


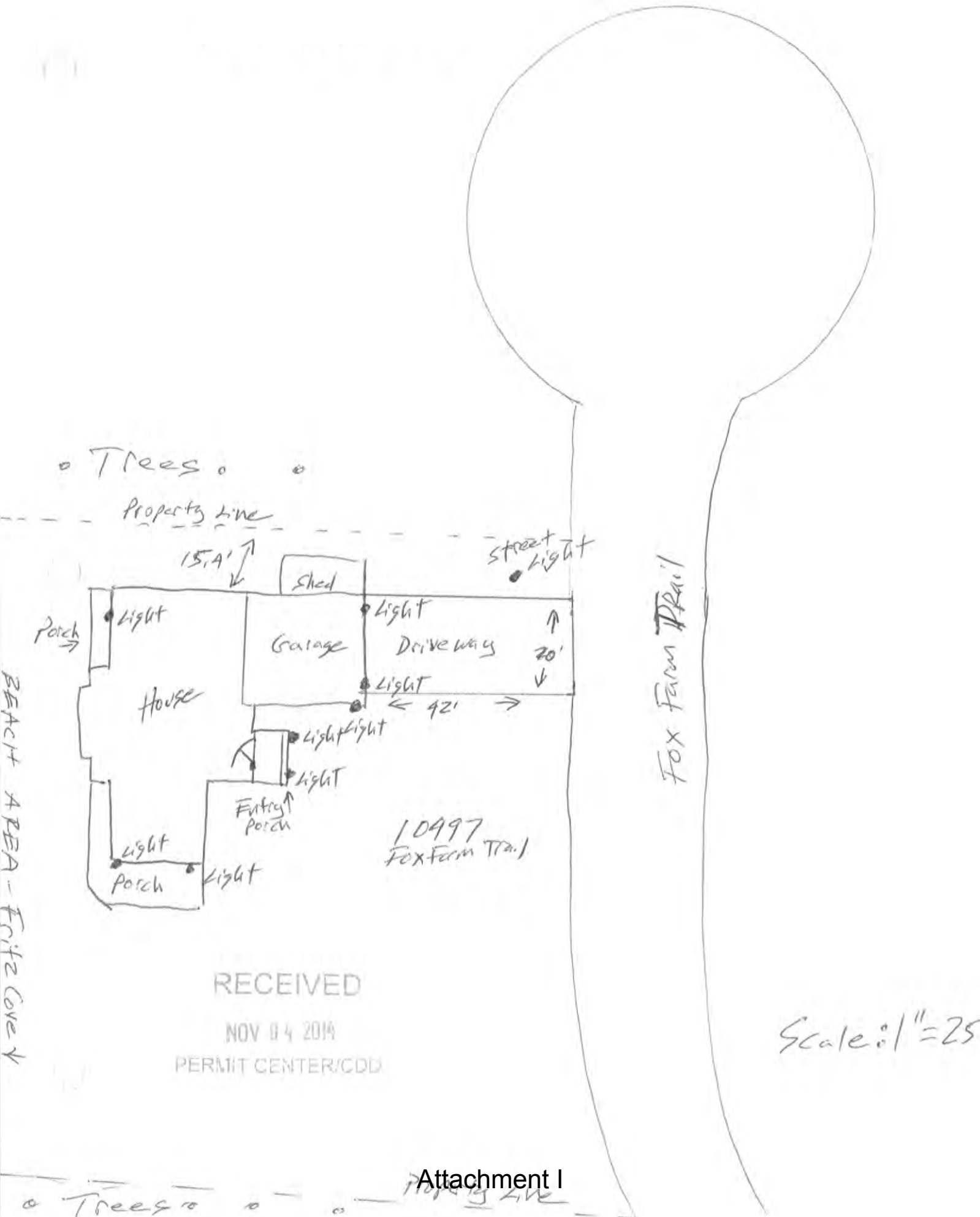
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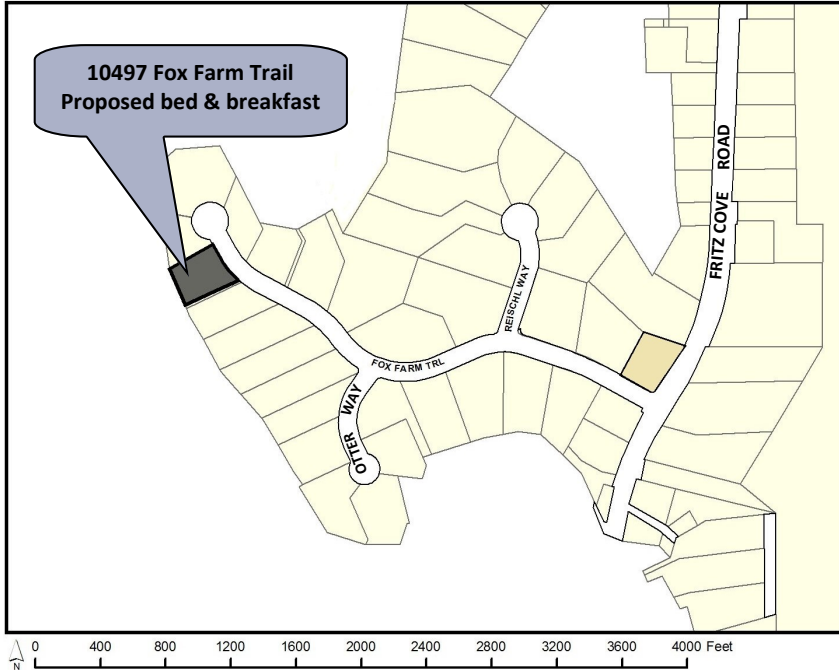
Attachment G





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 year-round bed and breakfast located at **10497 Fox Farm Trail** in a **D1 zoning district**.

TIMELINE

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

Now through April 30, 2018

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

May 1 through 12 noon, Friday, May 18

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

HEARING DATE & TIME
7:00 pm, May 22, 2018

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

May 23

The results of the hearing will be posted online.

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

Printed April 19, 2018

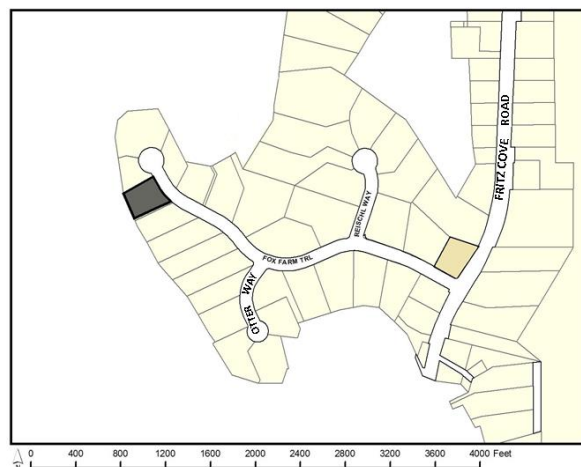
Case No.: USE2018 0003
Parcel No.: 4B2001030150
CBJ Parcel Viewer: <http://epv.juneau.org>

USE2018-0003 Conditional Use Permit For A Year-round Bed And Breakfast

CBJ Planning Commission Presentation
May 22, 2018
Amy Liu



Vicinity Map



Site Zoning



D1, Single family and duplex residential development

The applicant's home meets the zoning district's setback requirements.

- The dwelling is 25 feet from the front, 40 feet from the rear, an average of 15.9 feet from the northern side, and 50 feet from the southern side
- The required setbacks for the D1 zoning district are 25 feet for the front, 25 feet for the rear, and 10 feet for the side



Proposal

The applicant requests a Conditional Use Permit for the development of a year round four bedroom bed and breakfast in a D-1 zoning district.

- The existing home has four bedrooms, three of which would be used as guest rooms.

CBJ 49.80.120 defines a bed and breakfast as, "a dwelling in which more than two bedrooms are used for commercial lodging provided by the owner or operator who lives on site".

- According to CBJ 49.25.300 *Table of Permissible Uses*, bed and breakfasts are allowed in the D-1 zoning district with an approved Conditional Use Permit.



Background

Conditional Use Permit, USE2014 0017 was approved on January 27, 2015 for the operation of a bed and breakfast at 10497 Fox Farm Trail with three conditions:

1. The bed and breakfast shall not exceed a maximum occupancy of 8 guests and 2 owners/caretakers.
2. Outdoor events shall be limited to 10 p.m. Monday through Thursday and midnight Friday and Saturday.
3. The applicants shall submit a list of house rules that address noise, trespassing and parking to the Community Development Department.

The applicant did not submit the list of House Rules prior to the permit's expiration date, July 27, 2016, and thus did not meet condition #3.

The applicant has included house rules in the application for USE2018 0003. The proposed bed and breakfast operation has not changed from that reviewed in USE2014 0017.



Public Comments

- Trespassing
- On-street parking
- Noise
- Increased foot traffic along the waterfront



Site Description



- The lot is a 22,966 square foot lot and bordered by trees.
- Fox Farm Trail is a CBJ maintained roadway. Adjacent lots are developed with single family residences.

Beach

The beach along the waterfront remains public land per *State Policy on Navigability*.

II. Legal and Policy Guidelines Governing Management of Submerged Lands and Public Waters

Public Waters

(c) Ownership of land bordering navigable or public waters does not grant an exclusive right to the use of the water and any rights of title to the land below the ordinary high water mark are subject to the rights of the people of the state to use and have access to the water for recreational purposes or any other public purposes for which the water is used or capable of being used consistent with the public trust.

Obstructions to Navigable Water

(d) Free passage or use of any navigable water includes the right to use land below the ordinary high water mark to the extent reasonably necessary to use the navigable water consistent with the public trust.

Boundaries of Navigable Waters

2. Tidal Water Boundaries The boundary between tidal water bodies and private/public owned uplands is the Mean High Water Line. Mean high water line as defined by 11 AAC 53.900(15) is: The tidal datum plane of the average of all the high tides, as would be established by the National Geodetic Survey, at any place subject to tidal influence.



Site Photo



Site

The single family residence is 3,123 square feet with four bedrooms and three bathrooms.

- The upper floor of the residence consists of a garage, dining room, living room, kitchen, one full bathroom and one bedroom.
- The lower floor consists of three bedrooms, two bathrooms, and laundry facilities. There is access to a large deck from the bottom floor.

The upper floor bedroom is for the owner/caretaker. The other three bedrooms are for guests.

- The proposed bed and breakfast does not change the footprint or the exterior of the home



Traffic

A traffic impact analysis is not required. Staff does not anticipate traffic generated by the bed and breakfast to adversely affect traffic flow on Fox Farm Trail.

- The property is located in a low density residential neighborhood. Traffic consists of residents leaving and returning to their residences.
- According to the 9th Edition of the ITE Trip Generation Manual, a single-family home is estimated to generate approximately 10 average daily trips (ADT).
- The Manual does not include estimates for bed-and-breakfasts. There is an estimate for a “single hotel room”. Staff estimates that the three guest rooms will generate approximately 4 ADT per guest bedroom.
- **The combined total of all trips is 22 ADT.**



Parking and Circulation

The total parking requirement is four spaces. Site provides six off-street spaces. House Rules prohibit on-street parking.

- Per CBJ 49.40.210, the parking requirement for a bed and breakfast is one space per two guest bedrooms.
- The parking requirement for a single family residence is two spaces.
- A standard parking space is 8.5' x 17'.
- The site has a two car garage and a 20' x 42' driveway. The site can accommodate six vehicles, which exceeds the minimum parking requirement.



Public Health and Safety

Site meets health and safety standards.

- The owner has upgraded the onsite septic system to meet Alaska Department of Environmental Conservation standards.
- The owner has also upgraded the plumbing, heating, and alarm systems for smoke and carbon dioxide.
- Lights illuminate the driveway and front door to the house to facilitate safe entry and exit. Glare from lights is shielded by surrounding vegetation.



Property Value and Neighborhood Harmony

The Spruce Point Estates Declaration of Protective Covenants, Conditions, and Restrictions does not specifically mention uses that are restricted in the subdivision.

The House Rules establishes conduct for guests and are intended to maintain neighborhood harmony.

- Guidelines specifically prohibit on street parking, excessive noise, trespassing onto neighboring property, smoking, pets, and children younger than 12 years old.

The CBJ Assessor expressed that she found nothing of concern regarding the bed and breakfast application.



Conformity With Adopted Plans

The Comprehensive Plan identifies the need to promote independent and over-night travelers and promote “development that supports year-round visitor services and activities”. Further, Policy 5.4 in the Comprehensive Plan states:

POLICY 5.4 TO ENCOURAGE TOURISM, CONVENTION AND OTHER VISITOR-RELATED SERVICES, WHILE PROTECTING JUNEAU'S NATURAL, CULTURAL AND ECONOMIC ATTRACTIONS FOR LOCAL RESIDENTS AND VISITORS ALIKE, AND TO PARTICIPATE IN THE ACCOMMODATION OF THE FUTURE GROWTH OF TOURISM IN A MANNER THAT ADDRESSES BOTH COMMUNITY AND INDUSTRY CONCERNS.

A small locally owned and operated bed and breakfast meets the intent of this policy.



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. The permit is listed at CBJ 49.25.300, Section 1.610 for the D1 zoning district.
3. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the May 11 and May 21, 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. A Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.



Staff's Findings

4. No evidence is found to indicate that the proposed use, with conditions, will materially endanger the public health or safety.
5. The proposed use, with conditions, will substantially decrease the value of or be out of harmony with property in the neighboring area.
6. The proposed development is in general conformity with the Comprehensive Plan of the City and Borough of Juneau.



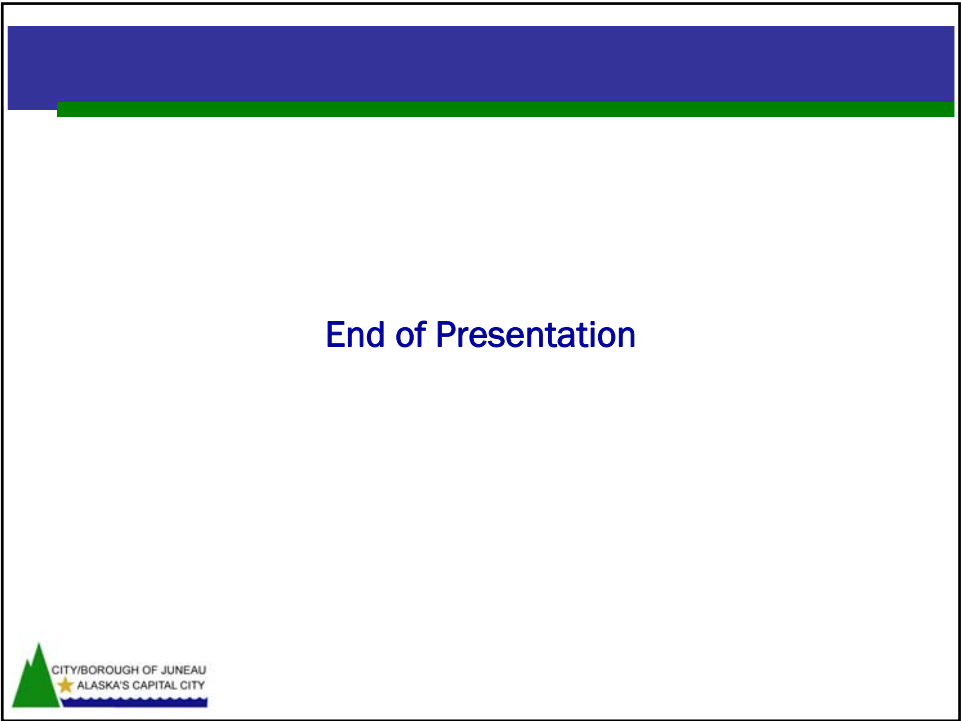
Staff's Recommendation

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 year-round bed and breakfast.

The approval is subject to the following conditions:

1. The bed and breakfast shall not exceed a maximum occupancy of 8 guests and 2 owners/caretakers.
2. Outdoor events shall be limited to 10 p.m. Monday through Thursday and midnight Friday and Saturday.







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: May 23, 2018
Case No.: USE2018 0003

Gretchen Powers
10497 Fox Farm Trail
Juneau, AK 99801

Proposal: Conditional Use Permit for a year-round bed and breakfast .
Property Address: 10497 Fox Farm Trail
Legal Description: Lot 11, Spruce Point Estates
Parcel Code No.: 4B2001030150
Hearing Date: May 22, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 14, 2018, and approved a year-round four bedroom bed and breakfast to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. The bed and breakfast shall not exceed a maximum occupancy of 8 guests and 2 owners/caretakers.
2. Outdoor events shall be limited to 10 p.m. Sunday through Thursday and midnight Friday and Saturday.

Attachments: May 14, 2018, memorandum from Amy Liu, Community Development, to the CBJ Planning Commission regarding USE2018 0003.

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

Gretchen Powers
Case No.: USE2018 0003
May 23, 2018
Page 2 of 2

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

Effective Date: The permit is effective upon approval by the Commission, May 22, 2018.

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

May 31, 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: May 12, 2018

TO: Planning Commission

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

FILE NO.: USE2017 0006

PROPOSAL: Marijuana Cultivation Facility located in an Industrial (I) Zone.

GENERAL INFORMATION

Applicant: Taku Horticulture Company, LLC

Property Owner: Dennis and Linda Mayer

Property Address: 1758 Anka Street

Legal Description: Lot 5A, Glacier Industrial III

Parcel Code Number: 5B1201300050

Site Size: 21,923 sf (0.503 acres)

Comprehensive Plan Future Land Use Designation: LI (Light Industrial)

Zoning: Industrial (I)

Utilities: CBJ Water and Sewer

Access: Anka Street

Existing Land Use: Mini and private storage with a caretaker's unit

Surrounding Land Uses:

- North - Commercial use (I)
- South - Commercial use (I)
- East - Mini-storage, Storage (I)
- West - Commercial use with caretaker's apartment (I)

Planning Commission
 File No.: USE 2017 0006
 May 12, 2018
 Page 2 of 14

Vicinity Map



VICINITY MAP FOR
 GLACIER INDUSTRIAL III LT 5A

250 125 0 250 Feet



ATTACHMENTS

- Attachment A: Conditional Use Permit application, including site plans
- Attachment B: Public Notice
- Attachment C: Previous Notice of Decision for USE2017 0006
- Attachment D: Property Appraisal information for Vital Statistics Building
- Attachment E: CBJ Property Appraiser Correspondence, April 28, 2018
- Attachment F: Similar Use Determination for Vital Statistics Building, TXT2002-00002

Planning Commission
File No.: USE 2017 0006
May 12, 2018
Page 3 of 14

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a 8,996 square foot marijuana cultivation facility in an existing storage facility in the Industrial (I) zone on Anka Street. Initially, the 3,108 square foot upstairs portion will be used for cultivation. If the business does well, then the operation will expand into the 5,888 square foot first floor area.

BACKGROUND

This Conditional Use Permit (USE2017 0006) was considered and approved by the Planning Commission on May 23, 2017, with six conditions (see Attachment C). A nearby property owner, Granite Mountain Properties, LLC., appealed the Planning Commission's decision to the Assembly. A hearing officer was appointed for the proceedings. That appeal was settled and as part of the settlement agreement, the Planning Commission at its February 27, 2018, regular meeting, voted unanimously that a supplemental hearing would occur for USE2017 0006. The supplemental hearing is to include the original record, as well as any additional comments or materials. The Planning Commission will then decide whether to reaffirm the issuance of the Conditional Use Permit or to revoke it.

The applicant has submitted an updated second floor site plan, dated May 8, 2018. The business is not in operation but the applicant has applied for a building permit (BLD2017 0694) in order to make improvements to the building for the marijuana cultivation business as provided in the Notice of Decision in Attachment C.

The existing building is currently used for mini-storage and private storage. Included on the second floor is a caretaker apartment and private storage use. The storage use and the associated caretaker's unit were approved by an Allowable Use Permit, USE96-0014, and Design Review Permit, DRP96-0044. A Variance (VAR96-0036) was denied in 1996 for a reduction in the required 5% vegetative cover. The building was constructed in 1996 with the required building permits (BLD-1205501 and BLD-1241301). Mini-storage use will continue on the first floor and the second floor will contain marijuana cultivation and the caretaker's apartment. There are no other uses on the property.

The applicant has indicated a potential expansion in the future on the first floor for additional cultivation space as well as marijuana retail. This Conditional Use Permit request includes the review for the first floor and second floor cultivation operations. A new Conditional Use Permit will be needed for any future retail operation.

Planning Commission
 File No.: USE 2017 0006
 May 12, 2018
 Page 4 of 14

ANALYSIS

The applicant has submitted an application with the State of Alaska Marijuana Control Board and will obtain a CBJ Marijuana License if both the state license and this Conditional Use Permit (CUP) are approved. The inspection required for the CBJ marijuana license will ensure that the applicant is held to the plans as submitted, special use requirements found in CBJ 49.65.1200, and any conditions required by this permit.

According to CBJ 49.65.1245(e) an approved Conditional Use Permit for marijuana establishments is subject to review by the Commission every five years from the date of issuance. If this permit is approved review would be needed in 2023.

Project Site – The subject lot was platted in 1995 (Plat No. 95-39). The subject lot has a width of 100 feet and a depth of 216 feet, resulting in a lot area of 21,923 square feet. The minimum lot size in the Industrial zone is 2,000 square feet. Setbacks in the Industrial zone are ten feet for the front and rear yards and zero feet for the side yards. The existing two story structure exceeds all of the minimum required yard setbacks. No exterior modifications or additions to the structure are proposed.

The 9,936 square foot commercial building contains two stories. The first floor, which is approximately 4,968 square feet, is used for mini-storage use. The second floor includes a 1,860 square foot caretaker's apartment and 3,108 square feet of storage use. Approximately 3,108 square feet of the second floor is to be initially occupied by the cultivation use with a future expansion of 4,563 square feet on the first floor for additional cultivation use. The caretaker's unit will remain. The applicant may apply for marijuana retail use in the future and will submit a Conditional Use Permit (CUP) for that use.

	Existing Uses	Phase I Proposed Uses	Expansion Proposed Uses
First floor	4,968 square feet total – mini-storage use	Continued 4,968 mini-storage use	4,968 square feet of cultivation use (405 sf will be unused or for potential marijuana retail with an approved CUP)
Second floor	3,108 square feet storage use 1,860 caretaker's unit	3,108 cultivation use 1,860 caretaker's unit	3,108 cultivation use 1,860 caretaker's unit
Total Uses	8,076 storage use 1,860 caretaker's unit	4,968 sf storage use 3,108 sf cultivation use 1,860 sf caretaker's unit	8,076 sf cultivation use 1,860 sf caretaker's unit (405 sf potential marijuana retail with an approved CUP)

Planning Commission
File No.: USE 2017 0006
May 12, 2018
Page 5 of 14

Project Design – The 9,936 square foot existing building will undergo interior renovations in order to accommodate the cultivation of marijuana and meet state and local marijuana regulation requirements. There are three entrances into the proposed cultivation area; two external doors and one internal door. All will be secured with cameras, alarms, motion detectors, door locks, entry key pads, and restricted access. The cultivation area will be secure and accessed only by those with a Marijuana Handler Permit or escorted registered visitors.

Only the second floor of the building has windows. There is one window each for the proposed cultivation office space, and the packaging and trimming rooms, for a total of two windows. The applicant has stated that they will block the windows with nontransparent material for any window in which product may be visible. Please refer to the site plans in Attachment A.

The area where cultivation is proposed on the second floor is currently a single open space. The applicant intends to construct six rooms, all connected by a common hallway. The rooms will be used for marijuana cultivation including a room for blooming, vegetation, drying, trimming, and packaging. In addition, there will be space for storage, waste, an ADA restroom, and a secure lobby/entry area.

On the first floor where cultivation is expected to expand in the future, the existing mini-storage space will be converted to four rooms for cultivation use, including a room for blooming, extraction, drying, and trimming. Another ADA accessible restroom will be located on the first floor. 405 square feet of area on the first floor is proposed for future marijuana retail. If the applicants intend to pursue that use a separate Conditional Use Permit is required.

CBJ 49.65.1245 identifies additional requirements for marijuana establishments. Those items to be reviewed are detailed below.

Ventilation & Filtration/Odor – The applicant has indicated that three Mission Air Systems by Excel Air will be used for filtration purposes. These systems are a closed loop system and no air goes outside. The system sucks in fresh air from the outside, circulates the air, and cleans and scrubs it with the built in charcoal filters, and recirculates the air inside the building only. According the manufacturer (see Attachment A), absolutely no air is vented outside. Charcoal filters out odor and there will be four additional stand-alone charcoal filters in the bloom room. The first floor expansion area will include six charcoal filters in the cultivation area. Ultraviolet light (UV) filtration will also be used. The applicants, in order to address concerns by neighbors, have additionally improved the second floor space to ensure that no odor will escape. They have added vapor barrier to the entirety of the proposed cultivation area, as well as fire caulked all seams. The proposed air filtration system is similar to those used by other marijuana cultivation facilities currently operating. The Community Development Department has not received any odor complaints for any of the operating cultivation facilities.

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The applicants will also use carbon dioxide for plant enrichment in the cultivation rooms. There will be a CO₂ monitoring system that will keep levels within state and local compliance and an alarm will sound if the gas reaches an unsafe level. The proposed CO₂ usage is in compliance with the state and local regulations. CO₂ usage is subject to review by the CBJ Fire Marshal and will be inspected accordingly.

Fungicides & Pesticides – The applicant proposes using natural pesticides for pest control. Azamax is the applicant's preferred method, although a hydrogen peroxide solution may also be used. These are consistent with the pesticides list provided by the Alaska Department of Environmental Conservation to be used on marijuana crops provided by the Alaska Department of Environmental Conservation.

Security – According to CBJ 49.65.1245(a)(2) applicants are required to submit a security plan. State regulations require exterior lighting, alarm systems, video monitoring, and commercial grade door locks. The site plan in Attachment A identifies the proposed security requirements, such as:

- Restricted areas where unescorted visitors are not allowed to enter,
- Exterior lighting,
- Exterior cameras,
- Interior cameras,
- Interior motion detectors,
- Locked doors and key pads for entry, and
- Alarm sensors on doors and windows.

The secure office space will house the surveillance hardware. The applicant's indicate in their narrative in Attachment A that Doak's Lock and Key will install and monitor the security system. The surveillance cameras will operate continually, that is twenty-four hours a day, seven days a week. Conditions are recommended requiring a detailed security plan that shows the field of vision of each security camera, as well as ensuring that cameras have unobstructed views of the doors and activity areas. The caretaker's unit will also add another level of security.

Waste disposal – The applicants propose to implement hydroponic cultivation methods which means there will be less growing medium needed per plant. Grow stones will be used as the preferred medium which require washing and reuse of the material. Wastewater will be disposed of in exterior landscaping. Plant waste will be kept to a minimum and unusable material will undergo special processing prior to disposal.

For waste that cannot be reused, the applicant will grind up the waste and mix it with another organic material in order to render it unusable as required by state regulations. The waste will be stored in airtight containers in view of surveillance cameras. Staff recommends as a

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condition of approval that all waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

Screening – CBJ 49.65.1245(a)(4) prohibits marijuana product from being visible to the general public from the right-of-way. As shown in the application materials only the second floor of the building has windows. The applicant has stated that any window to a room that includes product will be blacked out. There is no ability to see into the facility from the public right-of-way. With the first floor expansion, cultivation will take place in fully enclosed rooms.

CBJ 49.15.330(g) identifies the general items that staff reviews for all Conditional Use Permits, those items are detailed below.

Traffic – Traffic to and from the site will consist of employees and supply delivery. The applicant states that deliveries would not occur more than three times a week. Additional traffic will be generated by the existing mini-storage in the building along with the caretaker's trips. The applicant anticipates four to six employees during the hours of 7 a.m. and 7 p.m., seven days a week. Supply deliveries such as CO₂ will occur infrequently on a weekly or biweekly basis. The cultivation use likely results in minimal addition to the overall traffic generated by the use. Marijuana is harvested cyclically and, once packaged, a large amount could be transported in a single trip.

CBJ 49.40.300 states that a traffic impact analysis is NOT required when a development is projected to generate less than 250 average trips in a day. Further, the expected traffic generated by this proposed application is no more than expected from other uses permitted in the district.

Parking and Circulation – According to CBJ 49.40.210 the total number of parking spaces required for the proposed cultivation, mini-storage, and caretaker's establishment is 10. There are already 17 parking spaces on site, one of which is a van-accessible parking space, as required by Code.

Use	Use parking space requirement	Size of use	Parking spaces required
Office	1 per 300 sf	106 sf	0.35
Marijuana Cultivation	1 per 1,000 sf	2,973 sf	2.9
Storage	1 per 1,000 sf	4,740 sf	4.7
Caretaker unit	2	N/A	2
Total			10

CBJ 49.40.210(b)(3) requires that for 1 to 25 parking spaces, one space must be ADA accessible. Accessible spaces are required to be 13 feet by 17 feet, including an access aisle that measures

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5 feet by 17 feet. The required number of standard parking spaces and ADA spaces per CBJ 49.40.210(b)(1)&(b)(3)(C) already exist. One loading space is required by Code. Although the site plan shows adequate room for a loading space, this is not detailed on the plan. A condition requiring an revised site plan, approved by staff, illustrating the required parking and loading spaces prior to approval of a CBJ marijuana license is recommended.

Noise – All marijuana associated activities take place inside the building. Minimal noise is expected. The site is in an Industrial zoning district. Noise is expected to be less than other uses that may be permitted outright in the Industrial Zone.

Public Health or Safety – Several aspects of public health and safety related to a marijuana cultivation facility were addressed in previous sections of this report including CO₂ use, security, the use of pesticides, and odor management. CO₂ will be used in the cultivation process and governed by the requirements found in the International Fire Code and CBJ Title 19, the Building Code, and will be inspected by the Fire Marshall. CO₂ levels used to grow marijuana are well below the safe limits for sustained human exposure prescribed by OSHA at 5,000 ppm. However, a CO₂ monitoring system will be in place to alert if CO₂ levels reach an unsafe threshold.

The applicant has indicated that they plan to use a hydroponic cultivation method and use non-toxic and organic means of pest control. Any risk of toxic substances being transferred to a consumer, or an employee, is significantly minimized by this growing method.

The applicant's proposal meets all the state and local requirements for security including an alarm system, video surveillance cameras, exterior lighting, commercial grade door locks, CO₂ level detection alarms, and appropriate signage. Finally, charcoal filters will be used in all grow rooms in the ventilation and filtration system to manage marijuana odor. Building modifications are being reviewed through the building permit process. The existing structure meets all zoning requirements for height and setbacks and will have to meet all applicable building and fire code requirements for fire safety. The Fire Marshall had no comments regarding this proposal.

Habitat – No habitat regulated by CBJ Title 49 is affected by this proposal.

Vegetative Cover – CBJ 49.50.300 requires five percent of the site be maintained with live vegetative cover. For this site, 1,096 square feet of vegetative cover is required. Review of 2013 aerial photography as well as a site visit by staff confirmed that the vegetative cover requirement has not been met. A condition is recommended that 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.

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Property Value or Neighborhood Harmony – Adjacent existing uses in the neighborhood include mini-storage, a caretaker's unit, warehousing, and general industrial uses. Higher traffic generators, such as Costco and Home Depot, are in the vicinity located on Commercial Boulevard.

The marijuana cultivation facility is expected to produce less traffic, noise, and odor with its low number of employees, air filtration, and internal operation than these adjacent uses and should therefore have a neutral effect on the neighborhood. There is no evidence to suggest the use will have impact on property value or be out of harmony with the neighborhood. The CBJ Assessor has indicated that marijuana-related uses do not appear to have a negative impact on surrounding property values (see Attachment E). An adjacent property owner is concerned about the devaluation of his property and submitted a report dated May 22, 2017 (see Attachment D).

The appraisal report submitted by Integra Realty Resources, dated May 22, 2017, is for property owned by Granite Mountain Properties, LLC., located at 5441 Commercial Boulevard. The building is currently leased to the State of Alaska for the Vital Statistics Building. On page 1, "*Summary of Salient Facts and Conclusions*", the appraisal report lists the property as "Office use" for "Highest and Best Use – As If Vacant". This determination is also detailed in the report. Page 31 of the report states there are four tests for determining the highest and best use, one of which is that the use is legally permissible. The report states the all of the four tests are met, but that is not accurate. The office use, reported as the highest and best use, is *not* legally permissible, and office uses are specifically prohibited in the Industrial zone, as discussed more below. The "legally permissible" test, one of the four required tests for determining highest and best use, does not appear to be met. Thus, the report's conclusions based on this determination appear to not be correct.

Office uses are *not* allowed in the Industrial zone. This is in direct conflict with summary on page 1 that lists "office use" as the highest and best use. Offices are listed in the Table of Permissible Uses as Category 3.000, *Professional Office, Clerical, Research, Real Estate, Other Office Services*. Use 3.050 (*Offices of not more than 1,000 square feet*) and Use 3.100 (*Offices greater than 1,000 but not more than 2,500 square feet*) are specifically prohibited in the Industrial district. Use 3.400 (*Offices greater than 2,500 square feet*) are only allowed in the Industrial district if they are adjacent to Glacier Highway, west of Industrial Boulevard. The property evaluated in the appraisal report does not meet those requirements.

The Granite Mountain property received a Similar Use Determination in 2002, specifically for the Bureau of Vital Statistics Use (BVS). The Board of Adjustment in TXT2002-00002 specifically cited that the BVS use did *not* fit Use 3.400. The Board determined that the use was most similar to a Post Office, Use Category 15.100. In their findings the Board stated that, due to the like characteristics of sorting, storing, and the transmittal of documents and records, and since

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both are public facilities, the Bureau of Vital Statistics was most similar in character to a post office (see Attachment F). If the Bureau of Vital Statistics were to discontinue its use, any future use would have to comply with the Industrial zone requirements. Office uses are not permissible in Industrial zoning districts and would not be permitted on this property.

The CBJ Assessor provided comments regarding property values and marijuana uses, as well as comments regarding the appraisal report. See Attachment E for Ms. Potter's comments.

Included below are general comments in response to the report:

- The appraisal includes anecdotal reports from Ketchikan regarding existing marijuana uses, but does not include any from Juneau. Juneau has a number of cultivation and retail establishments, to date, none have received any complaints regarding odor, off-site impacts, crime, or any other issues.
- The "Income Approach Subject to Hypothetical Condition" section of the report, beginning on Page 39, specifically beginning in the fourth paragraph, regarding neighboring nuisances states that the visual appearance of the subject property could become a "fortress", which may include razor wire fencing, obtrusive lighting, and installing alarms. City Code does not allow razor wire fencing. Barbed wire fencing is allowed only outside of the roaded service area except in certain situations (CBJ 36.20.057). The Bureau of Vital Statistics building *would* be allowed to install such fencing since it's a government facility and meets one of the exceptions that allow for barbed wire fencing. Regarding lighting, the Land Use Code prohibits lighting that would impact off-site properties. Only "full cutoff" style lighting that allows for direct light only on the subject property is allowed (CBJ 49.40.230). Additionally, the requirements in CBJ 49.65.1245 regarding marijuana uses were created specifically to minimize and mitigate for any external impacts from marijuana uses.
- On page 42, in the second paragraph, the report states: "It is well known that marijuana cultivation facilities emit obnoxious odors." While there is no source information listed for this fact, Title 49 of the Land Use Code specifically prohibits odor from marijuana establishments. CBJ 49.65.1260, *Odor*, states "*All marijuana establishments shall utilize a ventilation and odor system that prohibits the detection of noxious odors from outside the licenses premises.*" Odors are not allowed from marijuana establishments. To date, there have been no complaints, regarding odor or any other issues, against any marijuana uses in the CBJ. Additionally, these uses are permitted in the Industrial and Commercial zone districts only with approval of a Conditional Use Permit. Cultivation facilities can be permitted in the Rural Reserve and D-1 zone districts with additional restrictions.

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Additionally, the purpose of the Industrial zoning district as stated by CBJ Title 49.25.420 is as follows:

"I, industrial district. The I, industrial district, is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied."

As stated above uses allowed in this district are those expected to generate the external impacts, and there are performance standards in place to mitigate such impacts. This is also why uses such as offices, childcare, schools, and single family homes are specifically prohibited from the district. These non-industrial uses are generally intolerant of the noise, odors, glare, dust, and other impacts of industry.

Conformity with Adopted Plans – The proposed project is located in Subarea 5 of the 2013 Comprehensive Plan and has a land use designation of Light Industrial (LI). According to the LI land use designation definition found on page 148 of the Comprehensive Plan, small- to medium-scale food production and processing and other manufacturing processes should be allowed on these lands. The proposed marijuana cultivation facility is a similar type of use.

Although the Comprehensive Plan definition of the LI land use designation does not specify marijuana cultivation as specific use, the Land Use Code, in the Table of Permissible Uses (CBJ 49.25.300), does allow for marijuana cultivation in I zone districts with an approved Conditional Use Permit (use 14.200 Commercial Agriculture Operations, subsection 14.240 Marijuana Cultivation).

Staff further reviewed the 2013 Comprehensive Plan for policies that may be relevant to the proposal:

POLICY 5.1. TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS.

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.

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The proposed development would help to diversify the economy and is a new business as encouraged by these policies. The proposed marijuana cultivation facility is in general conformity with, and furthers the goals and policies in the 2013 Comprehensive Plan.

FINDINGS

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

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

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

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

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

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

1. Is the application for the requested conditional use permit complete?

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

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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 14.240 (Marijuana Cultivation) for the Industrial 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 May 11, 2018 and May 21, 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. Additionally the proposed development complies with CBJ 49.65.1245 *Marijuana establishment conditional use permits*.

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

No. The applicant has proposed a surveillance and security system that meets the minimum state and local regulations. Further, much of the use, aside from employee and other occasional delivery traffic, is contained indoors in a secure facility where unescorted non-employees are not permitted.

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

No. The use is adjacent to storage, warehousing, and other industrial uses with similar and more intense off-site impacts such as noise and traffic. The proposed marijuana cultivation facility is not expected to decrease the value of or be out of harmony with property in the neighborhood.

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

Yes. The proposed facility is in conformity with the CBJ Land Use Plan and the 2013 Comprehensive Plan, specifically policies 5.1, 5.11, and 5.18. The development of private businesses in Juneau is supported by the Comprehensive Plan. Further, the Light Industrial land use designation supports manufacturing uses.

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. This is not applicable to this application.

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RECOMMENDATION

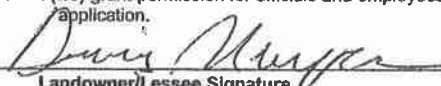
It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of an 8,996 square foot marijuana cultivation facility in the Industrial zone.

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.

DEVELOPMENT PERMIT APPLICATION

Project Number USE 2017-0006	CITY and BOROUGH of JUNEAU	Date Received: 3/20/17
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description Marijuana cultivation facility		
	PROPERTY/LOCATION		
	Street Address 1758 Anka St.	City/Zip Juneau 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Building B Suite A1 Lot 5A, Glacier Industrial III		
	Assessor's Parcel Number(s) 5-B12-0-130-005-0		
	LANDOWNER/LESSEE		
	Property Owner's Name Dennis/Linda Mayer	Contact Person: Dennis Mayer	Work Phone: 907-723-7779
	Mailing Address	Home Phone:	Fax Number:
	E-mail Address	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 <u></u> <u>2-21-17</u> 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 Taku Horticulture Company, LLC.	Contact Person: David L. Turner	Work Phone: 907-723-0106	
Mailing Address 8425 Valley Blvd.	Home Phone:	Fax Number:	
E-mail Address dturner907@yahoo.com	Other Contact Phone Number(s): 907-723-7963 Aaron Overton/907-209-4248 G.L.		
X <u></u> <u>2/21/17</u> 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)		3/20/17	USE 17-006	
		Variance Case (De Minimis and all other Variance case types)				
		Wetlands Permits				
		Zone Change Application				
		Other (Describe)				
	Comments:					Permit Intake Initials 
	***Public Notice Sign Form filled out and in the file.					

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

I:\FORMS\2010 Applications

Revised November 2009

Attachment A

TO BE COMPLETED BY THE APPLICANT

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM



Community Development

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

Marijuana Cultivation

Case Number: PAC20170009

Project Description: Change of use from storage and caretakers residence to marijuana cultivation

Applicant: Taku Horticulture Company, LLC

Property Owner: Dennis Mayer

Property Address: 1758 Anka St

Parcel Code Number: 5B1201300050

Site Size: 21923 sq ft

Zoning: Industrial

Existing Land Use: Commercial mix

Conference Date: 3/1/2017 @ 10:30 am

Report Issued: 3/2/2017

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
Troy Mayer David Turner Aaron Overton	Applicant	northernlights@gci.net dturner907@yahoo.com
Ron King	Chief Regulatory Surveyor	Ron.King@Juneau.org
Eddie Quinto Kyle Paw	Permit Staff	Edward.Quinto@Juneau.org Kyle.Paw@Juneau.org
Dan Jager Sven Pearson	Fire Marshal	Dan.Jager@Juneau.org Sven.Pearson@Juneau.org
Tim Felstead	Planner	Tim.Felstead@Juneau.org
John Young	Commercial Plans Reviewer	John.Young@Juneau.org

Neighborhood Association/Contact: N/A

Pre-Application Conference Final Report

8. Ventilation and filtration/odor – some odor can be released as long as it will not annoy anyone. Title 49 provides a definition of what is acceptable. Constant heavy smells are likely to draw complaints.
9. Building – Add square footage to each room and label purpose of each room. Think about future expansion to the downstairs area. Give potential layout now. Mention possible future activities now.
10. Fungicides, pesticides and fertilizer – mention what products you intend to use for these purposes.
11. Screening - Marijuana product from being visible to the general public from the right-of-way. Suggest all windows should be screened (not able to see inside from exterior). Though 2nd floor office windows will not be required to be screened since they will not be visible to general public from Right of Way. Comment on this in the narrative.
12. Fire District – Look at Fire handout attached. Technical details on the CO2 system should be provided.
13. Traffic – Comment on number of employees. Number of deliveries for supplies and number of collections each week should be estimated.
14. Engineering – NA
15. Noise – Noise impacts are in keeping with the area.
16. Drainage – No change to existing situation.
17. Utilities – (water, power, sewer, etc.) - No additional water down sewer. Most operations have a closed system with water being put back into plants. General Engineering suggested releasing water as storm water or adding to outdoor vegetation. Suggest checking with AK DEC that this is allowed.
18. Wetlands – N/A
19. Habitat – (Eagle, Riparian, etc.) – NA
20. Hazard/Mass Wasting/Avalanche/Hillside Endorsement – NA
21. Flood – NA
22. Plat or covenant restrictions – None observed that would affect operation
23. Other Agency Reviews – (DOT&PF, AlcOhol Beverage Control Board, Corps of Engineers, DEC waste-water, DNR, USF&WL, FAA, US Coast Guard, Corrections etc.) – Other relevant agencies will be copied into application for comment.

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 permit application including:
 - a. Narrative. What you have is a good start. Address additional points included in this report and break it into the relevant headings used in the attached staff report for another cultivation operation.
 - b. Site plan showing parking and vegetative coverage (to release bond)
 - c. Relevant building plans showing proposed layout, labelled rooms, room sizes, alarms locations, exterior lighting, camera locations (including field of vision), windows, doors etc.
 - d. Photos of site (a planner will most likely need to come and do a site visit as well)

Taku Horticulture Company, LLC
David L. Turner
1750 Anka St.
Building B, Ste. A
Juneau, AK 99801
907.723.0106
ALASKA JUNEAU
Parcel #
Zone: Industrial

Conditional Use Permit Application

Taku Horticulture Company, LLC, (THC), will operate as a marijuana cultivation facility. Our plan is to produce and sell marijuana to a wholesale market.

The address is listed as industrial use. Our production facility will have very little, if any, impact on the surrounding businesses. First floor of the building is public storage owned and operated by D&L Rentals. Second floor is split into two units. One is a private residence and the other a private storage unit. The 69'x53' personal storage space will become our facility. Non-load bearing walls will be built to allow separation of space.

Depending on the marijuana market and growth of the company, there is a possibility of utilizing the storage unit space on the first floor. Tenants will be given notice of change in business. The entire building, with exception of watchman's apartment, will become the facility. About 2/3 of the first floor will be cultivation and the remaining 1/3 will be split for extraction and retail. Solvent less extraction methods, ice extraction along with Rosin technology will be used for extracting cannabinoids.

There are 12 parking spaces. Two of which are reserved for the private residence, 6 spaces for public storage access and 4 spaces provided for THC.

Automation of production means THC will operate 24 hours per day. Labor will be performed by 4-6 employees during the hours of 7 am to 7 pm, Sunday-Saturday.

THC will contract a local security/alarm company, (Doak's Lock&Key), to install and maintain security surveillance equipment. Such devices as motion detectors, window/door alarms, cameras, monitors and storage for record keeping of security cameras.

Surveillance cameras will be installed to allow a view of each entrance and exit of the building. The exterior of the building will have security lights illuminating a 20' radius. This will ensure clear footage of surveillance cameras on a 24 hour period.

All doors entering the facility will remained locked, 24 hours per day. The only exception will be to allow employees to perform tasks related to the operation of the facility.

Multiple surveillance cameras will be installed throughout the inside of the facility. Surveillance cameras will record on a 24 hour period. All surveillance footage will be stored and kept on a 40 day time period for review by official employees of THC, Juneau Police Department (JPD) or agent of state marijuana control office. Security signs will be posted

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Attachment A PERMIT CENTER/CDD

Pg 1 of 2

throughout the interior and exterior of the premises. No loitering signs will also be posted on the exterior of premises. Employees will receive instruction on how to deter/recognize loitering.

There will be a locked door outside of the waiting/lobby of the facility. A second heavy duty steel door with Bluetooth activated lock will lead into restricted access areas. A doorbell will notify employees of visitor/guests. A maximum of 4 visitors/guests are allowed a guided tour of cultivation areas only. Security, drying, mechanical, trimming rooms are off limits to visitors/guests. There will be marked borders and signs posted as precaution to visitors/guests. No admittance into the facility to minors. Visitors/guests will sign in a guest book with full name, duration of visit, purpose of visit, state ID number and signature.

In the circumstance of a breach in security during non business hours, a manager or official employee will contact JPD, security monitoring company and owner of the business. Immediate action will be performed to secure the facility if needed.

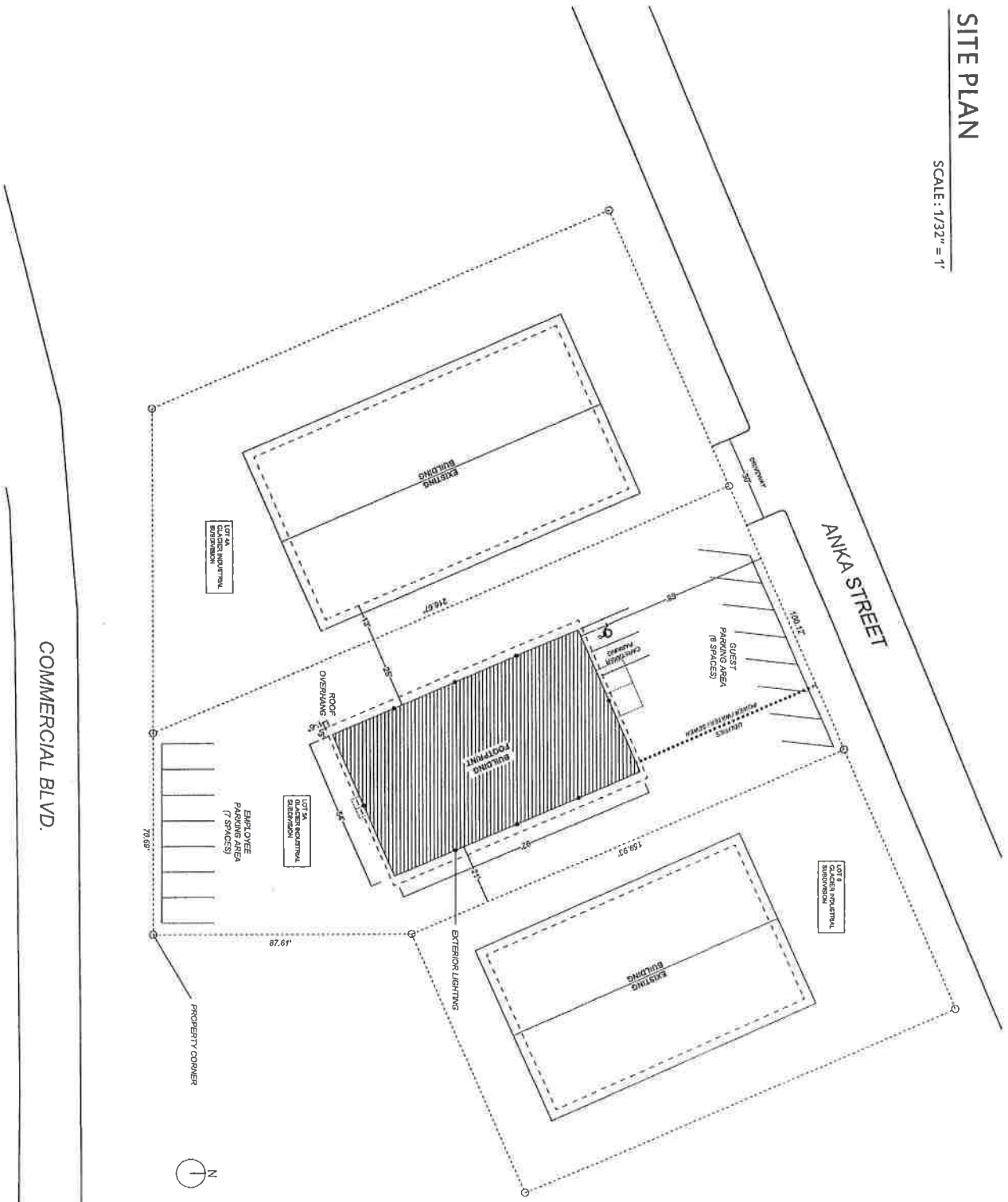
THC will implement hydroponic cultivation methods. This allows for little growing medium to be used, 1.5 liters of medium per plant. Grow stones is our choice of growing medium. The stones will be washed and reused. Waste water will be disposed of through exterior landscaping. Plant waste will be kept to a minimum. We plan on introducing a defoliation technique which will introduce an edible or usable product to the market. Undesirable plant material will undergo a process before disposal. All undesirable plant material will be entered into METRC, state regulations will apply. Mulching, mixing with dirt, waste water, then placed into an airtight container. The container will be stored in view of surveillance cameras for up to, no less then a 72 hour time period. This process breaks down the plant material and could then be used in compost if desired.

State of the art technology, LED's will be applied to our lighting system. Our lamps will radiate 70% less heat than standard HID grow lights. High output fans will pull unwanted air through charcoal scrubbers and exhaust out of the building. Charcoal filters out 99.7% percent of undesirable odor in the air. In addition to environmental controls we will implement CO2 enrichment through the cultivation rooms. A monitoring system will keep levels of CO2 within compliance with applicable state and local regulations/codes.

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SITE PLAN

SCALE: 1/32" = 1'



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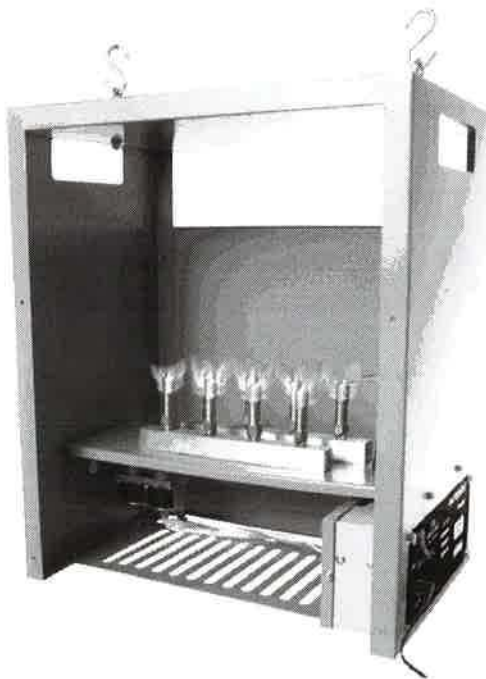
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Autopilot CO2 Generator LP 11310-18104 BTU APCG8LP

☆☆☆☆☆ Write a review

~~\$474.95~~ \$365.39

(You save \$109.56)

 Sign Up to see what your friends like.

SKU: APCG8LP

Weight: 22.00 LBS

Quantity: [Add To Cart](#)[Add to Wishlist](#)[Pin it \(http://pinterest.com/pin/create/button?url=http://www.hydrogalaxy.com/climate-control/18-104-btu/&media=http://cdn2.bigcommerce.com/server2100/da4db/products/43820/images/101114/c=2&description=Hydro Galaxy - Autopilot CO2 Generator LP 11310-18104 BTU APCG8LP, \\$365.3 control/co2-equipment/co2-generator-lp-11-310-18-104-btu/\)](http://pinterest.com/pin/create/button?url=http://www.hydrogalaxy.com/climate-control/18-104-btu/&media=http://cdn2.bigcommerce.com/server2100/da4db/products/43820/images/101114/c=2&description=Hydro%20Galaxy%20-%20Autopilot%20CO2%20Generator%20LP%2011310-18104%20BTU%20APCG8LP,%20$365.39%20control/co2-equipment/co2-generator-lp-11-310-18-104-btu/)**Dimensions:**

Width: 10.00

Height: 18.00

Depth: 15.00

Product Description

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Safest and most reliable CO₂ generators on the market.

Autopilot CO₂ generators feature powder-coated steel enclosures that resist moisture, rust and discoloration - providing years of trouble-free operation.

Our two-stage safety pilot valve does not allow fuel to flow to the burner unless the pilot is lit, and will shut down the fuel supply in the event the unit falls or tips over. The solid state electronic ignition module creates a spark to light the burners. Autopilot CO₂ generators are available in both propane and natural gas models.

Features

- Dual solenoid valves
- Precision manufactured brass burners
- Solid state electronic ignition module—no pilot light necessary
- Tip over switch shuts off gas source if the unit falls or tips over
- Shut down warning with LED error indicator light
- Fabricated with all high quality components
- Easy to operate

Components

8 pre-mounted brass burners
12' gas hose and pressure regulator
Hanging hardware kit
24V power supply

ifications

- 1.5 amps/120 volts
- Provides 22 cubic feet per hr of CO₂
- For spaces larger than 14' x 14'

Other top rated products



Grower's Edge...

<https://youtu.be/go/Czlu1>

★☆☆☆☆(1)

\$17.99

Hydrofarm Jump Start...

<https://vimeo.com/847m36x1>

★★★★★(4)

\$75.59

Grower's Edge...

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC607892/>

★★★★★(1)

\$10.79

Super Sprouter...

<https://www.ymca.com/go/nyoung>

— *Journal of the American Medical Association*

\$38.69

Blauberg 4" Axial Inline...

[https://doi.org/10.1006/j.1090-2688\(99\)00061-1](https://doi.org/10.1006/j.1090-2688(99)00061-1)

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\$31.49

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- Catalog
- Climate Control
- Air Purification
- Can Filter Group
- Can 38-Special 150 Carbon Air Filter - No Flange



Can 150

Recommended Max CFM: 1260 CFM

Min CFM: 630 CFM

Flange: 10" - 12"

Outside Diameter: 38cm / 15"

Height: 150cm / 59"

Total Weight: 138 lbs

Carbon Bed: 2"

Recommended Fan:

Filtered Air

FAN	CFM	Watts
16" MaxFan	1410	322
14" MaxFan	1230	250
12" MaxFan	1440	480
12" CanFan HO	888	290
10" MaxFan	907	227

CAN 38-SPECIAL 150 CARBON AIR FILTER - NO FLANGE

SKU:

CF358651

10"-12" - No Flange - CF358651 ▼

Suggested Retail

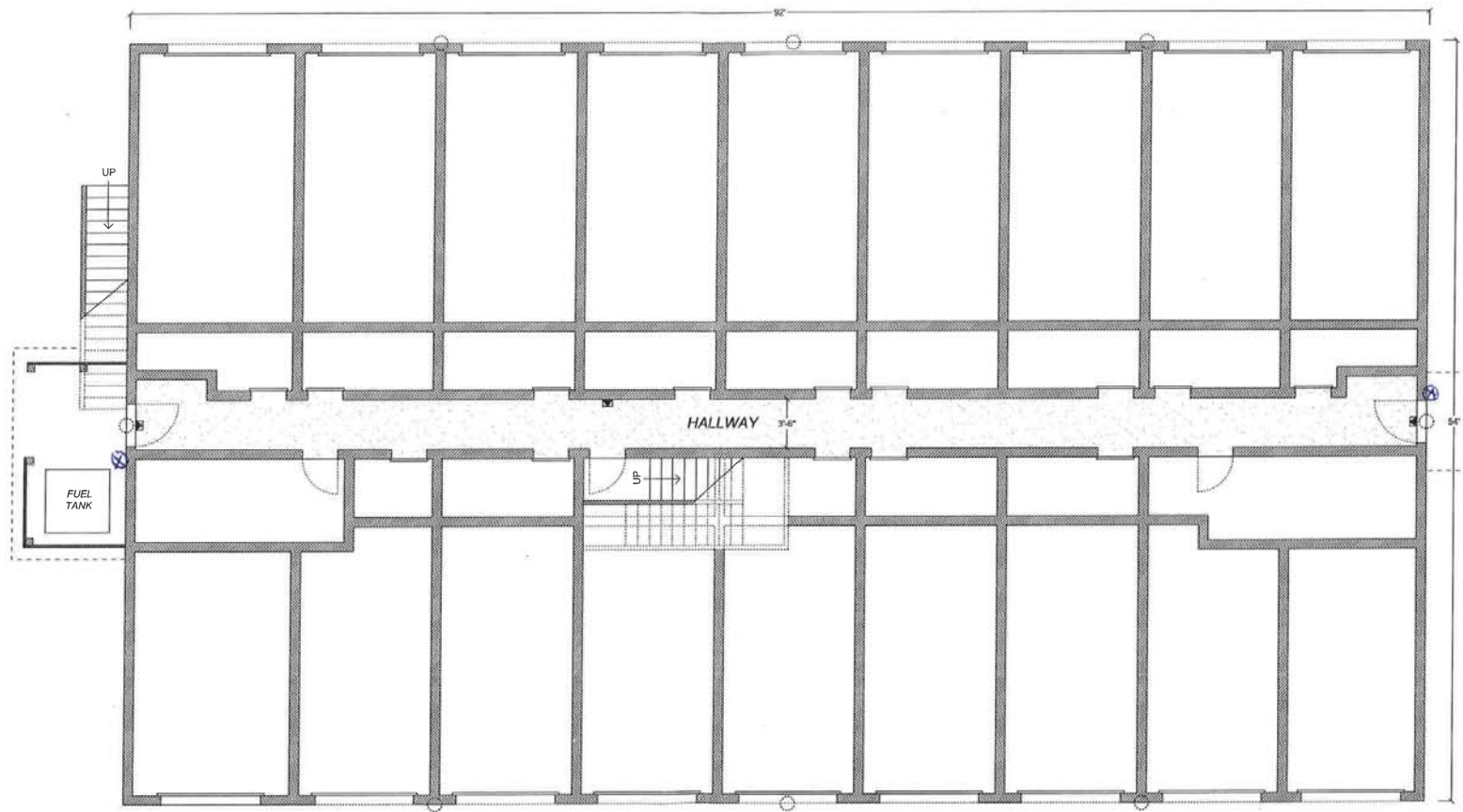
\$333.32

- Overview
- Specifications
- Related Items
- Product Info

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CURRENT
FIRST LEVEL

SCALE: 1/8" = 1'



Attachment A

LEGEND

-  CAMERA
-  EXTERIOR LIGHTING
-  EXIT SIGN W/
EMERGENCY LIGHTING
-  PARTITION WALL

Attachment A

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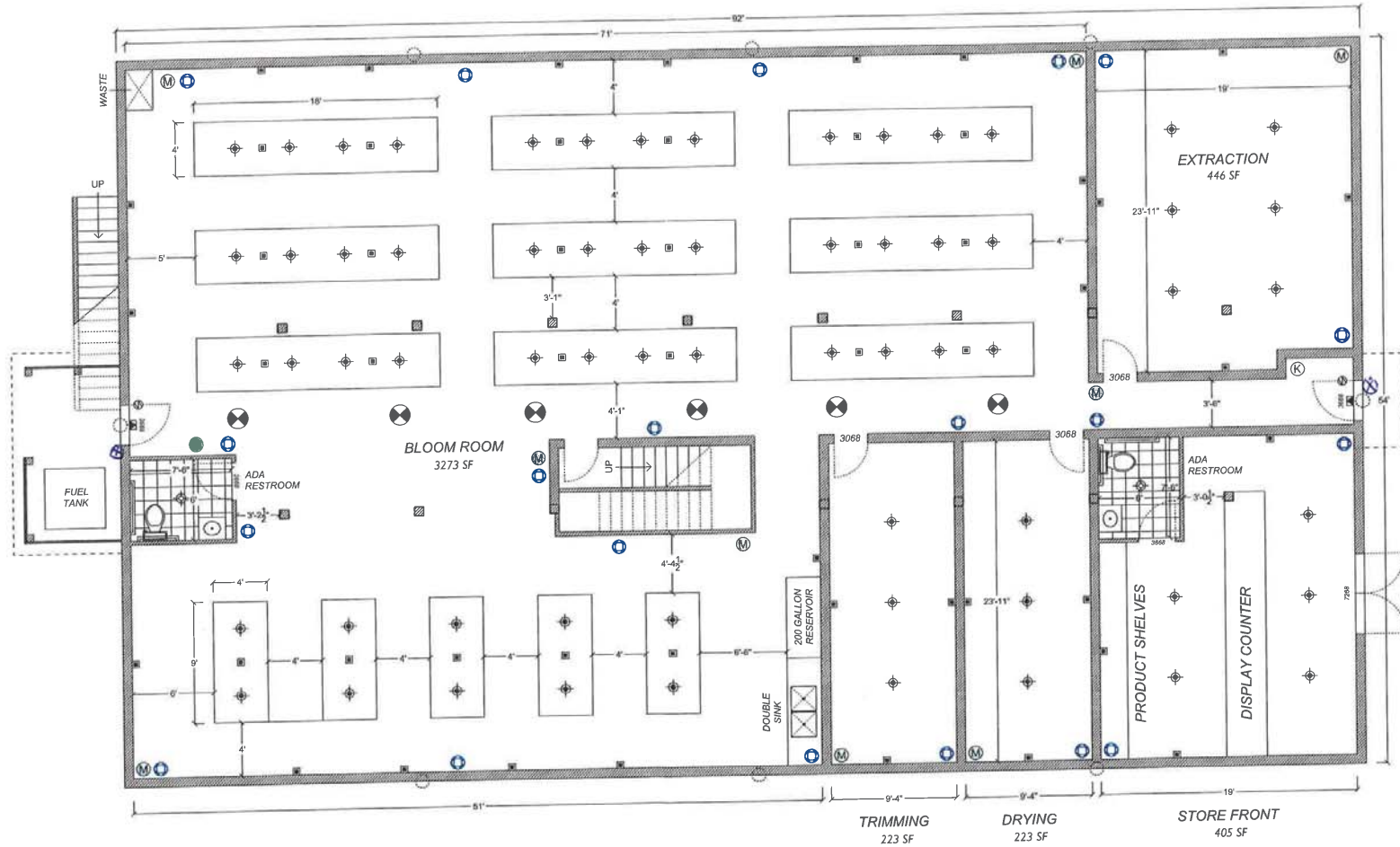


FIRST LEVEL

SCALE : 1/8" = 1'

Attachment A

EXPANSION PROPOSAL



LEGEND

⊕	OVERHEAD LIGHTING	Ⓜ	CAMERA
■	4 GANG BOX	Ⓜ	MOTION DETECTOR
⊗	CHARCOAL FILTER	●	KEY PAD
○	EXTERIOR LIGHTING	Ⓜ	ALARM SENSOR
Ⓜ	EXIT SIGN W/ EMERGENCY LIGHTING		

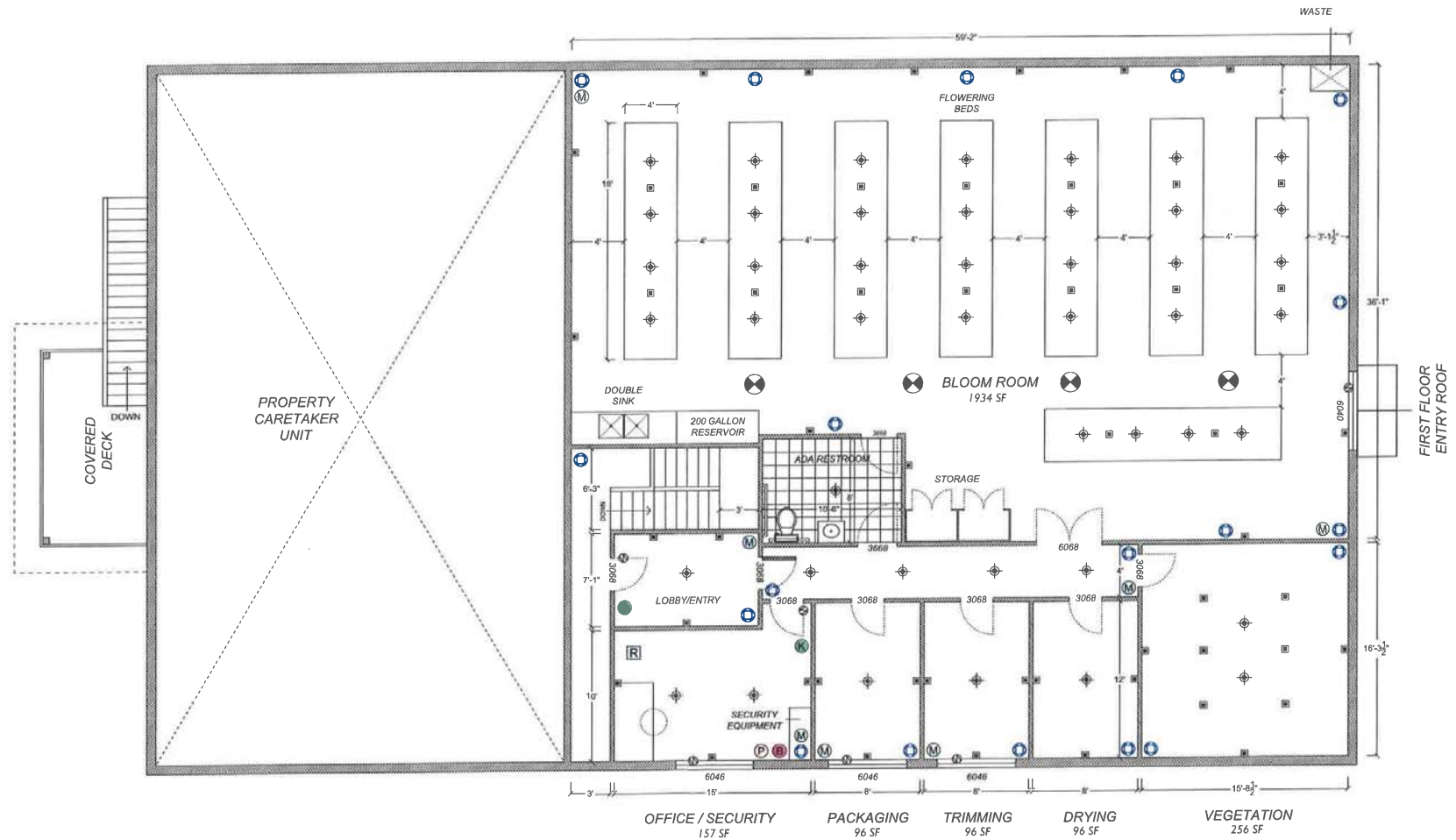
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SECOND LEVEL

SCALE : 1/8" = 1'



LEGEND

⊕	OVERHEAD LIGHTING	Ⓡ	RECORDER
Ⓜ	4 GANG BOX	Ⓜ	MOTION DETECTOR
⊗	CHARCOAL FILTER	Ⓚ	KEY PAD
Ⓢ	CAMERA	Ⓟ	BELL
Ⓢ	ALARM SENSOR	Ⓟ	ALARM PANEL
Ⓢ	SECURITY DOOR		

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Attachment A



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D & L RENTALS
HEATED AND UNHEATED
WAREHOUSES, SHOW SPACE
& OFFICE SPACE AVAILABLE
780-6860



Attachment A



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D & L RENTALS
HEATED AND UNHEATED
MINI STORAGE, SHOP SPACE
& OFFICE SPACE AVAILABLE
780-6860



Attachment A

Attachment A



From: Jumbo
Sent: Tuesday, May 23, 2017 8:43 AM
To: aaronoverton81@gmail.com
Subject: Excel Air Systems

Hey Aaron,

All of our AC Systems are split systems with an outdoor condenser and indoor air handler. There is never any air from inside the sealed room being expelled by the AC system. We use the DX cooling process (direct expansion) meaning the coil inside the air handler absorbs the heat from the sealed room. Then the unit pumps the "hot gas" through the line set to the outdoor condenser which expels the heat only. We never take any of the air from inside and expel it to the outdoors.

This is a traditional split system which is a closed loop unit.

--

Thanks,
Akash "Jumbo" Kumar

1-877-728-0757 ext.103/ext.1 Sales
fax: 604-465-2672

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www.excelair.ca

Call for a free 3D rendering, quote and free consulting

Excel Odor Eliminator

Packet Page 294 of 416



The Excel Odor Eliminator is perfect for any area where extreme smell is an issue. Unlike other filters this multistage filter will remove the harshest smells, giving you peace of mind. Either place the two piece unit inside your area or easily duct to and from your room, ensuring thorough air circulation past the primary and secondary filters, then through the 5 trays of Custom Charcoal. Plug the bottom box blower into any 115V plug and it will start eliminating odor instantly.

Packaged Contents

- Bottom Box Blower with Fan
- Top charcoal chassis
- 5 x Charcoal trays
- 1 x Large Pleated Filter
- 1 x Throwaway Pre-Filter
- 55lbs of Custom Charcoal

Dimension: 50" H x 25" W x 22" D

Weight without Charcoal: 175lbs

Charcoal: Custom Shaled Coconut Charcoal (55lbs)

Filter 1: 2" High-Strength Dual-Ply Cardboard Frame
0.17" W.G.

Synthetic Media Composition
88% Air Arrestance

Filter 2: 4" Pleated Panel High-Strength Beverage
Board

1" W.G.

MERV 11

Synthetic Media Composition
95-98% Air Arrestance

Blower: Fasco D701

115V 60Hz

HP: ½-½

RPM: 1075 2 Speed

Amperage: 3.3 Low Speed -7.7A High Speed

888-815-9763 Sales & Support Mon - Fri, 8am - 5pm PST.    



Complete Grow Tent Packages
Start growing indoors today!



Complete Nutrient Packages
From beginner packages to advanced!



Fabric Pot Blowout Sale
Gro Pro Fabric Pots on sale now!



Hydrobuilder Learning Center
Expert growing advice and tips!



Autopilot 8 Burner CO2 Generator (LP, NG & High Altitude)

Item #: APCO2GEN8

Be the first to review this product

autopilot

Your Price: **\$419.70**

Availability: **In Stock**

Shipping: In stock items ship within 24 hours

FREE Shipping!

* Choose Your CO2 Generator Model

* Required Fields

Choose an Option...

Additional Images



Qty: 1

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[Parts & Related Items](#)

Product Documents

[Autopilot 8 Burner CO2 Generator Instructions](#)

The easiest way to accelerate plant growth. Carbon dioxide is one of the essential ingredients in green plant growth. The Autopilot CO2 Generator provides the carbon dioxide to meet maximum growing potential, and operates for only pennies a day.

Safest and most reliable CO2 generators on the market.

Autopilot CO2 generators feature powder-coated steel enclosures that resist moisture, rust and discoloration - providing years of trouble-free operation.

Our two-stage safety pilot valve does not allow fuel to flow to the burner unless the pilot is lit, and will shut down the fuel supply in the event the unit falls or tips over. The solid state electronic ignition module creates a spark to light the burners. Autopilot CO2 generators are available in both propane and natural gas models.

- Dual solenoid valves
- Precision manufactured brass burners
- Solid state electronic ignition module - no pilot light necessary
- TIP OVER switch shuts off gas source if the unit falls or tips over
- SHUT DOWN warning with LED error indicator light
- Fabricated with all high quality components
- Easy to operate

COMPONENTS

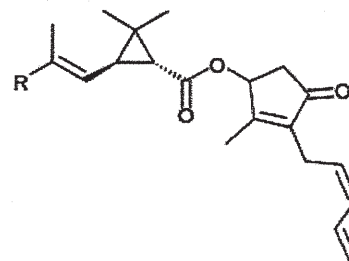
- 8 pre-mounted brass burners

Pyrethrin

From Wikipedia, the free encyclopedia

The **pyrethrins** are a class of organic compounds normally derived from *Chrysanthemum cinerariifolium* that have potent insecticidal activity by targeting the nervous systems of insects. Pyrethrin is synthetically made by industrial methods, but it also naturally occurs in chrysanthemum flowers, thus is often considered an organic insecticide, or at least when is not combined with piperonyl butoxide or other synthetic adjuvants.^[1] Their insecticidal and insect-repellent properties have been known and used for thousands of years.

Pyrethrins are gradually replacing organophosphates and organochlorides as the pesticides of choice, since these other compounds have been shown to have significant and persistent toxic effects to humans. Because they are biodegradable compounds, pyrethrins are now widely regarded as being preferable to pyrethroids, which is the name of a group of synthetic analogues of pyrethrin that accumulate in the environment. Pyrethrins are considered to be low-toxicity pesticides from a human health standpoint.



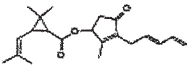
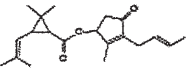
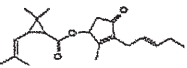
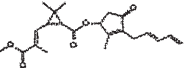
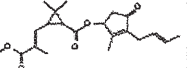
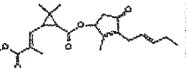
Chemical Structure of Pyrethrin,
Pyrethrin I R = CH₃, Pyrethrin II R =
CO₂CH₃

Contents

- 1 Chemistry
- 2 History
- 3 Biosynthesis
- 4 Production
- 5 Use as an insecticide
- 6 Toxicity
 - 6.1 Chronic pyrethrin toxicity in humans
 - 6.2 Pyrethrum toxicity
- 7 Environmental effects
 - 7.1 Aquatic habitats
 - 7.2 Bees
- 8 References
- 9 External links

Chemistry

Table 1. Physical and Chemical Properties of Pyrethrin.^{[2][3][4][5][6][7]}

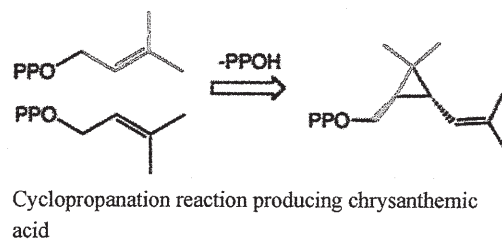
Group	Pyrethrin I			Pyrethrin II		
Chemical Compound	Pyrethrin I	Cinerin I	Jasmolin I	Pyrethrin II	Cinerin II	Jasmolin II
Chemical structure						
Chemical formula	C ₂₁ H ₂₈ O ₃	C ₂₀ H ₂₈ O ₃	C ₂₁ H ₃₀ O ₃	C ₂₂ H ₂₈ O ₅	C ₂₁ H ₂₈ O ₅	C ₂₂ H ₃₀ O ₅
Molecular mass (g/mol)	328.4	316.4	330.4	372.4	360.4	374.4
Boiling point (°C)	170	136-138	-	200	182-184	-
Vapor pressure (mm Hg)	2.02 x 10 ⁻⁵	1.1 x 10 ⁻⁶	4.8 x 10 ⁻⁷	3.9 x 10 ⁻⁷	4.6 x 10 ⁻⁷	1.9 x 10 ⁻⁷
Solubility in water (mg/L)	0.35	3.62	0.60	125.6	1038	214.8

History

The pyrethrins occur in the seed cases of the perennial plant pyrethrum (*Chrysanthemum cinerariaefolium*), which has long been grown commercially to supply the insecticide. Pyrethrins have been used as an insecticide for thousands of years. It is believed that the Chinese crushed chrysanthemum plants and used the powder as an insecticide as early as 1000 BC. It was widely known that the Chou Dynasty in China widely used pyrethrin for its insecticide properties.^[8] Pyrethrins were identified as the potent chemical in the Chrysanthemum plants responsible for the insecticidal properties in the crushed flowers around 1800 in Asia. In the Napoleonic Wars, French soldiers used the flowers to keep away fleas and body lice.^[8]

Biosynthesis

Well after their use as insecticides began, their chemical structures were determined by Hermann Staudinger and Lavoslav Ružička in 1924.^[9] Pyrethrin I (C₂₁H₂₈O₃) and pyrethrin II (C₂₂H₂₈O₅) are structurally related esters with a cyclopropane core. Pyrethrin I is a derivative of (+)-*trans*-chrysanthemic acid.^{[10][11]} Pyrethrin II is closely related, but one methyl group is oxidized to a carboxymethyl group, the resulting core being called pyrethic acid. Knowledge of their structures opened the way for the production of synthetic analogues, which are called pyrethroids. Pyrethrins are classified as terpenoids. The key step in the biosynthesis of the naturally occurring pyrethrins involves two molecules of dimethylallyl pyrophosphate, which join to form a cyclopropane ring by the action of the enzyme chrysanthemyl diphosphate synthase.^[12]



Production

Commercial pyrethrin production mainly takes place in mountainous equatorial zones. The commercial cultivation of the Dalmatian chrysanthemum takes place at an altitude of 3000 to 6000 meters above sea level.^[13] This is done because pyrethrin concentration has been shown to increase as elevation increases to this level. Growing these plants does not require much water because semiarid

conditions and a cool winter deliver optimal pyrethrin production. Another variety of *Chrysanthemum* used for the production of pyrethrins is the pyrethrum chrysanthemum. These flowers prefer to be grown in dry soils at a lower altitude than the Dalmatian chrysanthemum to optimize pyrethrin production.^[14]

Most of the world's supply of pyrethrin and *C. cinerariaefolium* comes from Kenya, which produces the most potent flowers. Other countries include Croatia (in Dalmatia) and Japan. The flower was first introduced into Kenya and the highlands of Eastern Africa during the late 1920s. Since the 2000s, Kenya has produced about 70% of the world's supply of pyrethrum.^[15] A substantial amount of the flowers is cultivated by small-scale farmers who depend on it as a source of income. It is a major source of export income for Kenya and source of over 3,500 additional jobs. About 23,000 tons were harvested in 1975. The active ingredients are extracted with organic solvents to give a concentrate containing the six types of pyrethrins: pyrethrin I, pyrethrin II, cinerin I, cinerin II, jasmolin I, and jasmolin II.^[16]



Tanacetum cinerariifolium

Processing the flowers to cultivate the pyrethrin is often a lengthy process, and one that varies from area to area. For instance, in Japan, the flowers are hung upside down to dry which increases pyrethrin concentration slightly.^[14] To process pyrethrin, the flowers must be crushed. The degree to which the flower is crushed has an effect on both the longevity of the pyrethrin usage and the quality. The finer powder produced is better suited for use as an insecticide than the more coarsely crushed flowers. However, the more coarsely crushed flowers have a longer shelf life and deteriorate less.^[14]

Use as an insecticide

Pyrethrin is most commonly used as an insecticide and has been used for this purpose since the 1900s.^[16] In the 1800s, it was known as "Persian powder", "Persian pellitory", and "zacherlin". Pyrethrins delay the closure of voltage-gated sodium ion channels in the nerve cells of insects, resulting in repeated and extended nerve firings. This hyperexcitation causes the death of the insect due to loss of motor coordination and paralysis.^[17] Resistance to pyrethrin has been bypassed by pairing the insecticide with synthetic synergists such as piperonyl butoxide. Together, these two compounds prevent detoxification in the insect, ensuring insect death.^[18] Synergists make pyrethrin more effective, allowing lower doses to be effective. Pyrethrins are effective insecticides because they selectively target insects rather than mammals due to higher insect nerve sensitivity, smaller insect body size, lower mammalian skin absorption, and more efficient mammalian hepatic metabolism.^[19]

Although pyrethrin is a potent insecticide, it also functions as an insect repellent at lower concentrations. Observations in food establishments demonstrate that flies are not immediately killed, but are found more often on windowsills or near doorways. This suggests, due to the low dosage applied, that insects are driven to leave the area before dying.^[20] Because of their insecticide and insect repellent effect, pyrethrins have been very successful in reducing insect pest populations that affect humans, crops, livestock, and pets, such as ants, spiders, and lice, as well as potentially disease-carrying mosquitoes, fleas, and ticks.

As pyrethrins and pyrethroids are increasingly being used as insecticides, the number of illnesses and injuries associated with exposure to these chemicals is also increasing.^[21] However, few cases leading to serious health effects or mortality in humans have occurred, which is why pyrethroids are labeled "low-toxicity" chemicals and are ubiquitous in home-care products.^[19] Pyrethrins are widely regarded as better for the environment, and can be harmless if used only in the field with localized sprays, as UV exposure breaks them down into harmless compounds. Additionally, they have little lasting effect on plants, degrading naturally or being degraded by the cooking process.^[22]

Specific pest species that have been successfully controlled by pyrethrum include: potato, beet, grape, and six-spotted leafhopper, cabbage looper, celery leaf tier, Say's stink bug, twelve-spotted cucumber beetle, lygus bugs on peaches, grape and flower thrips, and cranberry fruitworm.^[23]

Toxicity

Pyrethrins are among the safest insecticides in the market due to their rapid degradation in the environment.

Similarities between the chemistry of pyrethrins and synthetic pyrethroids is that have a similar mode of action and almost identical toxicity to insects (i.e. both pyrethrins and pyrethroids induce a toxic effect within the insect by acting on sodium channels)

Some differences in the chemistry between pyrethrins and synthetic pyrethroids have the result that synthetic pyrethroids have relatively longer environmental persistence than do pyrethrins. Pyrethrins have shorter environmental persistence than synthetic pyrethroids because their chemical structure is more susceptible to the presence of UV light and changes in pH.

It should be noted that they pose a toxic hazard normally not found in commercial pyrethroid to mammals and humans. While pyrethrum extract is composed of 6 esters which are insecticidal, the semi-synthetic pyrethroid is composed of only one chemically active compound. As a result, the liver has to break down these additional chains first, which allows the toxicity levels to rise within the bloodstream, which can lead to hospitalization and even death.

Therefore the use of pyrethrin in products such as natural insecticides and shampoos increases the likelihood of toxicity in mammals that are exposed. Medical cases have emerged showing fatalities from the use of pyrethrin, prompting many organic farmers to cease use. One medical case of an 11-year-old girl who used shampoo containing only a small amount (0.2% pyrethrin) to wash her dog. Prolonged exposure aggravated her respiratory tract cause by the compound in the shampoo, causing the girl to suffer from an acute asthma attack, from which she died two-and-a-half hours after first exposure to the shampoo.^[24]

Recent reports show that accidental poisoning rates have steadily been increasing since the use of natural pyrethrins, prompting some countries to ban their use altogether. In the USA, the use of pyrethrum in home bug sprays (ie. RAID) was banned in 2012 shortly after cases of fatalities in children emerged, prompting an investigation by the FDA.^[25]

Chronic pyrethrin toxicity in humans

Chronic toxicity in humans occurs most quickly through respiration into the lungs, or more slowly through absorption through the skin.^[26] Allergic reactions may occur after exposure, leading to itching and irritated skin as well as burning sensations.^[27] These types of reactions are rare because the allergenic component of pyrethrin in semi-synthetic phritoids has been removed.^[28] The metabolite compounds of pyrethrin are less toxic to mammals than their originators, and compounds are either broken down in the liver or gastrointestinal tract, or excreted through feces; no evidence of storage in tissues has been found.

Pyrethrum toxicity

Exposure to pyrethrum, the crude form of pyrethrin,^[28] causes harmful health effects for mammals. Pyrethrum also has an allergenic effect that commercial pyrethroids don't have.^[28] In mammals, toxic exposure to pyrethrum can lead to tongue and lip numbness, drooling, lethargy, muscle tremors, respiratory failure, vomiting, diarrhea, seizures, paralysis, and death.^[26] Unlike dogs, cats lack a liver enzyme that allows for glucuronidation that allows for metabolism of pyrethrin compounds. Exposure to even low doses may lead to toxicity in some cats.^[29] Exposure to pyrethrum in high levels in humans may cause symptoms such as asthmatic breathing, sneezing, nasal stuffiness, headache, nausea, loss of coordination, tremors, convulsions, facial flushing, and swelling.^[30] A possibility of damage to the immune system exists that leads to a worsening of allergies following toxicity.^[26] Infants are unable to resourcefully break down pyrethrum due to the ease of skin penetration, causing similar symptoms as adults, but with an increased risk of death.^[31]

Environmental effects

Aquatic habitats

In aquatic settings, toxicity of pyrethrin fluctuates, increasing with rising temperatures, water, and acidity. Run-off after application has become a concern for sediment-dwelling aquatic organisms because pyrethroids can accumulate in these areas.^[32] Aquatic life is extremely susceptible to pyrethrin toxicity, and has been documented in species such as the lake trout. Although pyrethrins are quickly metabolized by birds and most mammals, fish and aquatic invertebrates lack the ability to metabolize these compounds, leading to a toxic accumulation of byproducts.^[26] To combat the accumulation of pyrethroids in bodies of water, the Environmental Protection Agency (EPA) has introduced two labeling initiatives. The Environmental Hazard and General Labeling for Pyrethroid and Synergized Pyrethrins Non-Agricultural Outdoor Products was revised in 2013 to reduce runoff into bodies of water after use in residential, commercial, institutional, and industrial areas.^[33] The Pyrethroid Spray Drift Initiative updated language for labeling all pyrethroid products to be used on agricultural crops.^[33] Because of its high toxicity to fish and aquatic invertebrates even at low doses, the EPA recommends alternatives such as pesticide-free methods or alternative chemicals that are less harmful to the surrounding aquatic environment.^[34]

Bees

Pyrethrins are applied broadly as nonspecific insecticides. Bees have been shown to be particularly sensitive to pyrethrin, with fatal doses as small as 0.02 micrograms.^[1] Due to this sensitivity and pollinator decline, pyrethrins are recommended to be applied at night to avoid typical pollinating hours, and in liquid rather than dust form.^[35]

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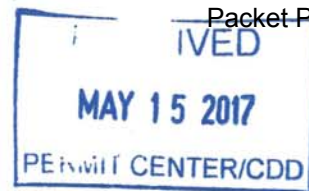
External links

- International Center for Pyrethrum research (https://web.archive.org/web/20100526030749/http://pyrethrum.org/index.php?p=1_5_Pyrethrum)
- Pyrethrins and Pyrethroids Fact Sheet - National Pesticide Information Center (<http://npic.orst.edu/factsheets/pyrethrins.pdf>)
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3.0	36,000	18.8		395lbs	17.5 x 20.5 x 47.5	24 x 24 x 33	9
4.0	48,000	26		470lbs	24.5 x 20.5 x 55.5	29 x 29 x 30	12
5.0	60,000	31.8		505lbs	24.5 x 20.5 x 55.5	29 x 29 x 36	15

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Easily add-on 5-25kW Heater to inside Air Handler to maintain nighttime temperatures.

XL SERIES //

The XL Series Air Cooled Air Conditioning unit is Excel's flagship product and is built from a Split System design. The Split System design allows for the Indoor Air Handler to act as the blower inside while the Outdoor Condensing unit rejects indoor heat from the refrigerant to the fresh air outside. This unit comes equipped with Plug and Play fittings making it your best choice for quick and easy installations. The XL Series is available in sizes ranging from 2.0 TON (24,000 BTU) to 5.0 TON (60,000 BTU).

For more information contact your local store or visit us online at WWW.EXCELAIR.CA or call toll free (877) 728-0757.



KEY BENEFITS //

- » Re-Sealable Plug and Play Fittings
- » All fittings are Brass (Rust Free)
- » Low Ambient Control on Outdoor Condenser
- » Vertical or Horizontal Mounting
- » Industries best support!

PACKAGE SPECS					DIMENSIONS		SEALED ROOM
TON	BTU'S	AMPS	PWR	WEIGHT	AIR HANDLER	CONDENSER	#LIGHTS (1000W)
2.0	24,000	11.4		280lbs	17.5 x 20.5 x 41	24 x 24 x 27	6
2.5	30,000	13.8		315lbs	17.5 x 20.5 x 47.5	24 x 24 x 30	7 - 8
3.0	36,000	18.8		320lbs	17.5 x 20.5 x 47.5	24 x 24 x 33	9
3.5	42,000	20.6		380lbs	21 x 20.5 x 51.5	29 x 29 x 27	10 - 11
4.0	48,000	26		395lbs	24.5 x 20.5 x 55.5	29 x 29 x 30	12
5.0	60,000	31.8		430 lbs	24.5 x 20.5 x 55.5	29 x 29 x 36	15

*Based on R12 insulated sealed room at 80F outdoor temperature, burning Co2.

*Standard unit is 1 Phase, 3 Phase is also available. 460V upon request.



ELITE SERIES

MASS DEHUMIDIFICATION & AIR CONDITIONING

EXCELAIR.CA // TOLL FREE 877.728.0757

PACKAGE CONTENTS //

- » Outdoor Condensing Unit
- » Indoor Air Handler
- » Additional Case Coil
- » 40ft Pre-Charged Refrigerant Piping
- » Wired Dehumidistat
- » Programmable Thermostat w/ Pre-Wired 15ft Control Wire
- » 40ft 18/2 Control Wire
- » PVC Drain Trap
- » Step By Step Manual & Wiring Diagrams

PLUG AND PLAY //

Plug and Play refrigeration fittings make air cooled units simple to install by yourself; without the need of a costly certified installer. Each refrigeration line is pre-charged with the correct amount of refrigerant for your system. Just thread the fittings together and start up your system! The fittings are re-sealable unlike the generic units on the market, meaning, if you need to take your system out for servicing or relocating your unit no refrigerant is lost and can be simply re-installed.

RECOMMENDED ADD-ONS //

TOP PLENUM //

Add a plenum to the top of the Air Handler to allow for easy ducting.

FABRIC DUCT //

Lightweight, zero condensation, easy setup, extremely versatile.

UV AIR PURIFIER //

Mount inside Indoor Air Handler and kill harmful spores and bacteria in your room.

CONDENSATE PUMP //

Pump condensation water from unit to drain source 20' away and 15' high.

ELITE SERIES //

The Elite Series is a complete mass dehumidification and air conditioning system. It offers ultimate control of both relative humidity and room temperature. The unit is built on the foundation of our XL Series system. This unit is completely Plug and Play as every connection point comes with re-sealable Plug and Play fittings making it your best choice for quick and easy installations. The Elite Series is designed for individuals who require the very best in environmental control.

For more information contact your local store or visit us online at WWW.EXCELAIR.CA or call toll free (877) 728-0757.

KEY BENEFITS //

- » Mass Dehumidification
- » Re-Sealable Plug and Play Fittings
- » Cold Weather Operation
- » Vertical or Horizontal Mounting
- » Industries best support!
- » Remove 400+ Pints per day!



PACKAGE SPECS					DIMENSIONS		SEALED ROOM	
TON	BTU'S	AMPS	PWR	WEIGHT	AIR HANDLER	CONDENSER	#LIGHTS (1000W)	PINTS
2.0	24,000	11.4	* 208 / 230V	365lb	17.5 x 20.5 x 60	24 x 24 x 27	6	160
3.0	36,000	18.8		415lb	17.5 x 20.5 x 74	24 x 24 x 33	9	240
4.0	48,000	26		495lbs	24.5 x 20.5 x 89	29 x 29 x 30	12	320
5.0	60,000	31.8		530lbs	24.5 x 20.5 x 89	29 x 29 x 36	15	400

*Based on R12 insulated sealed room at 80F outdoor temperature, burning Co2.

*Standard unit is 1 Phase, 3 Phase is also available. 460V upon request.



DAMPER CONTROL PACKAGE

MULTI ZONE MOTORIZED DAMPERS

EXCELAIR.CA // TOLL FREE 877.728.0757

PACKAGE CONTENTS //

- » 2 Supply Air Motorized Dampers
- » 2 Return Air Motorized Dampers
- » Top Plenum (Air Handler)
- » Bottom Plenum (Air Handler)
- » Digital Thermostat w/ 15ft Control Wire
- » Installation and Wiring Guide

CONTROL 2 ROOMS WITH 1 SYSTEM //

A Damper Control Package is used to control the temperature in two rooms. Only one room per cycle will be controlled using only one Air Handler. There are two motorized dampers connected to the supply air and two motorized dampers connected to the return air. One set of dampers will be connected to Room 1 (Supply and Return) which will be configured as the "OPEN" state and one set of dampers will be connected to Room 2 (Supply and Return) which will be configured as the "CLOSED" state.

When Room 1 is "ON" both the supply and return dampers will be open and the room's digital thermostat will become energized. When Room 2 is "ON" the motorized dampers from Room 1 will close and Room 2 will open. On the flip Room 1 thermostat will turn off while Room 2 becomes energized.

For more information contact your local store or visit us online at WWW.EXCELAIR.CA or call toll free (877) 728-0757.

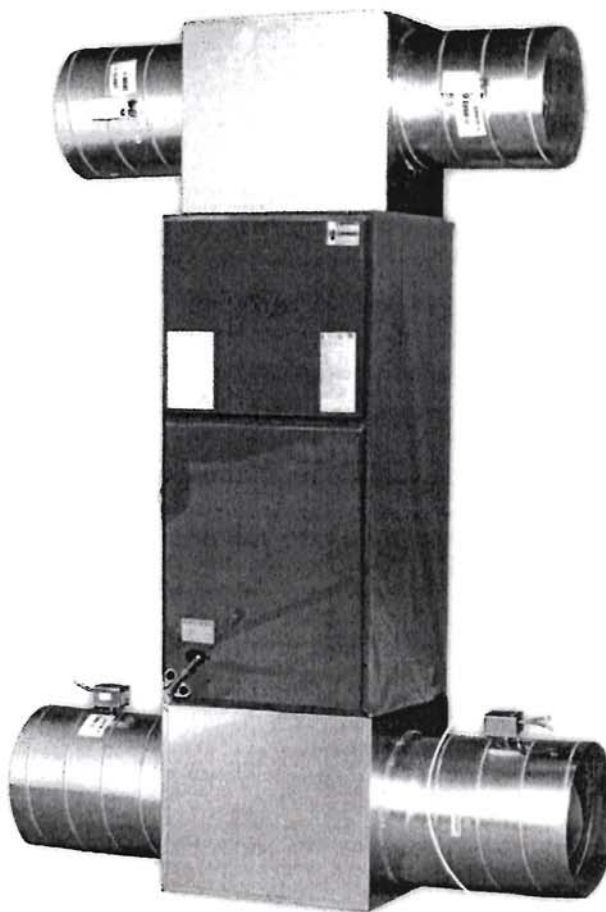
COMPONENTS //

- » 4 Motorized Dampers
- » 2 Plenums (customized upon request)
- » 1 Switchover Control (timer plug to allow control of the switchover times)
- » 1 Digital Thermostat

Damper Control Package available for all XL Series and Stealth Series packages.

KEY BENEFITS //

- » Only 1 Air Handler and Condensing Package needed
- » Less expensive than 2 complete systems
- » Precision Drive Motors with fail open safety
- » Manufacturer Limited Warranty
- » Easy Installation
- » Industries best support!



FAIL OPEN MOTORIZED DAMPERS

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EXCEL ODOR ELIMINATOR

MULTI TRAY CHARCOAL FILTER

EXCELAIR.CA // TOLL FREE 877.728.0757

PACKAGE CONTENTS //

- » Bottom box blower with fan
- » Top charcoal chassis
- » 5 x Charcoal trays
- » 1 x Large Pleated Filter
- » 1 x Throwaway Pre-Filter
- » 55lbs of Custom Charcoal
- » Industries best support!

ELIMINATE ODOR //

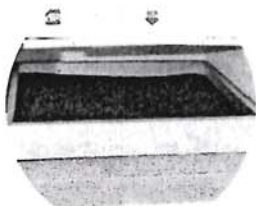
The Excel Odor Eliminator is perfect for any area where extreme smell is an issue. Unlike other filters this multistage filter will remove the harshest smells, giving you peace of mind. Either place the two piece unit inside your area or easily duct to and from your room, ensuring thorough air circulation past the primary and secondary filters, then through the 5 trays of Custom Charcoal. Plug the bottom box blower into any 115V plug and it will start eliminating odor instantly.

RECOMMENDED ADD-ON'S //

TOP PLENUM //

Add a plenum to the top of the Charcoal Chassis to allow for easy ducting if not placing directly Excel Odor Eliminator in room.

For more information contact your local store or visit us online at WWW.EXCELAIR.CA or call toll free (877) 728-0757.



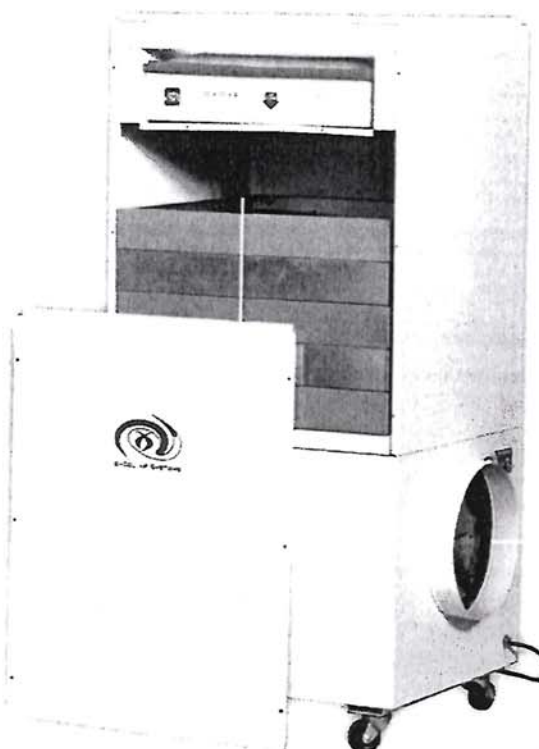
EASY SLIDE TRAYS
MAKE CHANGING
YOUR CARBON SIMPLE

KEY BENEFITS //

- » Removes very harsh smells
- » Easy access; 5 charcoal tray
- » 2 piece unit (box blower & filters)
- » Quiet, insulated blower box
- » Will clean areas up to 800sqft
- » Can be ducted into desired area

SPECIFICATIONS //

- » Dimensions: 50"H x 25"W x 22"D
- » Weight without Charcoal: 175lbs
- » Charcoal: Custom Shaled Coconut (55lbs)
- » Filter 1: 1" High-Strength Dual-Ply Card board Frame, 0.17" W.G., Synthetic Media Composition, 88% Air Arrestance
- » Filter 2: 4" Pleated Panel High-Strength Beverage Board Frame, 1" W.G., MERV 11, Synthetic Media Composition, 95-98% Air Arrestance
- » Blower: Fasco D701, 115V 60Hz, 1/5-1/2 HP, 1075 RPM 2 Speed, 3.3A Low Speed - 7.7A High Speed



2000 CFM BLOWER FOR
MORE AIR TURNS



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FABRIC DUCT

AIR DISTRIBUTION SYSTEM

EXCELAIR.CA // TOLL FREE 877.728.0757

PACKAGE CONTENTS //

- » 15' High quality polyester fabric ducting
- » Integrated hanging clips
- » 40' mounting cable
- » (2) Tensioners (5) Lock-Nuts (3) Eyebolts
- » Plenum Mounting Strap
- » Zip-On end cap

FABRIC DUCT //

Ducting has never been easier with Excel Air Systems' new fabric air duct. Simply run the included tension cable from one end of the room to the other and attach the 15' section of fabric duct to the cable using the integrated clips. Using the supplied lock-down strap attach one end of the fabric duct to your top plenum on your Indoor Air Handler. It's that easy! Additional duct lengths can be added using the ducts' built-in zipper system. The kit comes as a complete package with everything you'll need to setup your duct.

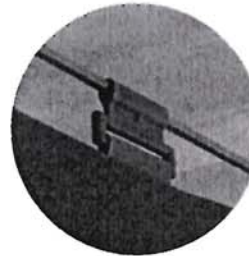
The fabric duct is made of high quality polyester fabric. It's engineered for the specific CFM requirements on Excel Air System packages. Air is evenly distributed along the entire length of the duct through laser cut precision air holes, ensuring no hot and cold spots within your space. It's permeable (2 cfm per sq ft) fabric rejects the buildup of dirt and debris from sitting on top of the ducting also making it impossible for any condensation to form.

When time, efficiency and overall design is considered there is no better solution for distributing air!

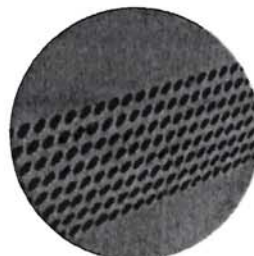
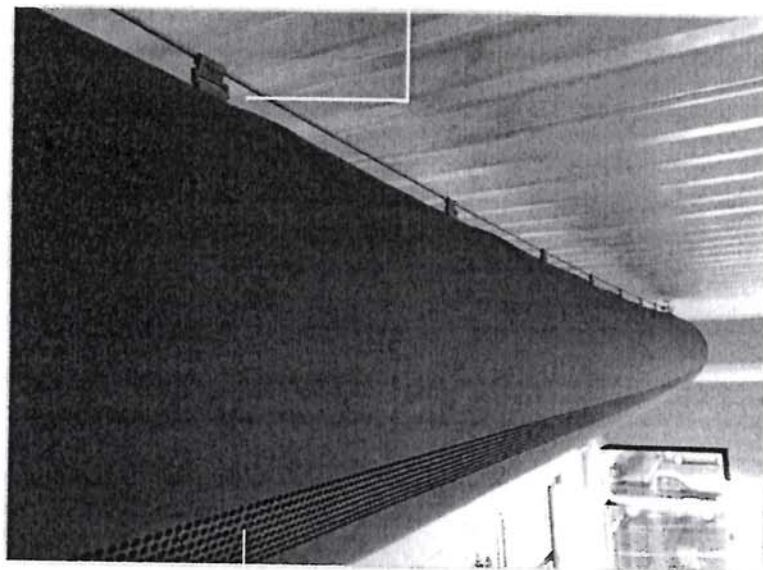
For more information contact your local store or visit us online at WWW.EXCELAIR.CA or call toll free (877) 728-0757.

KEY BENEFITS //

- » Extremely lightweight
- » Quick setup
- » Even airflow
- » Customizable
- » Machine Washable



QUICK CLIP EASILY SNAPS ONTO AIRCRAFT CABLE



LASER CUT HOLES ALLOW FOR PRECISE AIR DISTRIBUTION





EXCEL UV

EASY MOUNT ULTRAVIOLET BULB

EXCELAIR.CA // TOLL FREE 877.728.0757

KEY BENEFITS //

- » Destroy mold, bacteria and spores
- » Ozone Free
- » Easily mounted to plenum or inside Indoor Air Handler
- » 24v extremely low power consumption
- » Water Resistant
- » Scrubs your entire room volume of air hundreds of times per day!

EXCEL UV AIR PURIFIER //

The Excel UV Air Purifier is designed to change the molecular structure of the contaminants through DNA Sterilization and Photo-Oxidation using UV-C (254nm), destroying both biological and chemical contaminants. It will kill mold, bacteria and viruses! Simply mount inside air

handler or ductwork and easily wire the power supply to your existing 24v control board in your air handler.

SPECIFICATIONS //

- » 100% 254nm Spectrum, Germicidal UV-C Bulb, Shielded Quartz Hot Filament, 18-32 VAC 60Hz, 0.68A 16VA



EXCEL TOP PLENUM

AIR HANDLER ACCESSORY

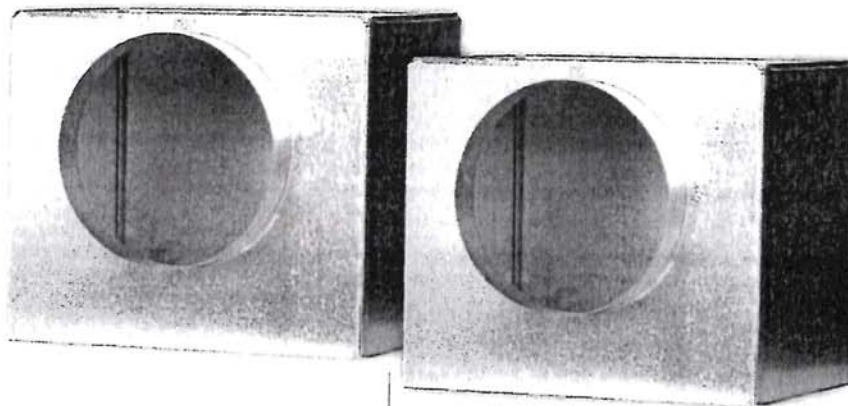
KEY BENEFITS //

- » Made specifically for Excel Indoor Air Handlers
- » Easily mount round ducting to your unit
- » Remove turbulence from air
- » Highly Recommended!

EXCEL TOP PLENUM //

Adding a plenum to your XL Series or Stealth Series system will greatly improve ease of installation and Indoor Air Handler efficiency. The box sits over the blower allowing to take the turbulence out of the air and send it down your ducting at a constant flow rate.

For more information contact your local store or visit us online at WWW.EXCELAIR.CA or call toll free (877) 728-0757.



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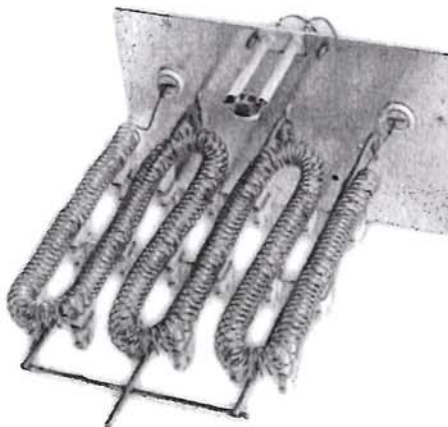
5KW HEATER ADD-ON

5000 WATT SLIDE IN HEATER

EXCELAIR.CA // TOLL FREE 877.728.0757

5000 WATT SLIDE IN HEATER //

The 5kW Heater is a great addition to any XL Series or Stealth Series Indoor Air Handler. Maintain nighttime or winter temperatures with ease. Just slide the heater into an access door already made specifically for the heater. Plug the plastic connector onto the control board and use your existing power to the Indoor Air Handler. Next is to set your heating point on your digital thermostat that came with the existing system then let it do its job!



KEY BENEFITS //

- » Add-on at anytime; slides into Excel Indoor Air Handler
- » Draws power from Indoor Air Handler
- » Great for maintaining nighttime temperatures
- » Controlled by digital thermostat that comes with the unit!

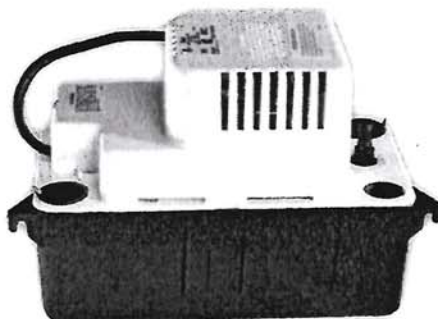
CONDENSATION PUMP

CONDENSATION REJECTION UNIT

CONDENSATION PUMP //

This pump allows condensation from the Indoor Air Handler to flow into the pump, then when the internal float raises the condensate water can be pumped a distance of 20' along with the capability of 15' vertically to a drain source. Comes with a 6' electrical cord and 20' 3/8 tubing. Available in 120/230V applications.

For more information contact your local store or visit us online at WWW.EXCELAIR.CA or call toll free (877) 728-0757.



BENEFITS //

- » Automatic operation
- » Collect condensation from multiple sources
- » Pump condensation anywhere

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ACCESSORIES

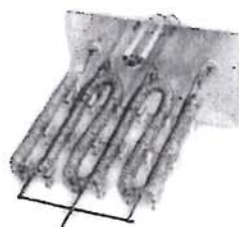
RECOMMENDED PRODUCTS

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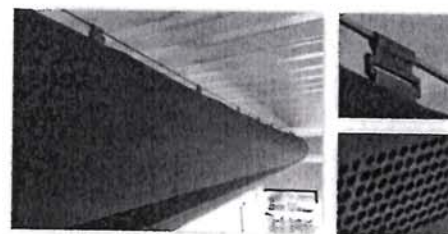
EXCEL UV AIR PURIFIER //

The Excel UV Air Purifier is designed to change the molecular structure of the contaminants through DNA Sterilization and Photo-Oxidation using UV-C (254nm), destroying both biological and chemical contaminants. It will kill mold, bacteria and viruses! Simply mount inside air handler or ductwork and easily wire the power supply to your existing 24v control board in your air handler.



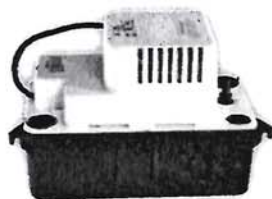
HEATER (AIR HANDLER) //

Add a 5kW Heater into any Excel Air Systems Air Handler. Maintain nighttime temperatures with this easy to install electric heater. Install into the Air Handler and simply set your desired heating temperature.



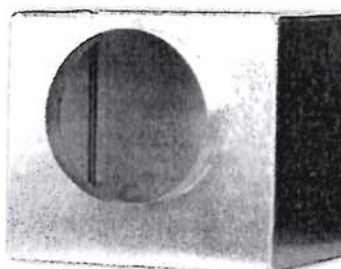
FABRIC DUCT //

High quality polyester fabric ducting. Easily run cable support system and attach the duct to the cable using integrated clips. Extremely lightweight and durable, zero condensation fabric and machine washable. Additional ducting can be added on using simple zipper system.



CONDENSATE PUMP //

This pump allows condensation from the Indoor Air Handler to flow into the pump, then when the internal float raises the condensate water can be pumped a distance of 20' along with the capability of 15' vertically to a drain source. Comes with a 6' electrical cord and 20' 3/8 tubing. Available in 120/230V applications.



TOP PLENUM //

Adding a plenum to your XL or Stealth Series system will greatly improve ease of installation an Indoor Air Handler efficiency. The box sits over the blower allowing to take the turbulence out of the air and send it at a constant flow rate down the length of your ducting.

For more information contact your local store or visit us online at WWW.EXCELAIR.CA or call toll free (877) 728-0757.



FLEX LINESET //

Flexible line sets are now a possibility. No more kinking or bending soft copper! Engineered with a polyamide sleeve, flexible aluminum barrier and weather resistant rubber cover this line set allowing for easy unit connections in any situation. Connecting your indoor and outdoor units has never been easier, just roll up the lines and take them with you. Rated for both R22 and R410A refrigerants.

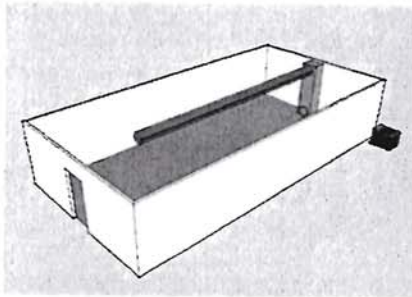
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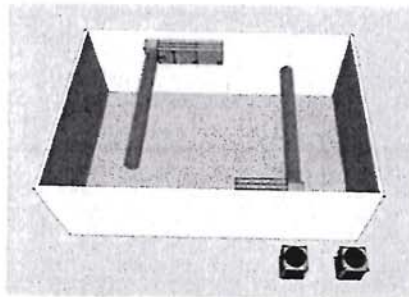


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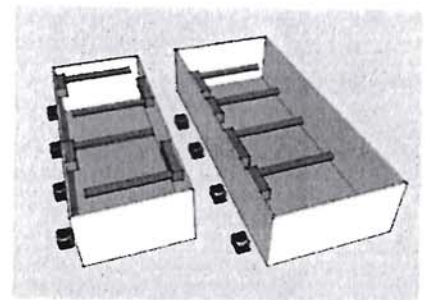
40' 15 LIGHT ROOM //

This layout shows our system installed in a 40' long room. We are showing how the Indoor Air Handler can be installed at one end of the room followed by 2 x Fabric Duct Kits connected together to provide proper air-flow throughout the space. Each kit is 15' and can be easily zipped together to give 30' continuous run.



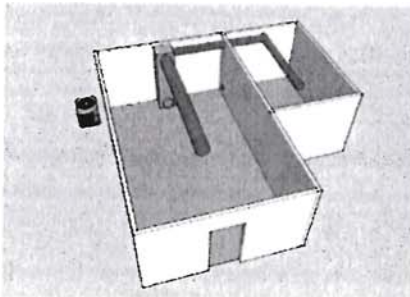
THE PERFECT ROOM //

Two 5 Ton systems make for the perfect 30k room. One XL Series unit to cool 15k and one Elite Series unit to cool the other 15k during the day and dehumidify the whole room at night.



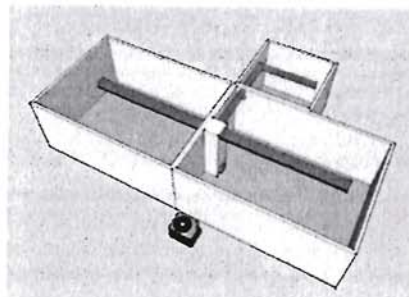
LARGE FACILITY //

In this example this is a large facility with 60kW worth of heat load which will require 4 x 5 Ton systems. We're also showing two different air handler positions to accommodate space planning. The left room shows the air handlers and fabric duct alternating positions on both sides of the room where the right room shows all the air handlers and fabric duct originating from the same side.



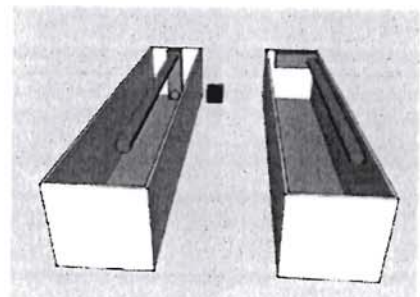
SECONDARY ROOM //

This design shows a main room that has a constant heat load for 12 hours and a secondary room with an 18 hour heat load. We can achieve this by running a duct from the main room and have a 10" motorized damper with extra thermostat to control the 18 hour room.



DAMPER PACKAGE WITH SECONDARY ROOM //

This room design shows the Dual Room Damper Package installed with an additional 10" motorized damper controlled by an additional thermostat to control an 18 hour heat load. You must oversize your a/c slightly to accommodate the other room.



40' CONTAINER //

This room design shows a typical 40' shipping container. We're showing two different hanging options for the Indoor Air Handler, vertical and horizontal. This provides extra flexibility depending on your space requirements. We have 2 x Fabric Kits to give us 30' of ducting to evenly disperse the air throughout the room.





SPECIFICATION GRID // EXCEL AIR SYSTEMS

TONNAGE	2.0	2.5	3.0	3.5	4.0	5.0
COOLING CAPACITY	6,000W	7,000 - 8,000W	9,000W	10,000 - 11,000W	12,000W	15,000W
BTU'S	24,000	30,000	36,000	42,000	48,000	60,000
SYSTEM AMPS	11.4	13.8	18.8	20.6	26	31.8
POWER	208/230V*	208/230V*	208/230V*	208/230V*	208/230V*	208/230V*
AIR HANDLER	17.5 X 20.5 X 41	17.5 x 20.5 x 47.5	17.5 x 20.5 x 47.5	21 x 20.5 x 51.5	24.5 x 20.5 x 55.5	24.5 x 20.5 x 55.5
AMPERAGE	1.4	2.3	2.6	2.8	2.9	4.1
SUPPLY AIR	16.5 x 16.5 x 18	16.5 x 16.5 x 18	16.5 x 16.5 x 18	20 x 18 x 18	24.5 x 18 x 18	24.5 x 18 x 18
VERTICAL RETURN AIR	17.5 x 20.5 x 18	17.5 x 20.5 x 18	17.5 x 20.5 x 18	21 x 20.5 x 18	24.5 x 20.5 x 18	24.5 x 20.5 x 18
HORIZONTAL RETURN AIR	16.5 x 19.5 x 18	16.5 x 19.5 x 18	16.5 x 19.5 x 18	20 x 19.5 x 18	23.5 x 19.5 x 18	23.5 x 19.5 x 18
CONDENSER	24 x 24 x 27	24 x 24 x 30	24 x 24 x 33	29 x 29 x 27	29 x 29 x 30	29 x 29 x 36
AMPERAGE	10.0	11.5	16.2	17.8	23.1	27.7
MIN. CIRCUIT AMPACITY	12.3	14.2	19.9	21.9	28.5	34.3
XL PACKAGE WEIGHT	280	315	320	380	395	430
STEALTH PACKAGE WEIGHT	355		395		470	505

*All measurements are in inches (Width x Depth x Height). Based on R12 insulated sealed room at 80F outdoor temperature, burning Co2.

*Standard unit is 1 Phase, 3 Phase is also available. 460V upon request.

MISSION CRITICAL AIR SYSTEMS
EXCELAIR.CA // TOLL FREE 877.728.0757



RETAIL USD

PRICELIST 2016

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XL SERIES //

The XL Series is best suited for quick roll out where overall cost and portability is required. It's based on a split system design where there will be both an Outdoor Condenser and Indoor Air handler connected by a pre-charged refrigerant piping. This system comes as a complete package along with re-sealable plug and play fittings at every connection point.

PRICE //

- » 2.0 ton = \$4,810
- » 2.5 ton = \$5,070
- » 3.0 ton = \$5,460
- » 3.5 ton = \$5,850
- » 4.0 ton = \$6,240
- » 5.0 ton = \$6,720
- flex lineset +\$1,040

ELITE SERIES //

The Elite Series was developed to provide the ultimate in environmental control. It's built in mass dehumidification system allows the operator to set and maintain both temperature and humidity 365 days a year. This system comes as a complete package along with re-sealable plug and play fittings at every connection point.

PRICE //

- » 2.0 ton = \$8,710
- » 3.0 ton = \$9,750
- » 4.0 ton = \$10,660
- » 5.0 ton = \$11,570

STEALTH SERIES //

The Stealth Series is designed for sound conscious installs as well as tremendous versatility. The compressor is removed from the outdoor condenser and placed into a separate sound deadened box, eliminating all compressor noise from the outdoors and providing simple compressor swap out and overall system weight distribution. This system comes as a complete package along with re-sealable plug and play fittings at every connection point.

PRICE //

- » 2.0 ton = \$6,500
- » 3.0 ton = \$7,150
- » 4.0 ton = \$7,995
- » 5.0 ton = \$8,450
- flex lineset +\$1,430



XL & STEALTH PKG CONTENTS //

- » Outdoor Condensing Unit
- » Indoor Air Handler
- » 40ft Pre-Charged Refrigerant Piping
- » Digital Thermostat w/ Pre-Wired 15ft Control Wire
- » 40ft 18/2 Control Wire
- » PVC Drain Trap
- » Step By Step Manual & Wiring Diagrams

NOTE: Stealth Series comes with additional Pre-Charged Piping to make the Triple Split Connection.

ACCESSORIES //

- » Top Plenum = \$130
- » Excel UV Air Purifier = \$390
- » Heater 5kW (Air Handler) = \$260
- » Nest WIFI Thermostat = \$390
- » Standard Thermostat = \$130
- » XL Flex Lineset = \$1,495
- » Stealth Flex Lineset = \$1,885
- » Condensate Pump = \$130
- » Hanging Kit = \$130
- » Excel Water Guardian = \$235

For more information contact your local store or visit us online at WWW.EXCELAIR.CA or call toll free (877) 728-0757.

DAMPER CONTROL PACKAGE //

Control 2 rooms with 1 system. Package comes complete with motorized Supply Air and Return Air Dampers, Top/Bottom Plenums, Switchover Control Box, Digital Thermostat and Installation Manual. \$2,210

EXCEL ODOR ELIMINATOR //

Charcoal Enclosure, 5 trays, Large Primary Filter, 55lbs Custom Charcoal and Box Blower. \$2,400

FABRIC DUCT //

15' Fabric Duct. Extremely lightweight, zero condensation fabric, machine washable. \$650

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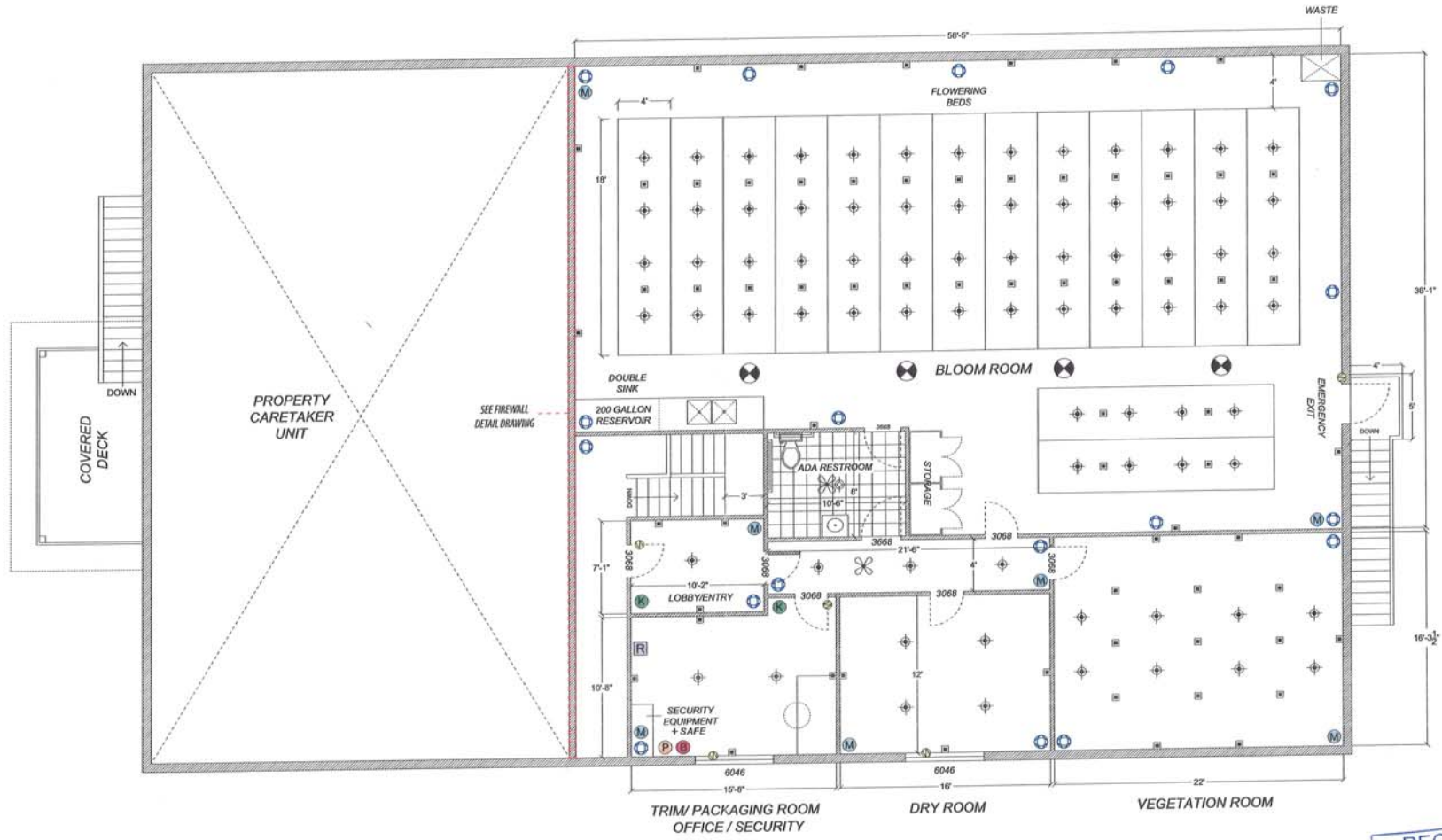
MAY 15 2017

PERMIT GEN

SECOND FLOOR PROPOSED PLAN

SCALE : 1/8" = 1'

Attachment A



LEGEND		OVERHEAD LIGHTING		RECORDER
		4 GANG BOX		MOTION DETECTOR
		CHARCOAL FILTER		KEY PAD
		SECURITY CAMERA		BELL
		ALARM SENSOR		ALARM PANEL
		SECURITY DOOR		OVERHEAD FAN

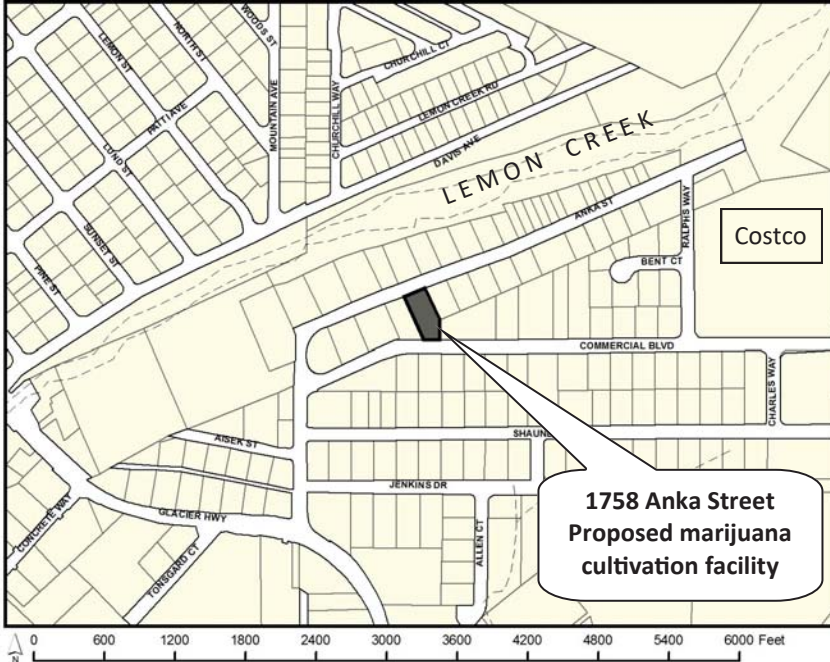
* ALL WINDOWS BLACKED OUT

RECEIVED
MAY 08 2018
PERMIT CENTER/CDD



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:

1758 Anka Street
Proposed marijuana
cultivation facility

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for a **Marijuana Cultivation Facility** located at **1758 Anka Street** in an **Industrial zone**.

TIMELINE

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

Now through April 30, 2018

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

May 1 through 12 noon, Friday, May 18

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

HEARING DATE & TIME
7:00 pm, May 22, 2018

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

May 23

The results of the hearing will be posted online.

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

Printed April 19, 2018

Case No.: USE2017 0006
Parcel No.: 5B1201300050
CBJ Parcel Viewer: <http://epv.juneau.org>



Community Development

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

PLANNING COMMISSION NOTICE OF DECISION

Date: May 25, 2017
File No.: USE2017 0006

Taku Horticulture Company, LLC
8425 Valley Blvd
Juneau, AK 99801

Proposal: A Conditional Use Permit for a Marijuana Cultivation facility in an Industrial Zone.

Property Address: 1758 Anka Street

Legal Description: Lot 5A, Glacier Industrial III

Parcel Code No.: 5-B12-0-130-005-0

Hearing Date: May 23, 2017

The Planning Commission, at its regular public meeting, considered the application, staff memorandum, supplemental materials, public comments, and then adopted the analysis and findings listed in the attached memorandum dated May 12, 2017, as supplemented at the hearing, and approved the Conditional Use permit for a marijuana cultivation facility to be conducted as described in the project description and project drawings submitted with the application and with 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, it shall be demonstrated that surveillance cameras have an unobstructed view of each doorway in the building.
3. 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.

Taku Horticulture Company, LLC
 File No.: USE2017 0006
 May 25, 2017
 Page 2 of 3

4. Prior to approval of a CBJ marijuana license, a revised surveillance camera plan shall be submitted to ensure the room has adequate surveillance coverage.
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 permit. 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.

Attachments: May 12, 2017, memorandum from Laura A. Boyce, AICP, Community Development, to the CBJ Planning Commission regarding USE2017 0006.

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.

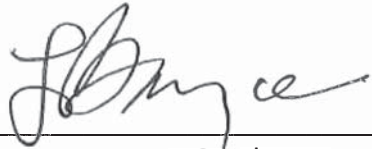
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030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

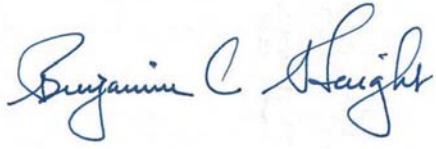
Effective Date: The permit is effective upon approval by the Commission, May 23, 2017.

Expiration Date: The permit will expire 18 months after the effective date, or November 23, 2018, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Conditional use permits issued to marijuana establishments under CBJ chapter 49.65.1245(e) shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title.

Project Planner:


 Laura A. Boyce, AICP, Planner
 Community Development Department


 Ben Haight, Chair
 Planning Commission

Taku Horticulture Company, LLC

File No.: USE2017 0006

May 25, 2017

Page 3 of 3



Filed With City Clerk

May 25, 2017

Date

cc: Plan Review

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

Integra Realty Resources
Seattle

Appraisal of Real Property

Vital Statistics Building

Industrial Property

5441 Commercial Blvd

Juneau, Juneau Borough County, Alaska 99801

Client Reference:

Prepared For:

Granite Mountain Properties LLC

Effective Date of the Appraisal:

May 22, 2017

Report Format:

Appraisal Report – Standard Format

IRR - Seattle

File Number: 154-2017-0211





Vital Statistics Building
5441 Commercial Blvd
Juneau, Alaska



May 22, 2017

Carl Zaruba
Granite Mountain Properties LLC
PO Box 34315
Juneau, AK 99803

SUBJECT: Market Value Appraisal
 Vital Statistics Building
 5441 Commercial Blvd
 Juneau, Juneau Borough County, Alaska 99801
 IRR - Seattle File No. 154-2017-0211

Dear Mr. Zaruba:

Integra Realty Resources – Seattle is pleased to submit the accompanying appraisal of the referenced property. The purpose of the appraisal is to develop an opinion of the market value of the leased fee interest in the property in its as is condition, as well as subject to a hypothetical condition in order to determine potential damages. This appraisal employs the “before and after” methodology to determine the The client for the assignment is Granite Mountain Properties LLC, and the intended use is for litigation.

This appraisal is limited in scope because an applicable approach to value is not being used. The client requested that we use only the most applicable approach to value and exclude other approaches that we might consider to be appropriate valuation methods for the subject. We determined that, notwithstanding the exclusion of an applicable approach, the scope of work performed is sufficient to develop a credible opinion of value given the intended use.

The subject is an existing special purpose office property containing 9,553 square feet of rentable area and 10,360 square feet of gross building area. The improvements were constructed in 2002 and are 100% leased as of the effective appraisal date. The site area is 0.58 acres or 25,452 square feet.

Carl Zaruba
 Granite Mountain Properties LLC
 May 22, 2017
 Page 2

The appraisal is intended to conform with the Uniform Standards of Professional Appraisal Practice (USPAP), the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, and applicable state appraisal regulations.

To report the assignment results, we use the Appraisal Report option of Standards Rule 2-2(a) of USPAP. As USPAP gives appraisers the flexibility to vary the level of information in an Appraisal Report depending on the intended use and intended users of the appraisal, we adhere to the Integra Realty Resources internal standards for an Appraisal Report – Standard Format. This format summarizes the information analyzed, the appraisal methods employed, and the reasoning that supports the analyses, opinions, and conclusions.

Based on the valuation analysis in the accompanying report, and subject to the definitions, assumptions, and limiting conditions expressed in the report, our opinion of value is as follows:

Value Conclusion	AS IS		
Appraisal Premise	Interest Appraised	Date of Value	Value Conclusion
Market Value	Leased Fee	May 22, 2017	\$2,500,000

Extraordinary Assumptions and Hypothetical Conditions

The value conclusions are subject to the following extraordinary assumptions that may affect the assignment results. An extraordinary assumption is uncertain information accepted as fact. If the assumption is found to be false as of the effective date of the appraisal, we reserve the right to modify our value conclusions.

1. It is assumed that there have been no physical changes to the subject property since our inspection on November 1, 2016, other than ordinary physical deterioration and that all building systems are functional.

The value conclusions are based on the following hypothetical conditions that may affect the assignment results. A hypothetical condition is a condition contrary to known fact on the effective date of the appraisal but is supposed for the purpose of analysis.

1. The second valuation scenario is based on the hypothetical condition that a marijuana cultivation operation is located at 1758 Anka Street, Juneau, adjacent to the east of the subject property.

Our opinion of value, in the hypothetical scenario, is as follows:

Value Conclusion	HYPOTHETICAL		
Appraisal Premise	Interest Appraised	Date of Value	Value Conclusion
Market Value	Leased Fee	May 22, 2017	\$1,375,000 to \$1,720,000

The estimated damages are calculated as follows:

$$\$2,500,000 \text{ (As Is Value)} - \$1,375,000 = \$1,125,000$$

$$\$2,500,000 \text{ (As Is Value)} - \$1,720,000 = \$ 780,000$$

The opinions of value expressed in this report are based on estimates and forecasts that are prospective in nature and subject to considerable risk and uncertainty. Events may occur that could cause the performance of the property to differ materially from our estimates,



Carl Zaruba
Granite Mountain Properties LLC
May 22, 2017
Page 3

such as changes in the economy, interest rates, capitalization rates, financial strength of tenants, and behavior of investors, lenders, and consumers. Additionally, our opinions and forecasts are based partly on data obtained from interviews and third party sources, which are not always completely reliable. Although we are of the opinion that our findings are reasonable based on available evidence, we are not responsible for the effects of future occurrences that cannot reasonably be foreseen at this time.

If you have any questions or comments, please contact the undersigned. Thank you for the opportunity to be of service.

Respectfully submitted,

Integra Realty Resources - Seattle



Kim M. Wold
Certified General Real Estate Appraiser
Alaska Certificate # 52
Telephone: 206-436-1182
Email: kwold@irr.com



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Summary of Salient Facts and Conclusions

Property Name	Vital Statistics Building		
Address	5441 Commercial Blvd Juneau, Juneau Borough County, Alaska 99801		
Property Type	Industrial - Other		
Owner of Record	Granite Mountain Properties, LLC		
Tax ID	5B1201300430		
Land Area	0.58 acres; 25,452 SF		
Gross Building Area	10,360 SF		
Rentable Area	9,553 SF		
Percent Leased	100%		
Year Built	2002		
Zoning Designation	I, Industrial		
Highest and Best Use - As if Vacant	Office use		
Highest and Best Use - As Improved	Continued special purpose office use		
Exposure Time; Marketing Period	six months; six months		
Effective Date of the Appraisal	May 22, 2017		
Date of the Report	May 22, 2017		
Property Interest Appraised	Leased Fee		
Market Value Indications			
Cost Approach	Not Used		
Sales Comparison Approach	Not Used		
Income Capitalization Approach	\$2,500,000	(\$261.70/SF)	
Market Value Conclusion	\$2,500,000	(\$261.70/SF)	

The values reported above are subject to the definitions, assumptions, and limiting conditions set forth in the accompanying report of which this summary is a part. No party other than Granite Mountain Properties LLC may use or rely on the information, opinions, and conclusions contained in the report. It is assumed that the users of the report have read the entire report, including all of the definitions, assumptions, and limiting conditions contained therein.

Extraordinary Assumptions and Hypothetical Conditions

The value conclusions are subject to the following extraordinary assumptions that may affect the assignment results. An extraordinary assumption is uncertain information accepted as fact. If the assumption is found to be false as of the effective date of the appraisal, we reserve the right to modify our value conclusions.

1. It is assumed that there have been no physical changes to the subject property since our inspection on November 1, 2016, other than ordinary physical deterioration and that all building systems are functional.

The value conclusions are based on the following hypothetical conditions that may affect the assignment results. A hypothetical condition is a condition contrary to known fact on the effective date of the appraisal but is supposed for the purpose of analysis.

1. The second valuation scenario is based on the hypothetical condition that a marijuana cultivation operation is located at 1758 Anka Street, Juneau, adjacent to the east of the subject property.

Quality Assurance

Delivering superior value is a top priority at IRR and we place a premium on feedback from our valued clients. By learning more about your experience with IRR, we will be better able to serve your needs – to enhance our products, service offerings, and client communications.

Attached is a short survey applicable to this appraisal report and the service that you received. Please take a few minutes to share your experience of IRR with us. Your feedback will be reviewed by our Quality Control team. If you desire a follow-up telephone call, please provide your contact information and a member of our Quality Control team will contact you.

Access the online survey here: quality.irr.com.

Thank you in advance for assisting us with this important endeavor. Please feel free to contact your Local Office using the contact information provided within the letter of transmittal or our Quality Control team at quality@irr.com, with any questions or suggestions you may have.

General Information

Identification of Subject

The subject is an existing special purpose office property containing 9,553 square feet of rentable area and 10,360 square feet of gross building area. The improvements were constructed in 2002 and are 100% leased as of the effective appraisal date. The site area is 0.58 acres or 25,452 square feet. The property's legal description is:

Lot 3A, Glacier Industrial Subdivision No. 2, Plat No. 93-19, Juneau Recording District,
First Judicial District, State of Alaska.

Property Identification	
Property Name	Vital Statistics Building
Address	5441 Commercial Blvd Juneau, Alaska 99801
Tax ID	5B1201300430
Owner of Record	Granite Mountain Properties, LLC

Sale History

There was a change of control of Granite Mountain Properties, LLC. The acquisition included multiple real estate assets, personal property, and cash. The acquisition price was undisclosed. The LLC sale was necessary due to the death of the 100 percent owner/member and the desire of the estate executor to settle estate matters. All liabilities were assumed by the buyer. The date of the sale was August 22, 2016; however, closing took place in December 2016. The properties/LLC interests were not listed and received limited market exposure.

Pending Transactions

To the best of our knowledge, there are no pending transactions involving the subject property.

Purpose of the Appraisal

The purpose of the appraisal is to develop an opinion of the market value of the leased fee interest in the property's as is and subject to the hypothetical condition stated as of the effective date of the appraisal, May 22, 2017. As requested, we also estimate the damages expressed in a range of expected outcomes. The date of the report is May 22, 2017. The appraisal is valid only as of the stated effective date or dates.

Definition of Market Value

The Alaska Supreme Court defines Market value as:

"The price in (terms of) money that the property could be sold for on the open market under fair conditions between an owner willing to sell and a buyer willing to buy, with a reasonable time allowed

to find a purchaser. *State v. 7.026 Acres*, Sup. St. Op. No. 601, 466 P2d 364, 365; (1970). The opinion further reads, in part: “The highest and most profitable use for which the property is adaptable is to be considered, to the extent that the prospect of demand for such use affects the market value while the property is privately held. Fair market value is normally based on a parcel’s fee simple value.”

Definition of Property Rights Appraised

Leased fee interest is defined as, “The ownership interest held by the lessor, which includes the right to receive the contract rent specified in the lease plus the reversionary rights when the lease expires.”

Leasehold interest is defined as, “The right held by the lessee to use and occupy real estate for a stated term and under the conditions specified in the lease.”

Lease is defined as: “A contract in which rights to use and occupy land, space, or structures are transferred by the owner to another for a specified period of time in return for a specified rent.”

Source: Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 6th ed. (Chicago: Appraisal Institute, 2015)

Intended Use and User

The intended use of the appraisal is for litigation. The client and intended user is Granite Mountain Properties LLC. The appraisal is not intended for any other use or user. No party or parties other than Granite Mountain Properties LLC may use or rely on the information, opinions, and conclusions contained in this report.

Applicable Requirements

This appraisal is intended to conform to the requirements of the following:

- Uniform Standards of Professional Appraisal Practice (USPAP);
- Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute;
- Applicable state appraisal regulations;

Report Format

This report is prepared under the Appraisal Report option of Standards Rule 2-2(a) of USPAP. As USPAP gives appraisers the flexibility to vary the level of information in an Appraisal Report depending on the intended use and intended users of the appraisal, we adhere to the Integra Realty Resources internal standards for an Appraisal Report – Standard Format. This format summarizes the information analyzed, the appraisal methods employed, and the reasoning that supports the analyses, opinions, and conclusions.

Prior Services

USPAP requires appraisers to disclose to the client any other services they have provided in connection with the subject property in the prior three years, including valuation, consulting, property

management, brokerage, or any other services. We have previously appraised the property that is the subject of this report for another client within the three-year period immediately preceding acceptance of this assignment.

Scope of Work

The client requested that we use only the most applicable approach to value and exclude other approaches that we might consider to be appropriate valuation methods for the subject. To determine the appropriate scope of work, we considered the client's request in relation to the intended use of the appraisal, the needs of the user, the complexity of the property, and other pertinent factors. Our concluded scope of work is described below.

Valuation Methodology

Appraisers usually consider the use of three approaches to value when developing a market value opinion for real property. These are the cost approach, sales comparison approach, and income capitalization approach. Use of the approaches in this assignment is summarized as follows:

Approaches to Value		
Approach	Applicability to Subject	Use in Assignment
Cost Approach	Applicable	Not Utilized
Sales Comparison Approach	Applicable	Not Utilized
Income Capitalization Approach	Applicable	Utilized

This assignment is considered to be limited in scope because an approach to value that usually would be applicable to the subject is not used.

The **income capitalization** approach is the most reliable valuation method for the subject due to the following:

- The probable buyer of the subject would base a purchase price decision primarily on the income generating potential of the property and an anticipated rate of return.
- Sufficient market data regarding income, expenses, and rates of return, is available for analysis.

The **sales comparison** approach is not applicable to the subject because:

- This approach does not reflect the primary analysis undertaken by a typical investor-purchaser.

The **cost approach** is not applicable to the subject considering the following:

- The age of the property makes estimates of accrued depreciation very subjective.
- There is a limited land market, making estimates of underlying land value subjective.
- This approach is not typically used by market participants, except for new properties.

Research and Analysis

The type and extent of our research and analysis is detailed in individual sections of the report. This includes the steps we took to verify comparable sales, which are disclosed in the comparable sale profile sheets in the addenda to the report. Although we make an effort to confirm the arms-length nature of each sale with a party to the transaction, it is sometimes necessary to rely on secondary verification from sources deemed reliable.

Inspection

Kim M. Wold conducted an interior and exterior inspection of the property on November 1, 2016.

Economic Analysis

Southeast Alaska Map



Juneau Area Analysis

Juneau is located on the mainland of Southeast Alaska, opposite Douglas Island. Juneau is geographically centered in the heart of the Inside Passage, along Gastineau Channel and lies 900 miles northwest of Seattle, and 577 miles southeast of Anchorage. The city and borough encompasses 2,716.7 square miles and 538.3 square miles of water, with a year round climate that is termed mild maritime. Juneau is the both the economic as well as transportation hub of northern Southeast Alaska, providing supplies, services, and transportation to the outlying communities in the region. Juneau International Airport has an ILS equipped runway serviced by Alaska Airlines and Delta Airlines. Several commuter and air taxi airlines operate from the airport as well.

Juneau was originally a fish camp for Tlingit Indians. Gold was discovered in approximately 1900 and preceded the establishment of the City of Juneau. The State Capitol was transferred from Sitka to Juneau in 1906, while Alaska was US Territory.

The population of Juneau was 33,277 as of 2016. There are an estimated 12,342 households (average household size of 2.66 persons). The percentage of residents in the 15 to 34-year old group is declining at a rate of approximately 1 percent per year, while the 45 to 64 year old age group is increasing at a rate of 3 percent per year. Currently the median age is 35.3 years. The 2014 median household income is \$81,490.

The economy of Juneau is broad based; however, federal, state, and local government employs approximately 41 percent of the workers in the community (7,000 jobs all totaled), and because of the high concentration of public sector employment, the job market is viewed as being relatively stable. State employment, which is largely supported by oil revenues, remains the largest portion of Juneau's economic base.

Tourism is the largest private sector employer, providing over 2,200 jobs and contributing over \$636 million counting all income from sources associated with the cruise industry. The tourism industry is recovering after a significant drop in 2010. Per capita tourist spending is slowly recovering. The number of cruise passengers visiting Juneau over the past five years is shown as follows:

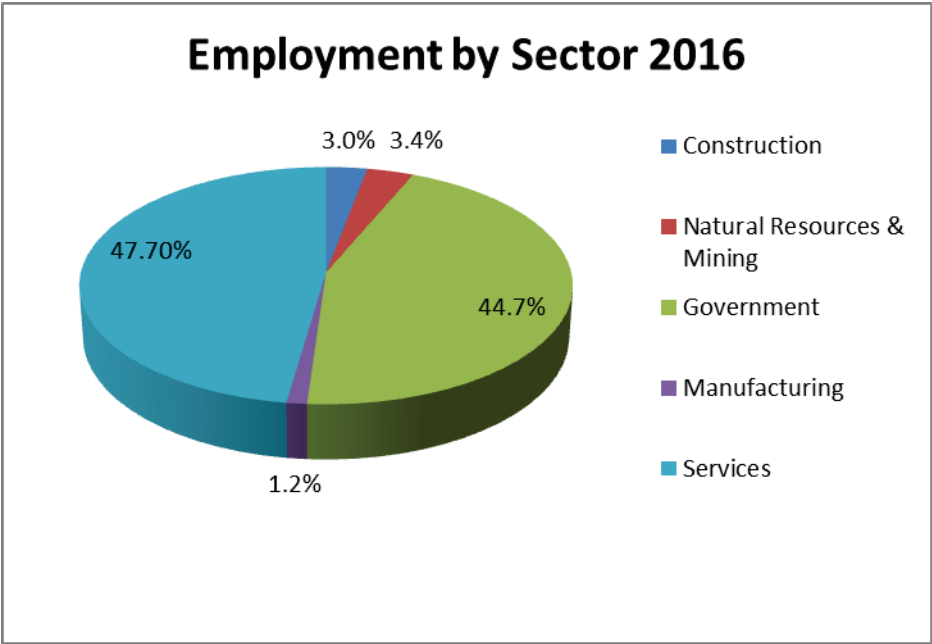
2009	-	1,030,000
2010	-	879,310
2011	-	875,947
2012	-	937,000
2013	-	995,000
2014	-	953,000
2015	-	982,500

2016 - 1,015,100

The decline in 2014 was attributed to a reduction in capacity. The passenger count for the 2016 season exceeded 1,000,000. Per capita spending by cruise passengers in 2015 injected at least \$169,000,000 into the Juneau economy.

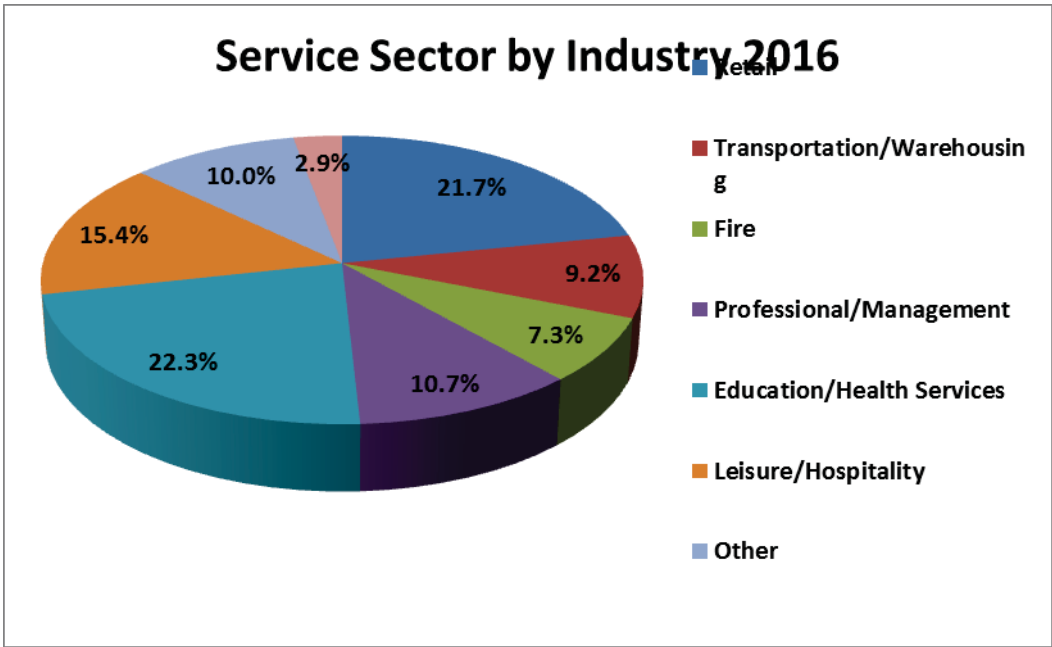
Commercial fishing and mining play lesser roles in the Juneau economy.

The percentage of employment by sector in Juneau in 2016 is shown on the following chart:



A breakdown of the Services sector is shown on the following chart:





The Greens Creek Mine, which is located west of Juneau, is the largest silver producer in the United States. Employment, housing, and support services for Greens Creek Mine are provided in Juneau. The Kensington Mine began production in July 2010. Currently, the Greens Creek Mine and the Kensington Mine have approximately 330 and 200 employees, respectively. They have a combined payroll in excess of \$50 million. The average salary is \$91,000 per miner.

Juneau is well established as a service, supply, and medical center for the northern regions of Southeast Alaska. Bartlett Hospital is a regional medical facility equipped with state of the art diagnostic equipment. Big box retail establishments include Fred Meyer, Costco, and Home Depot.

The fishing industry helps to diversify the local economy. DIPAC operates a salmon hatchery in Juneau. The hatchery employs 40 persons and supports 650 jobs in the region and \$25 million in labor income. Taku Smokeries and Alaska Glacier Seafoods have processing plants in Juneau. There are several custom, value added processing plants, including Alaska Seafood and Northern Keta. The primary species harvested are the five species of salmon, shrimp, crab, halibut, and black cod. Salmon prices have experienced a large year over year decline due to the effect of large harvests and the appreciating US Dollar.

The residential housing market has an inadequate supply of single family residential units. Condominiums and apartments are more balanced as far as supply and demand. Recent sales are indicating some appreciation. Several apartment projects are currently under construction or are in the planning stages. The apartment market may become over built if



all of the proposed projects get built. The City/Borough of Juneau is evaluating developing a residential subdivision at a cost exceeding \$100,000 per lot.

The Alaska Housing Finance Corporation's 2015 Rent Survey indicated the following average adjusted apartment rental and vacancy rates.

Apt Type	Rental Amt	Vacancy Rate
Efficiency	\$ 892	2.7%
One Bedroom	\$1,072	1.8%
Two Bedroom	\$1,330	3.6%
Three Bedroom	\$1,836	6.2%

The overall apartment vacancy factor in 2016 was 3.3 percent, based on a survey sample of 1,062 units. The 2016 report did not provide specific rental and vacancy rates by unit type. At a rate this low, vacancy can be attributed solely to periodic unit turnover, and for all intents and purposes there are few, if any, vacant units in Juneau. The average overall rent increase was 2.9 percent. Excluding the efficiency units, the increase was 3.7 percent. There have been several multi-family apartment and condominium complexes completed in the past 36 months and more units are under construction or planned. The market for apartment rentals is more balanced, which may lead to limited rent increases over the near term.

The commercial real estate market is stable, with supply and demand seemingly in balance. Pricing appears firm, but there appears to be lessee recognition of downside risk of the state's economy. Rent concessions may start to appear in 2017. There is increased vacancy in the office and retail sectors outside the tourist district. Industrial rentals are generally stable.

Confidence toward the near-term future of Juneau's residential sector of the economy in 2017 has declined due to concerns over the state budget.

Developers have single family, condominium, and apartment projects under construction. Most of these projects are targeted toward the lower and median price markets. Upper income oriented homes are slow to sell. Commercial construction is slow with a low level of speculative development. Development of new residential subdivisions is commencing. The inventory of residential homes on the market is at a multi-year high.

Due to projected declines in oil revenues to the State of Alaska, some market participants are taking a more cautious view of the economy and future real estate price expectations. Relative to the real estate market, residential and commercial mortgage funding is available for owner occupied and leased buildings. Speculative construction or investor purchases

would be more difficult to finance. The universe of local potential purchasers in the current economic environment is somewhat reduced.

There are a number of public projects programmed over the next several years which are subject to state and/or federal funding. The Juneau Ports and Harbor Department has programmed \$71,000,000 in various projects over the next several years.

The near term economic performance in Juneau is stable. Mining will continue to be a stabilizing factor over the long-term, although a decline in gold and silver prices could become problematic due to high fixed costs of extraction. The near-term outlook for the tourism industry is for a moderate increase in passenger numbers and per capita spending.

A significant factor that could adversely affect the future local economy is the fallout of the decline in oil prices. The State of Alaska is projecting a 2017 budget deficit. The 2016 budget included a sharp decrease in the capital improvement budget, which will adversely affect construction employment two to three years forward. Some state employment is also at risk if state revenues continue at depressed levels.

Some of the negative consequences of lower oil prices may be offset by lower energy costs to consumers as well as energy intensive industries.

Commodity prices over the past two years have been in a steep decline. Gold and silver have bottomed and have begun a recovery. Oil prices fell from approximately \$100 per barrel to below \$30 per barrel for West Texas Intermediate Crude. Brent Crude has also fallen in a similar percentage as compared to West Texas Intermediate.

There has been recent stabilization in the \$50 to \$55 per barrel range; however, there has been a recent fall below \$50 per barrel. Some analysts are projecting a recovery to about \$70 per barrel later in 2017 and a slow climb thereafter. Other analysts are expecting continued lower oil prices over the next one to two years.

Oil and metal prices hold the potential to have a significant effect on the Juneau economy and real estate market. Oil's economic influence is both direct and indirect. Oil production on the North Slope is not expected to see any significant cuts in production as a result of lower prices. The Alaska Journal of Commerce notes that most of the Alaska oil producers have capital budgets planned for two or three years in advance and that many of these projects are multi-year. Therefore, there is a high probability that these capital projects will continue as scheduled. Any production decline or loss of employment on the North Slope would have very limited impact on the Juneau economy.

Of greater concern is the loss of corporate income tax and royalty income declines that are anticipated to impact the State of Alaska capital and operating budgets. The State has budget reserves that can be utilized to offset the budget deficit over the near term; however, if oil prices remain depressed over a period of several years, there would likely be a restructuring required of state and local government operations. Utilizing some of the permanent fund or implementation of new taxes is being considered to bridge the budget gap.

Juneau has significant state employment as Alaska's capitol. Therefore, any across the board cuts would likely result in the loss of some state employment in Juneau. If this were to occur, it is expected there would be secondary employment losses in the private sector as a result of the multiplier effect of the base industry.

As long as the price of oil doesn't remain depressed for more than a year, any potential damage to the Juneau economy may remain contained.

The governor suspended spending on the Juneau access project. The road is expected to cost \$574,000,000; however, as the Juneau Empire points out, the state only needs to provide \$9,000,000 more in project funding, with the balance to be paid by the federal government. To date, the Juneau access project has had little impact on the Juneau economy and its cancelation would not be harmful to the local economy, but rather simply eliminates the future impacts of a large capital project.

Another significant factor affecting the private sector economy is the strengthening of the US Dollar relative to other major foreign currencies. While a strong dollar is viewed as a sign of national economic health, the strong dollar is a negative to US export industries. Juneau has three private sector industries that are significantly affected by commodity prices and the strong dollar. These industries are the fishing, tourism, and mining sectors.

The tourism industry is one that is viewed to largely benefit from the decline in oil prices. US citizens constitute the largest portion of the Alaska tourism industry and should benefit with increased disposable income due to lower gasoline costs relating to transportation and lower costs of heating and cooling residences. The cruise ship industry is heavily energy dependent and should see lower operating costs with the potential to extend port times by increased sailing speed between ports. Tour operators will also benefit by lower energy costs. The probable result is increased discretionary spending by tourists in the Juneau market. The strong US Dollar may have a negative effect on foreign tourists visiting Alaska; however, the majority of foreign visitors are wealthy and would therefore have less impact than travelers on tight budgets.

The seafood processing and fishing industries have a significant portion of their operating budget dedicated to energy costs. Fishermen and tender operators in the Juneau economy

will enjoy the benefits of lower energy costs. The processing industry is stressed, which has brought about recent sales and pending transactions, including Inlet Producers, Icicle Seafoods, Copper River Seafoods, Pacific Star Seafoods, and Salamatof Seafoods by well capitalized companies.

The industry is adversely affected by low prices, strong US Dollar, increased minimum wages, visa restrictions, Russian embargo, etc. Low returns of pink and silver salmon in 2016 have led to increased pricing to fishermen and processors, but a shortage of product in the marketplace. Great Pacific Seafoods has filed for bankruptcy liquidation.

The mining industry is also energy intensive. The Greens Creek and Kensington mines are profitable at depressed levels of commodity and precious metals. The benefits of lower cost energy should significantly lower production costs. It is uncertain what the long-term effect of the US Dollar would have on precious metal prices.

According to Wall Street analysts, the business and consumer benefits of lower energy prices relative to transportation and heating costs will increase profits and consumer discretionary spending, and would mitigate State of Alaska employment layoffs, should they occur.

There are expected to be small changes in supply and demand within the Juneau real estate marketplace. There is very limited speculative construction in the commercial or industrial sectors that has taken place in Juneau over the past five years. There is speculative construction in the residential sector, which could trigger a downturn. There is average risk of an over-supply in the real estate market, unless a black swan event was to occur.

Energy costs constitute one of the single greatest operating expenses of multifamily, commercial, and industrial properties in Juneau. Properties which are dependent on oil heat will see at least a near term benefit from lower oil prices.

Economists are projecting a 1.5 to 2 percent GDP growth for 2017, which should provide support for the US economy; however, the Trump administration expects GDP growth in the 3 to 4 percent range. The 1st Quarter GDP was only 0.7 percent. Therefore, significant increases in the subsequent quarters will be necessary to meet the administration projection. While most economists are predicting increased interest rates in the US, Federal Reserve interest rate policies are bearish after a 25 basis point increase in December 2016. The US Treasury security and bond yield curve is beginning to flatten. Coupled with low growth in Europe and Japan, and a slowing China economy, the interest rate trend could go in either direction. It is noted that several European countries and Japan have adopted negative interest rate policies. The US may have to adopt a similar policy to maintain a competitive balance on interest rates, international trade, and currencies.

If commercial mortgage rates fall, then equity dividend rates would increase if overall capitalization rates remain stable. The opposite would also be true, which would make commercial real estate less attractive to investors.

Banks operating in Alaska are significantly under lent relative to deposits. This is creating significant competition, which is benefitting borrowers through lower rates and more favorable terms.

Relative to the subject property, there is insufficient market activity to discern any major concern on the part of market participants.

Surrounding Area

Location

The subject is located in the Lemon Creek neighborhood of Juneau, on the southeasterly side of Egan Drive.

Access and Linkages

Primary highway access to the area is via the Egan Expressway and Glacier Highway. Public transportation is provided by Capital Transit and provides access to all areas of Juneau. Overall, the primary mode of transportation in the area is the automobile. Transportation linkages are good. Vehicular exposure of the subject has been continuously enhanced as development of the neighborhood continues and the Juneau population grows.

Demand Generators

Major employers in the neighborhood include Costco and Home Depot. There is also a Wells Fargo Bank branch, Reliable Sheet Metal, Juneau Truss Manufacturing, Tyler Equipment Rental, Harry's Plumbing, ALE&P office, Juneau Police Department, Alaska Department of Transportation facilities, Alaska Brewing Company, and a multitude of smaller retail, shop, office, and warehouse structures located in the neighborhood.

Land Use

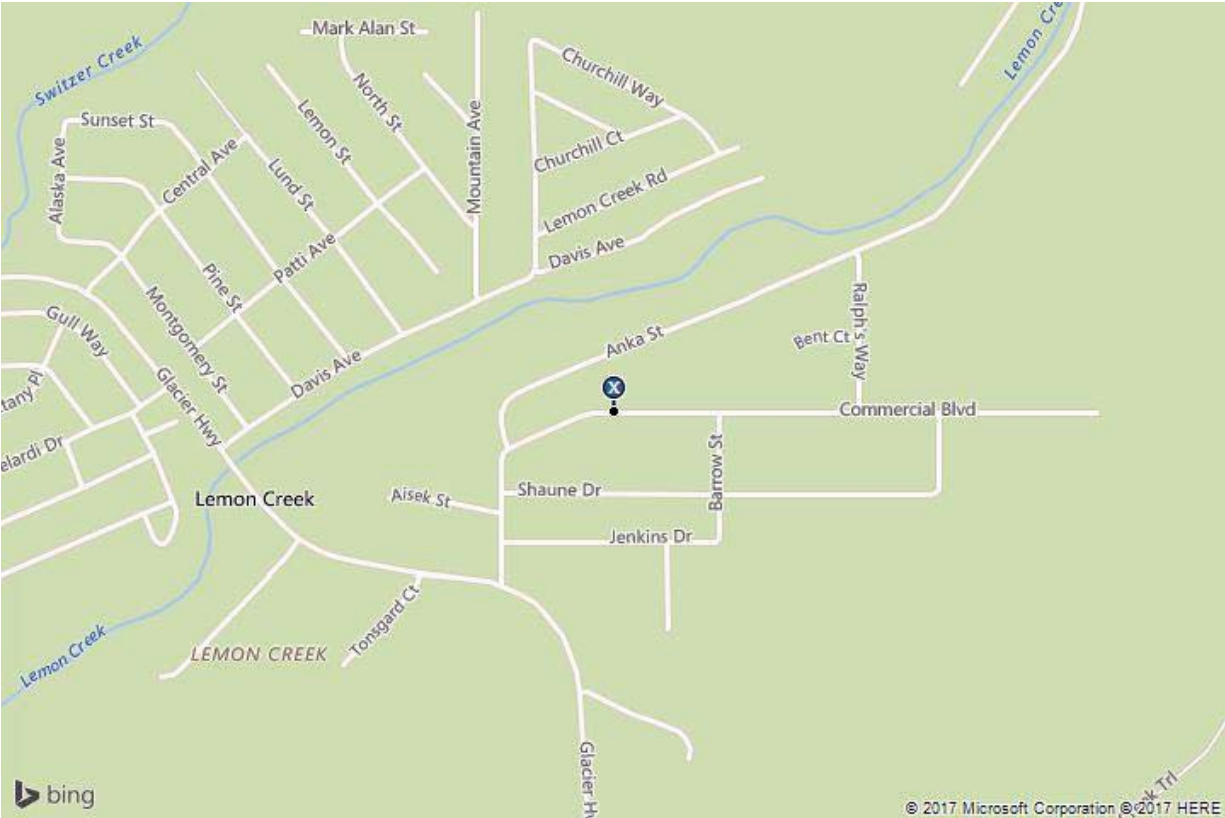
The area is urban in character and approximately 90% developed.

Land uses immediately surrounding the subject are predominantly industrial or commercial with typical ages of building improvements ranging from four to 30 years. Property types adjoining the subject include a brewery, mini storage, distribution warehouse, and vocational technical school.

Outlook and Conclusions

The area is in the mid stage of its life cycle. Recent development activity has been very limited due to the lack of vacant land and economic uncertainty. We anticipate that property values will remain stable in the near future.

Surrounding Area Map



Property Analysis

Land Description and Analysis

Land Description	
Land Area	0.58 acres; 25,452 SF
Source of Land Area	Past Appraisal
Primary Street Frontage	Commercial Blvd - 150 feet
Shape	Rectangular
Corner	No
Topography	Generally level and at street grade
Drainage	No problems reported or observed
Environmental Hazards	None reported or observed.
Ground Stability	No problems reported or observed
Flood Area Panel Number	02110C1551D
Date	August 19, 2013
Zone	X
Description	Outside of 500-year floodplain
Insurance Required?	No
Zoning; Other Regulations	
Zoning Jurisdiction	City/Borough of Juneau
Zoning Designation	I
Description	Industrial
Legally Conforming?	Appears to be legally conforming
Zoning Change Likely?	No
Permitted Uses	A wide variety of commercial and industrial development, including warehousing, office, retail, and commercial use
Other Land Use Regulations	None
Utilities	
Service	Provider
Water	City/Borough of Juneau
Sewer	City/Borough of Juneau
Electricity	Alaska Power & Light
Natural Gas	N/A
Local Phone	GCI

We are not experts in the interpretation of zoning ordinances. An appropriately qualified land use attorney should be engaged if a determination of compliance with zoning is required.

Easements, Encroachments and Restrictions

Based upon a review of the deed and property survey, there do not appear to be any easements, encroachments, or restrictions that would adversely affect value. Our valuation assumes no adverse impacts from easements, encroachments, or restrictions, and further assumes that the subject has clear and marketable title.

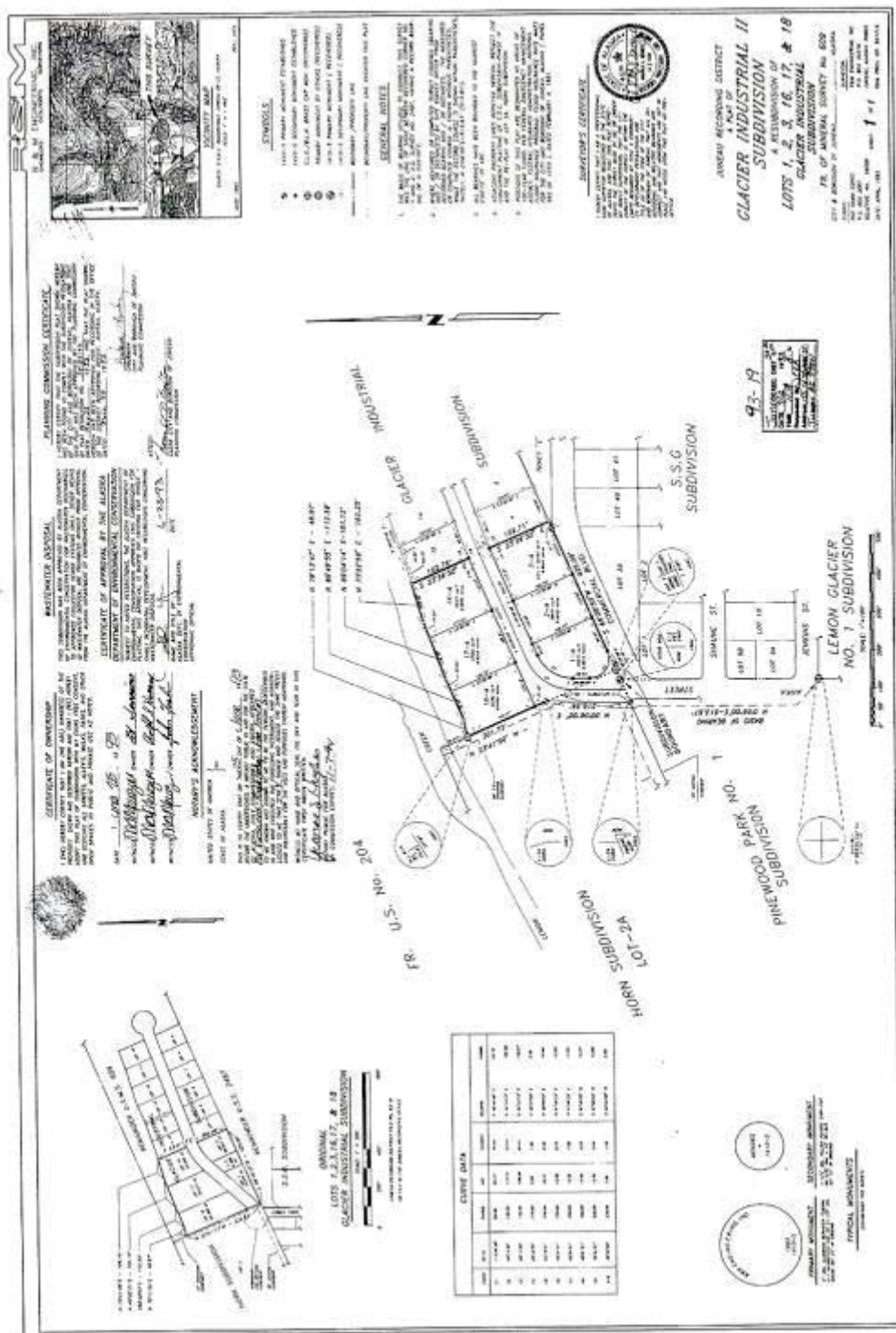
Conclusion of Land Analysis

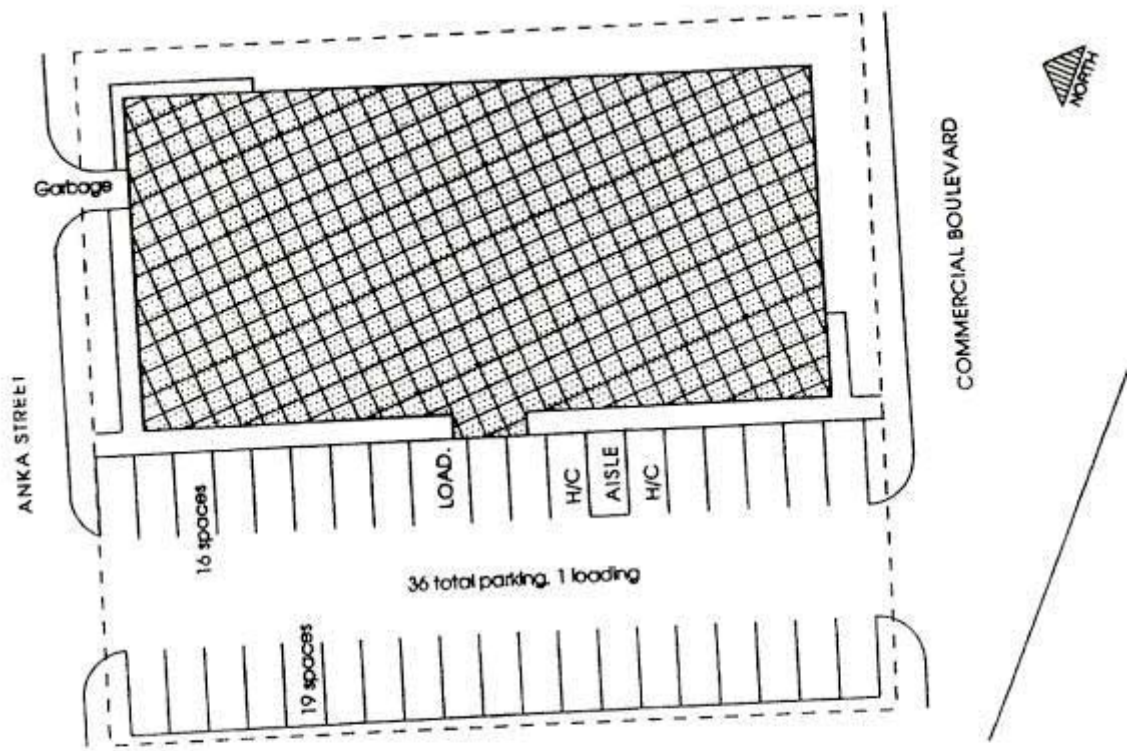
Overall, the physical characteristics of the site and the availability of utilities result in functional utility suitable for a variety of uses including those permitted by zoning. We are not aware of any other particular restrictions on development.

Plat Map and Site Plan

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Site Plan

Improvements Description and Analysis

The subject is an existing special purpose office property containing 9,553 square feet of rentable area and 10,360 square feet of gross building area. The improvements were constructed in 2002 and are 100% leased as of the effective appraisal date. The site area is 0.58 acres or 25,452 square feet.

Improvements Description	
Name of Property	Vital Statistics Building
General Property Type	Industrial
Property Sub Type	Other
Competitive Property Class	A-
Occupancy Type	Single Tenant
Percent Leased	100%
Number of Tenants	1
Tenant Size Range (SF)	9,553 - 9,553
Number of Buildings	1
Stories	1
Construction Class	C
Construction Type	Masonry
LEED Certification	—
Construction Quality	Good
Condition	Good
Gross Building Area (SF)	10,360
Rentable Area (SF)	9,553
Percent Office Space	92%
Land Area (SF)	25,452
Floor Area Ratio (RA/Land SF)	0.38
Floor Area Ratio (GBA/Land SF)	0.41
Building Area Source	Past Appraisal
Year Built	2002
Year Renovated	—
Actual Age (Yrs.)	15
Estimated Effective Age (Yrs.)	12
Estimated Economic Life (Yrs.)	40
Remaining Economic Life (Yrs.)	28
Number of Parking Spaces	37
Source of Parking Count	Lease
Parking Type	Open
Parking Spaces/1,000 SF GBA	3.57

Construction Details

Foundation	Concrete
Structural Frame	Concrete Block
Exterior Walls	Block
Roof	Membrane
Clear Height in Feet	10'
Column Spacing in Feet	-
Dock Height Loading Doors	-
Drive-in Doors	-
HVAC	Central
Elevators	-
Sprinklers	Dry

Improvements Analysis**Quality and Condition**

The quality and condition of the subject is considered to be superior to that of competing properties. This is a build-to-suit special purpose office building designed to accommodate the needs of the State of Alaska, Bureau of Vital Statistics.

Functional Utility

The improvements appear to be adequately suited to their current use, and there do not appear to be any significant items of functional obsolescence. The building has an arctic entry with two single man door entries leading to a reception area. There are four additional single man door entries located on the north, south, and east sides of the building. The interior is partitioned into work areas with open office areas, private offices, conference room, break room, mechanical room, storage areas, and built in vault. There are ADA compliant restrooms.

Deferred Maintenance

No deferred maintenance is apparent from our inspection.

ADA Compliance

Based on our inspection and information provided, we are not aware of any ADA issues. However, we are not expert in ADA matters, and further study by an appropriately qualified professional would be recommended to assess ADA compliance.

Hazardous Substances

An environmental assessment report was not provided for review and environmental issues are beyond our scope of expertise. No hazardous substances were observed during our inspection of the improvements; however, we are not qualified to detect such substances. Unless otherwise stated, we assume no hazardous conditions exist on or near the subject.

Specific Features

The building is Class C construction with concrete block perimeter walls. Three sides of the building are covered with brick veneer. The rear of the building has enameled steel siding. The exterior wall

height is 12 feet. There is a mansard roof design with a membrane roof covering. The walls are insulated with R-21 insulation. The roof is a concrete structure with R-40 rigid insulation. The building is designed to accommodate a second floor. The entry doors are anodized aluminum with thermal pane glazing. Windows are anodized aluminum with thermal pane glazing.

The interior floors are primarily carpeted with some sheet vinyl and painted concrete surfaces. There is rubber tile in the arctic entry vestibule. The walls are finished with plaster. The ceiling is suspended acoustical tile.

The break room has 6 feet of under counter cabinetry and laminate countertops. There is also 8 feet of upper cabinetry. The cabinets are European style with laminate facing.

The bathrooms have wall hung basins and toilets with ceramic tile wainscot. There are ADA compliant grab bars and turning radii within the restrooms. There is also a janitor's sink. Water and sewer service appears to have good functional utility.

The building is equipped with a fire sprinkler system. There is also an FM 200 fire suppression system for the vault that sucks all of the oxygen out of the vault should there be a fire.

The electrical service is 110/220. There is a 50 gallon electric hot water heater. There is a 25 kW Generac Power Systems gen set which provides backup power to the building. Interior lighting is predominantly recessed fluorescent fixtures. There is adequate switching and receptacles.

The building is equipped with a redundant HVAC system. There are two Weil-McLane oil fired boilers that alternate operation time. There are two Trane air handling systems. There is also a Day oil storage tank that can feed the boiler or gen set during extremely cold weather. There is an underground concrete vault that contains a double wall oil tank.

Personal Property

No personal property items were observed that would have any material contribution to market value.

Conclusion of Improvements Analysis

In comparison to other competitive properties in the region, the subject improvements are rated as follows:

Improvements Ratings	
Visibility/Exposure	Average
Design and Appearance	Above Average
Age/Condition	Above Average
% Office	Above Average
Loading Docks	
Clear ceiling heights	Average
% Sprinklered	Above Average
Landscaping	Average

Overall, the quality, condition, and functional utility of the improvements are above average for their age and location. The improvements have special purpose attributes, including a large vault. There are redundant mechanical systems, specialized fire protection, and backup power generation, as required by the State of Alaska in their lease RFP.



Subject property viewing northeast



Subject property viewing east



Rear and side elevations of the improvements



Rear and side elevations of the improvements



Interior office area



Interior office area



Improvements Description and Analysis



Break room



Conference room



Lobby area



Typical restroom



Dual air handler system



Back up power generation





Day oil tank



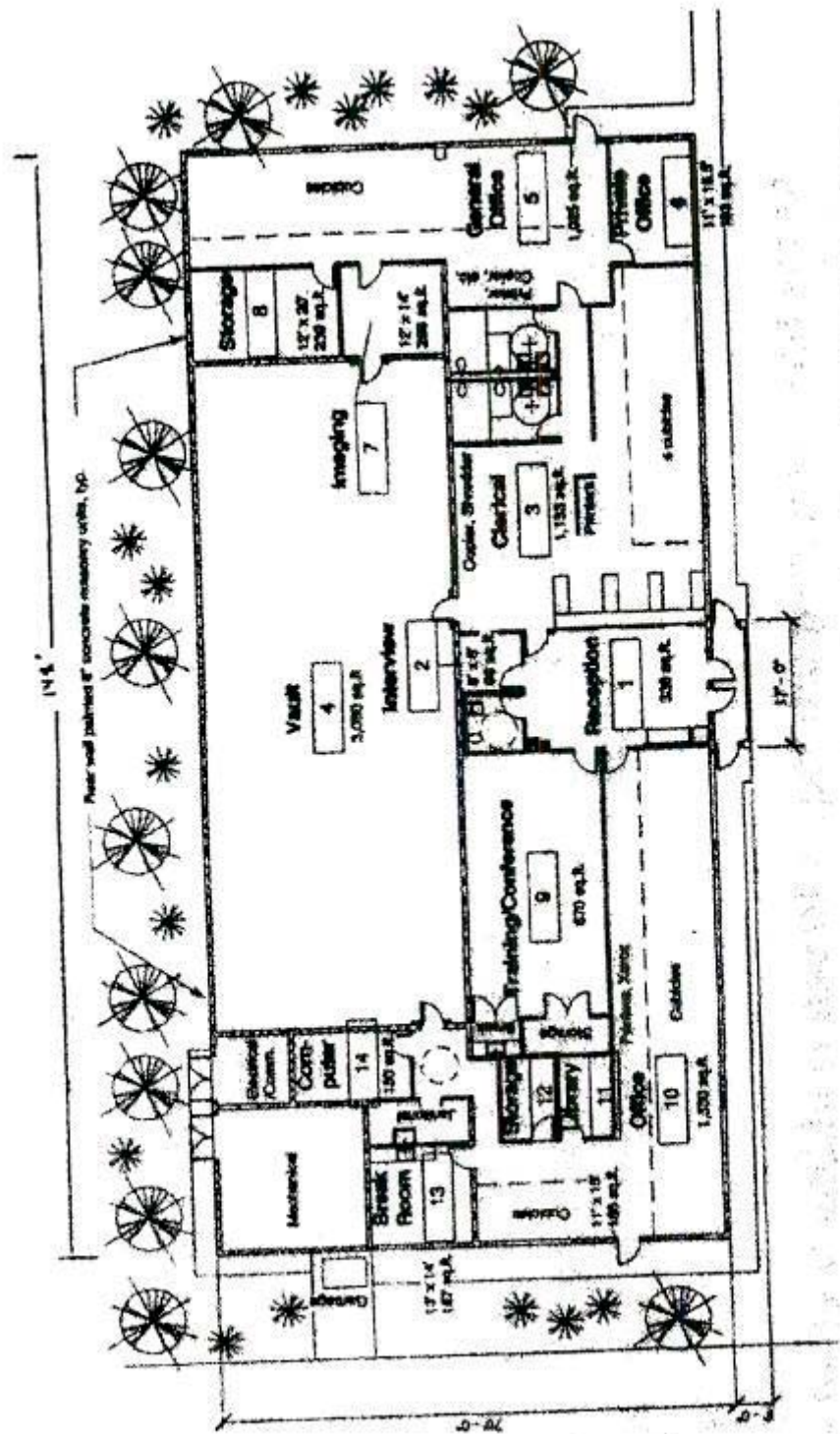
Dual boiler system



Vault entry



Floor Plan



Real Estate Taxes

Real estate taxes and assessments for the current tax year are shown in the following table.

Taxes and Assessments - 2016							
Tax ID	Assessed Value			Taxes and Assessments			
	Land	Improvements	Total	Ad Valorem			Total
				Tax Rate	Taxes	Direct Assessments	
5B1201300430	\$381,800	\$1,650,500	\$2,032,300	1.066000%	\$21,664	\$0	\$21,664

Based on the concluded market value of the subject, the assessed value appears reasonable.



Highest and Best Use

Process

Before a property can be valued, an opinion of highest and best use must be developed for the subject site, both as if vacant, and as improved or proposed. By definition, the highest and best use must be:

- Physically possible.
- Legally permissible under the zoning regulations and other restrictions that apply to the site.
- Financially feasible.
- Maximally productive, i.e., capable of producing the highest value from among the permissible, possible, and financially feasible uses.

As If Vacant

Physically Possible

The physical characteristics of the site do not appear to impose any unusual restrictions on development. Overall, the physical characteristics of the site and the availability of utilities result in functional utility suitable for a variety of uses.

Legally Permissible

The site is zoned I, Industrial. Permitted uses include a wide variety of commercial and industrial development, including warehousing, office, retail, and commercial use. To our knowledge, there are no legal restrictions such as easements or deed restrictions that would effectively limit the use of the property. Given prevailing land use patterns in the area, only office or retail uses are given further consideration in determining highest and best use of the site, as though vacant.

Financially Feasible

Based on our analysis of the market, it appears to be financially feasible to develop office and retail uses in the subject's area on a build-to-suit basis for owner/user occupancy.

Maximally Productive

There does not appear to be any reasonably probable use of the site that would generate a higher residual land value than office or retail uses. Accordingly, it is our opinion that an office or retail development is the maximally productive use of the property.

Conclusion

Development of the site for office or retail use on a build-to-suit basis is the only use that meets the four tests of highest and best use. Therefore, it is concluded to be the highest and best use of the property as if vacant.

As Improved

The subject site is developed with a special purpose office building, constructed to suit the needs of the State of Alaska, Bureau of Vital Statistics, which is consistent with the highest and best use of the site as if it were vacant.

The existing improvements are currently leased to the State of Alaska and produce a significant positive cash flow that we expect will continue. Therefore, a continuation of this use is concluded to be financially feasible.

Based on our analysis, there does not appear to be any alternative use that could reasonably be expected to provide a higher present value than the current use, and the value of the existing improved property exceeds the value of the site, as if vacant. For these reasons, continued special purpose office use is concluded to be maximally productive and the highest and best use of the property as improved in both the as is and hypothetical scenarios.

Most Probable Buyer

Taking into account the size and characteristics of the property and its occupancy, the likely buyer is an investor.

Valuation

Valuation Methodology

Appraisers usually consider three approaches to estimating the market value of real property. These are the cost approach, sales comparison approach and the income capitalization approach.

The **cost approach** assumes that the informed purchaser would pay no more than the cost of producing a substitute property with the same utility. This approach is particularly applicable when the improvements being appraised are relatively new and represent the highest and best use of the land or when the property has unique or specialized improvements for which there is little or no sales data from comparable properties.

This approach, while applicable to the subject valuation, is not necessary in order to produce a credible estimate of value, and has not been developed.

The **sales comparison approach** assumes that an informed purchaser would pay no more for a property than the cost of acquiring another existing property with the same utility. This approach is especially appropriate when an active market provides sufficient reliable data. The sales comparison approach is less reliable in an inactive market or when estimating the value of properties for which no directly comparable sales data is available. The sales comparison approach is often relied upon for owner-user properties.

This approach is applicable, but has not been developed due to the lack of comparable sales data that would reflect the change, if any, in the property value subject to the hypothetical condition. Therefore, this approach has not been developed.

The **income capitalization approach** reflects the market's perception of a relationship between a property's potential income and its market value. This approach converts the anticipated net income from ownership of a property into a value indication through capitalization. The primary methods are direct capitalization and discounted cash flow analysis, with one or both methods applied, as appropriate. This approach is widely used in appraising income-producing properties.

This approach values the property in the as is physical and economic condition, as well as subject to the hypothetical condition. Any difference in the two value estimates would be indicative of either appreciation or diminution of the subject property's value.

Reconciliation of the various indications into a conclusion of value is based on an evaluation of the quantity and quality of available data in each approach and the applicability of each approach to the property type.

The methodology employed in this assignment is summarized as follows:

Approaches to Value		
Approach	Applicability to Subject	Use in Assignment
Cost Approach	Applicable	Not Utilized
Sales Comparison Approach	Applicable	Not Utilized
Income Capitalization Approach	Applicable	Utilized



Income Capitalization Approach As Is

The income capitalization approach converts anticipated economic benefits of owning real property into a value estimate through capitalization. The steps taken to apply the income capitalization approach are:

- Analyze the revenue potential of the property.
- Consider appropriate allowances for vacancy, collection loss, and operating expenses.
- Calculate net operating income by deducting vacancy, collection loss, and operating expenses from potential income.
- Apply the most appropriate capitalization method, either direct capitalization or discounted cash flow analysis, or both, to convert anticipated net income to an indication of value.

The two most common capitalization methods are direct capitalization and discounted cash flow analysis. In direct capitalization, a single year's expected income is divided by an appropriate capitalization rate to arrive at a value indication. In discounted cash flow analysis, anticipated future net income streams and a future resale value are discounted to a present value at an appropriate yield rate.

In this analysis, we use only direct capitalization because investors in this property type typically rely on this method.

Leased Status of Property

The property is leased to a single tenant on a long-term lease. Pertinent lease terms are shown below.

Lease Synopsis					
Lessor	Granite Mountain Properties, LLC				
Lessee	State of AK				
Leased SF	9,553				
Lease Type	Full Service				
Tenant Paid Expenses	None				
Owner Paid Expenses	All				
Commencement	10/25/2002				
Expiration	10/21/2022				
Cancellation Clause					
Term	240	months	or	20.0	years
Remaining Term	65	months	or	5.4	years
Base Rent & Escalations	Period	Months	PSF/Yr	Annual Rent	
	Base Term 10/25/2002 - 10/24/2013	1 - 132	\$31.35	\$299,460	
	Base Term 10/25/2013 -	133 - N/A	\$35.38	\$337,951	
Current Rent					\$337,951
Projected Rent - First Forecast Year					\$337,951

Rental Analysis Factors

The following elements of comparison are considered in our analysis of the comparable rentals.

Rental Analysis Factors	
Expense Structure	Division of expense responsibilities between landlord and tenants.
Conditions of Lease	Extraordinary motivations of either landlord or tenant to complete the transaction.
Market Conditions	Changes in the economic environment over time that affect the appreciation and depreciation of real estate.
Location	Market or submarket area influences on rent; surrounding land use influences.
Access/Exposure	Convenience to transportation facilities; ease of site access; visibility from main thoroughfares; traffic counts.
Size	Difference in rental rates that is often attributable to variation in sizes of leased space.
Building Quality	Construction quality, amenities, market appeal, functional utility.
Age/Condition	Effective age; physical condition.
Economic Characteristics	Variations in rental rate attributable to such factors as free rent or other concessions, pattern of rent changes over lease term, or tenant improvement allowances.

The contract rent is utilized as this approach values the leased fee interest, which, in essence, means subject to the existing lease.

Stabilized Income and Expenses

Potential Gross Rent

Potential gross rent is based on contract rent from the existing lease in place. Income is projected for the 12-month period following the effective date of the appraisal. In the following table, we compare potential income from contract rent to potential income from market rent.

Potential Gross Rent						
Space Type	SF	Potential Rent at Contract (1)		Potential Rent at Market		Contract as % of Market
		Annual	\$/SF/Yr	\$/SF/Yr	Annual	
Office	9,553	\$337,951	\$35.38	\$35.38	\$337,985	100%
Total Subject	9,553	\$337,951	\$35.38	\$35.38	\$337,985	100%

¹ Contract rent for leased space; vacant space at market.

Vacancy & Collection Loss

Based on the credit quality of the tenant, the length of the lease, and practices of typical investors in the market, no deductions for vacancy and collection loss are appropriate.

Effective Gross Income

Effective gross income is calculated at \$337,951, or \$35.38 per square foot.

Expenses

Expenses to be incurred in the operation of the subject property include licenses and fees, utilities, telephone, garbage, electricity, alarm monitoring, heat, repairs and maintenance, lot maintenance, professional fees, janitorial services, office expenses, insurance, and real estate taxes. These expenses were provided by the property owner for the calendar year 2016 and are used in the income capitalization analysis.

Management expense is estimated at 5 percent of effective gross income.

Replacement reserves are necessary for the orderly replacement of short-life building components. A replacement reserve of 4 percent of effective gross income is estimated for the subject property.

Net Operating Income

Based on the preceding income and expense projections, stabilized net operating income is estimated at \$206,138, or \$21.58 per square foot.

Capitalization Rate Selection

A capitalization rate is used to convert net income into an indication of value. Selection of an appropriate capitalization rate considers the future income pattern of the property and investment risk associated with ownership.

Band of Investment Method				
Mortgage/Equity Assumptions				
Loan To Value Ratio	75%			
Interest Rate	4.75%			
Amortization (Years)	20			
Mortgage Constant	0.0775			
Equity Ratio	25%			
Equity Dividend Rate	10.00%			
Weighted Average of Mortgage and Equity Requirements				
Mortgage Requirement	75%	x	7.75% =	5.82%
Equity Requirement	25%	x	10.00% =	2.50%
Indicated Capitalization Rate				8.32%
Rounded				8.30%

Direct Capitalization Analysis

Net operating income is divided by the capitalization rate to indicate the stabilized value of the subject. Valuation of the subject by direct capitalization is shown in the following table.

Direct Capitalization Analysis						
	SF	Space Type	Rent Applied	\$/SF	Annual	\$/SF Bldg.
Income						
Base Rent						
Potential Gross Rent	9,553				\$337,951	\$35.38
					\$0	\$0.00
					\$0	\$0.00
Vacancy & Collection Loss	0.00%				\$0	\$0.00
Expense Reimbursements					\$0	\$0.00
Effective Gross Income					\$337,951	\$35.38
Expenses						
Total Expenses					\$131,813	\$13.80
Net Operating Income					\$206,138	\$21.58
Capitalization Rate					8.30%	
Indicated Value					\$2,483,585	\$259.98
Rounded					\$2,500,000	\$261.70

Reconciliation and Conclusion of Value As Is

The values indicated by our analyses are as follows:

Summary of Value Indications	
Cost Approach	Not Used
Sales Comparison Approach	Not Used
Income Capitalization Approach	\$2,500,000
Reconciled	\$2,500,000

The income capitalization approach is the only approach used because it is the most reliable valuation method for the subject. The sales comparison and cost approaches are not used, even though one of these approaches usually would be an appropriate valuation method for the subject. Notwithstanding, we conclude that the scope of work performed is sufficient to develop a credible opinion of value given the intended use of the appraisal. Our value opinion follows.

Value Conclusion	AS IS		
Appraisal Premise	Interest Appraised	Date of Value	Value Conclusion
Market Value	Leased Fee	May 22, 2017	\$2,500,000

Income Approach Subject to Hypothetical Condition

The income approach, subject to a hypothetical condition of a marijuana cultivation business being operated at 1758 Anka Street, adjacent to the subject property, will be developed using direct capitalization. The as is value estimate will be the control and the income capitalization approach, subject to the hypothetical condition, will serve as the change of value. The difference between the two value estimates will be attributable to the increase or diminution of value due to the hypothetical condition.

The lease status of the property does not change in the immediate term; however, subsequent events could have the adverse effect of decreasing the quality, quantity, and durability of the income stream. What is certain is that there is no circumstance in the immediate near-term that would cause the subject property's net operating income to increase due to the hypothetical condition.

An extensive study of concerns and risks relative to the hypothetical condition has been conducted. What is clearly evident is that all ownership and investment risk of the subject property falls to the current owners, with limited opportunity to divest or mitigate the risk. The risks present include those from an operation perspective, as well as resale. The following discussion will identify the elevated ownership and investment risks presented due to the hypothetical condition.

The presence of a marijuana cultivation operation adjacent to the subject property is what is identified in appraisal literature as a "neighboring nuisance." Neighboring nuisance is a concept developed by Randall Bell, MAI, who has written course materials as well as books presenting his studies and

conclusions of the effects of neighboring nuisance on property values. As part of the neighboring nuisance, there are also concerns about legal issues and imposed conditions. Neighboring nuisance includes adverse external factors, undesirable acts, or forced events by another person or entity that affect the value of a property. Studies have found that more expensive properties suffer greater damages than lesser cost properties exposed to the same conditions. This, in part, can be explained by the fact that there is a smaller universe of potential purchasers for expensive properties than less costly properties.

Among the neighboring nuisance concerns are the visual appearance of the marijuana cultivation facility. While the cultivation operators' conditional use permit application indicates that they will install security cameras and specialized locks, there is nothing to prevent fencing the site with razor wire, installing obtrusive yard lighting, installing alarms, etc. There are no prohibitions to turning the cultivation facility into a fortress. Cultivation operations, which include the harvesting, processing, and wholesale of marijuana products, come with associated risks, including explosions, flooding, crime, loss of privacy to adjoining properties, and hold the potential to change the character of the neighborhood as a whole. Marijuana cultivation in the subject neighborhood is not a homogeneous land use. Crime and the attraction of the criminal element to a cultivation facility is of great concern. For example, a 4,000 square foot cultivation facility could hold upwards of \$500,000 worth of inventory or cash, which would be very attractive to the criminal element. It is also well known that the cultivation and retail marijuana businesses are cash operations due to the fact that banks are precluded by Federal law from handling the proceeds of sale of a controlled substance.

The question arises, will more cultivation and retail operations be attracted to the neighborhood once a cultivation facility is established? There are two concerns with this proposition. One concern is related to affordability of rents for existing businesses in the neighborhood if marijuana businesses increase neighborhood rent levels. There is also the concern of compatibility with surrounding businesses. It is noted that many businesses, including retailers, will not locate in close proximity to marijuana cultivation and retail businesses. It has been noted in the Ketchikan marketplace that a cultivation and a separate retail operation are soon to open near the Seaborne Marine Industrial Complex. The owner of the industrial complex intends to construct a fence separating the park from the two marijuana businesses, as well as construct a new access road to the park due to his concern that the public would associate him with the marijuana business. The capital cost may well exceed \$100,000.

It is also noted that a new retail store opened in the 100 block of Stedman Street in Ketchikan. There were at least three vacant storefronts immediately adjacent to the retail business. At this time, it is not possible to determine whether the vacancies are a near-term phenomenon or will become long-term vacancies or will cause falling rent levels.

The owner/lessor of the subject property has the potential to be declared in default of the lease by the State of Alaska, Department of Administration. Said default could result in the immediate termination of the lease, necessitate costly capital expenditures, and potentially jeopardize lease renewal. There are multiple lease clauses that could lead to a declaration of default.

Heidi Lengdorfer, Chief of Health Analytics and Vital Records for the State of Alaska, stated in an email dated May 19, 2017, that: "One detail I foresee being an issue is the air filtration system, as we

mentioned on the phone. Since we can already smell the results of the brewery across the street, or the dump when the winds change, I'm not sure that it would be able to handle any byproducts of the cultivation facility in its current state. If there is any detectable smell from the facility, it would need to be eliminated (State of Alaska workplaces are drug-free, after all). While I don't have any evidence, I am also concerned about exposing irreplaceable vital records to anything other than clean, climate controlled air."

Behrends Mechanical has taken under advisement the concerns regarding the HVAC/air filtration system of the Vital Statistics Building. Initial concerns are related to the capital cost of installing a higher quality air filtration system, maintenance/materials, and higher operating costs.

There is considerable lease renewal risk present for the subject property. The current State of Alaska lease expires in 2022. This leaves approximately five years remaining in the lease term. There are no renewal options held by the tenant and a new RFP for a facility to house the Bureau of Vital Statistics would be expected in 2022. The renewal risk is elevated for the subject property due to the special purpose improvements that were required by the original RFP and lease specifications, should the State not re-lease the property. The special improvements include a vault with specialized air filtration and fire protection systems. The mechanical systems are redundant, which is a super amenity for which the State was willing to pay a higher lease rate, but would have no practical value for any other tenant besides the Bureau of Vital Statistics. The property would have very limited market appeal should the State decide not to renew the lease.

The State of Alaska has the ability to craft an RFP that would effectively eliminate the subject property's location from submitting a conforming bid for the new lease by simply including a provision that the facility cannot be located in proximity of a marijuana cultivation or retail facility. The location specification could be less obvious so as to be beyond appeal. Alternatively, if the subject property was vacated, removal of the vault and construction of tenant improvements may prove to be uneconomic. Should this be the case, then the net rentable area of the subject property would be substantially reduced and the redundant mechanical systems would become functionally obsolete.

Failure of the State of Alaska to negotiate a new lease in the subject property creates lease up risk. Given the size of the improvements and the value range, there would be a diminished pool of potential tenants attracted to the subject property. This diminished pool of potential tenants reduces the ability of the owner/lessor to obtain market rent prevailing in the area due to the proximity of a grow operation. There could also be an extended period of vacancy.

The property also faces risk of increased operating expenses. Based on a conversation with a commercial lines insurance broker. There are three alternatives that may face the property. The first is that coverage is placed and there is no premium increase. The second is that insurance is placed, but the premium is increased. The third is that coverage is denied. This is the worst of outcomes, because this would be a material breach of loan covenants and could result in foreclosure as well as a breach of the lease. Every property is individually underwritten relative to risks. Therefore, there is no ability to address insurability without review by an underwriter.

Insurance cost escalations are highly possible due to the fact that the adjacent property would likely be uninsured, lacking property or liability coverage. There are currently conflicts between State and

Federal laws that create insurance issues. Insurance coverage may be denied for any losses caused by marijuana activity on the basis that marijuana remains illegal under Federal law. As a hypothetical example, should an explosion occur at the cultivation facility which, in turn, damages the subject improvements, then the insurer of the subject improvements would have to recover against the cultivation facility, which lacks insurance and operates a cash business. Based on this hypothetical, the insurance company covering the subject property may view the risks of explosion, criminal activity, and other potential liabilities as justification for charging a higher premium for the subject property or simply denying coverage.

There may also be increased capital costs for the air handling system if upgrades are needed. It is well known that marijuana cultivation facilities emit obnoxious odors. Some people have high levels of sensitivity. The owner of the subject property, as well as the State of Alaska, would have a high interest in providing a safe and comfortable workplace.

Should additional air filtration be required, there would be an increase in maintenance costs for changing out the air filters. Electrical consumption would also likely increase due to equipment operation.

Litigation risk would be a substantial concern for the owners of the subject property, as well as prospective purchasers. Market participants who own or seek to purchase highly valued commercial real estate have no interest in purchasing a lawsuit through their ownership or purchase activities. The City/Borough of Juneau ordinances regarding marijuana cultivation and retail operations offer no protection to adjacent property owners as far as compensation for business loss or diminution of property values. The City/Borough of Juneau has been ineffective in controlling odors from the garbage facility and the Alaskan Brewery. There are likely other examples in the Juneau marketplace of City/Borough of Juneau failures to ensure homogeneous land uses.

Claims for damages to the subject property can only be made after a loss is incurred. There are few opportunities for preemption or mitigation of lawsuits due to the adjacent marijuana cultivation operation. Any costs incurred would most likely be borne by the subject property owner, with no recourse to other parties.

Marijuana cultivation is a cash business that doesn't use bank accounts. Therefore, there is limited ability by the subject property owners to seize assets should they be successful in pursuing a damage lawsuit against the adjacent property owner. There would be substantial cost and time expenditures for pursuing litigation claims should a damage occur. No matter how good and warranted a lawsuit may be, there is no guarantee of success in the courtroom.

Lastly, there would likely be no ability to recover any damages from the City/Borough of Juneau for their failure to enact or properly execute ordinances to protect the subject property from marijuana cultivation activities.

While there are numerous articles reflecting real estate value trends due to the legalization of marijuana cultivation, those that have been reviewed lack a scientific basis for their conclusions. They tend to be extremely biased/pro marijuana. Many of these studies have cited empirical evidence such as the Case Schilling Housing Study showing residential value trends in Denver. While residential

values have increased in Denver since the 2012 enactment of marijuana legalization, the attribution of the increases in value solely to marijuana is highly questionable. It should be noted that there was a substantial in-migration of new residents moving to Colorado, and to Denver in particular, after the legalization of marijuana. There is no support that legalized marijuana produced or caused the in-migration. The State legislature also passed legislation giving new condominium purchasers the right to sue developers for defects, which effectively shut down the construction of low and moderate priced condominiums. This law produced greater demand for existing residences. Lastly, there was no control group used to show that housing appreciation in Denver was extraordinarily attributable to legalization of marijuana. It should be noted that nationwide, residential housing values bottomed in the 2011-2012 time period and have seen moderate to strong appreciation in most urban areas across the United States.

Some appraisers in Colorado and Washington report that rents have increased for industrial cultivation space as well as retail stores dispensing marijuana. Relative to the industrial cultivation space, rents paid often reflected a premium of 15 to 200 percent over competing space for non-marijuana cultivation use; however, the premium rents are misleading and somewhat taken out of context. First of all, the initial leases of industrial marijuana cultivation properties took place in blighted and severely deteriorated areas of Denver. Therefore, properties that had little or no preexisting demand prior to marijuana legalization suddenly became attractive to the marijuana industry, as many of these properties were vacant and run down. Government agencies were encouraged to see that substantial capital investments were made to blighted properties that were converted to facilitate marijuana cultivation. The leased facilities were mostly industrial buildings that were older (1950s and 1980s). In contrast, the Lemon Creek neighborhood is an attractive and highly valued area with no blight conditions present.

Another misrepresentation regarding premium rental rates for marijuana cultivation is the fact that many of the leases involve renovated facilities, tenant improvements, upgraded electrical systems, plumbing fire suppression, security systems, and other costs that were built into the lease rates.

Some of the premium rents are also attributable to lessor perceptions of higher risks leasing to a marijuana cultivation business. Most of these businesses are under-capitalized and, due to the fact that they are cash businesses, there is little financial recourse for a lease default. Lessors are inconvenienced due to the fact that their rents must be paid in cash as no bank will currently take deposits from a marijuana cultivation business. Should the property be mortgaged by a federally regulated lender, the owner takes the risk that the operation of a marijuana cultivation facility may cause the lender to declare default and seek immediate repayment of the loan balance. The real estate may also be uninsurable if occupied by a marijuana cultivation facility, which places a loss risk on the lessor.

One appraisal study conducted in Colorado indicated that even if the net operating income produced by a marijuana cultivation facility rental was greater than that of the competing market, due to the higher levels of risk, those properties were valued at capitalization rates ranging from 12 to 15 percent, relative to the market rate of 7 to 8 percent. Thus, there was no increase in overall property values attributable to the introduction of the marijuana industry.

An article published by Realtors.com dated November 7, 2016, stated that: "Colorado homes within a half mile of a marijuana business often have lower property values than homes in the same county that are further out. But not all marijuana businesses are a buzz kill for home values. Neighborhoods with grow houses are the least desirable, with an 8.4 percent price discount, but retail shops, especially with the rise of a new generation of stylish pot boutiques, have almost no negative value."

The same article continues: "Grow houses tend to bypass the most desirable, upscale neighborhoods and find their way into more inexpensive ones. The places with the highest number of marijuana businesses per capita are Elyria, Swansea, Globeville, and West Northeast Park Hill, according to the Denver Post. All three are low income neighborhoods.

Perhaps that's partly due to the literally stinky business of growing cannabis. Even with the use of air purification systems, the odor tends to permeate the immediate area, so many folks don't want to live near large grow sites."

It is concluded that the subject property will not increase in value due to the adjacent location of a marijuana cultivation operation.

Reconciliation and Conclusion of Value Subject to Hypothetical Condition

Based on the preceding analyses, it is our conclusion that the subject property, subject to the hypothetical condition, would command an overall capitalization rate in the 12 to 15 percent range, due to the extraordinary risks of ownership, impaired marketability, and extreme difficulty in receiving compensation for any damages that may be incurred. The subject's value, subject to the hypothetical condition, is calculated as follows:

$$\$206,138 \text{ (NOI)} / 12\% \text{ (OAR)} = \$1,717,817 \text{ (Rounded to } \$1,720,000)$$

$$\$206,138 \text{ (NOI)} / 15\% \text{ (OAR)} = \$1,274,253 \text{ (Rounded to } \$1,375,000)$$

Damage Calculation

The damage, or diminution in value, to the subject property, subject to the hypothetical condition of a marijuana grow operation being located on the adjacent parcel, is calculated as follows:

Market Value As Is	-	\$2,500,000	\$2,500,000
Less Hypothetical MV	-	<u>\$1,720,000</u>	<u>\$1,375,000</u>
Damage to Subject	-	\$ 780,000	\$1,125,000

Extraordinary Assumptions and Hypothetical Conditions

The value conclusions are subject to the following extraordinary assumptions that may affect the assignment results. An extraordinary assumption is uncertain information accepted as fact. If the assumption is found to be false as of the effective date of the appraisal, we reserve the right to modify our value conclusions.

1. It is assumed that there have been no physical changes to the subject property since our inspection on November 1, 2016, other than ordinary physical deterioration and that all building systems are functional.

The value conclusions are based on the following hypothetical conditions that may affect the assignment results. A hypothetical condition is a condition contrary to known fact on the effective date of the appraisal but is supposed for the purpose of analysis.

1. The second valuation scenario is based on the hypothetical condition that a marijuana cultivation operation is located at 1758 Anka Street, Juneau, adjacent to the east of the subject property.
-

The opinions of value expressed in this report are based on estimates and forecasts that are prospective in nature and subject to considerable risk and uncertainty. Events may occur that could cause the performance of the property to differ materially from our estimates, such as changes in the economy, interest rates, capitalization rates, financial strength of tenants, and behavior of investors, lenders, and consumers. Additionally, our opinions and forecasts are based partly on data obtained from interviews and third party sources, which are not always completely reliable. Although we are of the opinion that our findings are reasonable based on available evidence, we are not responsible for the effects of future occurrences that cannot be reasonably foreseen at this time.

Exposure Time

Exposure time is the length of time the subject property would have been exposed for sale in the market had it sold on the effective valuation date at the concluded market value. Based on the concluded market value stated previously, it is our opinion that the probable exposure time is six months.

Marketing Period

Marketing time is an estimate of the amount of time it might take to sell a property at the concluded market value immediately following the effective date of value. We estimate the subject's marketing period at six months in the as is value scenario. The marketing time for the hypothetical condition valuation is estimated at 12 to 24 months due to the likelihood of an extended due diligence period required by potential purchasers, a diminished pool of purchasers, and the perception of greater risk.

Certification

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

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. We have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. We have previously appraised the property that is the subject of this report for another client within the three-year period immediately preceding acceptance of this assignment.
5. We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
6. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice as well as applicable state appraisal regulations.
9. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
10. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
11. Kim M. Wold made a personal inspection of the property that is the subject of this report on November 1, 2016, in conjunction with a previous appraisal assignment.
12. No one provided significant real property appraisal assistance to the person(s) signing this certification.
13. We have experience in appraising properties similar to the subject and are in compliance with the Competency Rule of USPAP.
14. As of the date of this report, Kim M. Wold the Standards and Ethics Education Requirements for Candidates/Practicing Affiliates of the Appraisal Institute.



Kim M. Wold
Certified General Real Estate Appraiser
Alaska Certificate # 52

Assumptions and Limiting Conditions

This appraisal and any other work product related to this engagement are limited by the following standard assumptions, except as otherwise noted in the report:

1. The title is marketable and free and clear of all liens, encumbrances, encroachments, easements and restrictions. The property is under responsible ownership and competent management and is available for its highest and best use.
2. There are no existing judgments or pending or threatened litigation that could affect the value of the property.
3. There are no hidden or undisclosed conditions of the land or of the improvements that would render the property more or less valuable. Furthermore, there is no asbestos in the property.
4. The revenue stamps placed on any deed referenced herein to indicate the sale price are in correct relation to the actual dollar amount of the transaction.
5. The property is in compliance with all applicable building, environmental, zoning, and other federal, state and local laws, regulations and codes.
6. The information furnished by others is believed to be reliable, but no warranty is given for its accuracy.

This appraisal and any other work product related to this engagement are subject to the following limiting conditions, except as otherwise noted in the report:

1. An appraisal is inherently subjective and represents our opinion as to the value of the property appraised.
2. The conclusions stated in our appraisal apply only as of the effective date of the appraisal, and no representation is made as to the effect of subsequent events.
3. No changes in any federal, state or local laws, regulations or codes (including, without limitation, the Internal Revenue Code) are anticipated.
4. No environmental impact studies were either requested or made in conjunction with this appraisal, and we reserve the right to revise or rescind any of the value opinions based upon any subsequent environmental impact studies. If any environmental impact statement is required by law, the appraisal assumes that such statement will be favorable and will be approved by the appropriate regulatory bodies.
5. Unless otherwise agreed to in writing, we are not required to give testimony, respond to any subpoena or attend any court, governmental or other hearing with reference to the property without compensation relative to such additional employment.
6. We have made no survey of the property and assume no responsibility in connection with such matters. Any sketch or survey of the property included in this report is for illustrative purposes only and should not be considered to be scaled accurately for size. The appraisal

- covers the property as described in this report, and the areas and dimensions set forth are assumed to be correct.
7. No opinion is expressed as to the value of subsurface oil, gas or mineral rights, if any, and we have assumed that the property is not subject to surface entry for the exploration or removal of such materials, unless otherwise noted in our appraisal.
 8. We accept no responsibility for considerations requiring expertise in other fields. Such considerations include, but are not limited to, legal descriptions and other legal matters such as legal title, geologic considerations such as soils and seismic stability; and civil, mechanical, electrical, structural and other engineering and environmental matters. Such considerations may also include determinations of compliance with zoning and other federal, state, and local laws, regulations and codes.
 9. The distribution of the total valuation in the report between land and improvements applies only under the reported highest and best use of the property. The allocations of value for land and improvements must not be used in conjunction with any other appraisal and are invalid if so used. The appraisal report shall be considered only in its entirety. No part of the appraisal report shall be utilized separately or out of context.
 10. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraisers, or any reference to the Appraisal Institute) shall be disseminated through advertising media, public relations media, news media or any other means of communication (including without limitation prospectuses, private offering memoranda and other offering material provided to prospective investors) without the prior written consent of the persons signing the report.
 11. Information, estimates and opinions contained in the report and obtained from third-party sources are assumed to be reliable and have not been independently verified.
 12. Any income and expense estimates contained in the appraisal report are used only for the purpose of estimating value and do not constitute predictions of future operating results.
 13. If the property is subject to one or more leases, any estimate of residual value contained in the appraisal may be particularly affected by significant changes in the condition of the economy, of the real estate industry, or of the appraised property at the time these leases expire or otherwise terminate.
 14. Unless otherwise stated in the report, no consideration has been given to personal property located on the premises or to the cost of moving or relocating such personal property; only the real property has been considered.
 15. The current purchasing power of the dollar is the basis for the values stated in the appraisal; we have assumed that no extreme fluctuations in economic cycles will occur.
 16. The values found herein are subject to these and to any other assumptions or conditions set forth in the body of this report but which may have been omitted from this list of Assumptions and Limiting Conditions.
 17. The analyses contained in the report necessarily incorporate numerous estimates and assumptions regarding property performance, general and local business and economic

- conditions, the absence of material changes in the competitive environment and other matters. Some estimates or assumptions, however, inevitably will not materialize, and unanticipated events and circumstances may occur; therefore, actual results achieved during the period covered by our analysis will vary from our estimates, and the variations may be material.
18. The Americans with Disabilities Act (ADA) became effective January 26, 1992. We have not made a specific survey or analysis of the property to determine whether the physical aspects of the improvements meet the ADA accessibility guidelines. We claim no expertise in ADA issues, and render no opinion regarding compliance of the subject with ADA regulations. Inasmuch as compliance matches each owner's financial ability with the cost to cure the non-conforming physical characteristics of a property, a specific study of both the owner's financial ability and the cost to cure any deficiencies would be needed for the Department of Justice to determine compliance.
 19. The appraisal report is prepared for the exclusive benefit of the Client, its subsidiaries and/or affiliates. It may not be used or relied upon by any other party. All parties who use or rely upon any information in the report without our written consent do so at their own risk.
 20. No studies have been provided to us indicating the presence or absence of hazardous materials on the subject property or in the improvements, and our valuation is predicated upon the assumption that the subject property is free and clear of any environment hazards including, without limitation, hazardous wastes, toxic substances and mold. No representations or warranties are made regarding the environmental condition of the subject property. Integra Realty Resources – Seattle, Integra Realty Resources, Inc., Integra Strategic Ventures, Inc. and/or any of their respective officers, owners, managers, directors, agents, subcontractors or employees (the "Integra Parties"), shall not be responsible for any such environmental conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because we are not experts in the field of environmental conditions, the appraisal report cannot be considered as an environmental assessment of the subject property.
 21. The persons signing the report may have reviewed available flood maps and may have noted in the appraisal report whether the subject property is located in an identified Special Flood Hazard Area. We are not qualified to detect such areas and therefore do not guarantee such determinations. The presence of flood plain areas and/or wetlands may affect the value of the property, and the value conclusion is predicated on the assumption that wetlands are non-existent or minimal.
 22. Integra Realty Resources – Seattle is not a building or environmental inspector. Integra Seattle does not guarantee that the subject property is free of defects or environmental problems. Mold may be present in the subject property and a professional inspection is recommended.
 23. The appraisal report and value conclusions for an appraisal assume the satisfactory completion of construction, repairs or alterations in a workmanlike manner.
 24. It is expressly acknowledged that in any action which may be brought against any of the Integra Parties, arising out of, relating to, or in any way pertaining to this engagement, the appraisal reports, and/or any other related work product, the Integra Parties shall not be

- responsible or liable for any incidental or consequential damages or losses, unless the appraisal was fraudulent or prepared with intentional misconduct. It is further acknowledged that the collective liability of the Integra Parties in any such action shall not exceed the fees paid for the preparation of the appraisal report unless the appraisal was fraudulent or prepared with intentional misconduct. Finally, it is acknowledged that the fees charged herein are in reliance upon the foregoing limitations of liability.
25. Integra Realty Resources – Seattle, an independently owned and operated company, has prepared the appraisal for the specific intended use stated elsewhere in the report. The use of the appraisal report by anyone other than the Client is prohibited except as otherwise provided. Accordingly, the appraisal report is addressed to and shall be solely for the Client's use and benefit unless we provide our prior written consent. We expressly reserve the unrestricted right to withhold our consent to your disclosure of the appraisal report or any other work product related to the engagement (or any part thereof including, without limitation, conclusions of value and our identity), to any third parties. Stated again for clarification, unless our prior written consent is obtained, no third party may rely on the appraisal report (even if their reliance was foreseeable).
26. The conclusions of this report are estimates based on known current trends and reasonably foreseeable future occurrences. These estimates are based partly on property information, data obtained in public records, interviews, existing trends, buyer-seller decision criteria in the current market, and research conducted by third parties, and such data are not always completely reliable. The Integra Parties are not responsible for these and other future occurrences that could not have reasonably been foreseen on the effective date of this assignment. Furthermore, it is inevitable that some assumptions will not materialize and that unanticipated events may occur that will likely affect actual performance. While we are of the opinion that our findings are reasonable based on current market conditions, we do not represent that these estimates will actually be achieved, as they are subject to considerable risk and uncertainty. Moreover, we assume competent and effective management and marketing for the duration of the projected holding period of this property.
27. All prospective value opinions presented in this report are estimates and forecasts which are prospective in nature and are subject to considerable risk and uncertainty. In addition to the contingencies noted in the preceding paragraph, several events may occur that could substantially alter the outcome of our estimates such as, but not limited to changes in the economy, interest rates, and capitalization rates, behavior of consumers, investors and lenders, fire and other physical destruction, changes in title or conveyances of easements and deed restrictions, etc. It is assumed that conditions reasonably foreseeable at the present time are consistent or similar with the future.
28. The appraisal is also subject to the following:

Extraordinary Assumptions and Hypothetical Conditions

The value conclusions are subject to the following extraordinary assumptions that may affect the assignment results. An extraordinary assumption is uncertain information accepted as fact. If the assumption is found to be false as of the effective date of the appraisal, we reserve the right to modify our value conclusions.

1. It is assumed that there have been no physical changes to the subject property since our inspection on November 1, 2016, other than ordinary physical deterioration and that all building systems are functional.

The value conclusions are based on the following hypothetical conditions that may affect the assignment results. A hypothetical condition is a condition contrary to known fact on the effective date of the appraisal but is supposed for the purpose of analysis.

1. The second valuation scenario is based on the hypothetical condition that a marijuana cultivation operation is located at 1758 Anka Street, Juneau, adjacent to the east of the subject property.
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29. This appraisal is limited in scope because an applicable approach to value is not used. Therefore, the credibility of the value conclusion must be considered within the context of the intended use.

Addendum A

Appraiser Qualifications

Kim M. Wold

EXPERIENCE

Employed by the Ketchikan Gateway Borough from January 1976 to October 1978 as a Junior Appraiser with subsequent advancement to an Appraiser position. The position involved the revaluation of approximately 5,000 properties within the Ketchikan Gateway Borough.

Founded Alaska Appraisal Associates, Inc. and served as President and Chief Appraiser from October 1978 to 2017. Also associated during this period with Hugh A. Thompson and Associates Inc. of Redmond, Washington.

In 2017, Alaska Appraisal Associates, Inc. was purchased by Integra Realty Resources – Seattle. Director and Appraiser with IRR April 2017 to Present.

PROFESSIONAL TRAINING

Attended numerous and appraisal related courses presented by the American Institute of Real Estate Appraisers, Northwest Center for Professional Education, Marshall Valuation Service, University of Alaska, and the International Right of Way Association.

Completed courses sponsored by the American Institute of Real Estate Appraisers and the Appraisal Institute in conjunction with the University of Portland, University of Colorado, University of San Diego, and Arizona State University. These courses include:

Basic Valuation Principles 1978	-	Course 1A
Residential Valuation 1978	-	Course 8
Capitalization Theory 1979	-	Course 1B
Case Studies 1981	-	Course 2-1
Appraisal Report Writing 1981	-	Course 2-2
Investment Analysis 1982	-	Course 6
Standards of Professional Practice 1983	-	Course 2-3
Litigation Valuation 1985	-	Course 4
Standards of Professional Practice 1991	-	Course 410/420
State Certification/License - Residential 1991		
State Certification/License - Commercial 1991		
Highest & Best Use and Market Analysis, 1993	-	Course 520
Advanced Residential Report Writing, 1995	-	Course 500

Standards of Professional Practice, 1997	-	Course 410/420
Automated Valuation Models, 1999		
Technical Inspection of Real Estate, 1999		
Internet and Appraising, 1999		
Standards of Professional Practice, 2000	-	Course 410/420
Law and Value; Communication Corridors, Tower Sites, and Property Rights, 2001		
Attacking & Defending an Appraisal in Litigation, 2001		
Valuation of Detrimental Conditions in Real Estate, 2002		
Appraisal Litigation Practice and Courtroom Management, 2003		
The Road Less Traveled; Special Purpose Properties, 2004		
Hospitality Properties, 2004		
Standards of Professional Practice, 2004		
Rates & Ratios; Making Sense of GIMs, OARs & DCF, 2004		
Supporting Capitalization Rates, 2004		
Condominiums, Co-Ops, and PUDs, 2006		
What Clients Would Like Their Appraisers to Know, 2006		
Residential Highest and Best Use, 2007		
Standards of Professional Practice, 2007		
Current Issues and Misconceptions in the Appraisal Process, 2007		
Business Practices and Ethics, 2009		
Uniform Standards of Professional Appraisal Practice, 2009		
Highest and Best Use and Market Analysis, 2009		
Understanding the New Interagency Appraisal and Evaluation Guidelines, 2011		
General Appraiser Site Valuation & Cost Approach, 2011		
Self Storage: Emerging Core Asset, 2011		
Appraisal Curriculum Overview, 2011		
Fundamentals of Separating Real Property, Personal Property, and Intangible Business Assets, 2012		
Standards of Professional Practice, 2013		
Uniform Standards of Professional Appraisal Practice Update, 2014		
Litigation Appraising – Specialized Topics, 2014		
Forecasting Revenue, 2015		
Review Theory, General, 2015		

PROFESSIONAL LICENSING

Licensed by the State of Alaska, Department of Commerce and Economic Development, Division of Occupational Licensing, in September, 1991 as a General Real Estate Appraiser. Current license expires June 30, 2017.

PROFESSIONAL AFFILIATIONS

Senior Member	-	National Association of Review Appraisers and
Mortgage Underwriters		
Associated Member	-	Appraisal Institute
Fee Appraiser	-	Federal Housing Authority (FHA/HUD #2218)

AREAS APPRAISED IN ALASKA

Areas in which appraisals have been completed include Bristol Bay, Bethel, Anchorage, Haines, Hoonah, Juneau, Yakutat, Sitka, Wrangell, Petersburg, Craig, Klawock, Hydaburg, Metlakatla, Thorne Bay, Hollis, Ketchikan, Unalaska, Chignik, St. Paul Island, and numerous remote locations throughout Southeast Alaska.

Appraisals have also been completed in the Seattle metropolitan area.

TYPES OF PROPERTIES APPRAISED

Single and multi-family residential, income producing properties, special purpose properties such as sawmills and fish processing plants, tidelands, logging camps, grocery stores, shopping centers, aviation facilities. Extensive experience appraising urban and remote acreage of varying highest and best uses such as residential, commercial, industrial, agricultural, forestry, mining claims, tidelands, recreational, etc.

TYPES OF APPRAISALS

Appraisals have been conducted for a multitude of purposes including market value, insurance, estate, ad valorem, eminent domain, charitable contributions, syndication, etc.

SPECIAL PROJECTS

Served as a member of the Ketchikan Gateway Borough Land Selection Committee evaluating municipal land selections (1980).

Appraised State lands in the Ketchikan and Prince of Wales Island area to assist in reconstituting the University of Alaska Land Trust (1987).

Served as a member of the Alaska Mental Health Land Valuation Panel evaluating Southeast Alaska lands to settle the Weiss v. State of Alaska litigation (1988).

Conducted physical and legal attribute identification of Southeast Alaska lands and improved properties for the reconstitution of the Mental Health Land Trust (1993).

PUBLISHED ARTICLES

No published articles in the preceding 10 years.

EXPERT WITNESS

Testified as an expert witness in proceedings before the U.S. Bankruptcy Court. Testified in the Superior Courts within the States of Alaska and Washington in regard to real estate and business valuations. Testified before the Boards of Equalization for the Ketchikan Gateway Borough and the City of Craig. Testified in Internal Revenue Service tax appeal hearings.

Specific Cases Testified – In re: Salmon Falls Resort, LLC, US Bankruptcy Case No. K09-00301-DMD; Trident Seafoods Corporation v. Commonwealth Insurance Company; Case No. 2010-CV-00214-RAJ; In re: Alaska Fur Gallery, US Bankruptcy Case No. A09-00196-DMD; Carrie L. McLaughlin v. Gary L. Looney, Case No. 1KE-11-12 CI; State of Alaska, DOT/PF v. Sears Roebuck & Co., Case No. 3AN-11-07799 CI

APPRAISAL CLIENTS

Government Agencies - Federal Deposit Insurance Corporation, Alaska Native Health Service, Alaska Renewable Resource Corporation, Alaska Department of Natural Resources, Alaska State Building Authority, Alaska Housing Finance Corporation, Bureau of Indian Affairs, U.S. Department of Agriculture -Forest Service, Ketchikan Public Utilities, Metlakatla Housing Authority, National Oceanic & Atmospheric Administration.

Municipalities - Cities of Craig, Klawock, Petersburg, Ketchikan, Thorne Bay, Whittier; Ketchikan Gateway Borough; City/Borough of Juneau; City/Borough of Sitka; Haines Borough

Financial Institutions - Alaska Pacific Bank, Commercial Fisheries and Agricultural Cooperative Bank, First Bank of Ketchikan, First National Bank of Anchorage, Seafirst Mortgage Corporation, Tongass Federal Credit Union, Ward Cove Credit Union, KeyBank National Association, Wells Fargo Bank, Frontier Bank, Federal National Mortgage Association, First Heritage Bank, Alaska Growth Capital, Native American Bank, Cascade Bank, True North Federal Credit Union, Northrim Bank, Toyota Financial Services, Banner Bank

Fisheries - Craig Fisheries, E.C. Phillips Cold Storage, Ward Cove Packing Company, Wrangell Seafoods, Silver Lining Seafoods, Excursion Inlet Packing Co., Hoonah Seafoods, Canadian Fisheries Co., North Pacific Processors, Sitka Sound Seafoods, Norquest, YKI Fisheries, Salamataof Seafoods, Pacific Star Seafoods, Ocean Beauty Seafoods, Trident Seafoods, Pelican Seafoods, Westward Seafoods, Harbor Crown Seafoods, Alyeska Seafoods, Maruha Nircho, Silver Bay Seafoods

Forestry - Alaska Timber Corporation, Louisiana Pacific Corporation, Georgia Pacific Corporation, Pacific Forest Products, Mitkof Lumber, Wrangell Forest Products, Valentine Logging, Sealaska Timber Corporation, Whitestone Logging.

Native Corporations - AHTNA, Inc., Cape Fox Corporation, Sealaska Corporation, Shaan Seet Corporation, Kootznoowoo Inc., Klawock-Heenya Corporation, Ketchikan Indian Corporation, Tlingit-Haida Regional Housing Authority, Klukwan, Inc., Huna Totem, Gold Belt Corporation, Central Council of Tlingit & Haida Indian Tribes of Alaska

Tourism - Waterfall Resort, Yes Bay Lodge, Clover Pass Resort, Whale Pass Lodge, Hyda-Way Lodge, King Salmon Motel, Tides Inn, Royal Executive Suites, Scandia Inn, Beachcomber Inn, Driftwood Lodge, Mink Bay Lodge, Juneau Travel Lodge, Stikine Inn, Fireweed Lodge, Leonard's Landing, Sure Strike Lodge, El Capitan Lodge, Rocky Point Lodge, Juneau Hotel

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IRR offices are led by MAI-designated Senior Managing Directors, industry leaders who have over 25 years, on average, of commercial real estate experience in their local markets. This experience, coupled with our understanding of how national trends affect the local markets, empowers our clients with the unique knowledge, access, and historical perspective they need to make the most informed decisions.

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OFFICE OF THE ASSESSOR

155 S. Seward St. Rm. 114
Juneau, AK 99801
Phone: (907)586-5220
Fax: (907)586-4520

April 28, 2018

Laura Boyce
Senior Planner
Community Development
City and Borough of Juneau

Subject: Assessor statement regarding proposed marijuana cultivation use in Industrial District

Good afternoon Laura,

Per your request, I am responding to the question about the impact marijuana grow facilities have on real estate values. Juneau is still new to licensed grow facilities and at this time do not appear to have any impact on property values either way. The demand is greater than availability. Findings on the impact from other states have been noted below.

There are two main real estate markets; residential and commercial/industrial. I will address both, but as Juneau prohibits growing facilities in residential neighborhoods, my initial focus is on commercial zoned areas only. Below I have included the web links of several positive impact reviews.

1) A Real Estate Boom, Powered by Pot By DAVID GELLES APRIL 1, 2017

<https://www.nytimes.com/2017/04/01/business/a-real-estate-boom-powered-by-pot.html>

Denver has emerged as America's de facto pot capital. Since Colorado legalized marijuana for recreational use in 2012, hundreds of stores selling pot have opened, and enormous growing operations have set up shop. Legal cannabis sales topped \$1 billion in the state last year.

The impact on the local real estate market has been equally big.

From 2009 to 2014, 36 percent of new industrial tenants were marijuana businesses, according to the report on the city from CBRE Research, a commercial real estate company. Nearly four million square feet of industrial space was being used for cultivation in 2015, according to the report, about 3 percent of the city's warehouse space. Warehouse vacancy rates in Denver fell to just 3.7 percent in 2015, down from 7.5 percent in 2010.

The industry has taken especially deep root among the low-slung warehouses in north Denver. Buildings used for growing marijuana are easy to spot — many are distinguished by extra lights and security cameras. But "I wouldn't have to point it out," said Brian Vicente, a partner at Vicente Sederberg, a Denver law firm that specializes in marijuana issues. "You can smell it."

Retail spaces are just as hot. By 2015, there were upward of 200 marijuana stores in Denver, occupying high-end storefronts and former gas stations.

The spike in demand has been good for landlords, who often charge two to three times market rates for spaces used for cultivation or sales.

2) The Marijuana Business Is Really the Real Estate Business By Will Yakowicz

<https://www.inc.com/will-yakowicz/the-big-opportunity-in-marijuana-is-real-estate.html>

Since 2013, many cannabis entrepreneurs have seen their warehouse rents skyrocket after they'd spend tens of thousands of dollars to convert the space into a marijuana growing operation. Owning your real estate lets you avoid that financially crippling scenario entirely, says Patti Zanin, an independent real estate agent in Denver who serves weed clients.

Zanin says buildings zoned as "light industrial" that have been vacant for years are now the most valuable properties in the area thanks to the marijuana industry. Properties go so quickly, Zanin says, that a secondary market has blossomed--well-heeled companies will buy a property, get a license, and sell the whole package to smaller businesses.

After spending over \$1 million to build out the 40,000-square-foot warehouse Medicine Man rented on Nome Street near the Denver airport, Vander Veer and her brothers Andy and Pete Williams decided to buy it. The brothers and sister got it for \$2.5 million in 2014 and it's now worth \$6 million (they recently sold it).

"It's the green boom here in Colorado and real estate is at a premium," Vander Veer says. "If you own a building that is zoned properly, not including any improvements, it's worth millions."

3) Oregon marijuana growers vie for real estate as they prepare for recreational market. By Noelle Crombie (The Oregonian, Jan. 20, 2015).

[Oregon marijuana growers vie for real estate as they prepare for recreational market \(link is external\)](#), Growers estimate that it costs between \$400 and \$1,000 to produce a pound of cannabis, which sells for between \$2,100 and \$3,000 per pound on the retail market.

Longtime medical marijuana growers who've quietly tended plants in their basements say they're looking to upgrade to warehouses. Producers already in warehouses plan to expand.

They're snapping up real estate, in some cases competing with each other for the same locations. Real estate agents say growers are paying well above market price to lease buildings, particularly in the Portland area, essentially reserving space until the Oregon Liquor Control Commission crafts rules for cannabis cultivation.

Six years ago, when Mike Anderly, 37, moved his plants out of his basement and into a commercial warehouse in St. Johns, the rent was \$1,100 a month. Today the same space goes for \$2,500. He spends about \$6,000 a month renting two commercial spaces.

"There is such limited commercial space, especially in Multnomah County – and Multnomah County is the sweet spot – people are paying exorbitant rates," said Anderly, whose marijuana production business is called Cloud City Gardens.

4) Will Legal Marijuana Give Home Prices a New High? By Yuiqing Pan and Clare Trapasso (Realtor.com Real Estate Opportunities Nov 7 2016)

<http://www.realtor.com/news/trends/legalizing-marijuana-gets-housing-prices-high>

How pot gets home valuations higher. *The prospects of employment—as well as the desire to legally grow, buy, enjoy, and otherwise self-medicate with weed—have led to an increased demand for housing. Simply put, more people seem to move to states with legalized marijuana, boosting home prices. "The legalization affects both the demand and the supply in the residential housing market," says University of Mississippi economics professor Cheng Cheng, one of the authors of a study on how legalizing retail marijuana in Colorado has given a lift to local real estate. Areas where it's legal are "going to attract more home buyers, including marijuana users as well as entrepreneurs and job seekers."*

Legal marijuana draws transplants to Colorado. *Since the first shops opened their doors on Jan. 1, 2014, the median home sale price in the state has shot up from \$248,000 in the first half of 2014 to \$298,000 in the first half of 2016, according to the realtor.com analysis. That's partly due to the state's population surge, rising 1.9% from July 1, 2014, to July 1, 2015, according to the U.S. Census. That makes it the second-fastest-growing state in the nation, just behind North Dakota. There's no direct evidence tying*

the legalization of the drug to the population boom, but real estate agents say more of their clients are relocating to the state because of it. "About 60% to 70% of my clients are buyers coming in from out of state," says real estate broker Rona Hanson, of Need Room to Grow Realty in the Denver suburb of Lakewood, CO. She specializes in selling homes where buyers can grow their own cannabis. Home prices tend to be higher in the roughly 60 Colorado cities and towns where cannabis is legal than the more than 200 where it's not. For example, where cannabis is legal, the median sold price was \$302,500 in the second quarter of 2016, according to the realtor.com analysis. That's 13% higher than the \$267,200 median sold price in the more than 200 localities where the green stuff is illegal. In addition, homes have been appreciating by 12% annually since 2014 where it's legal. That's compared with just 9% in areas where it's illegal.

Why small towns can get the biggest highs *They can give sorely needed economic support to struggling small towns. For example, Colorado's rural Clear Creek County, a local mine that has provided the bulk of the county's tax revenue plans to close within the next few years. However, some of that money is being replaced by the marijuana industry, which kicked in more than \$125,000 this year through August, according to the state's Department of Revenue. "We have more tax revenue for schools," says area Realtor Joshua Spinner, of Clear Creek Realty Colorado. "There are people moving to our county because it is more rural and they do want to grow." Another big beneficiary is Edgewater, just 15 minutes outside Denver. The tiny town has about a half-dozen dispensaries that stay open hours later than those in Denver. Could it be a coincidence median sold home prices in Edgewater have jumped 18% annually since 2014, compared with 13% in Denver?*

I also located reports on potential negative impacts of marijuana cultivation facilities, but the problems were focused around outdoor growing in residential areas. I also reviewed an appraisal prepared by Kim Wold, a fee appraiser from Washington. Mr. Wold's property appraisal included a hypothetical list of negative effects of marijuana cultivation operations in his 2017 appraisal for a Juneau property located at 5441 Commercial Blvd. This location is in an industrial zoned area of Lemon Creek. The property is directly across the street from a major local brewery and a facility for hazardous waste and .5 miles from the landfill. The appraisal described marijuana cultivation facilities as a "neighboring nuisance"; an external influence that could impact surrounding property owner's rights to peaceful, quiet enjoyment of their property from lights, odors, noise, visual appearance, as well as air and water pollution were included as reasons in hypothetical conditions. I would like to supplement his opinion with my own.

Community Development, CBJ Law Dept and the Assembly worked very hard to establish regulations where cultivation operations would not impact their neighbors. Noise, odors and any potential environmental contamination as described in the appraisal have been addressed in local codes.

Some specific concerns from the report I would like to address;

1. **Visual appearance** – All cultivation operations in Juneau must be indoors. Due to security concerns there may be gates and fences installed, no different than many other industrial operations. Appropriate lighting, alarms and security cameras are not considered obtrusive in this area but could be a deterrent to potential criminal activity. The concern the operation would look like a fortress is for the protection of the occupant and is not a blight, as are junk and storage yards may be.
2. **Criminal element** – This is the reason for extra security. Typical cultivation operations do not operate as retail outlets for several reasons. Cultivation requires scrupulous sanitation practices and a controlled environment to eliminate risks of bugs, mold and other pests, including humans. Lighting and water use is no different than for operations growing tomatoes, flowers and other plants cultivated indoors.

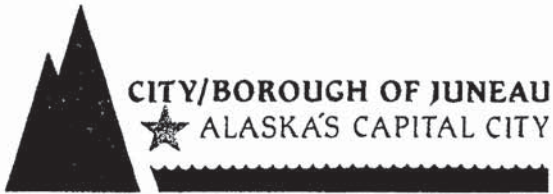
3. **Odors or concern for damage to interior walls** – Appropriate air filtration systems eliminate any concern for exterior odors, unlike the operations of waste management or the brewery. Appropriate paint or wall and ceiling covering protect the interior walls from any impact of lingering odors or moisture damage.
4. **Explosions or flooding** – Explosion risk in a marijuana cultivation operation has no greater risk than one's own home. Butane and other explosive compounds are not utilized in the growth process. Flooding or fire is possible in any type of industrial operation. Is it possible? Yes. Is it likely? No.
5. **Insurance** – Any building lease carries a risk of tenant defaulting or causing damages. This is what security deposits and posting bonds to cover the risks are for.

Respectfully,

A handwritten signature in black ink that reads "Robin Potter". The signature is fluid and cursive, with the first name "Robin" and last name "Potter" clearly distinguishable.

Robin Potter ACAA III

Assessor, Finance Department
City & Borough of Juneau
155 S. Seward Street
Juneau, AK 99801
907.586.0333



**BOARD OF ADJUSTMENT
NOTICE OF DECISION**
Date: September 5, 2002

File No.: TXT2002-00002

Dirk Lovig
1751 Anka St.
Juneau, AK 99801

Application For: Code Interpretation and Similar Use Determination

Legal Description: Boroughwide

Parcel Code No.: Boroughwide

Hearing Dates: January 22, 2002
August 13, 2002

The Planning Commission, acting as Board of Adjustment, at its regular public meeting held on January 22, 2002, considered a request for an interpretation of the code and a similar use determination according to Section 49.20 of the Land Use Code.

The Board of Adjustment (Board), after reviewing the staff report, hearing public testimony and deliberation, rejected the findings of Staff listed in the attached memorandum dated January 16, 2002. These findings concluded that the Bureau of Vital Statistics facility was a use listed in the Table of Permissible Uses under use Category 3.400.

However, the Board did find that the Bureau of Vital Statistics (BVS) facility has a unique use, given its function of storing, maintaining, and retrieval of vital statistics, and therefore does not fit under any use specifically listed in the Table of Permissible Uses. In addition, the Board made a determination according to Section §49.20.320 of the Land Use Code that the Bureau of Vital Statistics facility is similar in use to the category 15.100, Post Office, of the Table of Permissible Uses. The Board found that the BVS facility was similar to this use category because it is public building, which falls under the general heading of Category 15.000 Miscellaneous Public and Semipublic Facilities. Further, the Board found the facility most similar to the specific Use Category 15.100, Post Office, because of their like characteristics of sorting, storing, and transmitting of documents and records.

Dirk Lovig
 File No.: TXT2002-00002
 September 5, 2002
 Page 2 of 3

The decision of the Board was subsequently appealed to the Assembly of the City and Borough of Juneau (Assembly), which vacated the decision of the Board because the decision was not supported by substantial evidence in light of the whole record. The case was remanded to the Board for further proceedings.

On August 13, 2002 the Board held a hearing on the matter, receiving additional evidence and testimony from staff, the applicant, and the appellant. After considering the additional evidence as well as evidence introduced and considered at the January 22, 2002 hearing, the Board re-affirmed its determination that the BVS facility is a unique use which is not specifically listed in the Table of Permissible Uses. The use is unique given its function of storing, maintaining, protecting, and retrieving vital statistics, a use seldom replicated within the State and unlikely to ever be established again in Juneau unless as a replacement of the proposed facility. It is noted that the unique aspect of the BVS facility was acknowledged by all parties.

The Board also determined that the BVS facility is of the same general character as a Post Office facility, a use that is listed in the Table of Permissible Uses as a Conditional Use Permit requiring Planning Commission approval in the I - Industrial zone, in which the proposed facility is located (Category 15.100). Based on evidence in the record and reviewed at the hearings, the Board finds as follow in support of the determination that the BVS facility is of the same general character as a Post Office facility:

- The BVS facility is a public building, which falls under the general heading Category 15.000 Miscellaneous Public and Semipublic Facilities.
- Although there are several sub-categories under Category 15.000, Post Office, Category 15.100, is of the same general character as the BVS facility because of their like-characterizations of sorting, storing and transmitting of documents and records.
- A similar percentage (5%) of floor area in the BVS facility is devoted to public use as in a local Post Office (10%).
- A similar small percentage (22.5%) of floor area in the BVS facility is devoted to use as office space as is the case in a Post Office (10%).
- Handling of goods is conducted on-site for both facilities.
- Both the BVS and Post Office facilities function to serve the special needs of the *documents* and not *staff*.
- Both facilities are located in public buildings
- Both facilities require relatively high levels of security

Attachments:

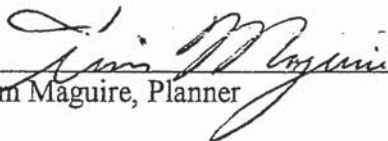
- ◆ General use Characteristics: Post Office, Bureau of Vital Statistics, Storage Facilities, - document prepared by CBJ Community Development Department staff.
- ◆ Comparison of BVS to Post Office - document presented to Planning Commission by Mr. Dirk Lovig

Dirk Lovig
File No.: TXT2002-00002
September 5, 2002
Page 3 of 3

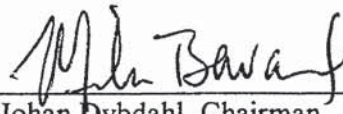
This Notice of Decision constitutes a final decision of the CBJ Board. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Action by the appellant in reliance on the decision shall be at the risk that the decision may be reversed on appeal. Appeals must be filed by 4:30 P.M.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

Effective Date: The permit is effective upon approval by the Board.
August 28, 2002

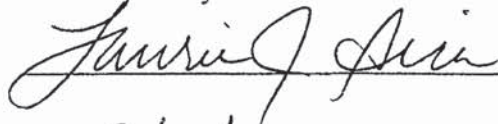
Project Planner:


Tim Maguire, Planner




Johan Dybdahl, Chairman
Board of Adjustment

Filed With City Clerk


9/11/2002

cc: Plan Review
John Hartle, CBJ Law Department

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.

General Use Characteristics: Post Office, Bureau of Vital Statistics, Storage Facilities

Post Office Buildings have the following general characteristics:

- Majority of building space used for unloading, sorting/processing and loading material (60-70% of floor space).
- 10% of floor space dedicated to public use.
- 10% of floor space dedicated to general office use.
- High volume of customers, primary use of structure to serve public.
- Multiple loading docks, heavy truck traffic.
- Public facility-owned and operated by the government and not a private corporation.
- Protects material processed on site—building constructed to insure material safety (inspection gallery).
- As a federal building, not subject to land use or building code review. Buildings are not required to obtain local permits for construction or operation.
- Designed for customer service—large number of parking spaces, lot layout for truck use and maneuvering, multiple loading zones. Post office buildings are specifically constructed for the expected use.
- Operation of facility requires many employees.

The Bureau of Vital Statistics building in Juneau Alaska, has the following general characteristics:

- A large vault to store valuable documents, approximately 3,000 square feet in size, covering 30% of the building (total building size is approximately 10,000 square feet)
- A need for document security—contains construction features to ensure document protection (primarily a large vault). The building is uniquely constructed for its intended use and not suitable for other office/industrial uses.
- Approximately 43% of the total floor space dedicated to processing documents by clerical and office staff.
- 5% of total floor space for public use.
- High volume of customers, primary use of structure to serve public.
- Public facility-owned and operated by the government and not a private corporation.
- Operation of facility requires many employees.

Storage Facilities as listed under 10.210 in the Table of Permissible Uses, All storage within completely enclosed structures, have the following general characteristics:

- 50% or more of the building's floor space dedicated to storage of goods or materials.
- Office uses on site are accessory to the primary storage use and occupy less than 50% of the floor space.
- Not designed to service a high volume of customers.
- Access to material storage area is limited and few employees on site.
- Have either a commercial or public use.
- Operation of facility requires few employees.

	Public or Private Ownership	Percent of floor area devoted to public use	Percent of floor area devoted to use as office	Handling and Sorting of Documents	Number of Loading Zones- Actual vs. Required by Zoning Code	Number of On-Site Employees	Typical Facility Security Needs	Term of Storage	Handling of goods: -On site -Off site
Bureau of Vital Statistics	Public	5%	22.5%	High	1, 1	High	Vault	Long	On site
Post Office	Public	10%	10%	High	1,10	High	Inspectors/ Inspection Gallery	Short	On site
Storage Facilities Typical	Public or Private	0%	~1%	Low	1,1	Low	Close Circuit Camera, Security Guard	Long	Off site

Sources:

Bureau of Vital Statistics building:

Calculations of floor space from drawings submitted to CDD department for building permit, BLD2002-00109, stamped received on March 20th, 2002. Information on number of customers and ownership from documents contained in the official Appeal Record for TXT2002-00002.

Post Office:

Calculations of floor space and attributes of Post Office based on discussion with Juneau Post Master, Kent Eriksen and site visit of Valley Post Office on Monday August 12th, 2002. Information on the total building size from CDD building permit file.

Storage Facilities:

Typical building size used here is 10,000 square feet. This number is an average of the size of the last three storage facilities receiving Allowable Use permits. Staff recognizes that storage facilities can be much larger than 10,000 square feet. However, for the purposes of comparison, 10,000 square feet has been used. Determination of other attributes of this building (such as high volume of customers, number of employees required on site) based on staff knowledge of typical operations.

Comparison of BVS to Post Office		
BVS	Factor	Post Office
The function of a BVS building, and it's staff is to serve the documents, unlike a Standard Office Building where the stored documents serve the needs of the staff	Function	The function of the Post Office, and it's staff is to serve the documents unlike a Standard Office Building where the stored documents serve the needs of the staff
BVS will be a state function in a building owned by a private party. This is the case with several buildings in Juneau. BVS will be open to the public	Public Building	Post Offices are either federally owned or contracted spaces operated by private parties. In either case, they are public.
Long term storage of documents in the very secure facility.	Secure Storage	Post Offices store mail for short periods of time but the mail is vital and the storage is secured.
BVS processes incoming documents, cataloging, scanning, storing, retrieving and copying them	Processing	P.O. employees receive incoming mail, process, catalog, and dispatch to be delivered as well as delivering to boxes within the Post Office.
BVS employees sell copies of records to walk in customers as well as through the mail, internet, phone and fax.	Customer Service	P.O. employees' sell postal services to walk-in customers as well as other means.
BVS must be open and accessible during normal business hours and serves about 20 walk-ins per day.	Public Access	Post Offices must be open and accessible during normal business hours.



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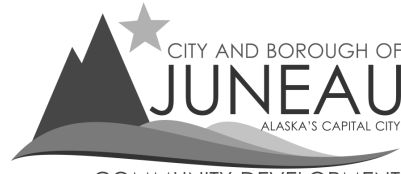
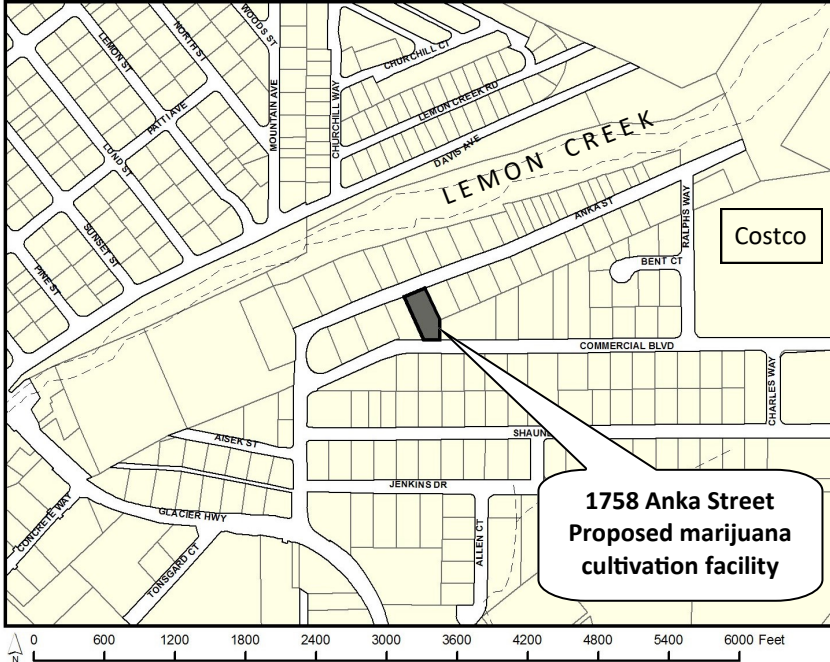
(907) 780-6984 • Fax 780-4025 • ascmasonry@aol.com

Much has been said about maintaining the integrity of industrial property for strictly industrial use. And the proximity of office workers may disrupt the function of industrial activities. But CBJ zoning, and TPU allows for far more in an industrial zone than just what one may perceive as heavy industrial use. The following projects are allowed in the same industrial area that this building is in:

- Restaurants, Bars and Nightclubs
- Theaters
- Parks and open spaces
- Single family dwelling
- Single family detached accessory apartment
- Child care home
- Day care home
- Home occupations
- Mobile homes on individual lots
- Convenience stores
- Trade, Vocational or Commercial schools
- Social, fraternal clubs and lodges, union halls, yacht clubs and similar uses
- Bowling alleys, billiard halls and pool halls
- Outdoor recreation facility's

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:

1758 Anka Street
Proposed marijuana
cultivation facility

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for a **Marijuana Cultivation Facility** located at **1758 Anka Street** in an **Industrial zone**.

TIMELINE

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

Now through April 30, 2018

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

May 1 through 12 noon, Friday, May 18

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

HEARING DATE & TIME
7:00 pm, May 22, 2018

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

May 23

The results of the hearing will be posted online.

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

Case No.: USE2017 0006
Parcel No.: 5B1201300050
CBJ Parcel Viewer: <http://epv.juneau.org>

USE2017 0006 CUP for Marijuana Cultivation

**Planning Commission Presentation
May 22, 2018**



Additional Materials

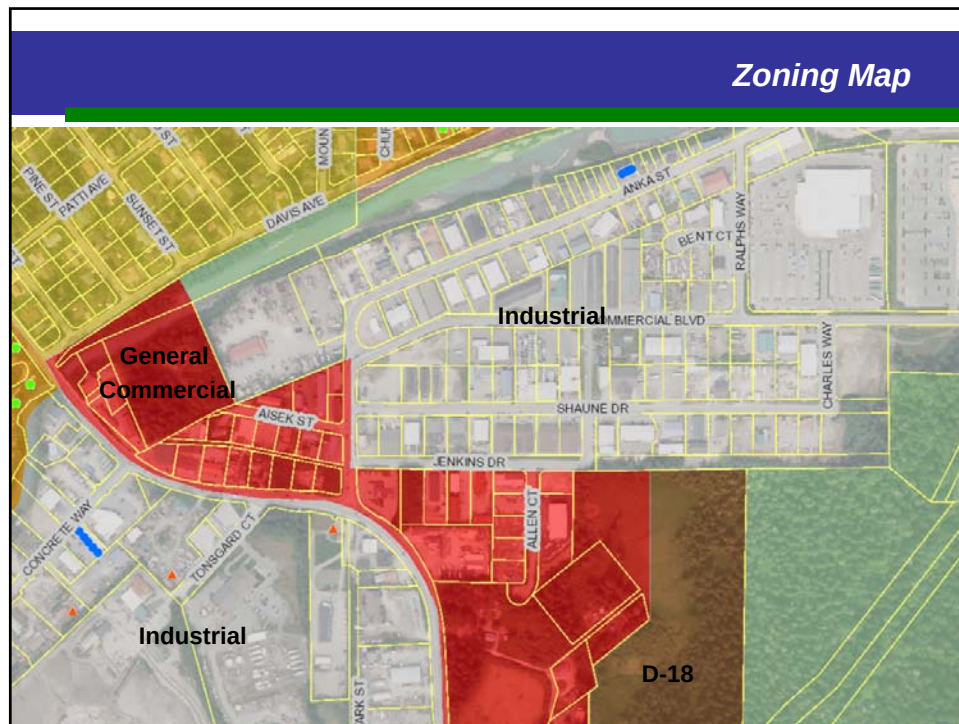
- Email from Granite Mountain Properties, LLC. –
5/18/2018



USE2017 0006

Applicant:	Taku Horticulture, LLC.
Property Owner:	Dennis & Linda Mayer
Property Address:	1758 Anka Street
Property Size:	21,923 square feet
Comprehensive Plan	
Land Use Designation:	Light Industrial (LI)
Zone District:	Industrial (I)
Utilities:	CBJ Water & Sewer
Access:	Anka Street
Existing Use:	Storage Facility with caretaker's unit
Proposed Use:	Marijuana Cultivation

VICINITY MAP FOR
GLACIER INDUSTRIAL III LT 5A



Industrial Zone District Purpose

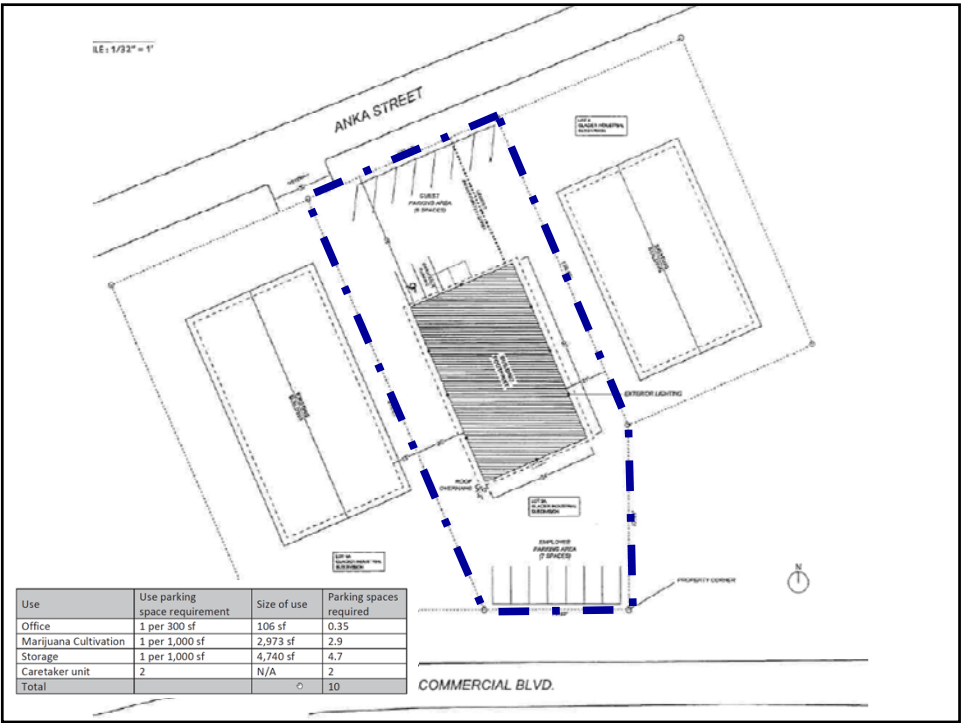
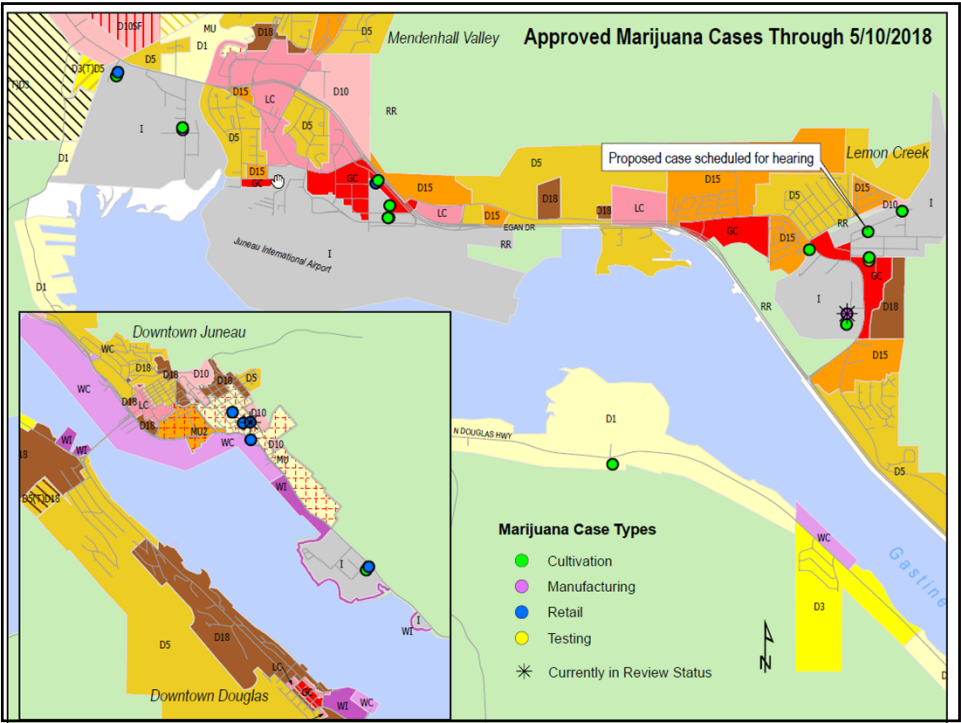
From Title 49, the Land Use Code:

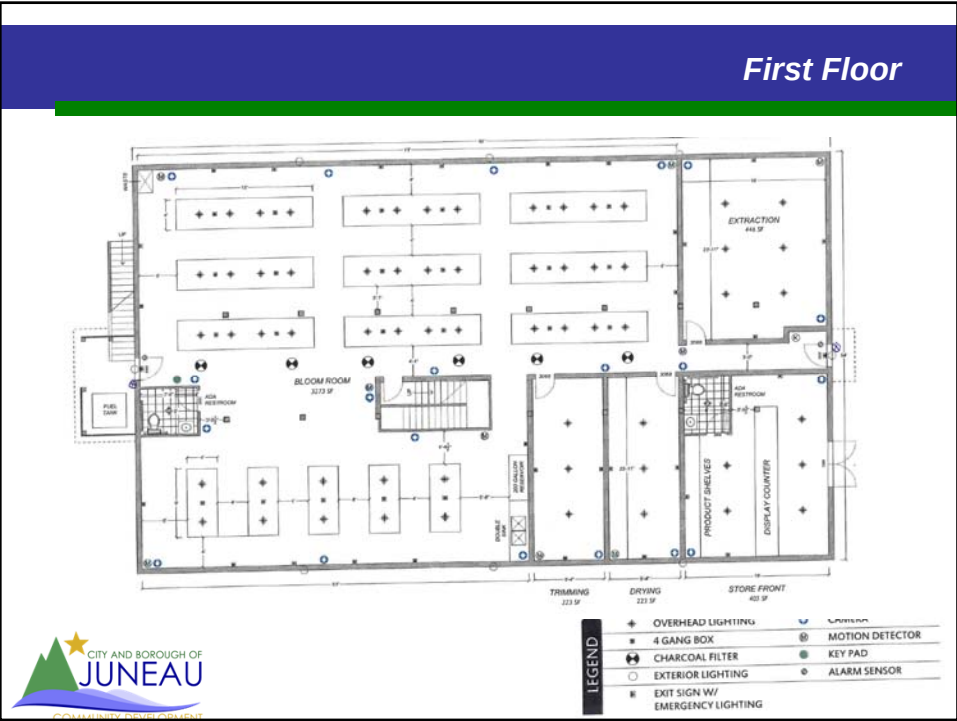
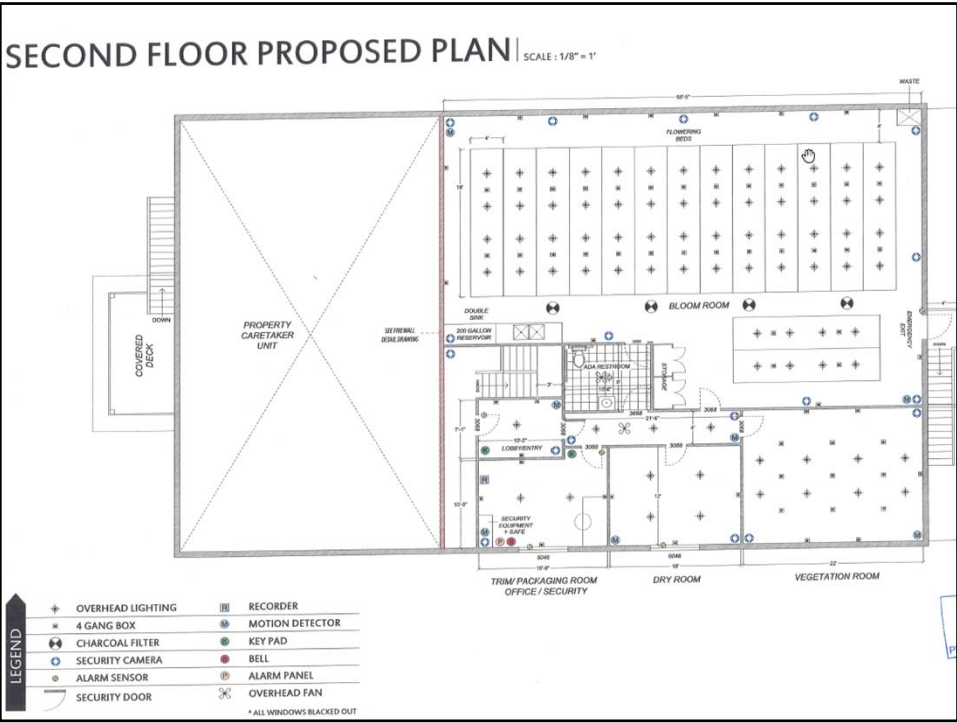
The I, industrial district is intended to accommodate industrial activity which includes manufacturing; processing; repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.



 CITY AND BOROUGH OF JUNEAU

COMMUNITY DEVELOPMENT





Proposed Uses			
	Existing Uses	Phase I Proposed Uses	Expansion Proposed Uses
First floor	4,968 square feet total – mini-storage use	Continued 4,968 mini-storage use	4,968 square feet of cultivation use (405 sf will be unused or for potential marijuana retail with an approved CUP)
Second floor	3,108 square feet storage use 1,860 caretaker’s unit	3,108 cultivation use 1,860 caretaker’s unit	3,108 cultivation use 1,860 caretaker’s unit
Total Uses	8,076 storage use 1,860 caretaker’s unit	4,968 sf storage use 3,108 sf cultivation use 1,860 sf caretaker’s unit	8,076 sf cultivation use 1,860 sf caretaker’s unit (405 sf potential marijuana retail with an approved CUP)



CITY AND BOROUGH OF
JUNEAU
COMMUNITY DEVELOPMENT







Analysis	
STANDARD CONDITIONAL USE PERMIT REVIEW CRITERIA ☐ Parking and Circulation ☐ Traffic ☐ Noise ☐ Lighting ☐ Public Health and Safety ☐ Property Value and Neighborhood Harmony ☐ Conformity with Comprehensive Plan	
	

Analysis	
Conditional Use Permit Application Submittal Requirements Per Ordinance 2015-38 ☐ Security Plan ☐ Waste Disposal Plan ☐ Ventilation & Filtration Plan ☐ Carbon Dioxide Use Disclosure ☐ Mold Prevention Methods	
	

Conformity with Comprehensive Plan

Light Industrial (LI) land use designation.

Land to be developed for heavy commercial or light industrial uses such as small- to medium-scale food processing; printing and other business services; wholesale trade; research and development laboratories; light manufacturing processes; metal fabrication; warehousing; trucking; animal kennels; crematoria; indoor and outdoor storage; car, boat, and heavy equipment sales; and repair and maintenance activities. Residential units should be limited to caretaker units where the occupant works directly for or owns the business for which the occupant is caretaking.

POLICY 5.1 TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS.

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.



Conformity with Comprehensive Plan

POLICY 5.18. TO ENCOURAGE AND SUPPORT ENTREPRENEURSHIP AND INNOVATION IN THE ECONOMY OF JUNEAU AND SOUTHEAST ALASKA.

POLICY 10.7. TO DESIGNATE ON LAND USE AND ZONING MAPS, AND TO PROVIDE SERVICES TO, SUFFICIENT VACANT LAND WITHIN THE URBAN SERVICE AREA APPROPRIATELY LOCATED TO ACCOMMODATE THE FUTURE COMMERCIAL AND INDUSTRIAL USES.

10.7-IA2 – Identify and protect from land use conflicts potential sites for light industrial and heavy industrial uses.

Chapter 5, Economic Development –
Page 57:

Industrially-zoned areas in Lemon Creek (near Costco) and near the airport have been encroached upon by non-industrial uses that have generated traffic congestion, higher land prices and lease rates, and commercial neighbors who are intolerant of the noise, odors, glare, dust, and other impacts of industry.



Conformity with Comprehensive Plan

Industrial Use definition, page 237:

The manufacture, fabrication, processing, or reduction of any article, substance, or commodity or any other treatment thereof in such a manner as to change the form, character or appearance thereof. In addition, trucking facilities, warehousing, storage facilities, businesses serving primarily industry, and similar enterprises.



Conformity with Lemon Creek Plan

Page xiv: Steering Committee Priority Actions – Allow for industrial and commercial growth in strategically located areas

Conclusion, page 10: *Lemon Creek has acted as a natural barrier between predominately residential uses to the north of the creek and predominately industrial/commercial uses to the south....*

Page 19, call out box: Strengths – *central location with vacant land available for commercial and housing development; flat, industrially zoned land; mix of uses that spur activity.*

Goal 3, Action 3, page 21: *Allow for industrial and commercial growth in strategically located areas.*

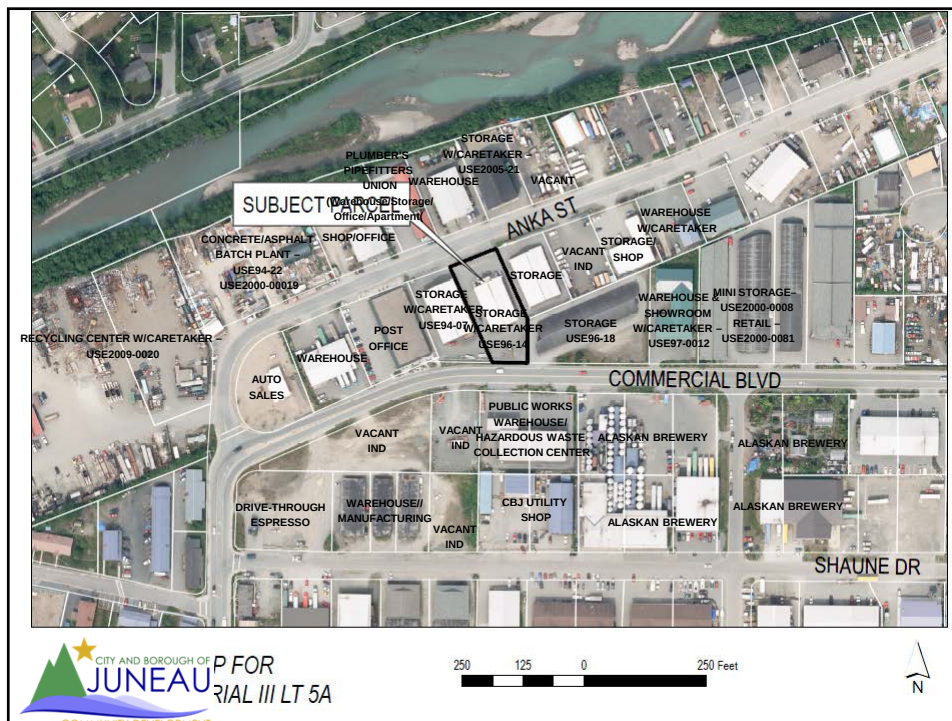


Conformity with Lemon Creek Plan

Chapter 7, Economic Development, page 61:

The Lemon Creek area has some of the most heavily used industrial and commercial areas in Juneau. These areas are located in Lemon Flats and along Glacier Highway. Twenty-two percent of all of the industrially zoned land in the borough is located in the Lemon Creek area. Additionally, the area has 39 percent of the Borough's General Commercial lands and 18 percent of the Light Commercial lands.

There continues to be demand for more industrially zoned land throughout the borough. Opening up more industrially zoned lands for industrial development might be achieved in the area, although doing so might increase the need for a second access road to divert traffic away from Anka Street and Glacier Highway intersection. There is a fair amount of underdeveloped land in the Lemon Creek area that is currently being used by commercial development but is zoned industrial and could be redeveloped for industrial uses.



CBJ Property Appraiser

"Per your request, I am responding to the question about the impact marijuana grow facilities have on real estate values. Juneau is still new to licensed grow facilities and at this time do not appear to have any impact on property values either way. The demand is greater than availability..."

– Robin Potter, CBJ Assessor

April 28, 2018

Attachment E



Findings

1. Is the application for the requested conditional use permit complete?

Yes. All needed information is included.

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

Yes. Use 14.240 Marijuana Cultivation can be approved with a CU in the Industrial zone.

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

Yes. It complies with CBJ 49.65.1245 Marijuana establishment requirements.



Findings

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

No. A surveillance and security system will be in place along with state-required visitor protocols. Fire has no issues. All activity will take place indoors.

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

No. The proposed use is in the Industrial zone with other industrial uses in the area. The landfill, brewery, hazard materials collections, and recycling are nearby, along with warehouses, storage, machine shops, and limited commercial.

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

Yes. It conforms with the Title 49, furthers Comprehensive plan goals and policies, and furthers the Lemon Creek Plan.



Recommendation

That the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow an 8,996 square foot marijuana cultivation facility in the Industrial zone.

The approval is subject to the following conditions:



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 marijuana license, it shall be demonstrated that surveillance cameras have an unobstructed view of each doorway in the building.
3. Prior to approval of a 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.



Conditions

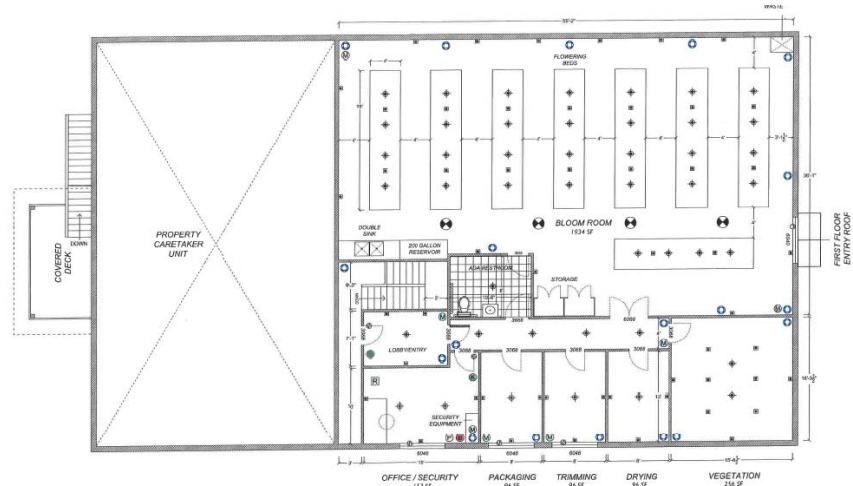
4. Prior to approval of a marijuana license, a revised surveillance camera plan shall be submitted to ensure the room has adequate surveillance coverage.
5. Vegetative cover totaling 1,096 square feet shall be shown on a site plan, reviewed and approved by CBJ staff, and installed prior to issuance of a marijuana license. The vegetative cover areas shown on the plans shall be maintained with live vegetative cover.
6. Prior to approval of a marijuana license, a revised site plan illustrating the required parking and loading spaces shall be submitted and approved by staff.



Questions?



PREVIOUS - Second Floor



USE2017 0006





City and Borough of
JUNEAU
COMMUNITY DEVELOPMENT

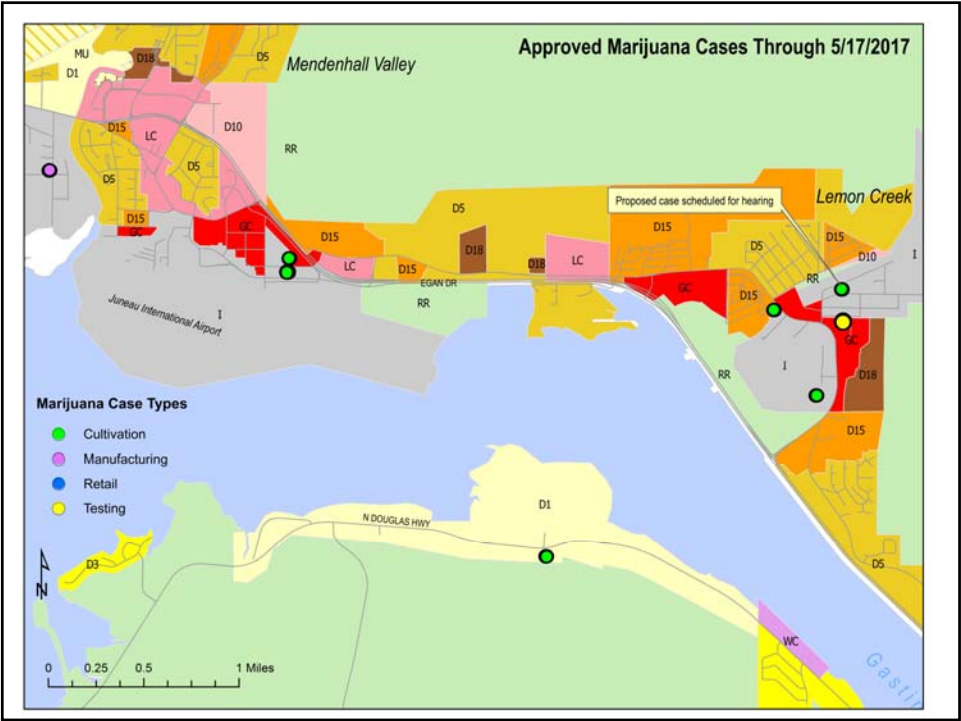
IMG_1732 Properties

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Subject	
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Image ID	
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Width	3024 pixels
Height	4032 pixels
Max horizontal resolution	72 dpi

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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: May 24, 2018
File No.: USE2017 0006

Taku Horticulture Company, LLC
8425 Valley Blvd
Juneau, AK 99801

Proposal: Marijuana Cultivation Facility located in an Industrial (I) Zone.

Property Address: 1758 Anka Street

Legal Description: Lot 5A, Glacier Industrial III

Parcel Code No.: 5B1201300050

Hearing Date: May 22, 2018

The Planning Commission, at its regular public meeting, considered the application, staff memorandum, supplemental materials, public comments, and then adopted the analysis and findings listed in the attached memorandum dated May 12, 2018, and approved the Conditional Use Permit for an 8,996 square foot marijuana cultivation facility to be conducted as described in the project description and project drawings submitted with the application and with 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 permit. The vegetative cover areas shown on the plans shall be maintained with live vegetative cover.

Taku Horticulture Company, LLC
 File No.: USE2017 0006
 May 24, 2018
 Page 2 of 2

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.

Attachments: May 12, 2018, memorandum from Laura A. Boyce, AICP, Community Development, to the CBJ Planning Commission regarding USE2017 0006.

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.

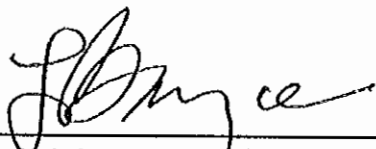
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ 01.50.030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

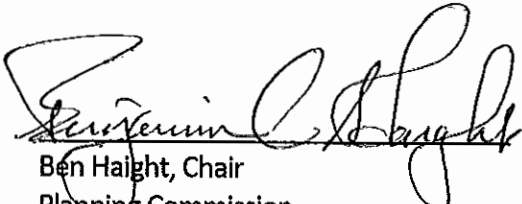
Effective Date: The permit is effective upon approval by the Commission, May 22, 2018.

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

Conditional use permits issued to marijuana establishments under CBJ chapter 49.65.1245(e) shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title.

Project Planner:


 Laura A. Boyce, AICP, Planner
 Community Development Department


 Ben Haight, Chair
 Planning Commission


 Filed With City Clerk

May 31, 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.