

# Agenda

## Planning Commission - Regular Meeting City and Borough of Juneau Ben Haight, Chair

March 27, 2018  
Assembly Chambers  
7:00 PM

- I. ROLL CALL
- II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA
- III. APPROVAL OF MINUTES
  - A. February 27, 2018 Draft Minutes - Regular Planning Commission Meeting
- IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
- V. ITEMS FOR RECONSIDERATION
- VI. CONSENT AGENDA
  - A. USE2018 0002: A Conditional Use Permit to allow an encroachment of approximately 8 feet into the rear yard setback
- VII. UNFINISHED BUSINESS
- VIII. REGULAR AGENDA
- IX. BOARD OF ADJUSTMENT
- X. OTHER BUSINESS
  - A. Juneau Downtown Harbors Uplands Master Plan
- XI. STAFF REPORTS
- XII. COMMITTEE REPORTS
- XIII. LIAISON REPORTS
- XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
- XV. PLANNING COMMISSION COMMENTS AND QUESTIONS
- XVI. ADJOURNMENT

Agenda  
**Planning Commission**  
***Regular Meeting***  
CITY AND BOROUGH OF JUNEAU  
*Ben Haight, Chairman*  
February 27, 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 7:03 p.m.

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

**Commissioners absent:** Dan Miller, Paul Voelckers

**Staff present:** Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Jill Maclean, Senior Planner; Robert Palmer, Assistant Attorney II

**Assembly members:** None

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

**III. APPROVAL OF MINUTES**

January 23, 2018 Draft Minutes – Regular Planning Commission Meeting

**MOTION:** *by Mr. LeVine, to approve the Planning Commission regular meeting minutes from the January 23, 2018 meeting with any minor modifications by staff or Commission member.*

***The motion passed with no objection.***

**IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None**

## V. CONSENT AGENDA

**CSP2018 0002:** A consistency review for the lease of the Eagle Valley Center ropes course to Southeast Alaska Independent Living (SAIL)

**Applicant:** City & Borough of Juneau

**Location:** Eagle Valley Center, 24600 Amalga Harbor Road

### Staff Recommendation

Staff finds CSP2018 0002 to be consistent with the 2013 Comprehensive Plan and Title 49 and recommends that the Planning Commission forward a recommendation of approval to the Assembly.

**MOTION:** *by Mr. LeVine, to approve CSP2018 0002.*

***The motion passed with no objection.***

## VI. UNFINISHED BUSINESS

**AME2016 0002:** A text amendment to CBJ code 49.20 regarding variances

**Applicant:** City & Borough of Juneau

**Location:** Borough-wide

### Staff Recommendation

Staff recommends that the Planning Commission review and consider the proposed ordinance and forward a recommendation for approval to the Assembly.

Ms. Boyce told the Commission that this is the third public hearing on this item. This hearing was preceded by a hearing conducted December 12, 2017, and also by a public hearing held January 23, 2018.

This draft ordinance regarding variances accomplishes five different objectives, said Ms. Boyce:

- ✓ Provide clarity regarding what is and what is not variable
- ✓ Remove the preliminary threshold requirement
- ✓ Require the posting of a public notice sign for those of variances requiring a public hearing
- ✓ Amend the variance criteria to reduce subjectivity
- ✓ Amend the De Minimis/administrative variance

### *Options*

The staff have developed two options for the Commission to consider regarding this ordinance, said Ms. Boyce. One option lists what can be varied in the code and the other option leaves the code open for variances and includes some items that cannot be varied, said Ms. Boyce. The

items in the code which have been considered design or dimensional standards and for which variances have been approved include:

- ✓ lot width
- ✓ lot depth
- ✓ yard setbacks
- ✓ building height
- ✓ fence height
- ✓ streamside buffers
- ✓ vegetative cover
- ✓ Eagle nest tree buffers
- ✓ parking requirements
- ✓ access requirements
- ✓ Panhandle requirements
- ✓ sign requirements
- ✓ design standard changes

Option Two would be limited to five items that cannot be varied, said Ms. Boyce:

- ✓ Chapter 49.65 of the code regarding specified uses
- ✓ Chapter 49.35 which is the public and private improvements chapter
- ✓ No variance which applies to land use or structures
- ✓ No variance which applies to housing density
- ✓ No variance which applies to lot area

#### *Criteria*

Ms. Boyce told the Commission that the five criteria proposed for this ordinance are:

1. Enforcement of the ordinance would result in an unreasonable hardship
2. The unusual or special conditions of the property are not caused by the person seeking the variance
3. The granting of the variance will not be detrimental to public health, safety, or welfare
4. The granting of the variance is narrowly tailored to relieve the hardship
5. The granting of the variance does not result in a smaller lot size, a greater density, or greater lot coverage than allowed for the zone district

Criterion five may need to be deleted depending on which option the Commission selects, said Ms. Boyce.

#### *Amend the De Minimis Variance*

The intent of this amendment is to eliminate potential problems arising from the existing De Minimis variance standards, said Ms. Boyce. If it is called an “administrative variance” it will be clear to the public that this type of variance can be obtained with the approval of the Director, and not have to go before the Planning Commission, said Ms. Boyce.

The criteria for a De Minimis variance are less constrained than those criteria for a regular variance, said Ms. Boyce. They propose that the director can grant an administrative variance before or after the fact when projections will not encroach more than 25 percent or two feet into yard setbacks, or whichever is less. Ms. Boyce said the Director may approve an administrative variance after determination of all of the following criteria:

- ✓ Enforcement of the setback ordinance would result in an unreasonable hardship
- ✓ The granting of the variance is not detrimental to public health, safety, or welfare
- ✓ The granting of the variance is narrowly tailored to relieve the hardship

#### *Commission Comments and Questions*

Mr. LeVine asked why there are separate criteria applied.

Mr. Dye said he thought this was derived from a concern voiced by Mr. Miller that foundations could accidentally be poured over a line. He said historically a De Minimis variance was obtained after the noncompliant act. The new verbiage states that it could be before or after the fact, said Mr. Dye.

Mr. LeVine said he did not understand why there would be separate criteria for the De Minimis variance. He asked why the separate criteria for the De Minimis variance had been developed by the staff.

Ms. McKibben said the existing criteria within the De Minimis variance are for an unintentional mistake that does not negatively impact the neighborhood. This revised language was intended to be more in line with the regular variance in that an unreasonable hardship existed, which was not part of the original De Minimis variance language, explained Ms. McKibben.

Mr. LeVine said he was concerned about a situation in which the Director could determine that an individual who had already constructed their home and would be forced to tear the whole thing down, to conform with the setback because the surveyor made a mistake. That is an unreasonable hardship, he said. But it is not an unreasonable hardship if someone knowingly built into the setback, he said.

Mr. Dye asked Mr. LeVine to clarify his concern.

Mr. LeVine said he is concerned that there is a very limited distinction between constructing a home three feet into the setback and have that not perceived as an unreasonable hardship and building two feet into the setback and have that interpreted as an unreasonable hardship.

Mr. Dye said he was at the Title 49 committee meeting when this was discussed. The 25 percent or two feet distinction occurred because based upon Mr. Miller's experience, two feet was more than reasonable to not be an occurrence which happened by accident.

Mr. LeVine said he understands there should be a remedy for someone who makes an error by building a small amount over the setback by mistake. He said he has a problem with the actual language of the standards and the distinction between what would be allowed as an administrative variance and what they would not allow as a regular variance, when the language is the same.

Mr. Palmer said this is a balance which is an intersection of policy and law. Mr. Palmer said on page three and five of the draft ordinance under the administrative variance the first criterion is

identical to the same criterion under the regular variance. If the Director is to make a decision on whether an unreasonable hardship exists, presumably that could be used as persuasive evidence for a Planning Commission decision. If the Planning Commission makes a decision on unreasonable hardship, its decision would probably carry more weight than the Director's decision, said Mr. Palmer. The Director's decision could be appealed at the Planning Commission level, said Mr. Palmer. They could change the standard and make it slightly different, said Mr. Palmer, if this raises a concern of the Commission.

Mr. Steedle asked Mr. LeVine if his concerns are about criterion two in the non-administrative variance. Mr. Steedle said he thinks that is the key distinction between the two types of variance.

Mr. LeVine said that was his initial concern, but now he is more concerned about what constitutes an unreasonable hardship. Someone could construct their home and by mistake build six inches into the setback, and that could be determined by the Director as an unreasonable hardship, said Mr. LeVine. Meanwhile, he said, someone could purposely build their house 24 inches into the setback, and instead of going to the Director, go to the Planning Commission and request an after-the-fact variance. The hardship would be the same in both cases, he said. In both cases, the hardship would be that the individuals would have to reconstruct their entire home. He said if the Commission is comfortable that criterion two addresses that concern because no one could make a 25-inch mistake, then that would be the distinction between the two types of variance.

#### *Public Notice*

A notice would be mailed to adjoining neighbors, said Ms. Boyce. They would have a 14-day response period, she said. They could provide written comments and letters of support, she said.

For the variance which requires a public hearing, there would be a posting of a public notice sign on the applicant's property, with a mailed notice to neighbors residing within 500 feet of the property, said Ms. Boyce. The decision of the Planning Commission would be appealable to the Assembly, said Ms. Boyce, as it is today.

#### *What Can Be Varied*

Ms. Boyce said within the current code dimensional standards and design standards can be varied.

In Option One, a variance is required for building setbacks, lot width, lot depth, and the building height, and the standards directly related to habitat and canopies, said Ms. Boyce. Option Two prohibits a variance for any requirement or regulation of Title 49 concerning the use of land or structures, housing density, lot area, requirements in Chapter 49.65, or requirements in Chapter 49.35.

### *Code Review Analysis Process*

The two options presented for the Commission this evening are the result of their comments on this draft amendment at the Planning Commission meeting when this was last discussed, said Ms. Boyce.

### *Setbacks*

Ms. Boyce presented the Commission with a table indicating the types of variances considered since 1987. Setbacks were by far the most frequently occurring variance requests, noted Ms. Boyce. In the staff report there are also listed code changes in progress and those code changes the staff would like to see implemented, said Ms. Boyce.

There is the Alternative Development Overlay District (ADOD), said Ms. Boyce, which will provide flexibility until they can develop better zoning for those districts. The Planning Commission has also recommended approval to the Assembly for an energy efficiency encroachment into the setbacks, she noted. There are also a number of setback encroachments and setback reductions in code, said Ms. Boyce. The administrative variance is recommended as a before-the-fact variance, she said. That can also provide additional flexibility that is not available today, she said.

### *Parking*

Parking is the most frequently occurring variance type after setbacks, said Ms. Boyce, with 114 variances requested since 1987. The parking waiver has been implemented, said Ms. Boyce. There are two existing areas in town now which reduce the parking requirement, said Ms. Boyce. And there also is the in lieu district in which a party can pay instead of providing the required parking, said Ms. Boyce.

### *Streamside Buffers*

They recommend that streamside buffers remain variable within Option One, said Ms. Boyce.

The goal is to develop a more flexible code, said Ms. Boyce. The staff recommends that the Planning Commission review and consider the proposed ordinance and forward a recommendation to adopt Option One along with the ordinance for approval to the Assembly, said Ms. Boyce.

### *Commission Comments and Questions*

Mr. Frisby asked if after adoption the ordinance criteria could be added to on a case by case basis.

Ms. Boyce clarified that the six items which can be varied are listed in Option One. She said if this list is not in line with the will of the Planning Commission, it could edit this list. This list could be deleted if the code was amended in the future to incorporate the items.

Mr. Dye asked Ms. Boyce if she could clarify the staff's concerns with Option Two. He said it is not clear to him why Option One would be more clear for the public's understanding that Option Two.

Ms. Boyce responded that the feedback from the public is that it wants increased consistency and predictability within the code. Prior to the Olmo decision, said Ms. Boyce, that predictability and consistency were not apparent. Option One provides a clear list of what is variable, she said. Option Two is more open and not as explicit, she said.

Mr. Dye said Option Two seemed clear to him that there is a need to always have the ability to grant a variance. He asked Mr. Palmer to expand upon the advantages and disadvantages of each option.

Mr. Palmer said he felt that Ms. Boyce adequately explained the staff's preference for Option One. He said both options can be made to work. He said choosing between the two options is a policy question. Option Two may be very appealing to the Planning Commission, said Mr. Palmer, because it gives the Commission incredible review power. There is a check and balance in place, because while Director decisions may be appealed to the Planning Commission, Planning Commission decisions may be appealed to the Assembly, he explained. The big caveat with Option Two is that it requires the Planning Commission to be diligent in its application of the criteria, he said. The huge potential benefit with Option Two is that there may be things in Title 49 that could possibly be varied that have not been fully anticipated by the staff.

Mr. LeVine said he had a comment about criterion two; *"The unusual or special conditions of the property are not caused by the person seeking the variance."* He said he felt that the points of criteria one and two is that enforcement of the ordinance would create an unreasonable hardship due to unusual or special conditions on the property. The unusual or special conditions show up in criterion two without being prefaced, said Mr. LeVine. He said he felt that it should perhaps be more broad, stating that, *"The hardship is not caused by the person seeking the variance"*. He said it could also be stated that, *"Enforcement of the ordinance is caused by hardship due to unusual or special conditions of the property"*.

Mr. Palmer stated that pages 50 and 51 of the staff report analyze criteria one and two. He said there is significant overlap between the two criteria. He said the nuance is what is the cause of the unreasonable hardship. The unusual or special condition of the property is not explicitly stated in criterion one. He said he did not think there is any way that criteria one and two could be read together without reaching the conclusion that the unusual or special conditions on the property are the cause of the hardship.

Mr. LeVine said he felt that his suggestion for the phraseology of criterion two made it more comprehensible, because nowhere in the criteria does it state that there are unusual or special conditions of the property. He said he thought there could just be a small change in the language for clarity's sake.

Mr. Palmer said that he felt that this would help clarify the criteria.

Mr. Dye said he felt found Option Two very appealing because it gives the Commission more latitude. He said he felt safe with Option Two with a good staff to assist the Commission in its decisions.

**MOTION:** *by Mr. Dye, to add Option Two into the ordinance, along with the accompanying deletions.*

(Criterion five is therefore deleted, since it would only be necessary should Option One be selected: *"The grant of the variance does not result in a smaller lot size, a greater density, or greater lot coverage than allowed for the zone district".*)

Mr. Greene said it was his impression that Option One provided more flexibility for the Planning Commission, while Option Two provided less flexibility for the Planning Commission.

Ms. Boyce clarified that Option Two only provides what cannot be varied. Everything that could be varied by the Commission is essentially everything that is not listed in that option. Option One limits the Commission's choices to what is listed within that option.

***Option Two was approved by the Commission by unanimous consent.***

Mr. LeVine stated that the ordinance gives the Director the authority to vary the setbacks in all directions. That could result in a home being constructed four feet wider and deeper (up to two feet on each side) than allowed by code, he stated. He said that is an awfully big encroachment into all of the setbacks. He asked if it may be better to limit the Director's authority to encroachment of one setback or two, in case a corner needed to be varied.

Mr. Frisby asked how many administrative variances are granted on an annual basis.

Ms. Boyce said the De Minimis variance was added to code in 1995, and that approximately 12 De Minimis variances have been granted since then. As they are currently written in code, she explained, they are after-the-fact variances. The administrative variance as stipulated in this ordinance gives the potential of the variance being granted before construction, she explained.

Mr. Greene asked if a De Minimis variance has ever been declined.

Ms. McKibben responded that there have been situations where the Director elected to not make a decision on a De Minimis variance and the applicant was advised to apply for a regular variance in front of the Planning Commission.

Mr. Greene said he guessed all of those after-the fact variance requests were approved. He said if the house was already constructed, when the variance was requested, who would deny it.

Chairman Haight said according to the table provided by the staff that all of those 12 De Minimis variances were approved.

Mr. LeVine said the current draft ordinance before them allows the variance to be sought prior to construction instead of just after the building had already been constructed. He said this process makes sense to him. He said the question for him is how much power does the Director have in comparison with the Planning Commission, and is the Commission comfortable with how broad the language in the draft ordinance is. He said this provision is intended for people who make a mistake. He said he may be more comfortable if the Director was limited to granting an administrative variance to no more than two setbacks.

Mr. Campbell asked about rotation. He said that would involve four sides of a building.

Mr. LeVine acknowledged that Mr. Campbell was correct.

Ms. McKibben said they have received fewer De Minimis variance requests because the CDD has changed its policies about when they require a setback verification form and when they require a surveyor. When someone applies for a building permit, if they are a certain number of feet from a setback they require a surveyor, where in the past that was not always a requirement, she explained. Following this procedure has substantially reduced the amount of error which takes place during construction, she said.

Mr. Palmer said if they evaluate the unreasonable hardship language for the first criterion, that for an after-the-fact variance depending how far along the project is, with the setback verification forms they are typically catching surveyor errors earlier in the process so that the staff has a somewhat different analysis of what constitutes an unreasonable hardship. A different analysis may be required for someone requesting a variance prior to construction, said Mr. Palmer. If someone was trying to obtain a variance prior to construction for a maximum of two feet it may difficult to find an unreasonable hardship in that circumstance, for example, said Mr. Palmer. The Director has the ability to analyze those two different types of cases by different standards because of the interests that are at stake and how far along the project is, he added.

Mr. Hickok said as he recalls the construction of his own home, once the forms and the rebars for the foundation were in, an inspection was required. He said if the distance from the setback was inspected at that point it would not be such a hardship to rebuild if the building was incorrectly sited.

Mr. Dye said they are inspecting for other things on the foundation but they are not inspecting how the house is situated in terms of adequate setbacks. The City Inspector during the building code enforcement is not doing what would amount to another survey at that time, he said.

Ms. McKibben said that the setback verification is to happen prior to the pouring of the foundation. If construction is within three feet of a setback it is now required that a surveyor verify the placement of the building, she said.

Mr. LeVine said he is very conscious that they are implementing changes so they are not bound by the precedent of the previous variances. Upon reading the staff report, Mr. LeVine said he

wondered if Mr. Palmer in particular is satisfied that the staff report is adequate in its explanation for the ordinance, since this is what will be used in the future for reference when an issue arises.

Mr. Palmer said he thinks the staff report is as close to perfect as it can be. He said if all nine Commission members were to draft the ordinance it may say something slightly different, and the minutes from the Planning Commission will affect the staff report. It is the decision of the Planning Commission which is forwarded to the Assembly, he said, not the staff's decisions.

The findings in the staff report would contribute to the body of work reviewed by the Assembly, he said, as background to the Commission's decision. The Assembly and the courts in Alaska give the Planning Commission decisions significant deference, said Mr. Palmer.

Chairman Haight said the Commission reviews and gathers as much information as it can in each case, and from that body of knowledge it makes its decisions.

**MOTION:** *by Mr. LeVine, to approve AME2016 0002 for submission to the Assembly subject to the motion of Mr. Dye to select Option Two, and to the language alterations discussed earlier regarding criteria two.*

**Roll Call Vote:**

**Yeas:** Greene, Campbell, LeVine, Hickok, Dye, Haight

**Nays:** Frisby

***The motion passed.***

**VII. REGULAR AGENDA - None**

**VIII. OTHER BUSINESS**

| 2018 Committee Assignments |                  |            |            |            |            |         |         |          |         |                |
|----------------------------|------------------|------------|------------|------------|------------|---------|---------|----------|---------|----------------|
|                            | Auke Bay Implem. | Comp. Plan | Title 49   | SRC        | Rules      | JCOS    | Lands   | Wetlands | PWFC    | Downtown Plan  |
| <b>Campbell</b>            |                  | Member     |            | Member     |            |         |         | Liaison  |         | To Be Assigned |
| <b>Dye</b>                 | Member           | Member     | Chair      |            |            |         |         |          |         | To Be Assigned |
| <b>Frisby</b>              |                  |            |            | Member     | Member     |         |         |          |         | To Be Assigned |
| <b>Greene</b>              |                  |            | Member     |            |            |         |         |          | Liaison | To Be Assigned |
| <b>Hickok</b>              | Member           | Member     |            | Member     | Member     |         |         |          |         | To Be Assigned |
| <b>LeVine</b>              |                  | Chair      | Member     | Chair      | Chair      | Liaison |         |          |         | To Be Assigned |
| <b>Miller</b>              | Chair            | Member     |            |            |            |         |         | Liaison  |         | To Be Assigned |
| <b>Voelckers</b>           | Member           |            | Member     |            |            |         | Liaison |          |         | To Be Assigned |
| <b>Haight</b>              | Ex Officio       | Ex Officio | Ex Officio | Ex Officio | Ex Officio |         |         |          |         | To Be Assigned |

**IX. STAFF REPORTS**

Mr. Steedle said the planner position is still vacant and they are still in the selection process. They had offered the position to an individual who accepted a position with another community.

Ms. McKibben said the Auke Bay ad hoc committee is currently scheduled to meet on March 15. There has been another meeting scheduled for the same time in the same place, she said. She said she has sent an email out to the members asking if they can meet on another date, or at another time on March 15.

**X. COMMITTEE REPORTS***Comprehensive Plan Ad Hoc Committee*

Mr. LeVine reported that the Comprehensive Plan Ad Hoc committee held its first meeting this evening prior to the regular Planning Commission meeting. He reported that they will be asking for two members from the Assembly to join the committee, and that their next meeting will be held in two to three weeks.

*Auke Bay Implementation Plan Committee*

The Auke Bay Implementation Plan committee met last week. Mr. Hickok reported that at that meeting they decided to try to gather more members from the Auke Bay area involved on the committee. They are trying to revise a road system through the community, said Mr. Hickok.

Chairman Haight said Mr. Voelckers is going to try to meet with property owners and start a dialogue on what can be done to make this happen.

**XI. LIAISON REPORTS - None****XII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None****XIII. PLANNING COMMISSION COMMENTS AND QUESTIONS**

Mr. Dye noted that the agendas were not in the correct order this evening. He said they were in the old format.

Mr. Steedle said this is part of the software problems the department has been experiencing.

**XIV. EXECUTIVE SESSION**

- a. Attorney update regarding the Granite Mountain Properties LLC appeal of USE2017 0006

**MOTION:** *by Mr. LeVine, who said based upon their discussion during executive session that he moves that the Planning Commission direct the City Attorney to move forward and proceed with settlement talk on the issue of the Granite Mountain Properties LLC appeal based on the Planning Commission having a supplemental hearing on the Conditional Use Permit.*

Mr. Campbell said he may have a potential conflict. He said he is a property owner about three doors down from the Taku property.

Mr. Palmer said if Mr. Campbell felt that he could be fair and unbiased on any supplemental hearings on this topic that he would not have to step down from the Commission to address this issue.

Mr. Greene asked if it would be possible for Mr. Campbell to be truly objective when he was a property owner just a few doors down.

Mr. Campbell said he believed that he could be unbiased, but that he leaves this decision up to the Commission.

Mr. LeVine requested that the Commission be polled on the issue of whether Mr. Campbell could remain on the Commission while dealing with this issue.

**Commission Poll:** *is the Commission comfortable with the participation of Mr. Campbell in an unbiased manner on this item.*

**Yeas:** Greene, Hickok, Frisby, Dye, LeVine, Haight

**Nays:**

***The Commission agreed that Mr. Campbell could remain on the Commission for this item.***

**MAIN MOTION:** *(by Mr. LeVine, who said based upon their discussion during executive session that he moves that the Planning Commission direct the City Attorney to move forward and proceed with settlement talk on the issue of the Granite Mountain Properties LLC appeal based on the Planning Commission having a supplemental hearing on the Conditional Use Permit.)*

***The Commission approved the main motion by unanimous consent.***

## **XV. ADJOURNMENT**

***The meeting was adjourned at 8:54 p.m.***



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

**DATE:** March 12, 2018

**TO:** Planning Commission

**FROM:** Jill Maclean, Senior Planner, AICP  
Community Development Department

A handwritten signature in black ink, reading 'Jill Maclean', is positioned to the right of the 'FROM:' field.

**CASE NO.:** USE2018 0002

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

**GENERAL INFORMATION**

**Applicant:** Building Pros Inc.

**Property Owner:** JMA Building

**Property Address:** Airport Blvd

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

**Parcel Code Number:** 5B1501090020; 5B1501090030; 5B1501090041

**Site Size:** 2,522; 4,554; 3,428 sq. ft. (total 10,504 sq. ft.)

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

**Zoning:** General Commercial (GC)

**Utilities:** CBJ Water/Sewer

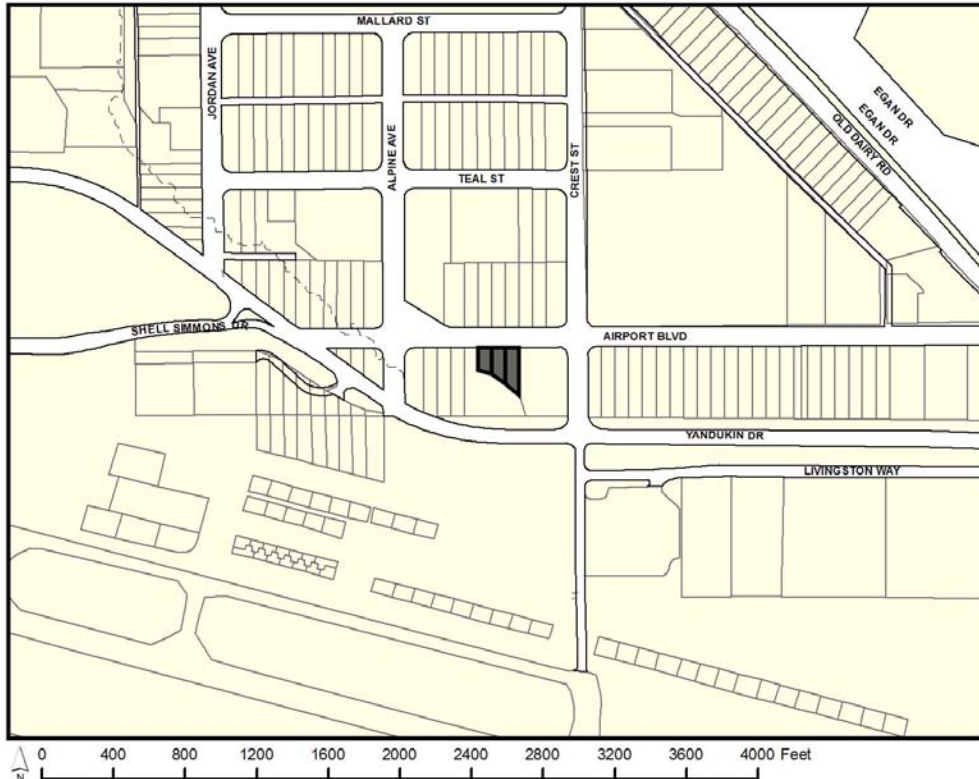
**Access:** Airport Blvd

**Existing Land Use:** Vacant

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Surrounding Land Use:                      North: storage facilities (GC)  
                                                         South: vacant, CBJ-owned (GC)  
                                                         East: Juneau Mercantile Armory (GC)  
                                                         West: vacant/Jordan Creek, CBJ-owned (I)

### **VICINITY MAP**



### **ATTACHMENTS**

Attachment A – Application  
Attachment B – Public Notification  
Attachment C – Site Plan Depicting Proposed Encroachment  
Attachment D – Map of Floodplain

### **PROJECT DESCRIPTION**

The applicant requests a Conditional Use Permit to allow an encroachment varying from approximately five to eight feet into the rear yard setback on three existing parcels located on Airport Blvd. in a General Commercial (GC) zone. These parcels adjoin CBJ-owned land which is managed by Parks and Recreation. The requested encroachment better accommodates the construction of a four-unit commonwall (townhouse style) development and associated parking and access.

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### **BACKGROUND**

The proposed use, four commonwalls (townhouses), is a permissible use with director approval as a minor development, commonwall subdivision, in a GC zoning district (CBJ 49.65.700).

The existing lots are vacant with frontage along Airport Blvd. The three existing parcels abut CBJ-owned property, which contains a segment of Jordan Creek and its floodplain. Portions of the parcels are located in an AE Flood Zone (see Analysis section for more detail). The applicant proposes to subdivide the property creating four lots for the commonwall development (the existing lot lines will be adjusted and a fourth added as shown in Attachment C).

The applicant seeks the approval to encroach into the rear yard setback of the property varying from approximately five to eight feet (see Attachment C). The requested encroachment varies due to the angled rear lot lines that parallel Jordan Creek. The proposed encroachment provides for a more efficient site development and layout by expanding the garages of the four commonwall units. One constraining factor in the site design is the required on-site traffic circulation because back-out parking is not permitted for residential uses in commercial districts. The expanded floorplans allow for greater maneuverability and provide adequate off-street parking so that the shared driveway is not needed for parking. Additionally, the project would develop three vacant, irregularly shaped lots and add four housing units to the community while mitigating impacts to the Jordan Creek buffer by constructing a fence and preventing future encroachment into the buffer (see Condition 1).

### **ANALYSIS**

CBJ 49.25.430(4)(N) requires that the Conditional Use Permit process is used when the affected setback adjoins publicly owned land dedicated for open space.

*49.25.430(4)(N) Parcels adjoining publicly owned land. The commission, through the conditional use permit process, may allow structural projections into required side or rear yard setbacks if the affected yard adjoins publicly owned land which has been placed in a park, open space, or similarly restrictive land management classification; provided such projections are minimized and are necessary to prevent substantial hardship to the applicant. The commission may deny such requests if it finds that the structure, with the addition, would result in excessive blockage of views, excessive restriction of light and air, or other deleterious impacts.*

The issuance of a Conditional Use Permit in such a circumstance instead of a variance was adopted into the CBJ Land Use Code in 1991 by CBJ Ordinance 91-03. This was to recognize that placing a structure in a setback next to publicly owned land may have less impact on provision of light, air, and privacy than if it were placed adjacent to private property. The record also indicates it was done so that this type of encroachment would not have to meet the high

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threshold of approval that a variance must meet in order to be approved. There is, however, similar emphasis on the prevention of substantial hardship as is found in the variance criteria. In addition to the elements normally addressed for a Conditional Use Permit, the requirements of 49.25.430(4)(N) are also addressed throughout this report and more specifically below, under 'Findings'.

### **Project Site**

The project site consists of three lots, totaling approximately 10,504 sq. ft., accessed via Airport Boulevard in a GC zoning district. The applicant intends to vacate the existing property lines and subsequently subdivide into four commonwall lots. The minimum lot size in a GC zoning district is 2,000 square feet. Setbacks in the GC zoning district are ten feet in the front, rear, and side yards. The maximum height for the GC zoning district is 55'.

The lots are bordered on the west and south by land owned by the CBJ and managed by CBJ Parks and Recreation. The rear lot lines adjacent to the CBJ owned land vary due to the meandering of Jordan Creek. The lots become deeper, and therefore larger, moving west to east.

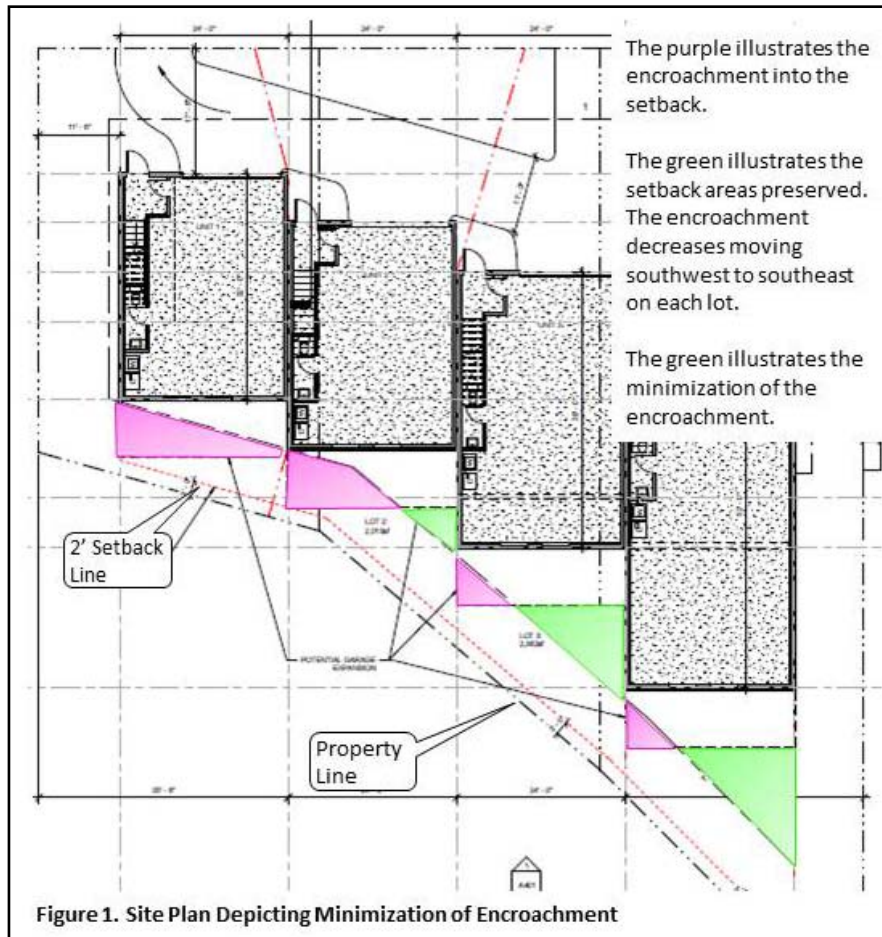
The lots are irregularly shaped with an angled rear lot lines that impacts the size and siting of the proposed lots and units (see Attachments A and C). The applicant has stated that the cost to construct such irregularly shaped buildings is significantly more than if the lots were a standard (rectangular) shape. The alternative to not encroaching into the rear setback is to construct buildings with a diagonal wall, which would increase construction cost. In order to create a profitable development the impact of the angled rear lot lines must be accommodated in some manner. The applicant stated that the cost increase to develop the vacant and underutilized lots is a substantial hardship.

### **Project Design**

The project includes four commonwall units with associated garages, parking, and access. The proposed encroachment varies between approximately five to eight feet into the rear setbacks. The eastern lots are deeper and therefore less impacted by the irregularly shaped lots. The applicant's proposal sites the units with decreasing amounts of encroachments into the rear yard setback from west to east. The two most westerly units are proposed to encroach eight feet into the rear setback to provide space in the garages for the required parking; the two most easterly units are proposed to encroach five feet into the rear setback. The white areas in Figure 1 on the next page illustrate the portions of the required setbacks that are being maintained.

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It should be noted that the encroachment for each unit is greatest at the southwest corner of each unit (see the purple areas in Figure 1 and Attachment C). As the buildings are not parallel to the setback line, the encroachment decreases at the southeast corner of each unit. Further, the encroachment is offset by the area preserved by not constructing a diagonal wall for the units (see the green areas in Figure 1 on the next page and Attachment C).



The reduced setbacks will better accommodate parking and access by allowing for the expansion of the garages (see Attachment C). As back-out parking is not allowed for residential uses in commercial zoning districts, the site must contain the required off-street parking spaces and ensure that the shared driveway will not be used for parking. Siting the shared driveway, buildings and parking is difficult due to the setbacks from the angled rear lot lines. The proposed encroachment allows for the expansion of the garages and a more efficient use of the site.

The proposed siting also provides for an 11 foot wide shared driveway, which is an acceptable width for public safety (see Agency Review section) for this type of development and location,

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given the proximity to Airport Boulevard. Therefore, the proposed siting of the development with decreasing amounts of encroachments into the setback meets the requirement of 49.25.430(N) to minimize encroachments.

**Traffic**

The proposed four unit commonwall falls under the “Residential Condominium/Townhouse” Land Use in the Trip Generation Handbook. Residential Condominium/Townhouses are defined as ownership units that have at least one other owned unit within the same building structure. Based upon this categorization the Average Daily Trips (ADT) for this type of development is 5.81 trips per dwelling unit per weekday, 5.67 trips per dwelling unit per Saturday, and 4.84 trips per dwelling unit per Sunday. CBJ 49.40.300 states that a traffic impact analysis is not required when a development is projected to generate less than 250 average daily trips. The expected traffic generated by the four commonwalls is less than the traffic expected from other surrounding uses in this GC zoning district.

**Parking and Circulation**

According to CBJ 49.40.210, the proposed development requires two parking spaces per dwelling unit. The attached garages provide two parking spaces per unit. Back-out parking is not allowed for residential uses in commercial zoning districts (CBJ 49.40.230 (7)). The shared driveway is 11 feet in wide and meets Capital City Fire & Rescue standards for adequate accessibility due to the proximity of Airport Boulevard.

**Noise**

The development is not expected to generate noise beyond that of uses allowed outright in the GC zoning district.

**Public Health or Safety**

There is no evidence that there will be any negative impacts to public health or safety if the applicant is allowed to place the structures within the rear yard setback. The abutting CBJ property has been classified as Stream Protection Corridor, and will not be developed, thus maintaining adequate open space for light and air. It is recommended as a condition of approval that a fence be constructed along the rear property line to prevent future encroachments and use of the adjacent CBJ owned property. The proposed structures meet requirements for height and dimensional standards, except the rear setback, and will meet all building and fire code requirements. Additionally, the 11 foot wide shared driveway provides adequate room for vehicles to turn around on site before entering Airport Boulevard.

**Habitat**

The site is located adjacent to Jordan Creek. The creek is an anadromous fish stream and an impaired water body. Jordan Creek is located on the property owned by CBJ. The proposed structures are located outside the 50-foot streamside buffer. No development is proposed in the streamside buffer area.

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Portions of the lots are located in a mapped flood zone according to the 2013 FEMA flood maps (see Attachment D). The flood zone is an AE zone. AE Flood Zones are located between the limits of the base flood area areas that have a 1% probability of flooding every year (also known as the "100-year floodplain"), and where predicted flood water elevations above mean sea level have been established. Properties in Zone AE are considered to be at high risk of flooding under the National Flood Insurance Program (NFIP). Portions of the units are located within the flood zone, and fill is permitted in the AE zone. Any necessary flood permits will be required through the building permit review.

No other known habitats regulated by Title 49 are located on the site.

#### **Property Value or Neighborhood Harmony**

The project site is located in a GC zoning district. The area also contains the airport, Juneau Mercantile Armory, storage facilities, and office space. The project develops three vacant sites and adds four housing units to the community while mitigating impacts to the Jordan Creek buffer. Available evidence indicates that property values will not be affected and the proposed encroachment and associated development is in harmony with the surrounding neighborhood. As stated below under Agency Review, the Director of Parks and Recreation has no concerns regarding this encroachment.

#### **CONFORMITY WITH ADOPTED PLANS**

##### **2013 Comprehensive Plan**

As stated above, the Comprehensive Plan Land Use Map G designates this area as Commercial (C). This designation supports mixed retail/residential/office uses. Residential densities ranging from 18- to 60-units per acre are appropriate in this area, with even higher densities appropriate in mixed-use or transit-oriented developments. The site is located in an established mixed use district.

#### **Chapter 4 – Housing Element**

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.

The following standard operating procedures (SOPs) support the applicant's proposal:

4.2 - SOP1 Designate on the Comprehensive Plan Land Use Maps adequate sites and supporting infrastructure within the Urban Service Area Boundary to accommodate a diversity of housing types, size, price and types of neighborhood scale and character to satisfy the desires of all residents.

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4.2 - SOP3 The CBJ government should seek and facilitate new housing production, for all types, at an annual rate that mimics the growth rate of new households in Juneau, in order to maintain adequate choice of residence type, location, and cost.

Policy 4.7 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.

The following development guideline (DG) supports the applicant's proposal:

4.8 - DG1 When reviewing rezoning applications within the Urban Service Area, higher densities than are found on adjacent or surrounding properties should be deemed consistent and harmonious with the character of the neighborhood, provided that the overall scale and massing of the new development is compatible with the neighborhood and the siting and/or design of the new structure(s) assures the privacy, light and air of its neighbors.

The project site is depicted on Land Use Map G and located within Subarea 4 East Mendenhall Valley. The Community Form is categorized as Suburban/Urban. The Plan identifies guidelines and considerations for each subarea. For this location the Plan identifies the need for the maintenance of existing neighborhoods while encouraging in-fill development of low-to-moderate income affordable housing.

## **Chapter 7 – Natural Resources and Hazards**

POLICY 7.3 TO PROTECT RIPARIAN HABITAT, INCLUDING STREAM CORRIDORS AND LAKE SHORELINES, FROM ADVERSE EFFECTS OF DEVELOPMENT AND TO PROVIDE A HIGHER LEVEL OF PROTECTION FOR NON-URBAN SHORELINES IN PUBLIC OWNERSHIP.

7.3 - DG On privately-owned lands, require a minimum setback of 50 feet from the OHWM of all creeks, stream corridors and lake shorelines listed in the most recently CBJ-adopted ADF&G inventory of anadromous fish streams. This 50-foot setback is to be considered a basic or minimum setback from the water body and its riparian habitat until a biological functional analysis of the water body and adjacent habitat is conducted that identifies a specific greater or lesser setback distance appropriate to the development and functional value of the particular water body and associated riparian habitat, and an ordinance amending that setback is adopted.

The applicant's proposal recognizes development guideline 7.3 - DG3 and does not propose any encroachments into the Jordan Creek buffer.

POLICY 7.7. TO PROTECT, MAINTAIN AND IMPROVE SURFACE WATER, GROUNDWATER AND MARINE WATER QUALITY IN ITS JURISDICTION SO THAT ALL WATERS ARE IN COMPLIANCE WITH

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FEDERAL AND STATE WATER QUALITY STANDARDS AND CONTINUE TO ALLOW AQUATIC LIFE TO THRIVE.

POLICY 7.18 TO PROHIBIT RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT IN FLOODWAYS, TO REGULATE DEVELOPMENT IN FLOODPLAINS, AND TO MAINTAIN A PROGRAM OF EDUCATION, ASSISTANCE, AND INFORMATION IN ORDER TO MAINTAIN ELIGIBILITY FOR THE NATIONAL FLOOD INSURANCE PROGRAM FOR THE BENEFIT OF LOCAL PROPERTY OWNERS AND THE LENDING INDUSTRY.

The applicant's proposal addresses Policies 7.7 and 7.18. The applicant is aware that due to portions of the units being located within the flood zone any necessary flood permits will be required through the building permit review (as stated above, fill is permitted in the AE zone) (see Attachment D). Additionally, a fence is recommended as a condition of approval to ensure that future property owners do not encroach into the Jordan Creek buffer.

#### **Chapter 9 – Parks, Recreation, Trails and Natural Area Resources Element**

Policy 9.3 TO PRESERVE AS PUBLIC NATURAL AREAS THOSE PUBLICLY-OWNED LANDS AND SHORELINE AREAS THAT POSSESS IMPORTANT RECREATIONAL, SCENIC, FISH AND WILDLIFE, AND OTHER ENVIRONMENTAL QUALITIES OR ARE SUBJECT TO NATURAL HAZARDS.

#### **Chapter 10 – Land Use Element**

Policy 10.6 TO REQUIRE NEW RESIDENTIAL DEVELOPMENTS TO MEET MINIMUM CRITERIA FOR OVERALL SITE DESIGN INCLUDING PROVISION OF LIGHT, AIR AND PRIVACY.

Given the following analysis, the project is found to conform to the Comprehensive Plan:

The applicant's proposal does not diminish the natural environment of the CBJ parcel, which is identified as a CBJ Stream Protection Corridor, as there is no proposed development on the adjacent CBJ lot, and the 50 foot buffer is being maintained. Additionally, a fence is recommended as a condition of approval to ensure that future property owners do not encroach onto the CBJ owned property. No trails go through the site. Given the Stream Protection Corridor designation, no future development of the CBJ lot is anticipated. There would be no issues regarding provision of light, air, privacy, or other deleterious impacts if this proposal approved.

#### **Housing Action Plan 2016**

The Housing Action Plan identifies Juneau's housing challenges as long-standing and significant, and asserts that housing supply does not meet demand in terms of housing type, size, price, or location. The Plan recommends growing the supply and diversity of housing aiming at specific numerical targets through new construction and preservation and through developing housing choices to accommodate the workforce needs.

The project is consistent with the Housing Action Plan.

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Juneau Economic Development Plan

The Juneau Economic Development Plan (JEDP) developed eight economic development priorities, including to “Promote Housing Affordability and Availability”. In order to accomplish the priorities set forth the Plan states Initiatives, Goals, and Actions. Specifically relating to housing is the Goal “Break down the housing barriers that are dampening economic growth”.

Given the priority and goal stated above the project is consistent with the JEDP, while balancing the protection of Jordan Creek and mitigating development in a mapped flood hazard area.

**AGENCY REVIEW**

The following agencies/departments provided comments on the proposed project.

**CBJ Lands & Resources Division:** *Staff has a concern of future property owners encroaching onto and utilizing CBJ land as backyards, given the 2 foot distance to the property line from the structure and request that a fence (minimum 4 ft. in height) be installed to prevent future encroachments onto CBJ land.*

**CBJ Parks & Recreation:** *Parks and Recreation has no issue with this request.*

**Capital City Fire/Rescue:** *Based upon the preliminary plans submitted, the shared driveway appears close enough to the main road (Airport Blvd.) and may not require an increased driveway width. A code analysis of the complete plan set must be provided prior to final plan approval by CCFR.*

**CBJ Building Division:** *No issues at this time.*

**CBJ General Engineering:** *No issues with the setback provided that a sediment control plan is submitted for review.*

**CBJ Airport:** *Please ensure applicant files FAA Form 7460 for obstruction to airspace including cranes etc., during building process. They will need a latitude/longitude, and full height of all equipment to be used during construction, as well as final height of building (including any antennas) since this is in the helicopter flight corridor.*

**PUBLIC COMMENT**

*No public comments were received as of 12 noon on March 9, 2018.*

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### **FINDINGS**

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

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

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

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

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

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

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

**Yes.** 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 1.920 for the GC 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 March 2, 2018 and March 12, 2018 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all

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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.** As discussed in the above analysis, the proposal is located in a GC zoning district on approximately 10,500 sq. ft. of land with adequate room for parking and circulation, should the Conditional Use permit be approved. 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 in the above analysis, the proposal is located in a GC zoning district and is surrounded by vacant parcels, storage facilities, Juneau Mercantile and Armory, Juneau International Airport, hotels, office space, and other mixed uses. No evidence indicates that the proposed development 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.** The development is in general conformity with Title 49, the 2013 Comprehensive Plan, and the Housing Action Plan.

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

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

N/A.

**8. Will the proposed development meet the additional criteria of 49.25.430(4)(N) in particular:**

**a) Is the affected yard adjoining publicly owned land which has been placed in a park, open space, or similarly restrictive land management classification?**

**Yes.** The adjacent CBJ parcel is owned by CBJ, and managed by CBJ Department of Parks and Recreation and is designated as a 'Stream Protection Corridor'.

**b) Are the projections minimized?**

**Yes.** The applicant's proposal sites the units with decreasing encroachments into the rear yard setback moving from west to east, as the lots are deeper (see Attachment C).

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***c) Are the projections necessary to prevent substantial hardship to the applicant?***

**Yes.** As described above in the Analysis section, the irregular shaped lots and angled rear property lines make developing the site difficult. The applicant has stated that the cost to develop such irregularly shaped lots is significantly more than if the lots were of a more standard (rectangular) shape. In order to create a profitable development, the impact of the angled rear lot lines must be accommodated in some manner. The alternative to not encroaching into the rear setback is to construct buildings with a diagonal wall, which leads to an increase in the cost to construct. The applicant stated that this cost increase to develop the vacant and underutilized lots is a substantial hardship.

The allowance for encroachments into the rear setbacks adjacent to public open space was deliberately removed from the variance process and required to follow the conditional use permit process instead. The encroachment provides for better siting and use of lots that have remained vacant and underutilized. The encroachment provides space for on-site parking that does not rely on back-out parking (which is not allowed for residential uses in commercial districts) and allows for the shared drive to remain open for traffic circulation and public safety access.

The emphasis of the conditional use permit process is to ensure there are no negative impacts resulting from a proposed development. In particular it addresses public health and safety; decreased value of, or disharmony with, the neighboring property area; and whether the proposal is in conformity with the Comprehensive Plan and other adopted plans.

Based on the applicant's proposal and the impacts of developing alternative traffic circulation, access, and parking, the requested rear yard setback encroachment prevents a hardship.

***d) Does the proposal result in excessive restriction of light and air, or other deleterious impacts.***

**No.** There is no proposed development on the adjacent CBJ lot, which is identified as a CBJ Stream Protection Corridor. No trails go through the site. There is no evidence that there will be any restriction of light and air or other deleterious impacts from the proposal.

**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 an encroachment of approximately 8 feet into the rear yard setback of a property that abuts CBJ-owned lands. The approval is subject to 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.

# DEVELOPMENT PERMIT APPLICATION

|                                             |  |                            |  |                              |  |
|---------------------------------------------|--|----------------------------|--|------------------------------|--|
| Project Number                              |  | CITY and BOROUGH of JUNEAU |  | Date Received: <u>2/8/18</u> |  |
| Project Name<br>(City Staff to Assign Name) |  |                            |  |                              |  |

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                                                        |                                |  |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------|--------------------------------|--|
| INFORMATION         | Project Description<br><u>COMMON WALL SETBACK ENCROACHMENT</u>                                                                                                                                                                                                                                                                                                                                                                         |  |                                                        |                                |  |
|                     | PROPERTY LOCATION                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                                                        |                                |  |
|                     | Street Address<br><u>Highway Blvd 720 Crest Street</u>                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                        | City/Zip                       |  |
|                     | Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)<br><u>LOT 6A, 7A &amp; 8A Valley Centre Greenbelt</u>                                                                                                                                                                                                                                                                                                       |  |                                                        |                                |  |
|                     | Assessor's Parcel Number(s)<br><u>5B1501090020, 5B1501090030, 5B1501090041</u>                                                                                                                                                                                                                                                                                                                                                         |  |                                                        |                                |  |
|                     | LANDOWNER/ LESSEE                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                                                        |                                |  |
|                     | Property Owner's Name<br><u>JMA Building</u>                                                                                                                                                                                                                                                                                                                                                                                           |  | Contact Person:<br><u>Dan</u>                          | Work Phone:<br><u>723-2298</u> |  |
|                     | Mailing Address<br><u>PO Box 32098</u>                                                                                                                                                                                                                                                                                                                                                                                                 |  | Home Phone:                                            | Fax Number:                    |  |
|                     | E-mail Address<br><u>dmiller@gci.net</u>                                                                                                                                                                                                                                                                                                                                                                                               |  | Other Contact Phone Number(s):                         |                                |  |
|                     | LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****                                                                                                                                                                                                                                                                                                                           |  |                                                        |                                |  |
| PROJECT / APPLICANT | I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:<br>A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.<br>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. |  |                                                        |                                |  |
|                     | <input checked="" type="checkbox"/> <u>[Signature]</u><br>Landowner/Lessee Signature                                                                                                                                                                                                                                                                                                                                                   |  | <u>2-8-18</u><br>Date                                  |                                |  |
|                     | <input type="checkbox"/> _____<br>Landowner/Lessee Signature                                                                                                                                                                                                                                                                                                                                                                           |  | _____<br>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<br><u>Building PROS Inc</u>                                                                                                                                                                                                                                                                                                                                                                                           |  | Contact Person:<br><u>Dan</u>                          | Work Phone:<br><u>723-2298</u> |  |
|                     | Mailing Address<br><u>PO Box 32098 99803</u>                                                                                                                                                                                                                                                                                                                                                                                           |  | Home Phone:                                            | Fax Number:                    |  |
|                     | E-mail Address<br><u>dmiller@gci.net</u>                                                                                                                                                                                                                                                                                                                                                                                               |  | Other Contact Phone Number(s):<br><u>Jake 209-8889</u> |                                |  |
|                     | <input checked="" type="checkbox"/> <u>[Signature]</u><br>Applicant's Signature                                                                                                                                                                                                                                                                                                                                                        |  | <u>2-8-18</u><br>Date of Application                   |                                |  |

|                                 |                                                        |                                                                                                |         |               |                                      |
|---------------------------------|--------------------------------------------------------|------------------------------------------------------------------------------------------------|---------|---------------|--------------------------------------|
| OFFICE USE ONLY BELOW THIS LINE |                                                        |                                                                                                |         |               |                                      |
| STAFF APPROVALS                 | <input checked="" type="checkbox"/>                    | 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)                                 |         |               |                                      |
|                                 | <input checked="" type="checkbox"/>                    | Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment) |         |               | <u>USE 20180002</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<br><u>jmm</u> |

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

I:\FORMS\2010 Applications

Attachment A

Revised November 2009

# ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

| Project Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Project Name (15 characters)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Case Number | Date Received |                                |  |           |         |      |  |      |  |  |  |                  |                  |       |       |       |                     |          |       |       |       |            |          |       |       |       |                    |                 |       |       |       |                        |                  |       |       |       |           |          |       |       |       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------|--------------------------------|--|-----------|---------|------|--|------|--|--|--|------------------|------------------|-------|-------|-------|---------------------|----------|-------|-------|-------|------------|----------|-------|-------|-------|--------------------|-----------------|-------|-------|-------|------------------------|------------------|-------|-------|-------|-----------|----------|-------|-------|-------|
| <b>TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED</b><br><div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Accessory Apartment*** (AAP)             </div> <div> <input type="checkbox"/> Driveway in Right-of-Way (ADW)             </div> </div> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Use Listed in §49.25.300 (USE)<br/>                 (Table of Permissible Uses)             </div> </div> <p>Please list the Table of Permissible Uses Category: <u>1.920</u></p> <p>***An Accessory Apartment Application will also be required.</p>                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             |               |                                |  |           |         |      |  |      |  |  |  |                  |                  |       |       |       |                     |          |       |       |       |            |          |       |       |       |                    |                 |       |       |       |                        |                  |       |       |       |           |          |       |       |       |
| <b>DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.</b><br><u>4 unit town home project - tiny lots abutting CBS land - would like to extend building into setback by 5'.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             |               |                                |  |           |         |      |  |      |  |  |  |                  |                  |       |       |       |                     |          |       |       |       |            |          |       |       |       |                    |                 |       |       |       |                        |                  |       |       |       |           |          |       |       |       |
| <b>IS THIS A MODIFICATION OF AN EXISTING APPROVAL?</b> <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES - Case # _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             |               |                                |  |           |         |      |  |      |  |  |  |                  |                  |       |       |       |                     |          |       |       |       |            |          |       |       |       |                    |                 |       |       |       |                        |                  |       |       |       |           |          |       |       |       |
| <b>CURRENT USE OF LAND OR BUILDING(S):</b> <u>VACANT</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             |               |                                |  |           |         |      |  |      |  |  |  |                  |                  |       |       |       |                     |          |       |       |       |            |          |       |       |       |                    |                 |       |       |       |                        |                  |       |       |       |           |          |       |       |       |
| <b>PROPOSED USE OF LAND OR BUILDING(S):</b> <u>TOWNHOMES / commonwells</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             |               |                                |  |           |         |      |  |      |  |  |  |                  |                  |       |       |       |                     |          |       |       |       |            |          |       |       |       |                    |                 |       |       |       |                        |                  |       |       |       |           |          |       |       |       |
| <b>UTILITIES PROPOSED:</b> WATER: <input checked="" type="checkbox"/> Public <input type="checkbox"/> On Site SEWER: <input checked="" type="checkbox"/> Public <input type="checkbox"/> On Site                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             |               |                                |  |           |         |      |  |      |  |  |  |                  |                  |       |       |       |                     |          |       |       |       |            |          |       |       |       |                    |                 |       |       |       |                        |                  |       |       |       |           |          |       |       |       |
| <b>SITE AND BUILDING SPECIFICS:</b><br>Total Area of Lot <u>10631</u> square feet      Total Area of Existing Structure(s) <u>0</u> square feet<br>Total Area of Proposed Structure(s) <u>3675</u> square feet (without setback encroachment) <u>(w/encroachment) (4660)</u>                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             |               |                                |  |           |         |      |  |      |  |  |  |                  |                  |       |       |       |                     |          |       |       |       |            |          |       |       |       |                    |                 |       |       |       |                        |                  |       |       |       |           |          |       |       |       |
| <b>EXTERNAL LIGHTING:</b><br>Existing to remain <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures<br>Proposed <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             |               |                                |  |           |         |      |  |      |  |  |  |                  |                  |       |       |       |                     |          |       |       |       |            |          |       |       |       |                    |                 |       |       |       |                        |                  |       |       |       |           |          |       |       |       |
| <b>PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:</b> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Site Plan<br/> <input checked="" type="checkbox"/> Floor Plan of proposed buildings<br/> <input checked="" type="checkbox"/> Elevation view of existing and proposed buildings<br/> <input type="checkbox"/> Proposed Vegetative Cover                 </div> <div> <input checked="" type="checkbox"/> Existing and proposed parking areas (including dimensions) and proposed traffic circulation<br/> <input checked="" type="checkbox"/> Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)                 </div> </div> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             |               |                                |  |           |         |      |  |      |  |  |  |                  |                  |       |       |       |                     |          |       |       |       |            |          |       |       |       |                    |                 |       |       |       |                        |                  |       |       |       |           |          |       |       |       |
| For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.<br><br>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 colspan="2">ALLOWABLE/CONDITIONAL USE FEES</th> <th>Check No.</th> <th>Receipt</th> <th>Date</th> </tr> <tr> <th></th> <th>Fees</th> <th></th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td>\$ <u>350.00</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Admin. of Guarantee</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Adjustment</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td>\$ <u>50.00</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td>\$ <u>100.00</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table> |             |               | ALLOWABLE/CONDITIONAL USE FEES |  | Check No. | Receipt | Date |  | Fees |  |  |  | Application Fees | \$ <u>350.00</u> | _____ | _____ | _____ | Admin. of Guarantee | \$ _____ | _____ | _____ | _____ | Adjustment | \$ _____ | _____ | _____ | _____ | Pub. Not. Sign Fee | \$ <u>50.00</u> | _____ | _____ | _____ | Pub. Not. Sign Deposit | \$ <u>100.00</u> | _____ | _____ | _____ | Total Fee | \$ _____ | _____ | _____ | _____ |
| ALLOWABLE/CONDITIONAL USE FEES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Check No.   | Receipt       | Date                           |  |           |         |      |  |      |  |  |  |                  |                  |       |       |       |                     |          |       |       |       |            |          |       |       |       |                    |                 |       |       |       |                        |                  |       |       |       |           |          |       |       |       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Fees                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |             |               |                                |  |           |         |      |  |      |  |  |  |                  |                  |       |       |       |                     |          |       |       |       |            |          |       |       |       |                    |                 |       |       |       |                        |                  |       |       |       |           |          |       |       |       |
| Application Fees                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | \$ <u>350.00</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | _____       | _____         | _____                          |  |           |         |      |  |      |  |  |  |                  |                  |       |       |       |                     |          |       |       |       |            |          |       |       |       |                    |                 |       |       |       |                        |                  |       |       |       |           |          |       |       |       |
| Admin. of Guarantee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | \$ _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | _____       | _____         | _____                          |  |           |         |      |  |      |  |  |  |                  |                  |       |       |       |                     |          |       |       |       |            |          |       |       |       |                    |                 |       |       |       |                        |                  |       |       |       |           |          |       |       |       |
| Adjustment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | \$ _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | _____       | _____         | _____                          |  |           |         |      |  |      |  |  |  |                  |                  |       |       |       |                     |          |       |       |       |            |          |       |       |       |                    |                 |       |       |       |                        |                  |       |       |       |           |          |       |       |       |
| Pub. Not. Sign Fee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | \$ <u>50.00</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | _____       | _____         | _____                          |  |           |         |      |  |      |  |  |  |                  |                  |       |       |       |                     |          |       |       |       |            |          |       |       |       |                    |                 |       |       |       |                        |                  |       |       |       |           |          |       |       |       |
| Pub. Not. Sign Deposit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | \$ <u>100.00</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | _____       | _____         | _____                          |  |           |         |      |  |      |  |  |  |                  |                  |       |       |       |                     |          |       |       |       |            |          |       |       |       |                    |                 |       |       |       |                        |                  |       |       |       |           |          |       |       |       |
| Total Fee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | \$ _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | _____       | _____         | _____                          |  |           |         |      |  |      |  |  |  |                  |                  |       |       |       |                     |          |       |       |       |            |          |       |       |       |                    |                 |       |       |       |                        |                  |       |       |       |           |          |       |       |       |

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





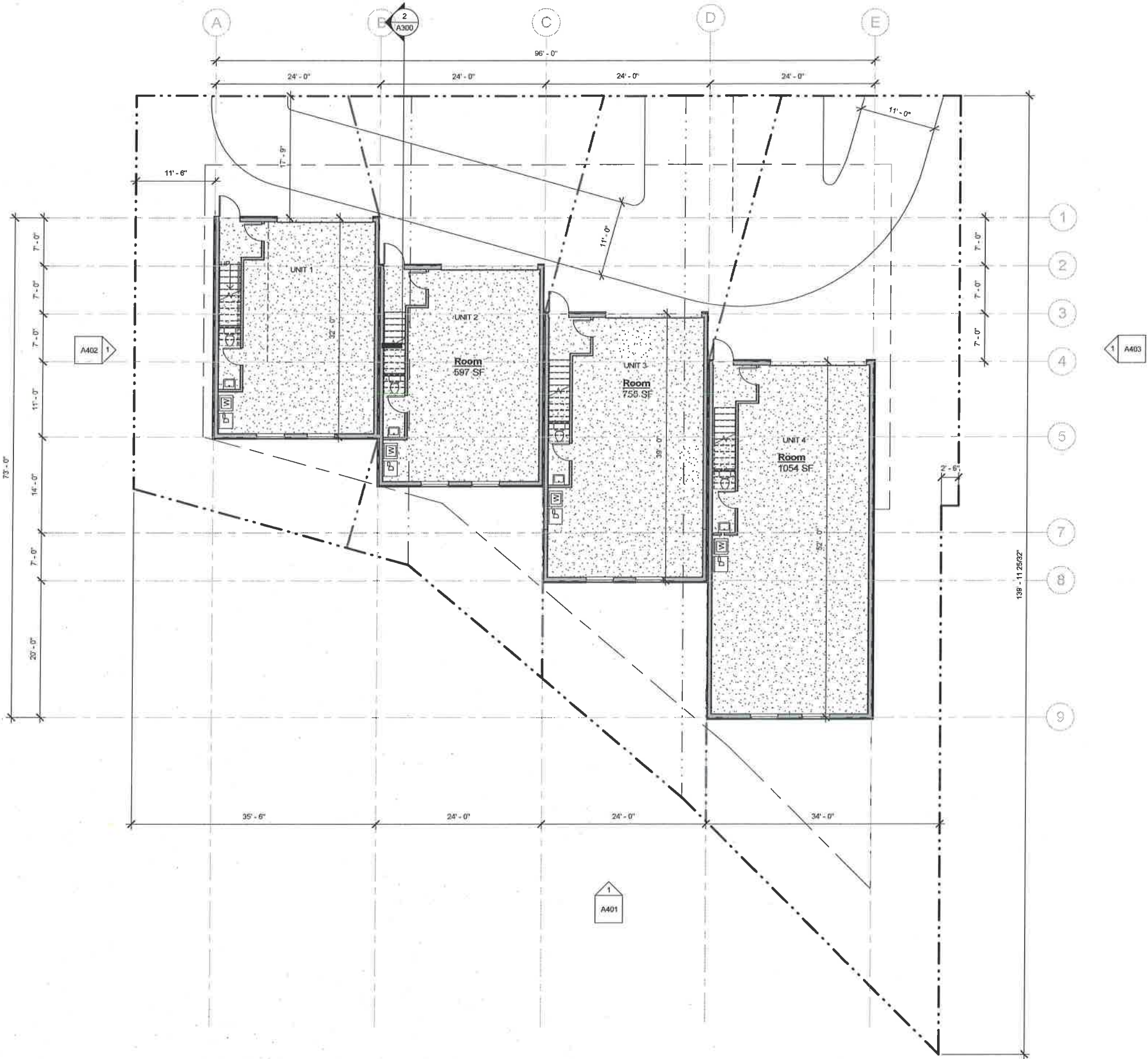
Attachment A

# TOWNHOUSE

For  
BUILDING PROS INC.



Attachment A



UNIT AREA SUMMARY  
W/O MEZZANINE

UNIT 1  
FL 1: 757  
FL 2: 757  
FL 3: 757  
TOTAL: 2271

960

UNIT 2  
FL 1: 757  
FL 2: 757  
FL 3: 757  
TOTAL: 2271

960

UNIT 3  
FL 1: 922  
FL 2: 757  
FL 3: 757  
TOTAL: 2436

1152

UNIT 4  
FL 1: 1239  
FL 2: 757  
FL 3: 757  
TOTAL: 2753

1488



**MRV**  
ARCHITECTS  
ARCHITECTURE PLANNING INTERIORS

MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

MRV #

SCHEMATIC DOCUMENTS  
**TOWNHOUSE**

BUILDING PROS INC.

| No. | Description | Date |
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SHEET TITLE:  
SITE

DATE: 01.04.2018

DRAWN: Author  
CHECKED: PV

SHEET NO.

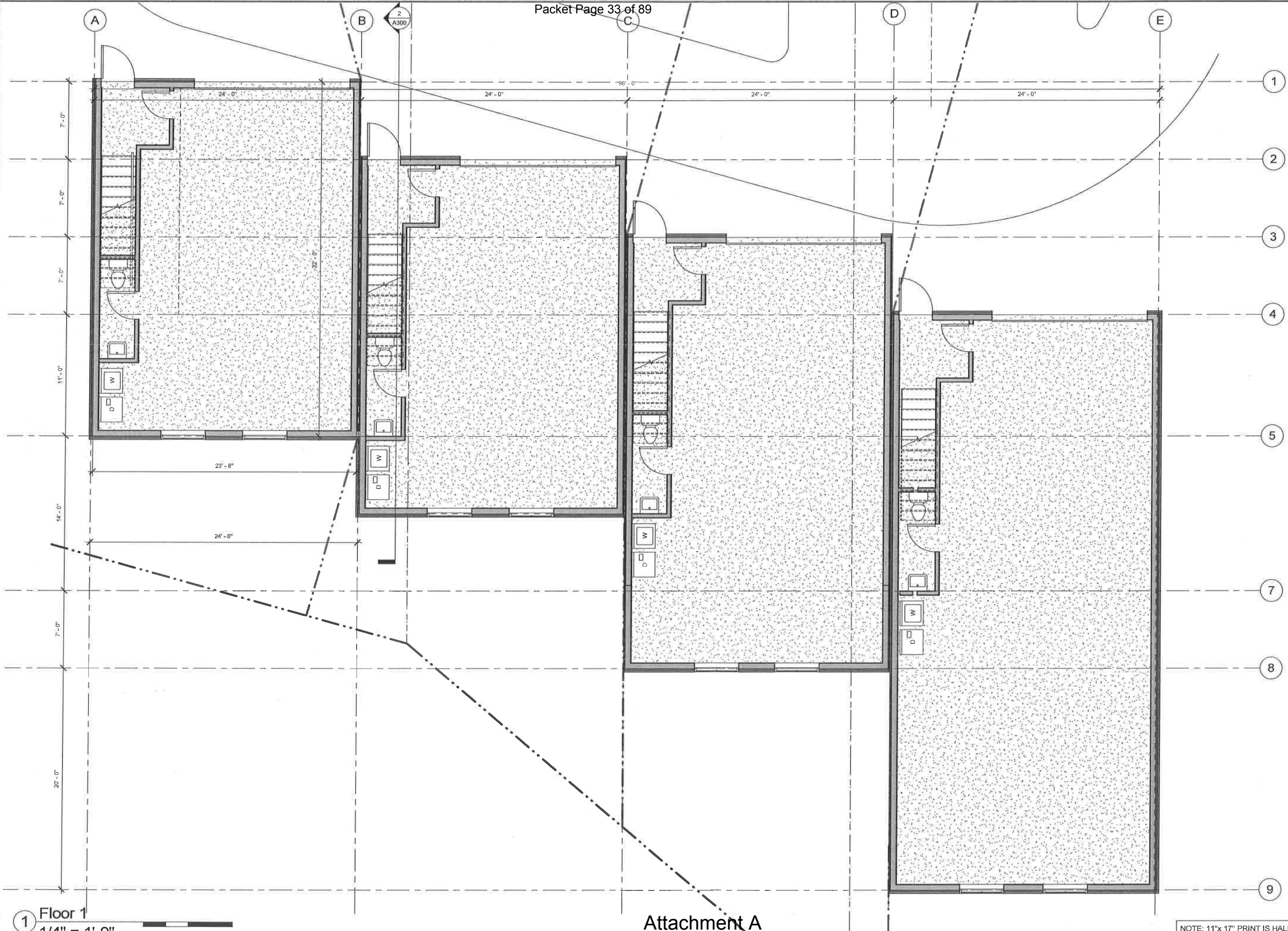
**A100**

NOTE: 11"x 17" PRINT IS HALF SIZE

Attachment A

1 SITE  
1/8" = 1'-0"  
0' 4' 8' 16'

1/17/2018 4:41:04 PM W:\R\2013\data\projects\2017\1734 Miller Mhse-use Building Study\Rev\Miller Mhse User.rvt



**MRV**  
ARCHITECTS  
ARCHITECTURE PLANNING INTERIORS

MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

SCHEMATIC DOCUMENTS  
**TOWNHOUSE**

BUILDING PROS INC.

| No. | Description | Date |
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SHEET TITLE:  
FLOOR 1

DATE: 01.04.2018

DRAWN: Author

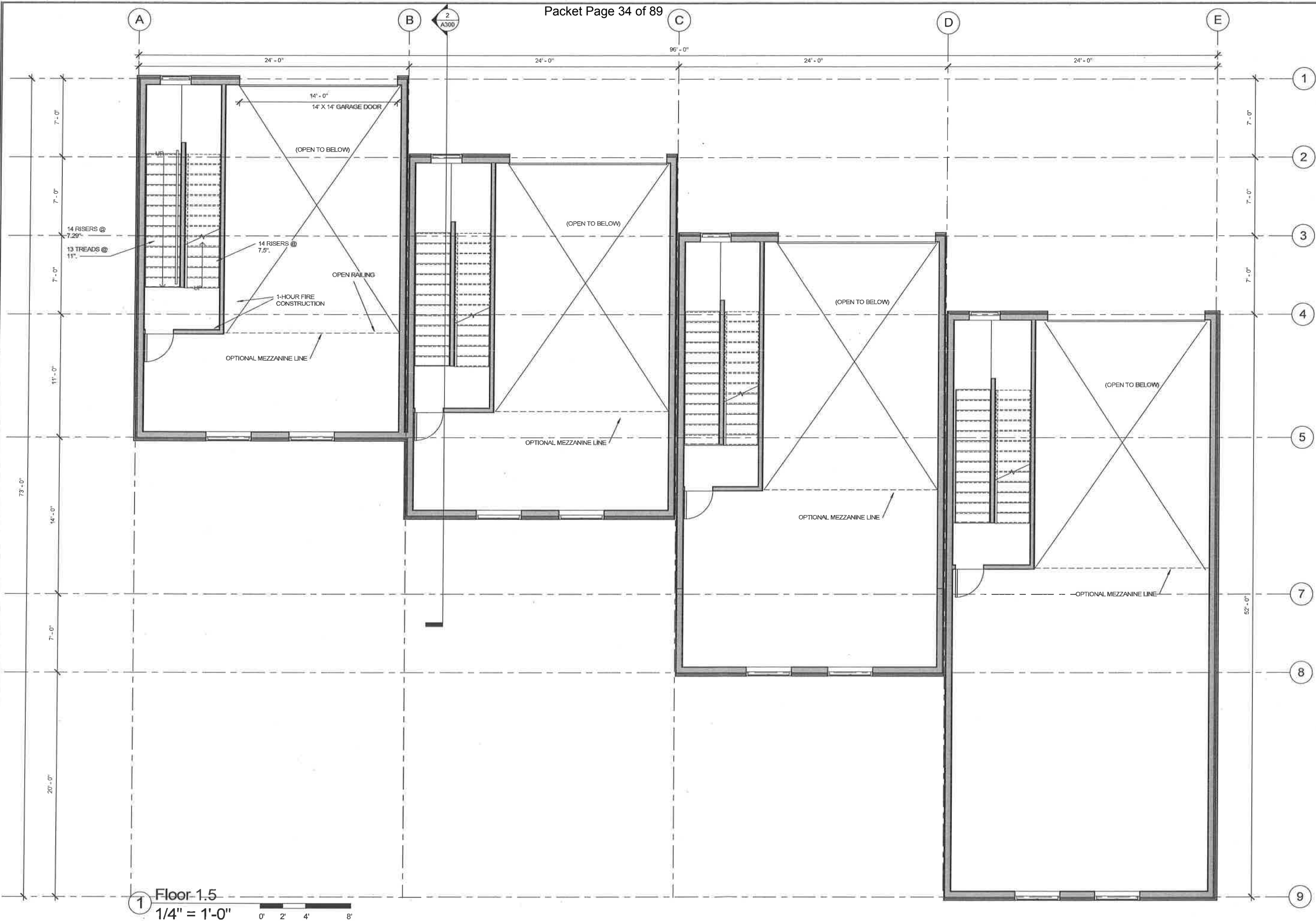
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SHEET NO.

**A101**

NOTE: 11"x 17" PRINT IS HALF SIZE

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1 Floor 1.5  
1/4" = 1'-0"

0' 2' 4' 8'

Attachment A

NOTE: 11"x 17" PRINT IS HALF SIZE



**MRV**  
ARCHITECTS  
ARCHITECTURE • PLANNING • INTERIORS

MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

MRV #

SCHEMATIC DOCUMENTS  
**TOWNHOUSE**

BUILDING PROS INC.

| No. | Description | Date |
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SHEET TITLE:  
FLOOR 1.5

DATE: 01.04.2018

DRAWN: Author

CHECKED: PV

SHEET NO.

**A102**



MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

MRV #

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**TOWNHOUSE**

BUILDING PROS INC.

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SHEET TITLE:  
**FLOOR 2**

DATE: 01.04.2018  
DRAWN: Author  
CHECKED: PV

SHEET NO.

**A103**

NOTE: 11"x 17" PRINT IS HALF SIZE



1 Floor 2  
1/4" = 1'-0" 0 2' 4' 8'

Attachment A



MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

MRV #

SCHEMATIC DOCUMENTS  
**TOWNHOUSE**

BUILDING PROS INC.

| No. | Description | Date |
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SHEET TITLE:  
FLOOR 3

DATE: 01.04.2018

DRAWN: Author  
CHECKED: PV

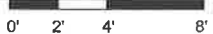
SHEET NO.

**A104**

NOTE: 11"x 17" PRINT IS HALF SIZE



**1 Floor 3**  
1/4" = 1'-0"



Attachment A

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**MRV**  
ARCHITECTS  
ARCHITECTURE PLANNING INTERIORS

MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

SCHEMATIC DOCUMENTS  
**TOWNHOUSE**  
BUILDING PROS INC.

| No. | Description | Date |
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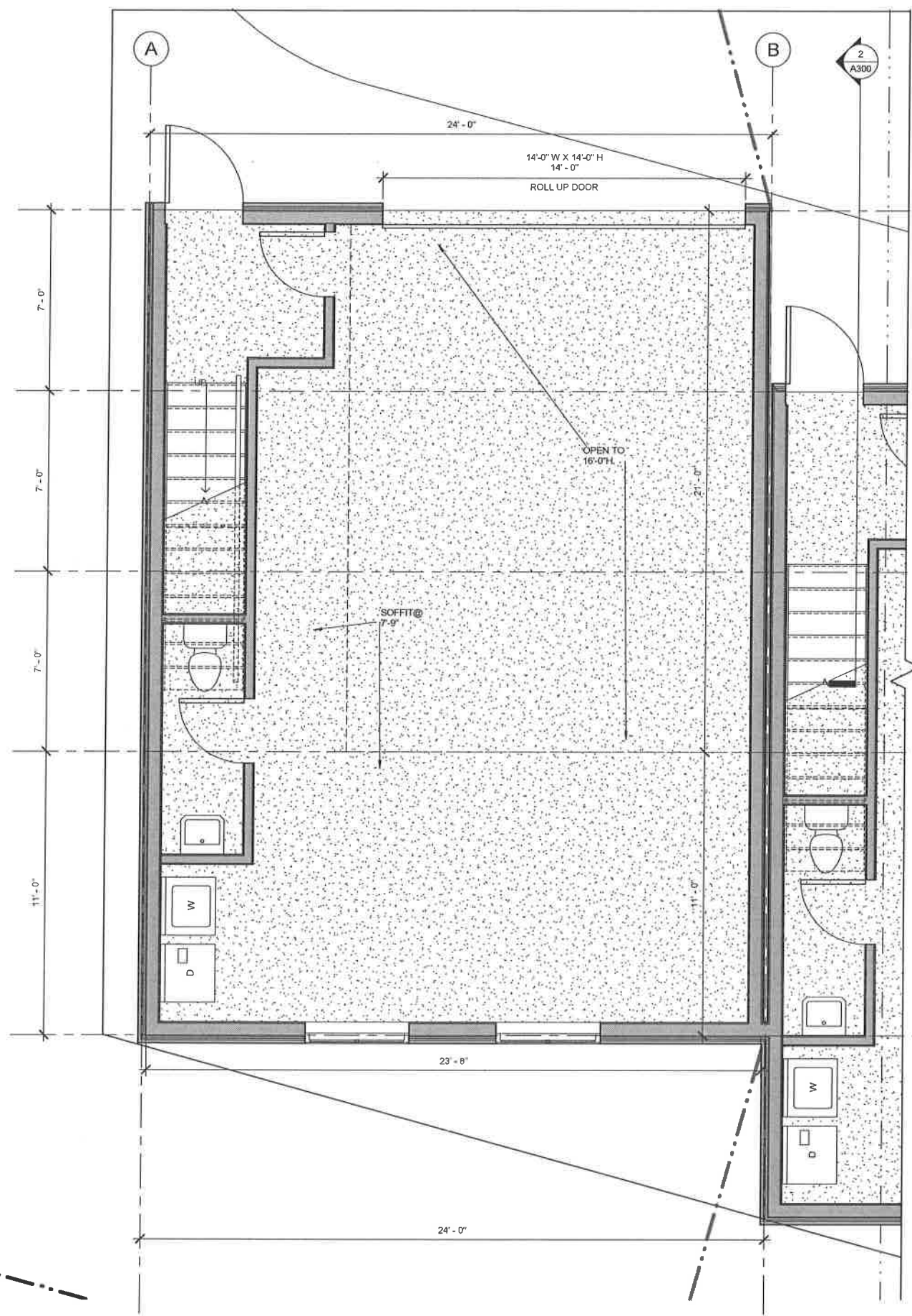
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**ENLARGED  
PLANS FL 1, 1.5**

DATE: 01.04.2018

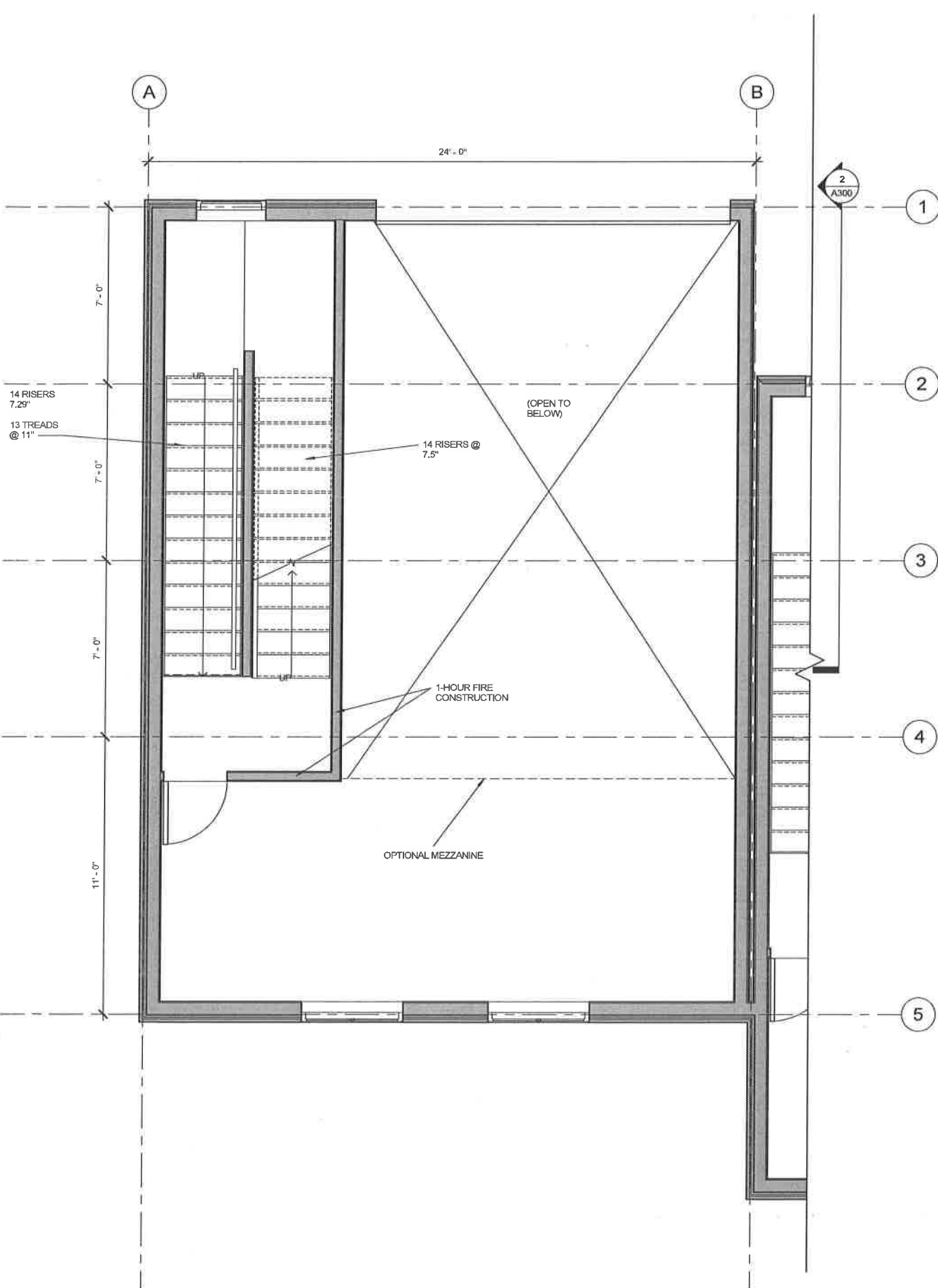
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CHECKED: PV

SHEET NO.

**A201**



**1 FLOOR 1**  
3/8" = 1'-0"



**2 FLOOR 1.5**  
3/8" = 1'-0"

Attachment A

NOTE: 11"x 17" PRINT IS HALF SIZE

1/17/2018 4:41:09 PM W:\RV\2013\data\projects\2017\1734 Miller Mixed-use Building Study\Rev\Miller Mood User.rvt



MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

MRV #

SCHEMATIC DOCUMENTS  
**TOWNHOUSE**  
BUILDING PROS INC.

| No. | Description | Date |
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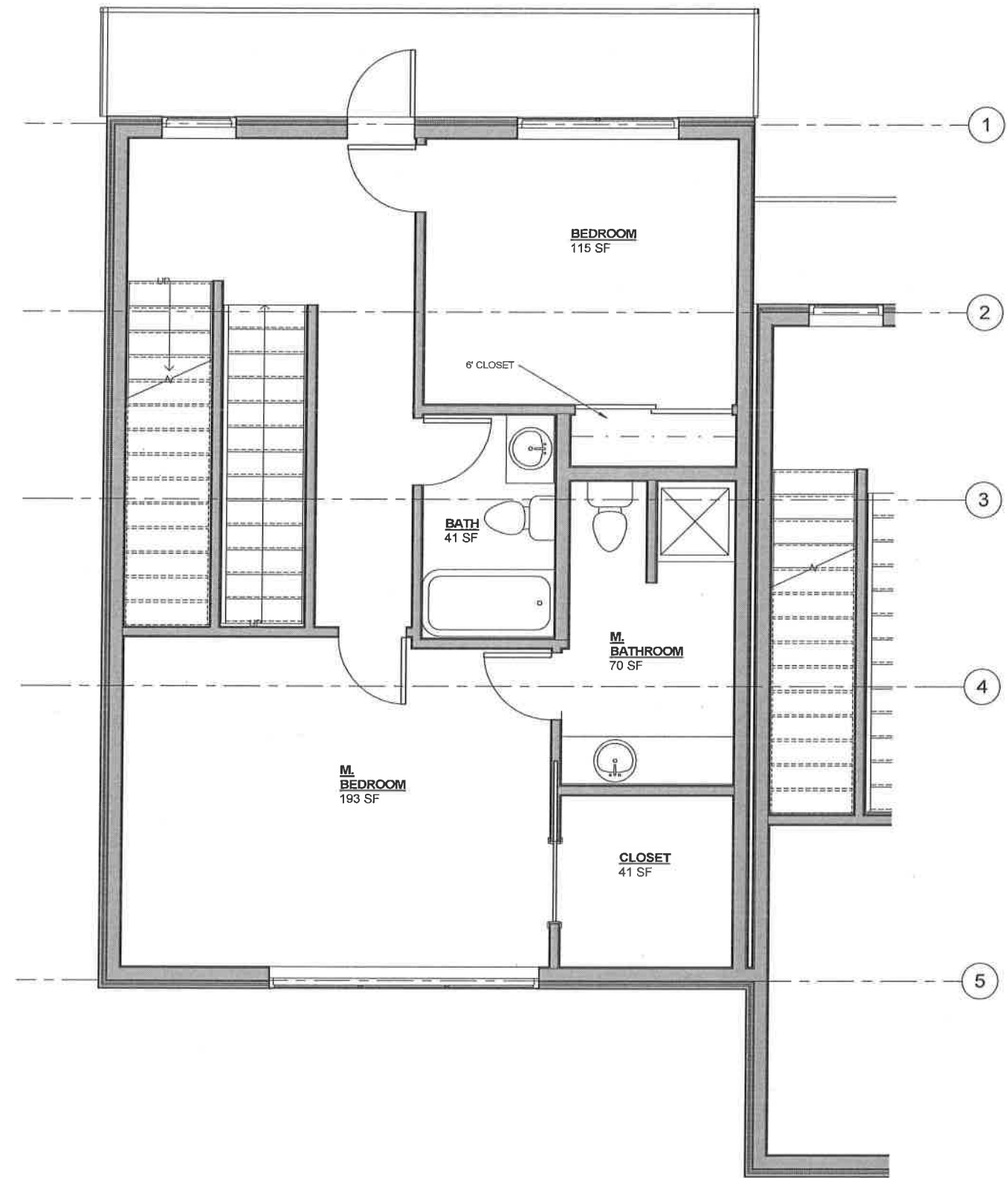
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PLANS FL 2,3

DATE: 01.04.2018

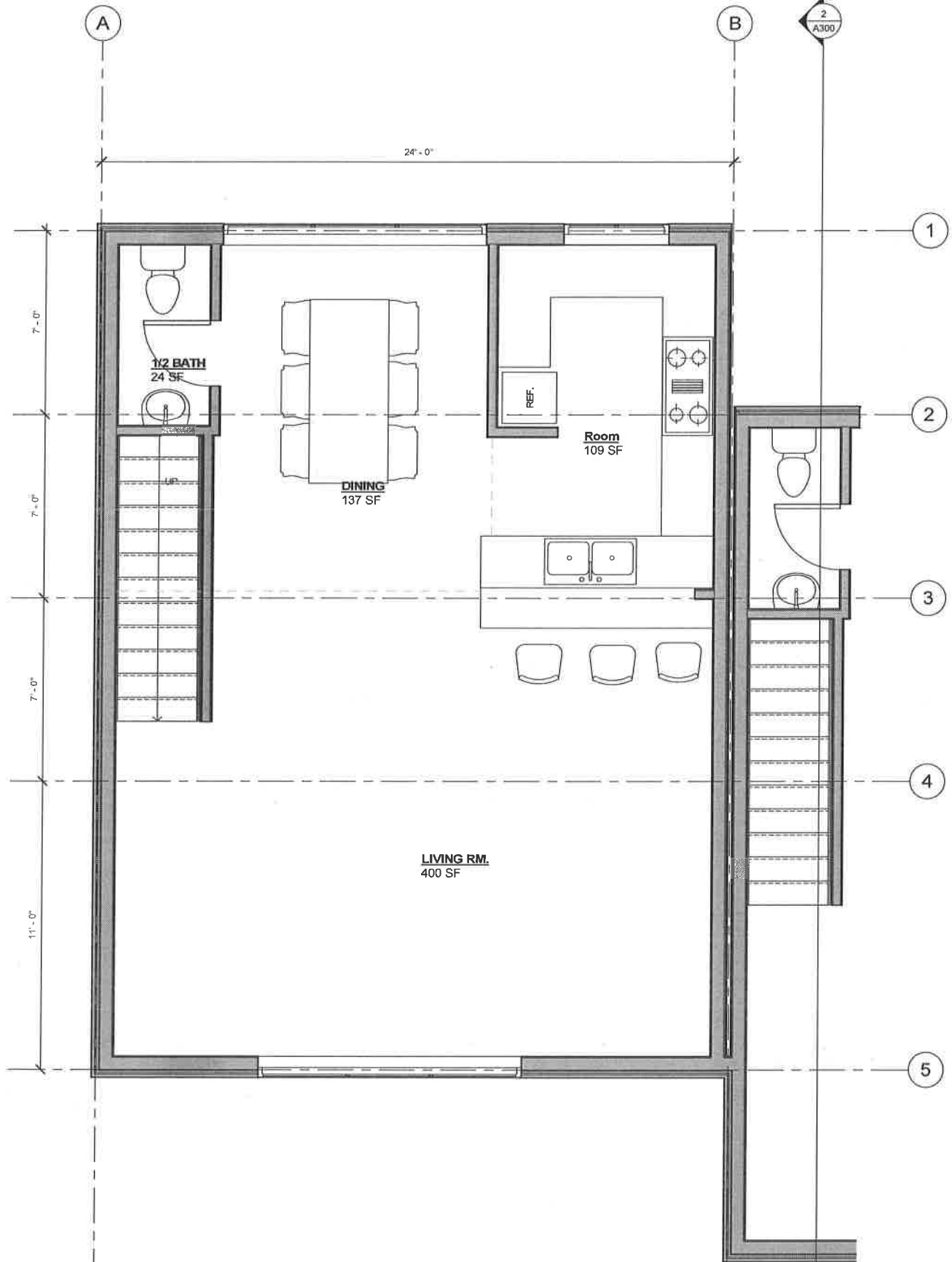
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SHEET NO.

**A202**



**1 FLOOR 2**  
3/8" = 1'-0"  
0' 2' 4' 8'



**2 FLOOR 3**  
3/8" = 1'-0"  
0' 2' 4' 8'

NOTE: 11"x 17" PRINT IS HALF SIZE

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MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

MRV #

SCHEMATIC DOCUMENTS  
**TOWNHOUSE**

BUILDING PROS INC.

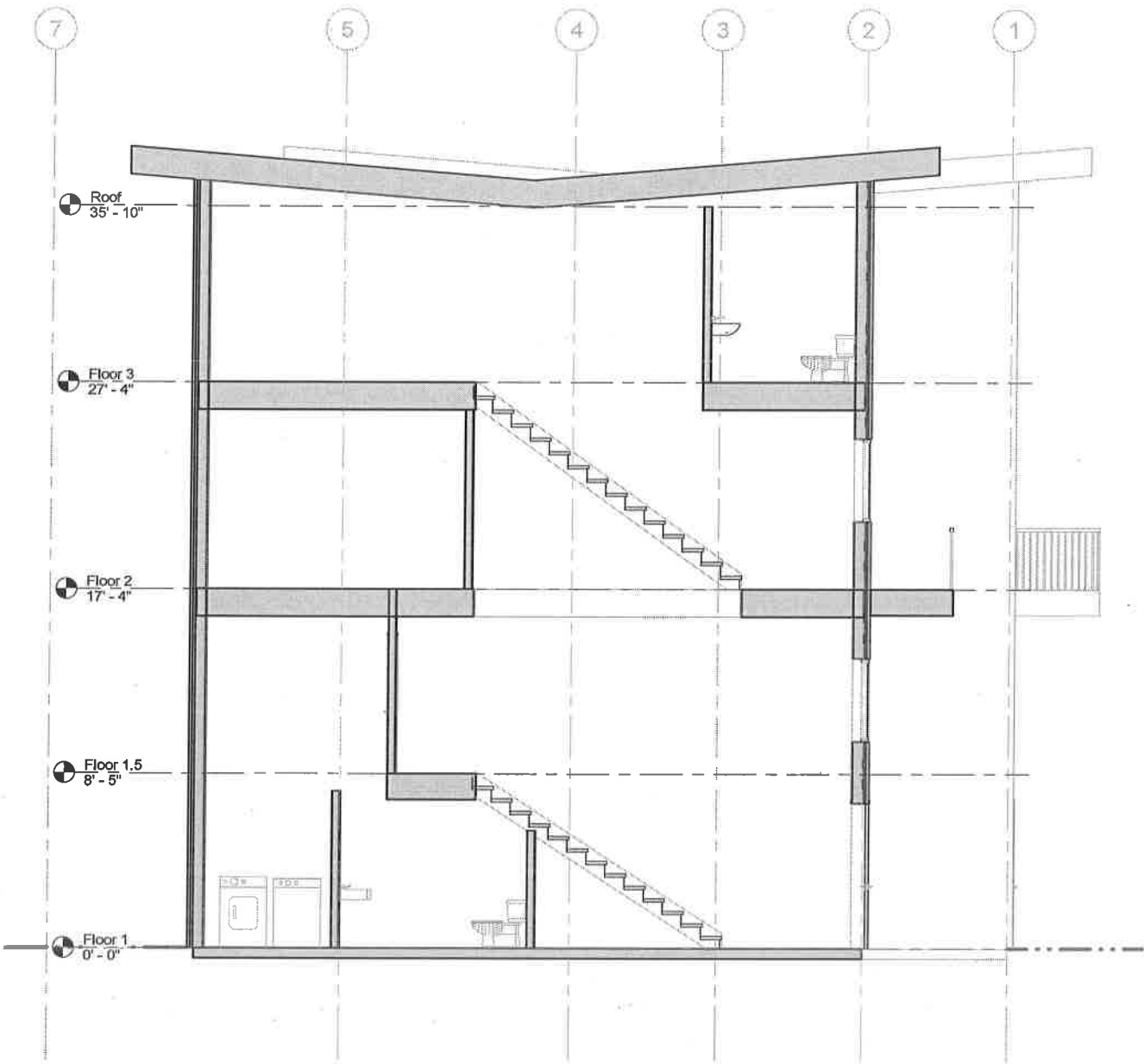
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SHEET TITLE:  
SECTION 2

DATE: 01.04.2018

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CHECKED: PV

SHEET NO.  
**A300**



**2 Section 2**  
1/4" = 1'-0" 0' 2' 4' 8'

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MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

MRV #

SCHMATIC DOCUMENTS  
**TOWNHOUSE**  
BUILDING PROS INC.

| No. | Description | Date |
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SHEET TITLE:  
ELEVATION  
NORTH

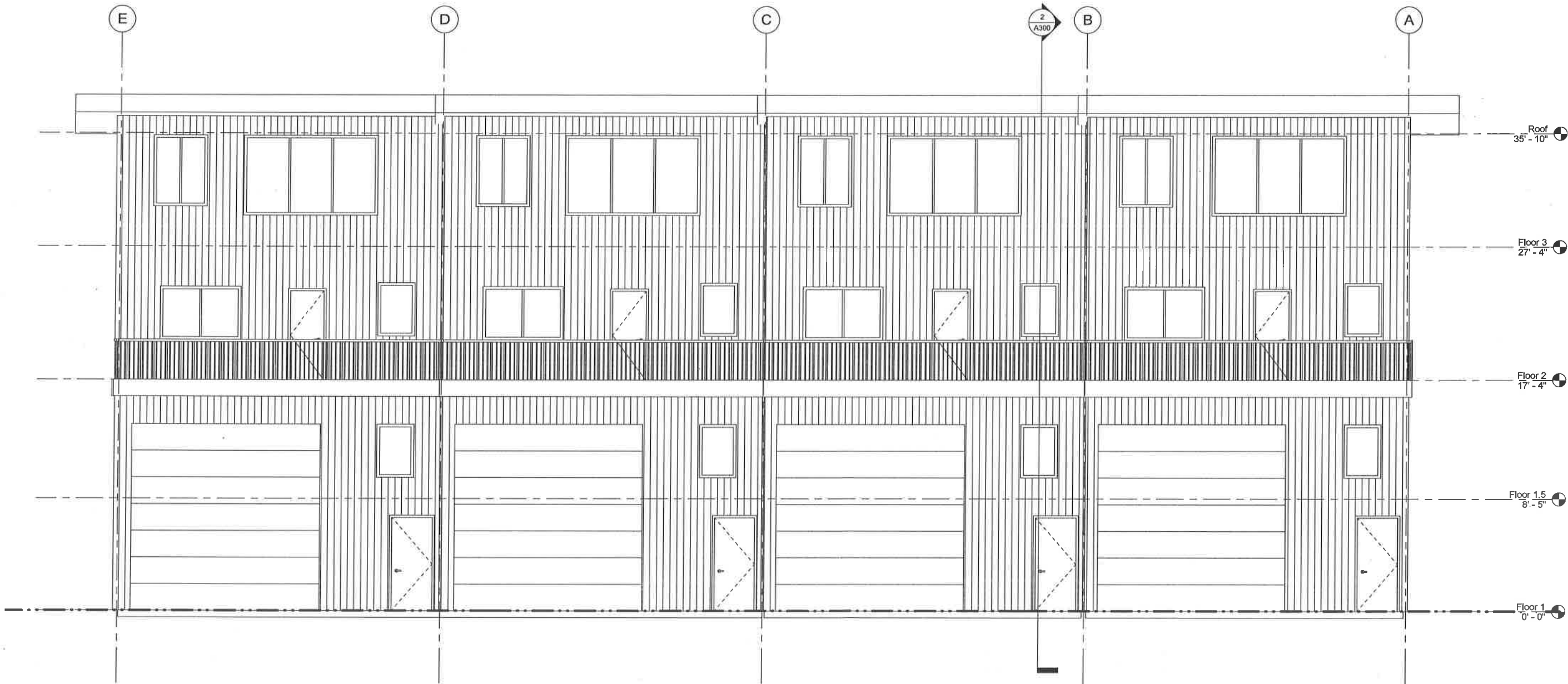
DATE: 01.04.2018

DRAWN: Author

CHECKED: PV

SHEET NO.

**A400**



**1** ELEVATION NORTH  
1/4" = 1'-0"  
0' 2' 4' 8'

Attachment A

NOTE: 11"x 17" PRINT IS HALF SIZE



MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

MRV #

SCHEMATIC DOCUMENTS  
**TOWNHOUSE**  
BUILDING PROS INC.

| No. | Description | Date |
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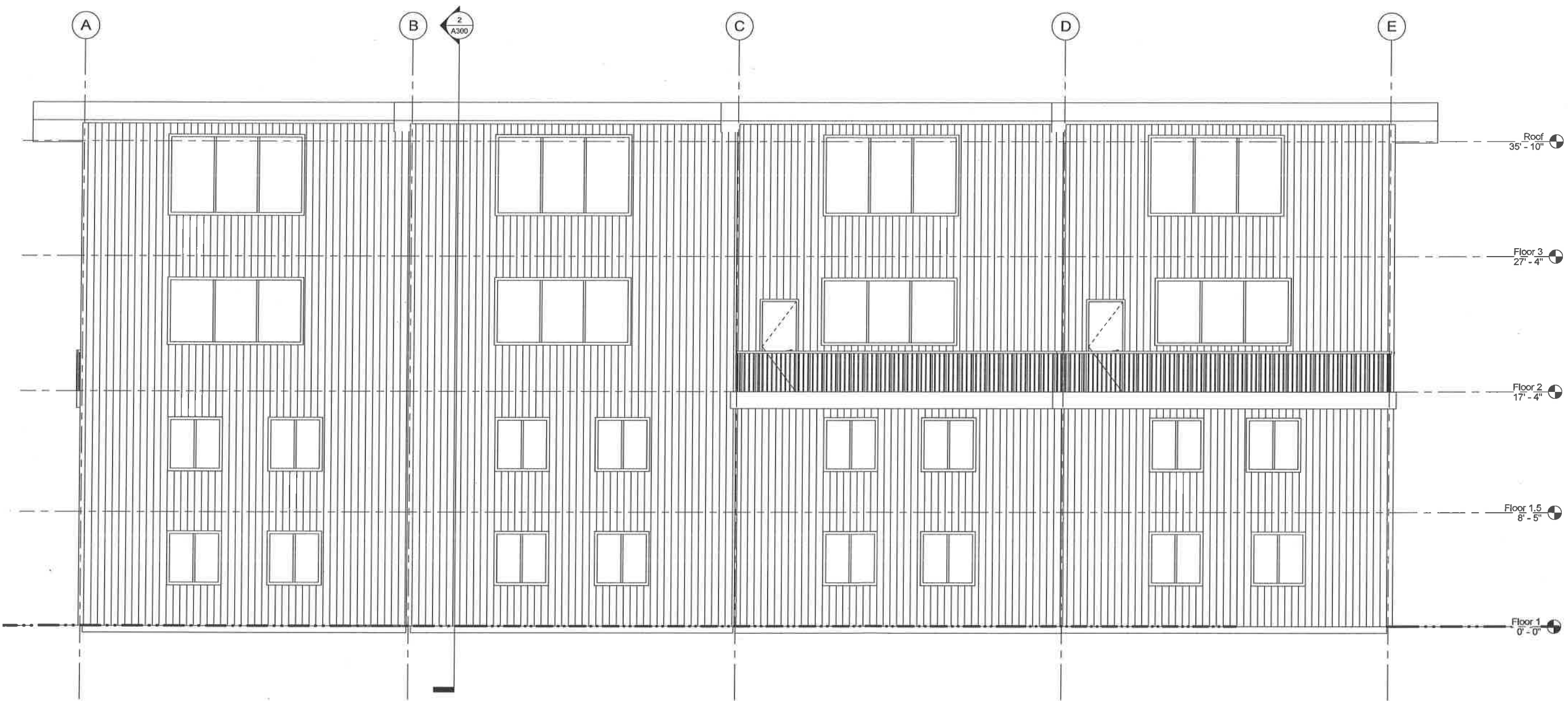
SHEET TITLE:  
ELEVATION  
SOUTH

DATE: 01.04.2018

DRAWN: Author  
CHECKED: PV

SHEET NO.

**A401**



**1 ELEVATION SOUTH**  
1/4" = 1'-0"  
0' 2' 4' 8'

Attachment A

NOTE: 11"x 17" PRINT IS HALF SIZE



MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

MRV #

SCHEMATIC DOCUMENTS

TOWNHOUSE

BUILDING PROS INC.

| No. | Description | Date |
|-----|-------------|------|
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|     |             |      |
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SHEET TITLE:  
ELEVATION WEST

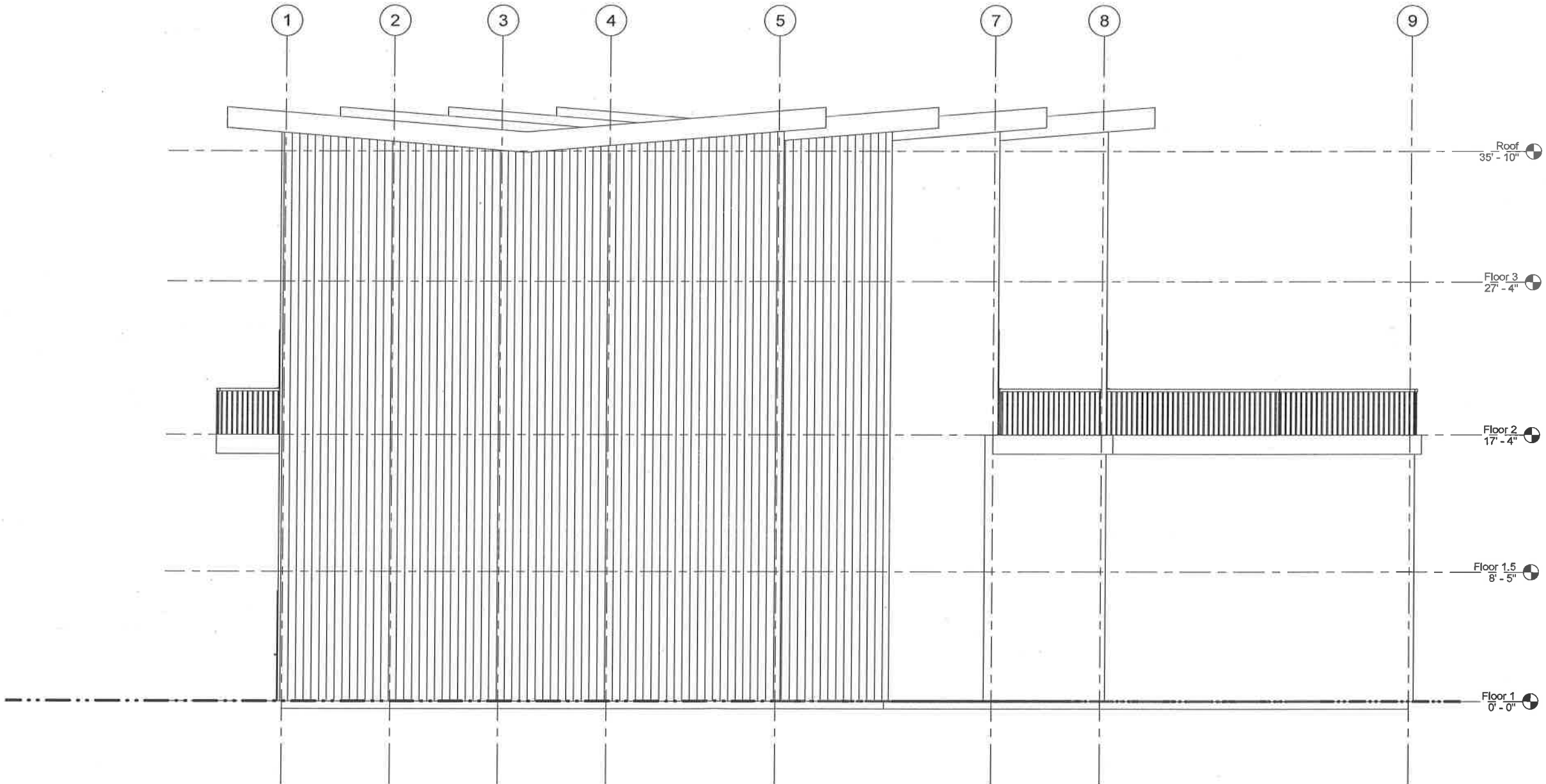
DATE: 01.04.2018

DRAWN: Author

CHECKED: PV

SHEET NO.

A402



1 ELEVATION WEST  
1/4" = 1'-0" 0' 2' 4' 8'

Attachment A

NOTE: 11"x 17" PRINT IS HALF SIZE



MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

MRV #

SCHEMATIC DOCUMENTS  
**TOWNHOUSE**  
BUILDING PROS INC.

| No. | Description | Date |
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SHEET TITLE:  
ELEVATION EAST

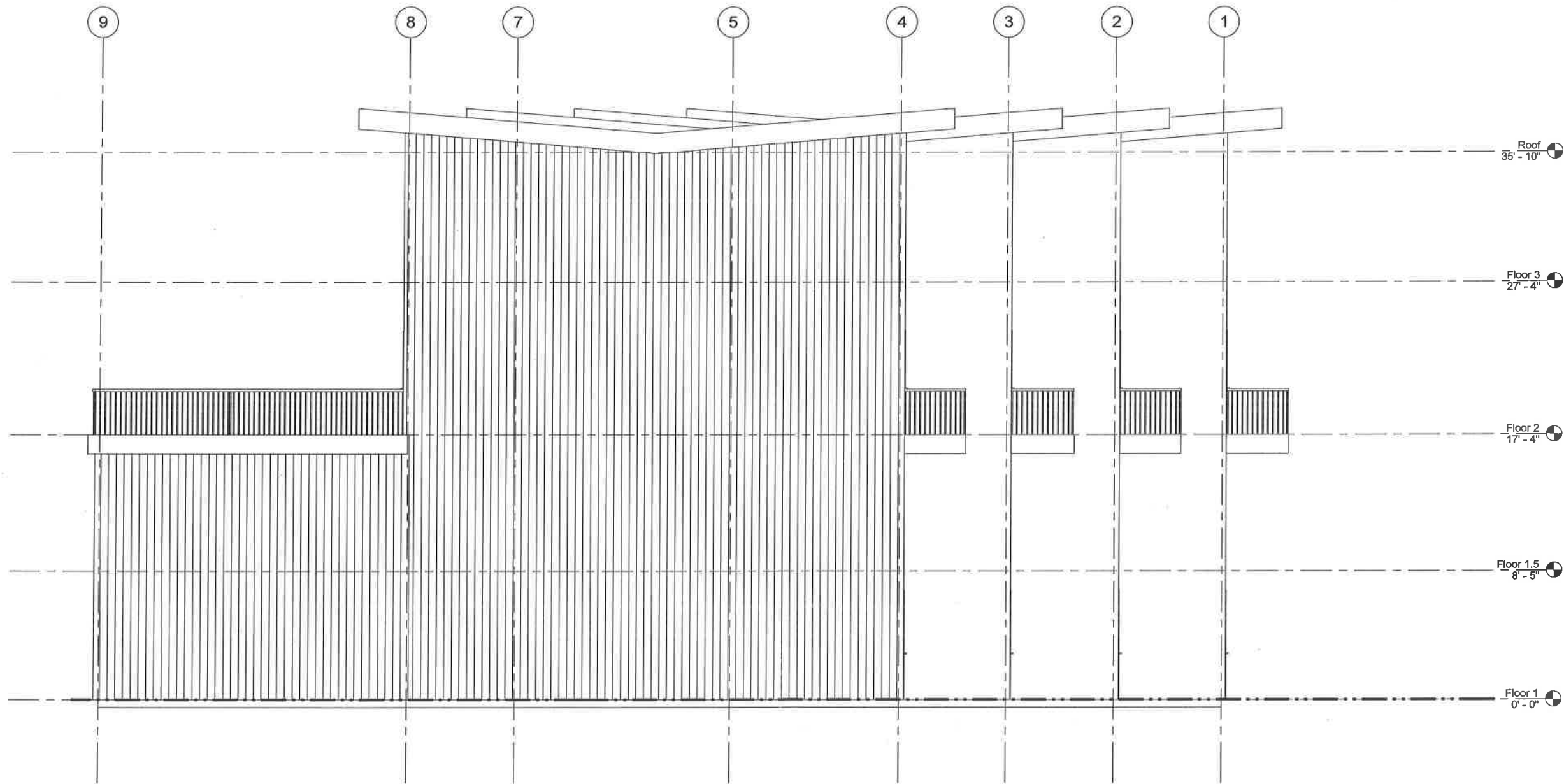
DATE: 01.04.2018

DRAWN: Author

CHECKED: PV

SHEET NO.

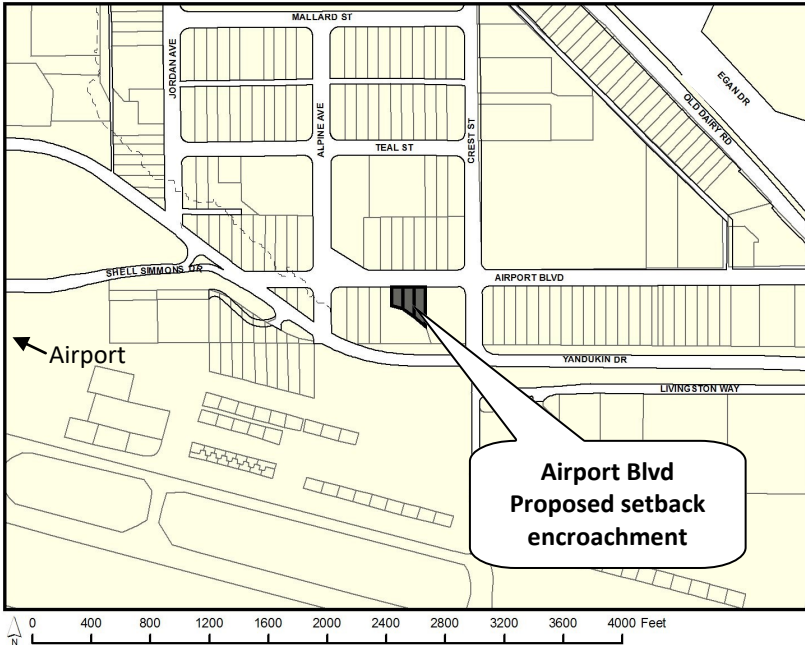
A403



1 ELEVATION EAST  
1/4" = 1'-0"  
0' 2' 4' 8'

# Invitation to Comment

**PLEASE NOTE:** This hearing was removed from the 3/13 agenda and will now be heard by the Planning Commission on March 27, 2018.



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** to allow an **encroachment of approximately 8 feet into the rear yard setback** on parcels adjoining CBJ-owned land located on **Airport Blvd** in a **General Commercial (GC) zone**.

## TIMELINE

Staff Report expected to be posted Monday, March 19 at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>  
Find hearing results, meeting minutes and more here as well.

**Now through March 5, 2018**

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

**March 6 through 12 noon, March 23**

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

**NEW HEARING DATE**  
**7:00 pm, March 27, 2018**

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

**March 28**

The results of the hearing will be posted

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

Printed March 7, 2018

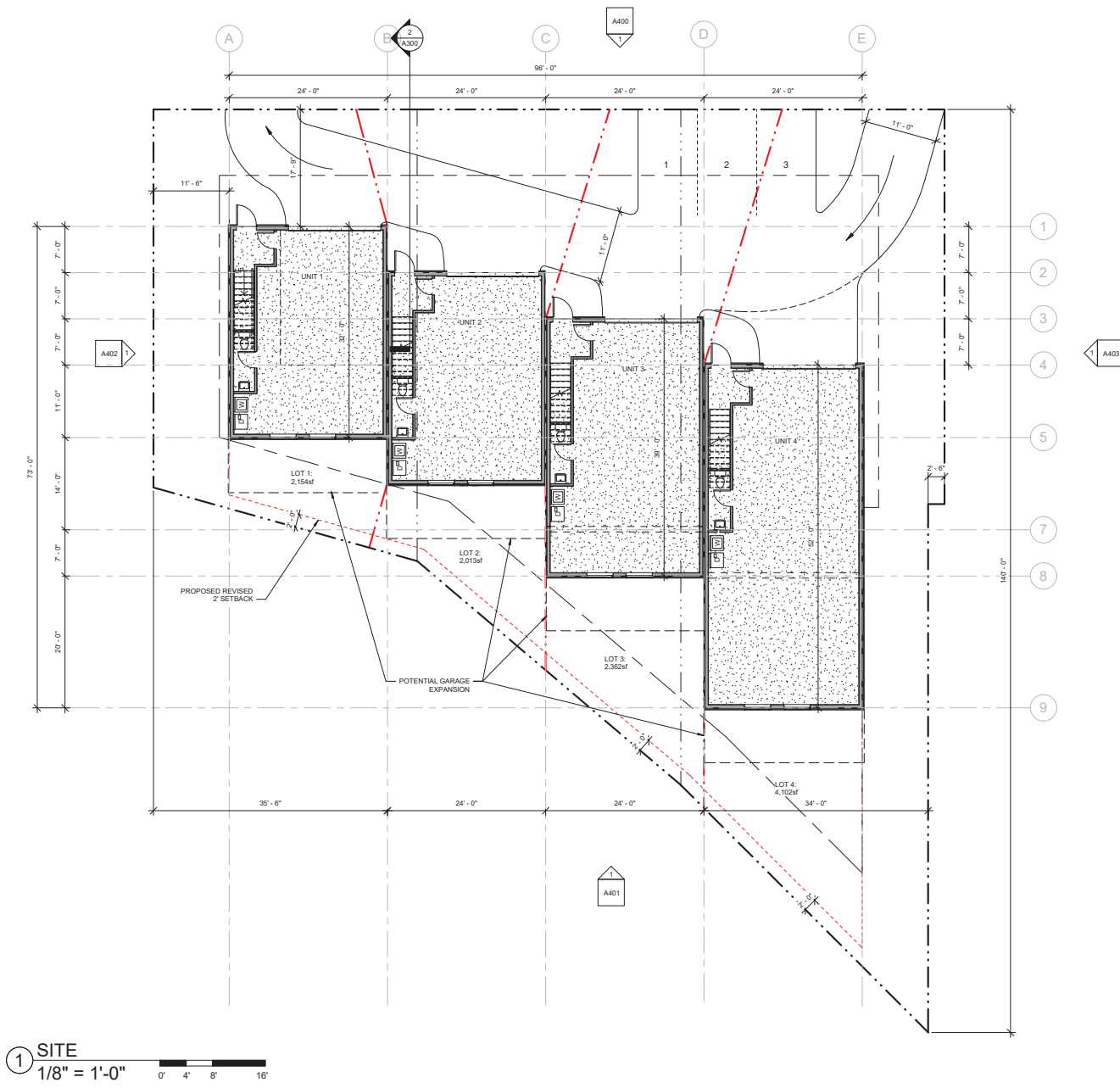
Attachment B

**Case No.:** USE2018 0002

**Parcel No.:** 5B1501090020, 5B1501090030 & 5B1501090041

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

2/20/2018 12:07:28 PM \\MRV\2018\Building Pros\A100\A100.dwg User: mrv



① SITE  
1/8" = 1'-0"

UNIT AREA SUMMARY  
W/O MEZZANINE

|        |             |
|--------|-------------|
| UNIT 1 | FL 1: 757   |
|        | FL 2: 757   |
|        | FL 3: 757   |
|        | TOTAL: 2271 |
| UNIT 2 | FL 1: 757   |
|        | FL 2: 757   |
|        | FL 3: 757   |
|        | TOTAL: 2271 |
| UNIT 3 | FL 1: 922   |
|        | FL 2: 757   |
|        | FL 3: 757   |
|        | TOTAL: 2436 |
| UNIT 4 | FL 1: 1239  |
|        | FL 2: 757   |
|        | FL 3: 757   |
|        | TOTAL: 2753 |

NOTE: 11"x17" PRINT IS HALF SIZE



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907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

SCHEMATIC DOCUMENTS  
**TOWNHOUSE**  
BUILDING PROS INC.

| No. | Description | Date |
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SHEET TITLE:  
SITE

DATE: 02.20.2018

DRAWN: MV  
CHECKED: PV

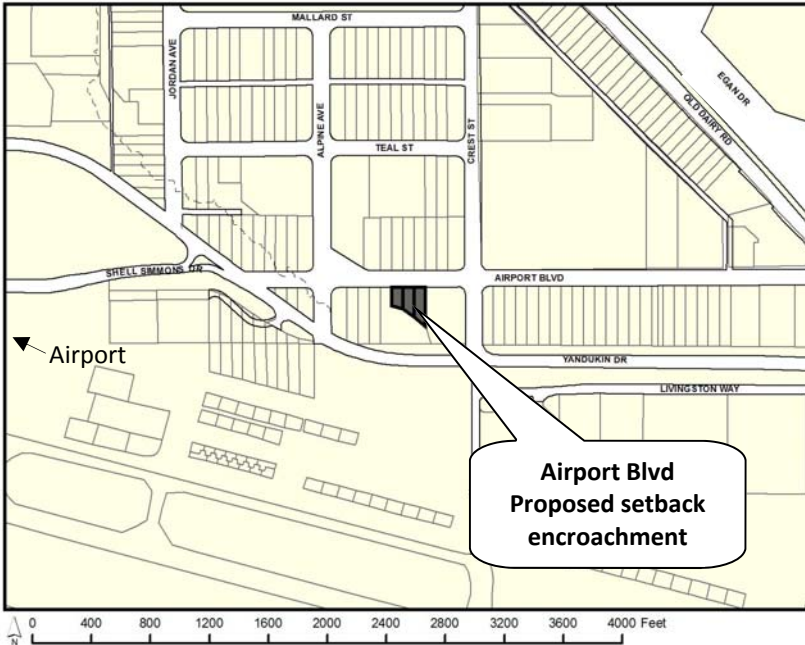
SHEET NO.

A100



# Invitation to Comment

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



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** to allow an **encroachment of approximately 8 feet into the rear yard setback** on parcels adjoining CBJ-owned land located on **Airport Blvd** in a **General Commercial (GC) zone**.

## TIMELINE

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

Now through Feb 19, 2018

Your comments to the Planner, **Jill Maclean**, will be included in the staff report.

February 20 through 12 noon, March 9

Your comments will be sent to Commissioners to read along with the staff report in preparation for the hearing.

**HEARING DATE & TIME**  
**7:00 pm, March 13, 2018**

You may testify at the hearing in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

March 14

The results of the hearing will be posted online.

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

**Case No.:** USE2018 0002

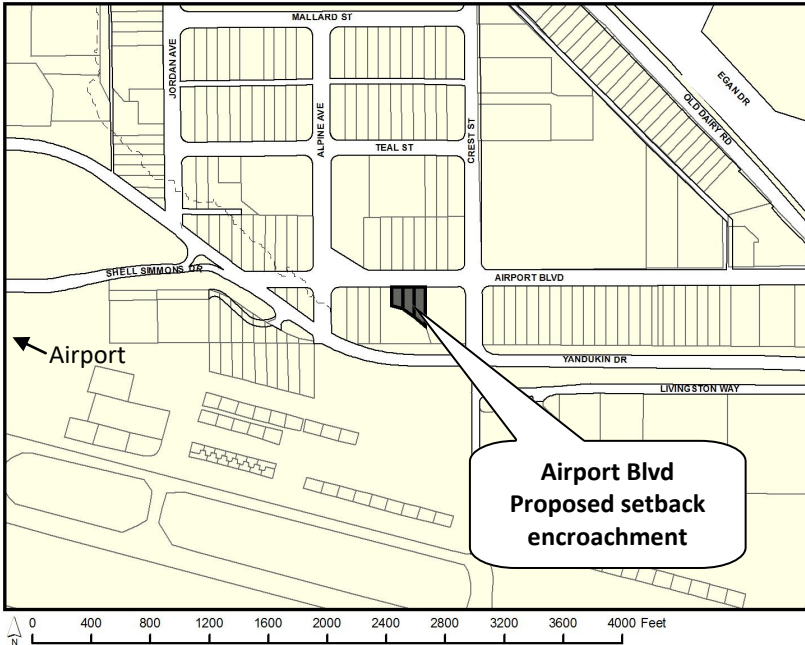
**Parcel No.:** 5B1501090020, 5B1501090030, & 5B1501090041

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

*Date notice was printed: February 12, 2018*

# Invitation to Comment

**PLEASE NOTE:** This hearing was removed from the 3/13 agenda and will now be heard by the Planning Commission on March 27, 2018.



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** to allow an **encroachment of approximately 8 feet into the rear yard setback** on parcels adjoining CBJ-owned land located on **Airport Blvd** in a **General Commercial (GC) zone**.

## TIMELINE

Staff Report expected to be posted Monday, March 19 at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>  
Find hearing results, meeting minutes and more here as well.

**Now through March 5, 2018**

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

**March 6 through 12 noon, March 23**

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

**NEW HEARING DATE**  
**7:00 pm, March 27, 2018**

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

**March 28**

The results of the hearing will be posted

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

Printed March 7, 2018

**Case No.:** USE2018 0002

**Parcel No.:** 5B1501090020, 5B1501090030 & 5B1501090041

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



## Planning Commission

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

### PLANNING COMMISSION NOTICE OF DECISION

Date: 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.

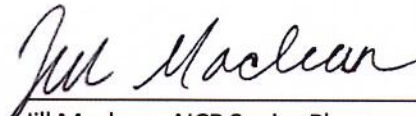
Building Pros Inc.  
Case No.: USE2018 0002  
March 29, 2018  
Page 2 of 2

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).

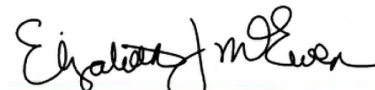
Effective Date: The permit is effective upon approval by the Commission, March 27, 2018.

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:** March 12, 2018

**TO:** Planning Commission

**FROM:** Jill Maclean, Senior Planner, AICP  
Community Development Department *Jill Maclean*

**CASE NO.:** USE2018 0002

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

**GENERAL INFORMATION**

**Applicant:** Building Pros Inc.

**Property Owner:** JMA Building

**Property Address:** Airport Blvd

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

**Parcel Code Number:** 5B1501090020; 5B1501090030; 5B1501090041

**Site Size:** 2,522; 4,554; 3,428 sq. ft. (total 10,504 sq. ft.)

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

**Zoning:** General Commercial (GC)

**Utilities:** CBJ Water/Sewer

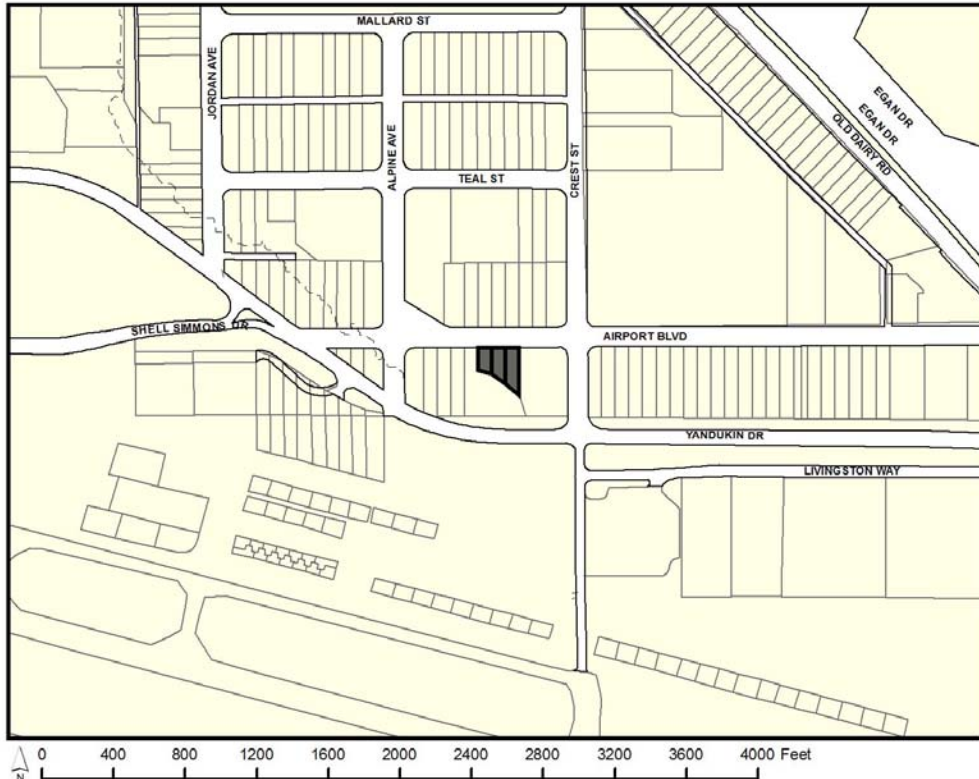
**Access:** Airport Blvd

**Existing Land Use:** Vacant

Building Pros Inc.  
USE2018 0002  
March 8, 2018  
Page 2 of 13

Surrounding Land Use: North: storage facilities (GC)  
South: vacant, CBJ-owned (GC)  
East: Juneau Mercantile Armory (GC)  
West: vacant/Jordan Creek, CBJ-owned (I)

### **VICINITY MAP**



### **ATTACHMENTS**

Attachment A – Application  
Attachment B – Public Notification  
Attachment C – Site Plan Depicting Proposed Encroachment  
Attachment D – Map of Floodplain

### **PROJECT DESCRIPTION**

The applicant requests a Conditional Use Permit to allow an encroachment varying from approximately five to eight feet into the rear yard setback on three existing parcels located on Airport Blvd. in a General Commercial (GC) zone. These parcels adjoin CBJ-owned land which is managed by Parks and Recreation. The requested encroachment better accommodates the construction of a four-unit commonwall (townhouse style) development and associated parking and access.

Building Pros Inc.  
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March 8, 2018  
Page 3 of 13

### **BACKGROUND**

The proposed use, four commonwalls (townhouses), is a permissible use with director approval as a minor development, commonwall subdivision, in a GC zoning district (CBJ 49.65.700).

The existing lots are vacant with frontage along Airport Blvd. The three existing parcels abut CBJ-owned property, which contains a segment of Jordan Creek and its floodplain. Portions of the parcels are located in an AE Flood Zone (see Analysis section for more detail). The applicant proposes to subdivide the property creating four lots for the commonwall development (the existing lot lines will be adjusted and a fourth added as shown in Attachment C).

The applicant seeks the approval to encroach into the rear yard setback of the property varying from approximately five to eight feet (see Attachment C). The requested encroachment varies due to the angled rear lot lines that parallel Jordan Creek. The proposed encroachment provides for a more efficient site development and layout by expanding the garages of the four commonwall units. One constraining factor in the site design is the required on-site traffic circulation because back-out parking is not permitted for residential uses in commercial districts. The expanded floorplans allow for greater maneuverability and provide adequate off-street parking so that the shared driveway is not needed for parking. Additionally, the project would develop three vacant, irregularly shaped lots and add four housing units to the community while mitigating impacts to the Jordan Creek buffer by constructing a fence and preventing future encroachment into the buffer (see Condition 1).

### **ANALYSIS**

CBJ 49.25.430(4)(N) requires that the Conditional Use Permit process is used when the affected setback adjoins publicly owned land dedicated for open space.

*49.25.430(4)(N) Parcels adjoining publicly owned land. The commission, through the conditional use permit process, may allow structural projections into required side or rear yard setbacks if the affected yard adjoins publicly owned land which has been placed in a park, open space, or similarly restrictive land management classification; provided such projections are minimized and are necessary to prevent substantial hardship to the applicant. The commission may deny such requests if it finds that the structure, with the addition, would result in excessive blockage of views, excessive restriction of light and air, or other deleterious impacts.*

The issuance of a Conditional Use Permit in such a circumstance instead of a variance was adopted into the CBJ Land Use Code in 1991 by CBJ Ordinance 91-03. This was to recognize that placing a structure in a setback next to publicly owned land may have less impact on provision of light, air, and privacy than if it were placed adjacent to private property. The record also indicates it was done so that this type of encroachment would not have to meet the high

Building Pros Inc.  
USE2018 0002  
March 8, 2018  
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threshold of approval that a variance must meet in order to be approved. There is, however, similar emphasis on the prevention of substantial hardship as is found in the variance criteria. In addition to the elements normally addressed for a Conditional Use Permit, the requirements of 49.25.430(4)(N) are also addressed throughout this report and more specifically below, under 'Findings'.

### **Project Site**

The project site consists of three lots, totaling approximately 10,504 sq. ft., accessed via Airport Boulevard in a GC zoning district. The applicant intends to vacate the existing property lines and subsequently subdivide into four commonwall lots. The minimum lot size in a GC zoning district is 2,000 square feet. Setbacks in the GC zoning district are ten feet in the front, rear, and side yards. The maximum height for the GC zoning district is 55'.

The lots are bordered on the west and south by land owned by the CBJ and managed by CBJ Parks and Recreation. The rear lot lines adjacent to the CBJ owned land vary due to the meandering of Jordan Creek. The lots become deeper, and therefore larger, moving west to east.

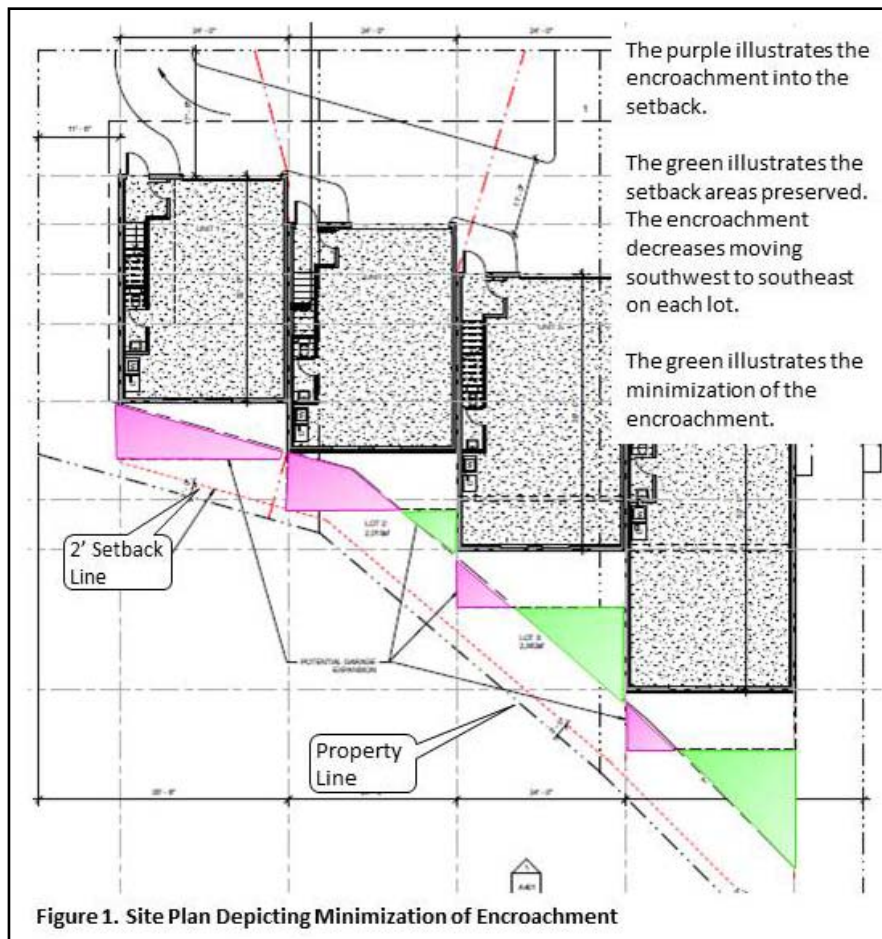
The lots are irregularly shaped with an angled rear lot lines that impacts the size and siting of the proposed lots and units (see Attachments A and C). The applicant has stated that the cost to construct such irregularly shaped buildings is significantly more than if the lots were a standard (rectangular) shape. The alternative to not encroaching into the rear setback is to construct buildings with a diagonal wall, which would increase construction cost. In order to create a profitable development the impact of the angled rear lot lines must be accommodated in some manner. The applicant stated that the cost increase to develop the vacant and underutilized lots is a substantial hardship.

### **Project Design**

The project includes four commonwall units with associated garages, parking, and access. The proposed encroachment varies between approximately five to eight feet into the rear setbacks. The eastern lots are deeper and therefore less impacted by the irregularly shaped lots. The applicant's proposal sites the units with decreasing amounts of encroachments into the rear yard setback from west to east. The two most westerly units are proposed to encroach eight feet into the rear setback to provide space in the garages for the required parking; the two most easterly units are proposed to encroach five feet into the rear setback. The white areas in Figure 1 on the next page illustrate the portions of the required setbacks that are being maintained.

Building Pros Inc.  
 USE2018 0002  
 March 8, 2018  
 Page 5 of 13

It should be noted that the encroachment for each unit is greatest at the southwest corner of each unit (see the purple areas in Figure 1 and Attachment C). As the buildings are not parallel to the setback line, the encroachment decreases at the southeast corner of each unit. Further, the encroachment is offset by the area preserved by not constructing a diagonal wall for the units (see the green areas in Figure 1 on the next page and Attachment C).



The reduced setbacks will better accommodate parking and access by allowing for the expansion of the garages (see Attachment C). As back-out parking is not allowed for residential uses in commercial zoning districts, the site must contain the required off-street parking spaces and ensure that the shared driveway will not be used for parking. Siting the shared driveway, buildings and parking is difficult due to the setbacks from the angled rear lot lines. The proposed encroachment allows for the expansion of the garages and a more efficient use of the site.

The proposed siting also provides for an 11 foot wide shared driveway, which is an acceptable width for public safety (see Agency Review section) for this type of development and location,

Building Pros Inc.  
USE2018 0002  
March 8, 2018  
Page 6 of 13

given the proximity to Airport Boulevard. Therefore, the proposed siting of the development with decreasing amounts of encroachments into the setback meets the requirement of 49.25.430(N) to minimize encroachments.

**Traffic**

The proposed four unit commonwall falls under the “Residential Condominium/Townhouse” Land Use in the Trip Generation Handbook. Residential Condominium/Townhouses are defined as ownership units that have at least one other owned unit within the same building structure. Based upon this categorization the Average Daily Trips (ADT) for this type of development is 5.81 trips per dwelling unit per weekday, 5.67 trips per dwelling unit per Saturday, and 4.84 trips per dwelling unit per Sunday. CBJ 49.40.300 states that a traffic impact analysis is not required when a development is projected to generate less than 250 average daily trips. The expected traffic generated by the four commonwalls is less than the traffic expected from other surrounding uses in this GC zoning district.

**Parking and Circulation**

According to CBJ 49.40.210, the proposed development requires two parking spaces per dwelling unit. The attached garages provide two parking spaces per unit. Back-out parking is not allowed for residential uses in commercial zoning districts (CBJ 49.40.230 (7)). The shared driveway is 11 feet in wide and meets Capital City Fire & Rescue standards for adequate accessibility due to the proximity of Airport Boulevard.

**Noise**

The development is not expected to generate noise beyond that of uses allowed outright in the GC zoning district.

**Public Health or Safety**

There is no evidence that there will be any negative impacts to public health or safety if the applicant is allowed to place the structures within the rear yard setback. The abutting CBJ property has been classified as Stream Protection Corridor, and will not be developed, thus maintaining adequate open space for light and air. It is recommended as a condition of approval that a fence be constructed along the rear property line to prevent future encroachments and use of the adjacent CBJ owned property. The proposed structures meet requirements for height and dimensional standards, except the rear setback, and will meet all building and fire code requirements. Additionally, the 11 foot wide shared driveway provides adequate room for vehicles to turn around on site before entering Airport Boulevard.

**Habitat**

The site is located adjacent to Jordan Creek. The creek is an anadromous fish stream and an impaired water body. Jordan Creek is located on the property owned by CBJ. The proposed structures are located outside the 50-foot streamside buffer. No development is proposed in the streamside buffer area.

Building Pros Inc.  
USE2018 0002  
March 8, 2018  
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Portions of the lots are located in a mapped flood zone according to the 2013 FEMA flood maps (see Attachment D). The flood zone is an AE zone. AE Flood Zones are located between the limits of the base flood area areas that have a 1% probability of flooding every year (also known as the "100-year floodplain"), and where predicted flood water elevations above mean sea level have been established. Properties in Zone AE are considered to be at high risk of flooding under the National Flood Insurance Program (NFIP). Portions of the units are located within the flood zone, and fill is permitted in the AE zone. Any necessary flood permits will be required through the building permit review.

No other known habitats regulated by Title 49 are located on the site.

#### **Property Value or Neighborhood Harmony**

The project site is located in a GC zoning district. The area also contains the airport, Juneau Mercantile Armory, storage facilities, and office space. The project develops three vacant sites and adds four housing units to the community while mitigating impacts to the Jordan Creek buffer. Available evidence indicates that property values will not be affected and the proposed encroachment and associated development is in harmony with the surrounding neighborhood. As stated below under Agency Review, the Director of Parks and Recreation has no concerns regarding this encroachment.

#### **CONFORMITY WITH ADOPTED PLANS**

##### **2013 Comprehensive Plan**

As stated above, the Comprehensive Plan Land Use Map G designates this area as Commercial (C). This designation supports mixed retail/residential/office uses. Residential densities ranging from 18- to 60-units per acre are appropriate in this area, with even higher densities appropriate in mixed-use or transit-oriented developments. The site is located in an established mixed use district.

#### **Chapter 4 – Housing Element**

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.

The following standard operating procedures (SOPs) support the applicant's proposal:

4.2 - SOP1 Designate on the Comprehensive Plan Land Use Maps adequate sites and supporting infrastructure within the Urban Service Area Boundary to accommodate a diversity of housing types, size, price and types of neighborhood scale and character to satisfy the desires of all residents.

Building Pros Inc.  
 USE2018 0002  
 March 8, 2018  
 Page 8 of 13

4.2 - SOP3 The CBJ government should seek and facilitate new housing production, for all types, at an annual rate that mimics the growth rate of new households in Juneau, in order to maintain adequate choice of residence type, location, and cost.

Policy 4.7 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.

The following development guideline (DG) supports the applicant's proposal:

4.8 - DG1 When reviewing rezoning applications within the Urban Service Area, higher densities than are found on adjacent or surrounding properties should be deemed consistent and harmonious with the character of the neighborhood, provided that the overall scale and massing of the new development is compatible with the neighborhood and the siting and/or design of the new structure(s) assures the privacy, light and air of its neighbors.

The project site is depicted on Land Use Map G and located within Subarea 4 East Mendenhall Valley. The Community Form is categorized as Suburban/Urban. The Plan identifies guidelines and considerations for each subarea. For this location the Plan identifies the need for the maintenance of existing neighborhoods while encouraging in-fill development of low-to-moderate income affordable housing.

### **Chapter 7 – Natural Resources and Hazards**

POLICY 7.3 TO PROTECT RIPARIAN HABITAT, INCLUDING STREAM CORRIDORS AND LAKE SHORELINES, FROM ADVERSE EFFECTS OF DEVELOPMENT AND TO PROVIDE A HIGHER LEVEL OF PROTECTION FOR NON-URBAN SHORELINES IN PUBLIC OWNERSHIP.

7.3 - DG On privately-owned lands, require a minimum setback of 50 feet from the OHWM of all creeks, stream corridors and lake shorelines listed in the most recently CBJ-adopted ADF&G inventory of anadromous fish streams. This 50-foot setback is to be considered a basic or minimum setback from the water body and its riparian habitat until a biological functional analysis of the water body and adjacent habitat is conducted that identifies a specific greater or lesser setback distance appropriate to the development and functional value of the particular water body and associated riparian habitat, and an ordinance amending that setback is adopted.

The applicant's proposal recognizes development guideline 7.3 - DG3 and does not propose any encroachments into the Jordan Creek buffer.

POLICY 7.7. TO PROTECT, MAINTAIN AND IMPROVE SURFACE WATER, GROUNDWATER AND MARINE WATER QUALITY IN ITS JURISDICTION SO THAT ALL WATERS ARE IN COMPLIANCE WITH

Building Pros Inc.  
USE2018 0002  
March 8, 2018  
Page 9 of 13

FEDERAL AND STATE WATER QUALITY STANDARDS AND CONTINUE TO ALLOW AQUATIC LIFE TO THRIVE.

POLICY 7.18 TO PROHIBIT RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT IN FLOODWAYS, TO REGULATE DEVELOPMENT IN FLOODPLAINS, AND TO MAINTAIN A PROGRAM OF EDUCATION, ASSISTANCE, AND INFORMATION IN ORDER TO MAINTAIN ELIGIBILITY FOR THE NATIONAL FLOOD INSURANCE PROGRAM FOR THE BENEFIT OF LOCAL PROPERTY OWNERS AND THE LENDING INDUSTRY.

The applicant's proposal addresses Policies 7.7 and 7.18. The applicant is aware that due to portions of the units being located within the flood zone any necessary flood permits will be required through the building permit review (as stated above, fill is permitted in the AE zone) (see Attachment D). Additionally, a fence is recommended as a condition of approval to ensure that future property owners do not encroach into the Jordan Creek buffer.

#### **Chapter 9 – Parks, Recreation, Trails and Natural Area Resources Element**

Policy 9.3 TO PRESERVE AS PUBLIC NATURAL AREAS THOSE PUBLICLY-OWNED LANDS AND SHORELINE AREAS THAT POSSESS IMPORTANT RECREATIONAL, SCENIC, FISH AND WILDLIFE, AND OTHER ENVIRONMENTAL QUALITIES OR ARE SUBJECT TO NATURAL HAZARDS.

#### **Chapter 10 – Land Use Element**

Policy 10.6 TO REQUIRE NEW RESIDENTIAL DEVELOPMENTS TO MEET MINIMUM CRITERIA FOR OVERALL SITE DESIGN INCLUDING PROVISION OF LIGHT, AIR AND PRIVACY.

Given the following analysis, the project is found to conform to the Comprehensive Plan:

The applicant's proposal does not diminish the natural environment of the CBJ parcel, which is identified as a CBJ Stream Protection Corridor, as there is no proposed development on the adjacent CBJ lot, and the 50 foot buffer is being maintained. Additionally, a fence is recommended as a condition of approval to ensure that future property owners do not encroach onto the CBJ owned property. No trails go through the site. Given the Stream Protection Corridor designation, no future development of the CBJ lot is anticipated. There would be no issues regarding provision of light, air, privacy, or other deleterious impacts if this proposal approved.

#### **Housing Action Plan 2016**

The Housing Action Plan identifies Juneau's housing challenges as long-standing and significant, and asserts that housing supply does not meet demand in terms of housing type, size, price, or location. The Plan recommends growing the supply and diversity of housing aiming at specific numerical targets through new construction and preservation and through developing housing choices to accommodate the workforce needs.

The project is consistent with the Housing Action Plan.

Building Pros Inc.  
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March 8, 2018  
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#### Juneau Economic Development Plan

The Juneau Economic Development Plan (JEDP) developed eight economic development priorities, including to “Promote Housing Affordability and Availability”. In order to accomplish the priorities set forth the Plan states Initiatives, Goals, and Actions. Specifically relating to housing is the Goal “Break down the housing barriers that are dampening economic growth”.

Given the priority and goal stated above the project is consistent with the JEDP, while balancing the protection of Jordan Creek and mitigating development in a mapped flood hazard area.

#### AGENCY REVIEW

The following agencies/departments provided comments on the proposed project.

**CBJ Lands & Resources Division:** *Staff has a concern of future property owners encroaching onto and utilizing CBJ land as backyards, given the 2 foot distance to the property line from the structure and request that a fence (minimum 4 ft. in height) be installed to prevent future encroachments onto CBJ land.*

**CBJ Parks & Recreation:** *Parks and Recreation has no issue with this request.*

**Capital City Fire/Rescue:** *Based upon the preliminary plans submitted, the shared driveway appears close enough to the main road (Airport Blvd.) and may not require an increased driveway width. A code analysis of the complete plan set must be provided prior to final plan approval by CCFR.*

**CBJ Building Division:** *No issues at this time.*

**CBJ General Engineering:** *No issues with the setback provided that a sediment control plan is submitted for review.*

**CBJ Airport:** *Please ensure applicant files FAA Form 7460 for obstruction to airspace including cranes etc., during building process. They will need a latitude/longitude, and full height of all equipment to be used during construction, as well as final height of building (including any antennas) since this is in the helicopter flight corridor.*

#### PUBLIC COMMENT

*No public comments were received as of 12 noon on March 9, 2018.*

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### **FINDINGS**

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

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

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

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

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

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

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

**Yes.** 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 1.920 for the GC 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 March 2, 2018 and March 12, 2018 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all

Building Pros Inc.  
 USE2018 0002  
 March 8, 2018  
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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.** As discussed in the above analysis, the proposal is located in a GC zoning district on approximately 10,500 sq. ft. of land with adequate room for parking and circulation, should the Conditional Use permit be approved. 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 in the above analysis, the proposal is located in a GC zoning district and is surrounded by vacant parcels, storage facilities, Juneau Mercantile and Armory, Juneau International Airport, hotels, office space, and other mixed uses. No evidence indicates that the proposed development 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.** The development is in general conformity with Title 49, the 2013 Comprehensive Plan, and the Housing Action Plan.

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

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

N/A.

**8. Will the proposed development meet the additional criteria of 49.25.430(4)(N) in particular:**

**a) Is the affected yard adjoining publicly owned land which has been placed in a park, open space, or similarly restrictive land management classification?**

**Yes.** The adjacent CBJ parcel is owned by CBJ, and managed by CBJ Department of Parks and Recreation and is designated as a 'Stream Protection Corridor'.

**b) Are the projections minimized?**

**Yes.** The applicant's proposal sites the units with decreasing encroachments into the rear yard setback moving from west to east, as the lots are deeper (see Attachment C).

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***c) Are the projections necessary to prevent substantial hardship to the applicant?***

**Yes.** As described above in the Analysis section, the irregular shaped lots and angled rear property lines make developing the site difficult. The applicant has stated that the cost to develop such irregularly shaped lots is significantly more than if the lots were of a more standard (rectangular) shape. In order to create a profitable development, the impact of the angled rear lot lines must be accommodated in some manner. The alternative to not encroaching into the rear setback is to construct buildings with a diagonal wall, which leads to an increase in the cost to construct. The applicant stated that this cost increase to develop the vacant and underutilized lots is a substantial hardship.

The allowance for encroachments into the rear setbacks adjacent to public open space was deliberately removed from the variance process and required to follow the conditional use permit process instead. The encroachment provides for better siting and use of lots that have remained vacant and underutilized. The encroachment provides space for on-site parking that does not rely on back-out parking (which is not allowed for residential uses in commercial districts) and allows for the shared drive to remain open for traffic circulation and public safety access.

The emphasis of the conditional use permit process is to ensure there are no negative impacts resulting from a proposed development. In particular it addresses public health and safety; decreased value of, or disharmony with, the neighboring property area; and whether the proposal is in conformity with the Comprehensive Plan and other adopted plans.

Based on the applicant's proposal and the impacts of developing alternative traffic circulation, access, and parking, the requested rear yard setback encroachment prevents a hardship.

***d) Does the proposal result in excessive restriction of light and air, or other deleterious impacts.***

**No.** There is no proposed development on the adjacent CBJ lot, which is identified as a CBJ Stream Protection Corridor. No trails go through the site. There is no evidence that there will be any restriction of light and air or other deleterious impacts from the proposal.

**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 an encroachment of approximately 8 feet into the rear yard setback of a property that abuts CBJ-owned lands. The approval is subject to 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.

# DEVELOPMENT PERMIT APPLICATION

|                                             |  |                            |  |                              |  |
|---------------------------------------------|--|----------------------------|--|------------------------------|--|
| Project Number                              |  | CITY and BOROUGH of JUNEAU |  | Date Received: <u>2/8/18</u> |  |
| Project Name<br>(City Staff to Assign Name) |  |                            |  |                              |  |

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                                                        |                                |  |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------|--------------------------------|--|
| INFORMATION         | Project Description<br><u>COMMON WALL SETBACK ENCROACHMENT</u>                                                                                                                                                                                                                                                                                                                                                                         |  |                                                        |                                |  |
|                     | PROPERTY LOCATION                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                                                        |                                |  |
|                     | Street Address<br><u>Highway Blvd 720 Crest Street</u>                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                        | City/Zip                       |  |
|                     | Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)<br><u>LOT 6A, 7A &amp; 8A Valley Centre Greenbelt</u>                                                                                                                                                                                                                                                                                                       |  |                                                        |                                |  |
|                     | Assessor's Parcel Number(s)<br><u>5B1501090020, 5B1501090030, 5B1501090041</u>                                                                                                                                                                                                                                                                                                                                                         |  |                                                        |                                |  |
|                     | LANDOWNER/ LESSEE                                                                                                                                                                                                                                                                                                                                                                                                                      |  |                                                        |                                |  |
|                     | Property Owner's Name<br><u>JMA Building</u>                                                                                                                                                                                                                                                                                                                                                                                           |  | Contact Person:<br><u>Dan</u>                          | Work Phone:<br><u>723-2298</u> |  |
|                     | Mailing Address<br><u>P.O. Box 32098</u>                                                                                                                                                                                                                                                                                                                                                                                               |  | Home Phone:                                            | Fax Number:                    |  |
|                     | E-mail Address<br><u>dmiller@gci.net</u>                                                                                                                                                                                                                                                                                                                                                                                               |  | Other Contact Phone Number(s):                         |                                |  |
|                     | LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****                                                                                                                                                                                                                                                                                                                           |  |                                                        |                                |  |
| PROJECT / APPLICANT | I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:<br>A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.<br>B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application. |  |                                                        |                                |  |
|                     | X <u>[Signature]</u><br>Landowner/Lessee Signature                                                                                                                                                                                                                                                                                                                                                                                     |  | <u>2-8-18</u><br>Date                                  |                                |  |
|                     | X _____<br>Landowner/Lessee Signature                                                                                                                                                                                                                                                                                                                                                                                                  |  | _____<br>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<br><u>Building PROS Inc</u>                                                                                                                                                                                                                                                                                                                                                                                           |  | Contact Person:<br><u>Dan</u>                          | Work Phone:<br><u>723-2298</u> |  |
|                     | Mailing Address<br><u>P.O. Box 32098 99803</u>                                                                                                                                                                                                                                                                                                                                                                                         |  | Home Phone:                                            | Fax Number:                    |  |
|                     | E-mail Address<br><u>dmiller@gci.net</u>                                                                                                                                                                                                                                                                                                                                                                                               |  | Other Contact Phone Number(s):<br><u>Jake 209-8889</u> |                                |  |
|                     | X <u>[Signature]</u><br>Applicant's Signature                                                                                                                                                                                                                                                                                                                                                                                          |  | <u>2-8-18</u><br>Date of Application                   |                                |  |

|                                 |                                                        |                                                                                                |         |               |                                      |
|---------------------------------|--------------------------------------------------------|------------------------------------------------------------------------------------------------|---------|---------------|--------------------------------------|
| OFFICE USE ONLY BELOW THIS LINE |                                                        |                                                                                                |         |               |                                      |
| STAFF APPROVALS                 | <input checked="" type="checkbox"/>                    | 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)                                 |         |               |                                      |
|                                 | <input checked="" type="checkbox"/>                    | Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment) |         |               | <u>USE 20180002</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<br><u>jmm</u> |

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

I:\FORMS\2010 Applications

Attachment A

Revised November 2009

**ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                |             |               |      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------------|---------------|------|
| Project Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Project Name (15 characters)   | Case Number | Date Received |      |
| TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                |             |               |      |
| <input type="checkbox"/> Accessory Apartment*** (AAP) <input type="checkbox"/> Driveway in Right-of-Way (ADW)<br><input checked="" type="checkbox"/> Use Listed in §49.25.300 (USE)<br>(Table of Permissible Uses)                                                                                                                                                                                                                                                                                                      |                                |             |               |      |
| Please list the Table of Permissible Uses Category: 1.920                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                |             |               |      |
| ***An Accessory Apartment Application will also be required.                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                |             |               |      |
| DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.<br>4 unit townhome project - tiny lots abutting CBS land & would like to extend building into setback by 8'.                                                                                                                                                                                                                                                                                                                         |                                |             |               |      |
| IS THIS A MODIFICATION OF AN EXISTING APPROVAL? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES - Case # _____                                                                                                                                                                                                                                                                                                                                                                                      |                                |             |               |      |
| CURRENT USE OF LAND OR BUILDING(S): VACANT                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                |             |               |      |
| PROPOSED USE OF LAND OR BUILDING(S): TOWNHOMES / commonwells                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                |             |               |      |
| UTILITIES PROPOSED:    WATER: <input checked="" type="checkbox"/> Public <input type="checkbox"/> On Site    SEWER: <input checked="" type="checkbox"/> Public <input type="checkbox"/> On Site                                                                                                                                                                                                                                                                                                                         |                                |             |               |      |
| SITE AND BUILDING SPECIFICS:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                |             |               |      |
| Total Area of Lot 10070631 square feet    Total Area of Existing Structure(s) 0 square feet<br>Total Area of Proposed Structure(s) 3675 square feet (without setback encroachment) (4560)                                                                                                                                                                                                                                                                                                                               |                                |             |               |      |
| EXTERNAL LIGHTING:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                |             |               |      |
| Existing to remain <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures<br>Proposed <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures                                                                                                                                                                                  |                                |             |               |      |
| PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                |             |               |      |
| <input checked="" type="checkbox"/> Site Plan <input checked="" type="checkbox"/> Existing and proposed parking areas (including dimensions) and proposed traffic circulation<br><input checked="" type="checkbox"/> Floor Plan of proposed buildings <input checked="" type="checkbox"/> Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)<br><input checked="" type="checkbox"/> Elevation view of existing and proposed buildings<br><input type="checkbox"/> Proposed Vegetative Cover |                                |             |               |      |
| For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.                                                                                                                                                                                                                                                                                                                                                                              | ALLOWABLE/CONDITIONAL USE FEES |             |               |      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Fees                           | Check No.   | Receipt       | Date |
| If you need any assistance filling out this form, please contact the Permit Center at 586-0770.                                                                                                                                                                                                                                                                                                                                                                                                                         | Application Fees               | \$ 350.00   |               |      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Admin. of Guarantee            | \$          |               |      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Adjustment                     | \$          |               |      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Pub. Not. Sign Fee             | \$ 50.00    |               |      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Pub. Not. Sign Deposit         | \$ 100.00   |               |      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Total Fee                      | \$          |               |      |

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





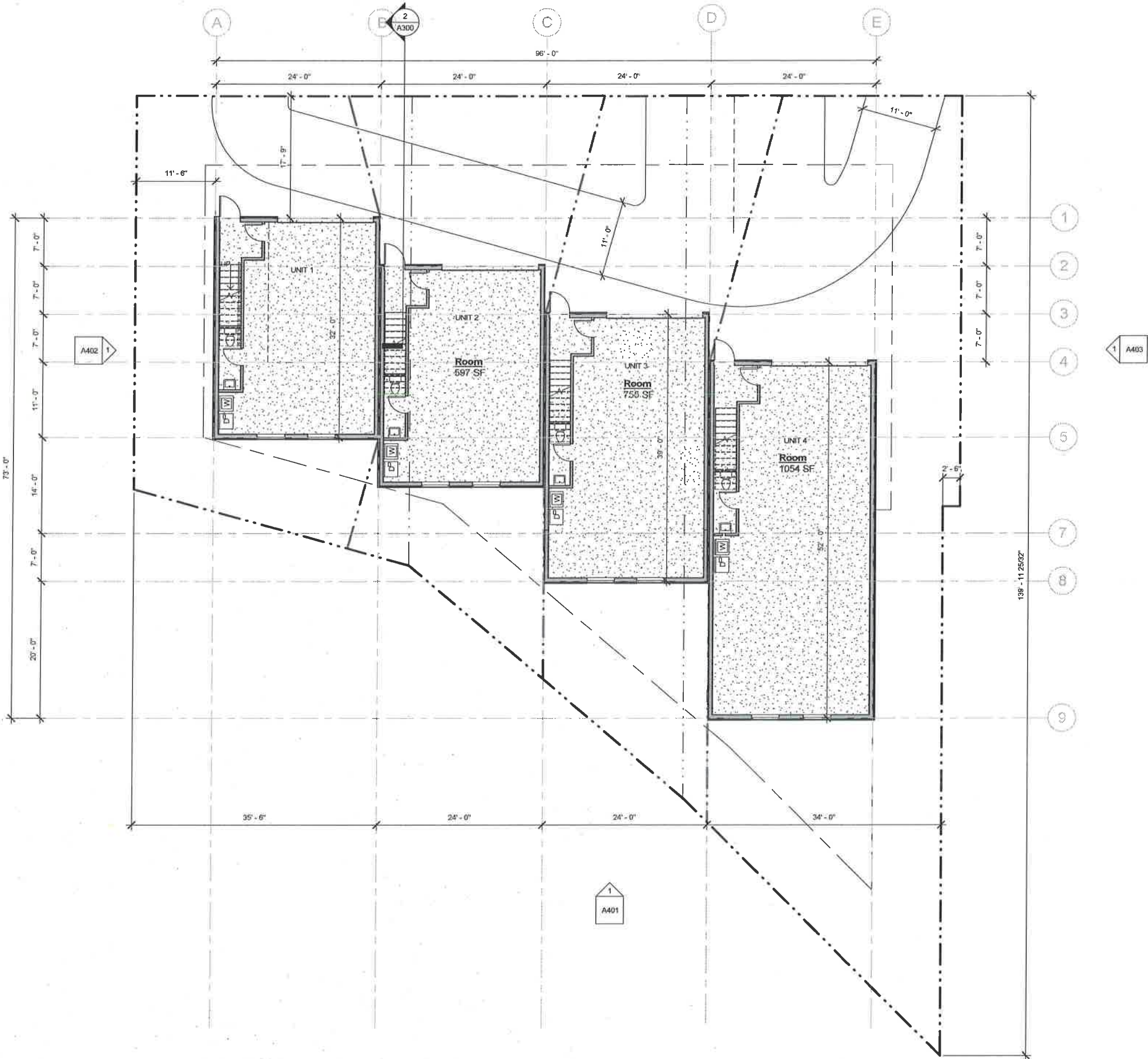
Attachment A

# TOWNHOUSE

For  
BUILDING PROS INC.



Attachment A



UNIT AREA SUMMARY  
W/O MEZZANINE

UNIT 1  
FL 1: 757  
FL 2: 757  
FL 3: 757  
TOTAL: 2271

960

UNIT 2  
FL 1: 757  
FL 2: 757  
FL 3: 757  
TOTAL: 2271

960

UNIT 3  
FL 1: 922  
FL 2: 757  
FL 3: 757  
TOTAL: 2436

1152

UNIT 4  
FL 1: 1239  
FL 2: 757  
FL 3: 757  
TOTAL: 2753

1488



**MRV**  
ARCHITECTS  
ARCHITECTURE PLANNING INTERIORS

MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

MRV #

SCHEMATIC DOCUMENTS  
**TOWNHOUSE**

BUILDING PROS INC.

| No. | Description | Date |
|-----|-------------|------|
|     |             |      |
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SHEET TITLE:  
SITE

DATE: 01.04.2018

DRAWN: Author

CHECKED: PV

SHEET NO.

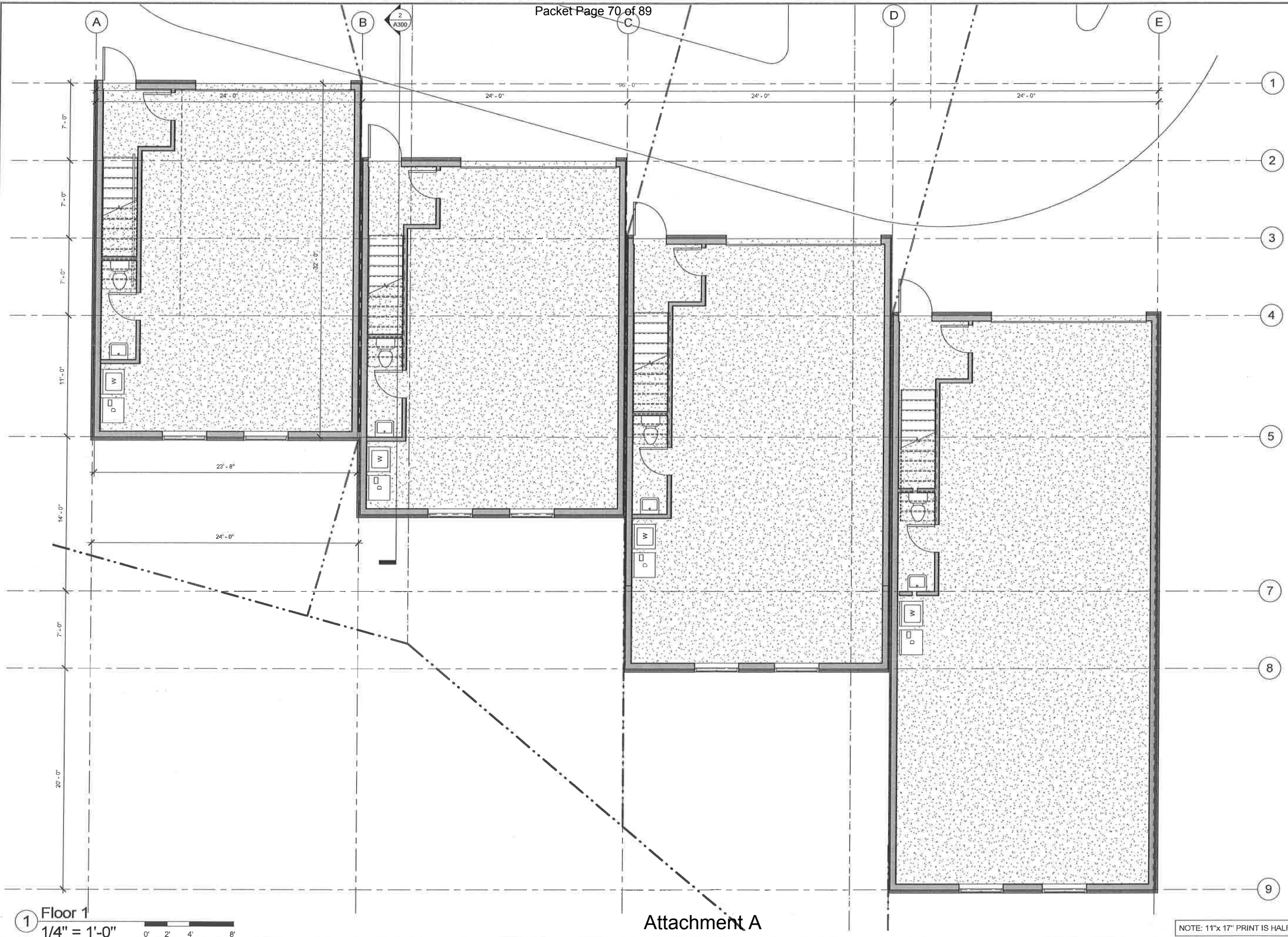
**A100**

NOTE: 11"x 17" PRINT IS HALF SIZE

1 SITE  
1/8" = 1'-0"  
0' 4' 8' 16'

Attachment A

1/17/2018 4:41:04 PM W:\R2\2013\data\projects\2017\1734 Miller Mhead-use Building Study\Revit\Miller Mhead User.rvt



**MRV**  
ARCHITECTS  
ARCHITECTURE PLANNING INTERIORS

MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

SCHEMATIC DOCUMENTS  
**TOWNHOUSE**

BUILDING PROS INC.

| No. | Description | Date |
|-----|-------------|------|
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SHEET TITLE:  
FLOOR 1

DATE: 01.04.2018

DRAWN: Author

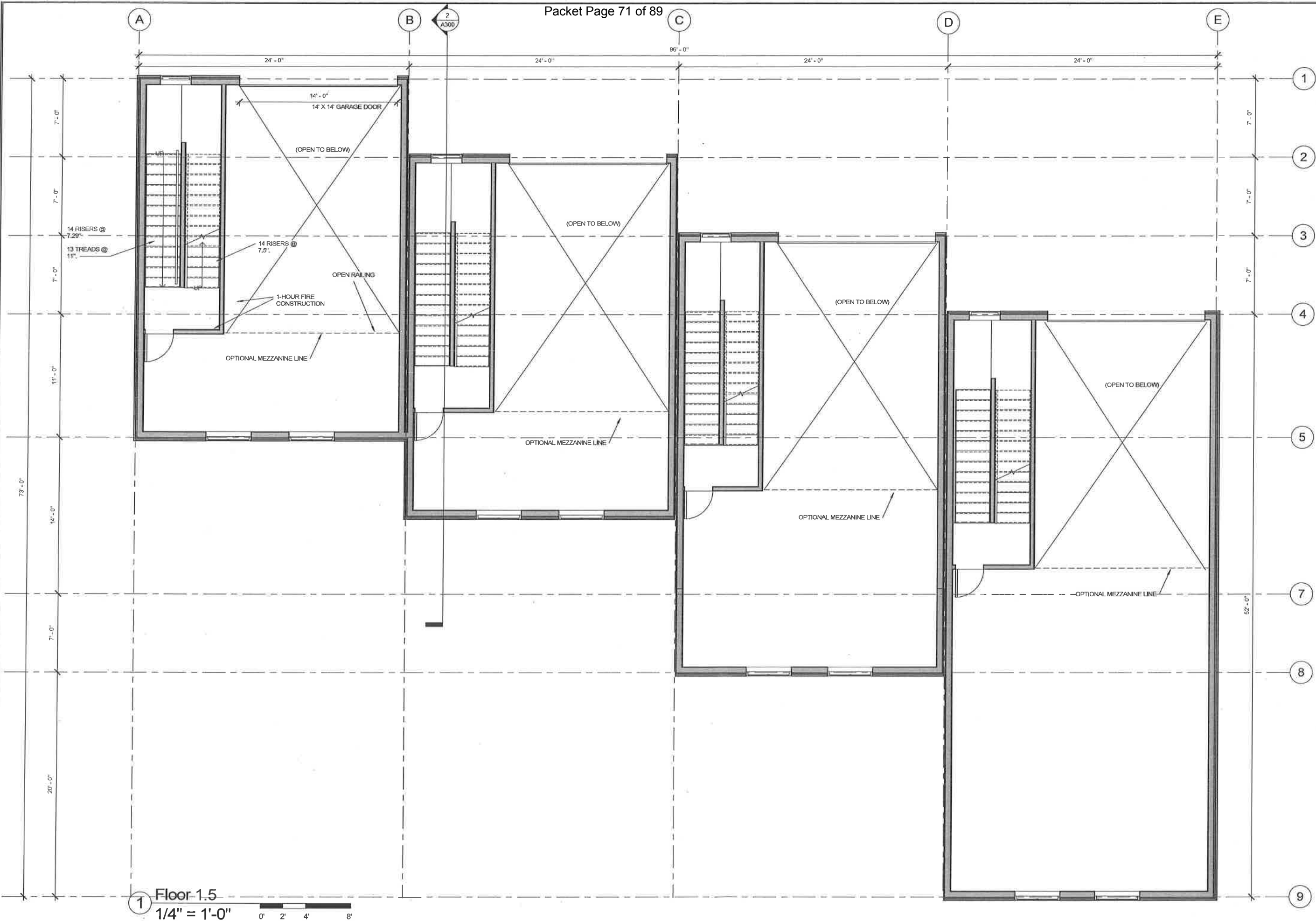
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SHEET NO.

**A101**

NOTE: 11"x 17" PRINT IS HALF SIZE

1/17/2018 4:41:04 PM \\MRV\2013\data\projects\2017\1734 Miller Mixed-use Building Study\Revit\Miller Mixed Use.rvt



**MRV**  
ARCHITECTS  
ARCHITECTURE • PLANNING • INTERIORS

MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

SCHEMATIC DOCUMENTS  
**TOWNHOUSE**

BUILDING PROS INC.

| No. | Description | Date |
|-----|-------------|------|
|     |             |      |
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SHEET TITLE:  
FLOOR 1.5

DATE: 01.04.2018

DRAWN: Author

CHECKED: PV

SHEET NO.

**A102**



**MRV**  
ARCHITECTS  
ARCHITECTURE PLANNING INTERIOR

MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

MRV #

SCHEMATIC DOCUMENTS  
**TOWNHOUSE**

BUILDING PROS INC.

| No. | Description | Date |
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|     |             |      |
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SHEET TITLE:  
**FLOOR 2**

DATE: 01.04.2018

DRAWN: Author  
CHECKED: PV

SHEET NO.

**A103**

NOTE: 11"x 17" PRINT IS HALF SIZE



1 Floor 2  
1/4" = 1'-0" 0 2' 4' 8'

Attachment A



MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

MRV #

SCHEMATIC DOCUMENTS  
**TOWNHOUSE**

BUILDING PROS INC.

| No. | Description | Date |
|-----|-------------|------|
|     |             |      |
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SHEET TITLE:  
FLOOR 3

DATE: 01.04.2018

DRAWN: Author  
CHECKED: PV

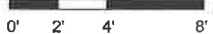
SHEET NO.

**A104**

NOTE: 11"x 17" PRINT IS HALF SIZE



1 Floor 3  
1/4" = 1'-0"





**MRV**  
ARCHITECTS  
ARCHITECTURE PLANNING INTERIORS

MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

SCHEMATIC DOCUMENTS  
**TOWNHOUSE**  
BUILDING PROS INC.

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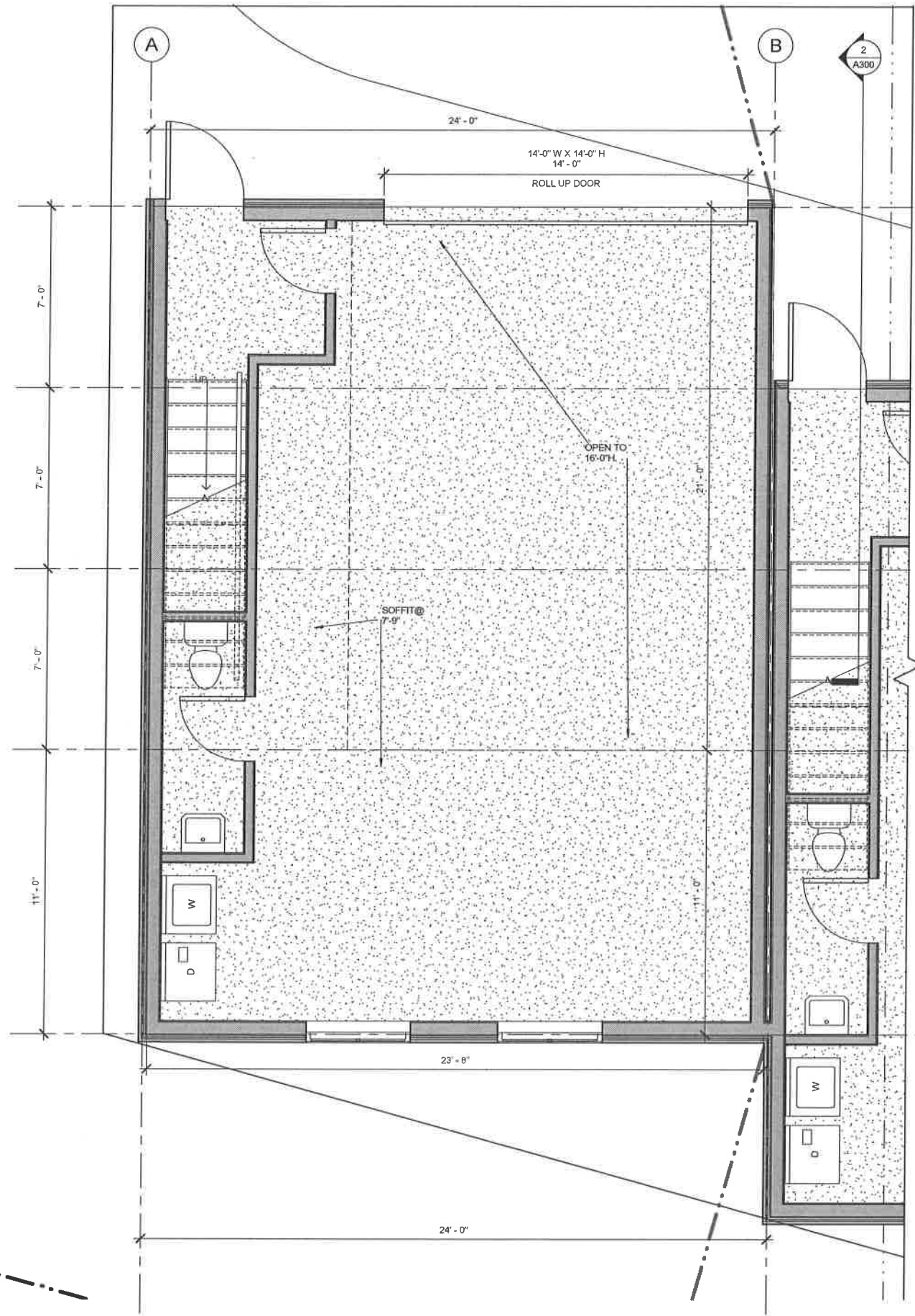
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DATE: 01.04.2018

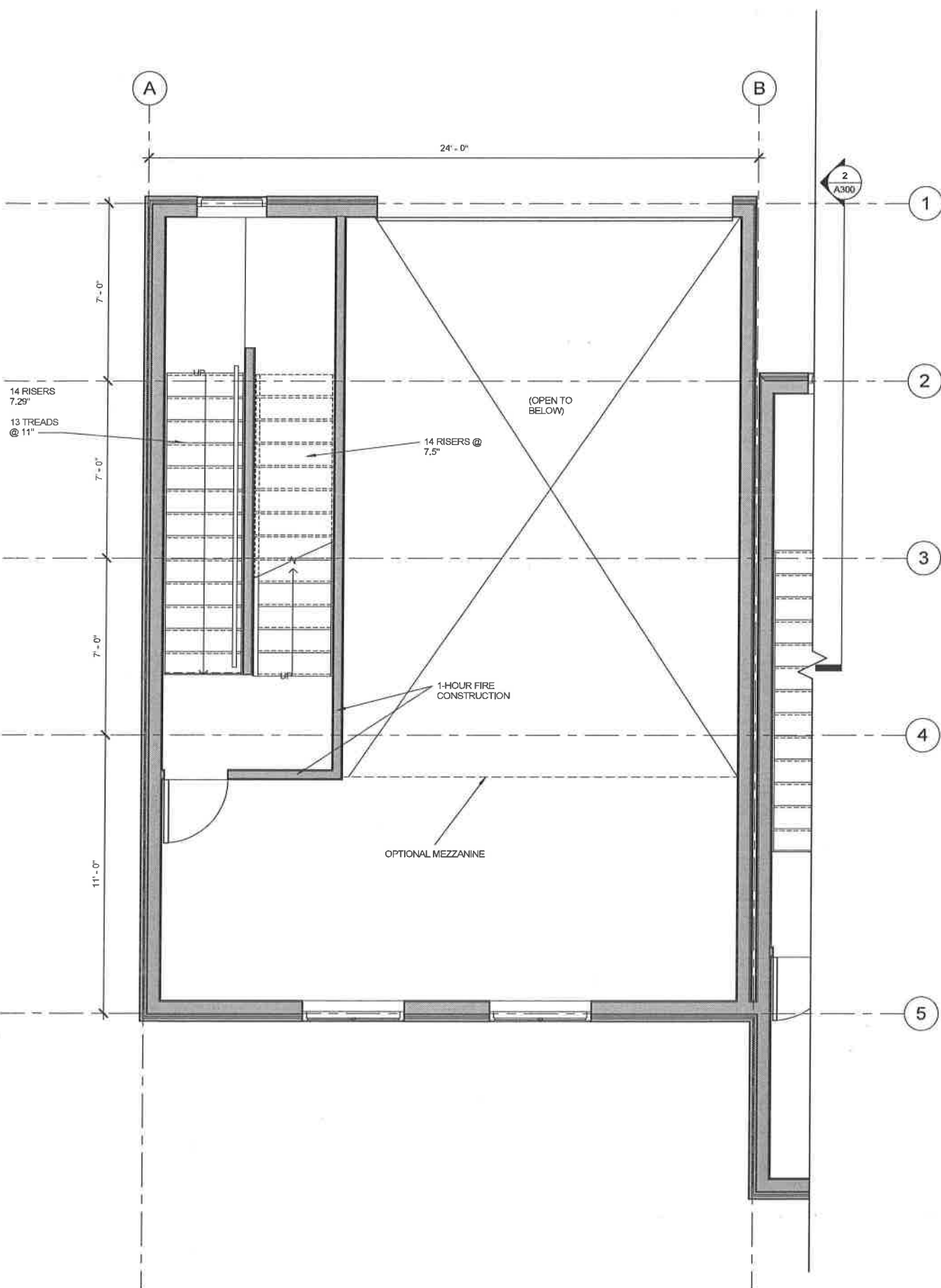
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SHEET NO.

**A201**



**1 FLOOR 1**  
3/8" = 1'-0"



**2 FLOOR 1.5**  
3/8" = 1'-0"

Attachment A

NOTE: 11"x 17" PRINT IS HALF SIZE

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MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

MRV #

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**TOWNHOUSE**  
BUILDING PROS INC.

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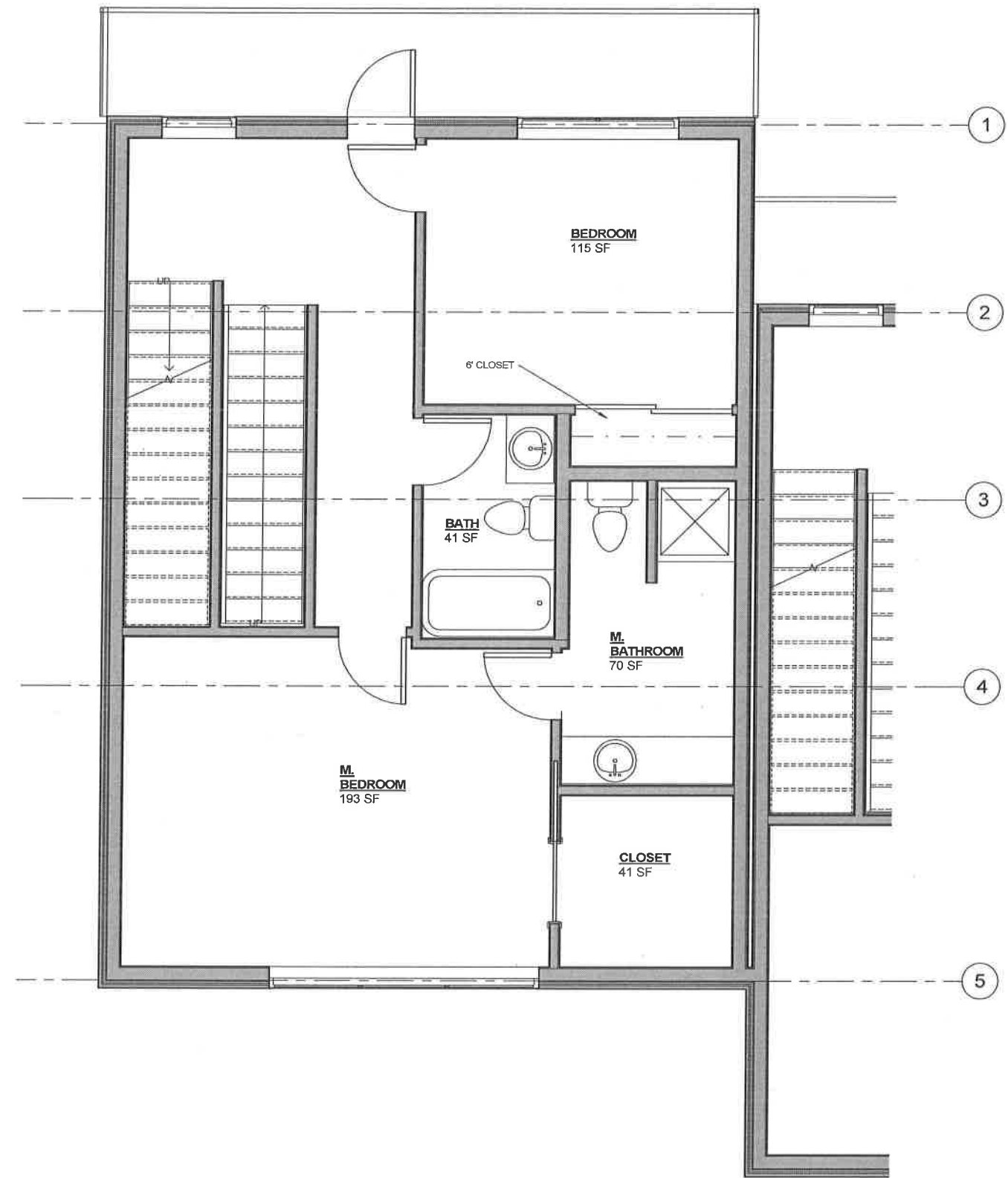
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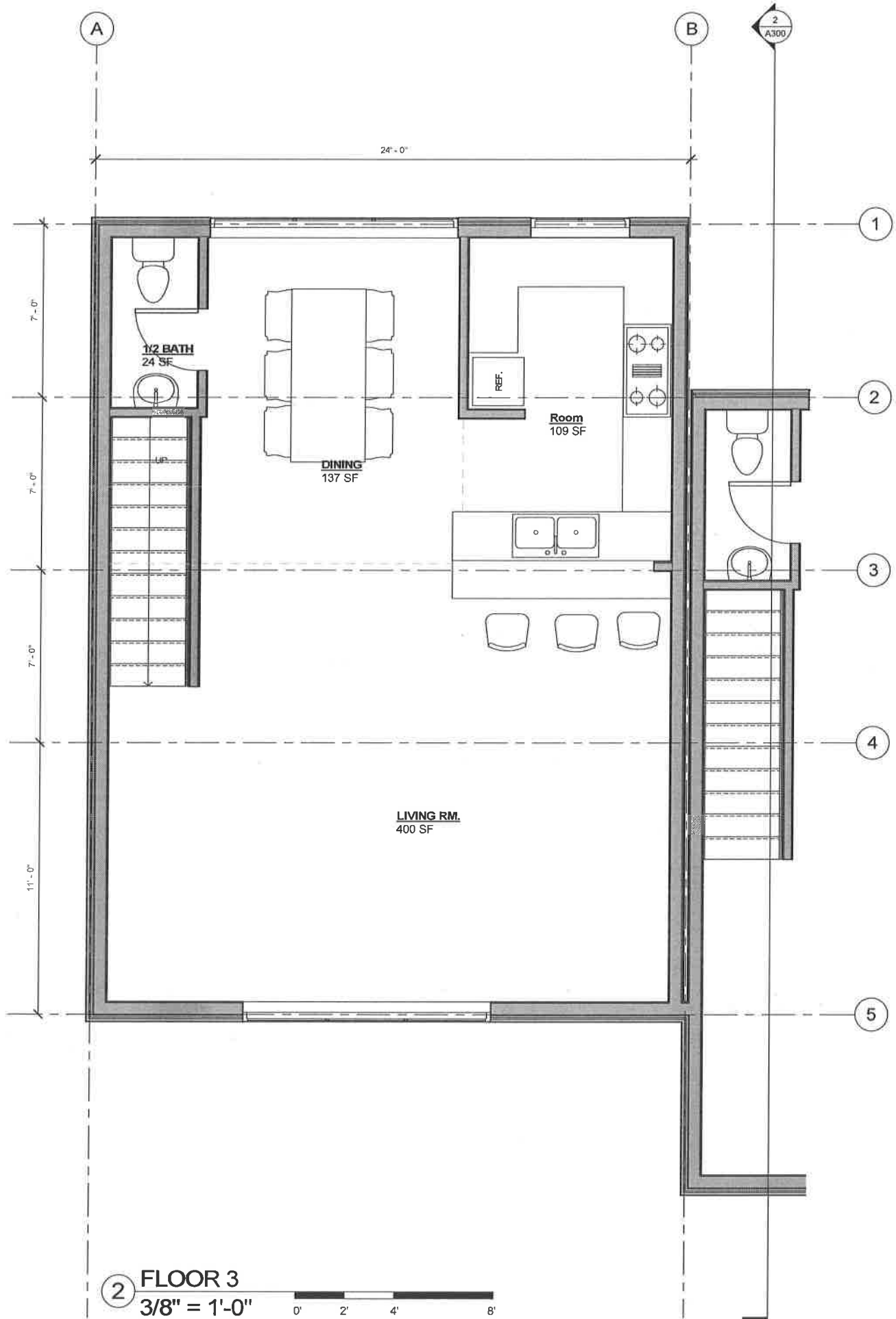
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**A202**



**1 FLOOR 2**  
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**2 FLOOR 3**  
3/8" = 1'-0"  
0' 2' 4' 8'

NOTE: 11"x 17" PRINT IS HALF SIZE

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MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

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SCHEMATIC DOCUMENTS  
**TOWNHOUSE**

BUILDING PROS INC.

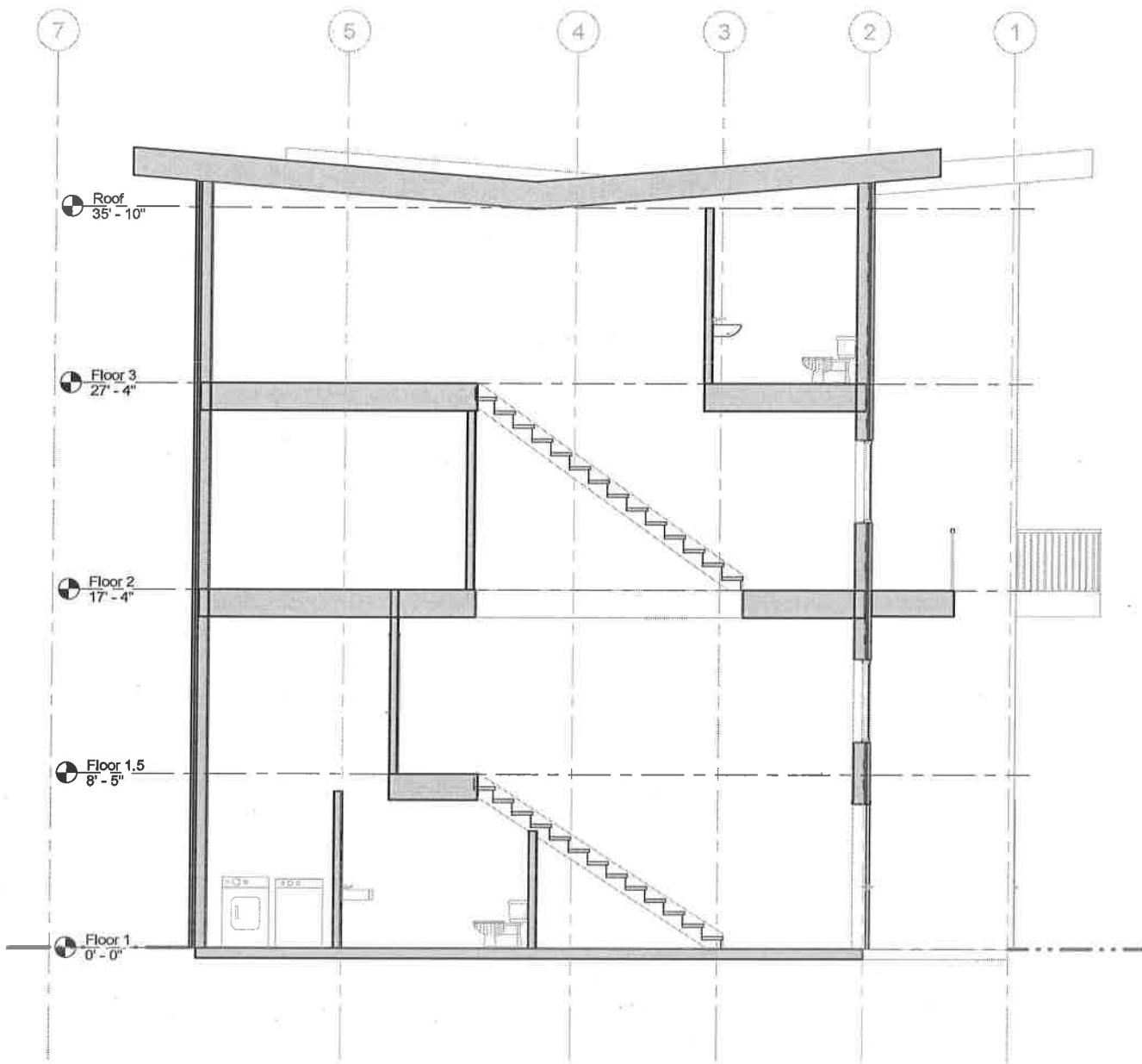
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SECTION 2

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**A300**



**2 Section 2**  
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FAX 907-463-5544  
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BUILDING PROS INC.

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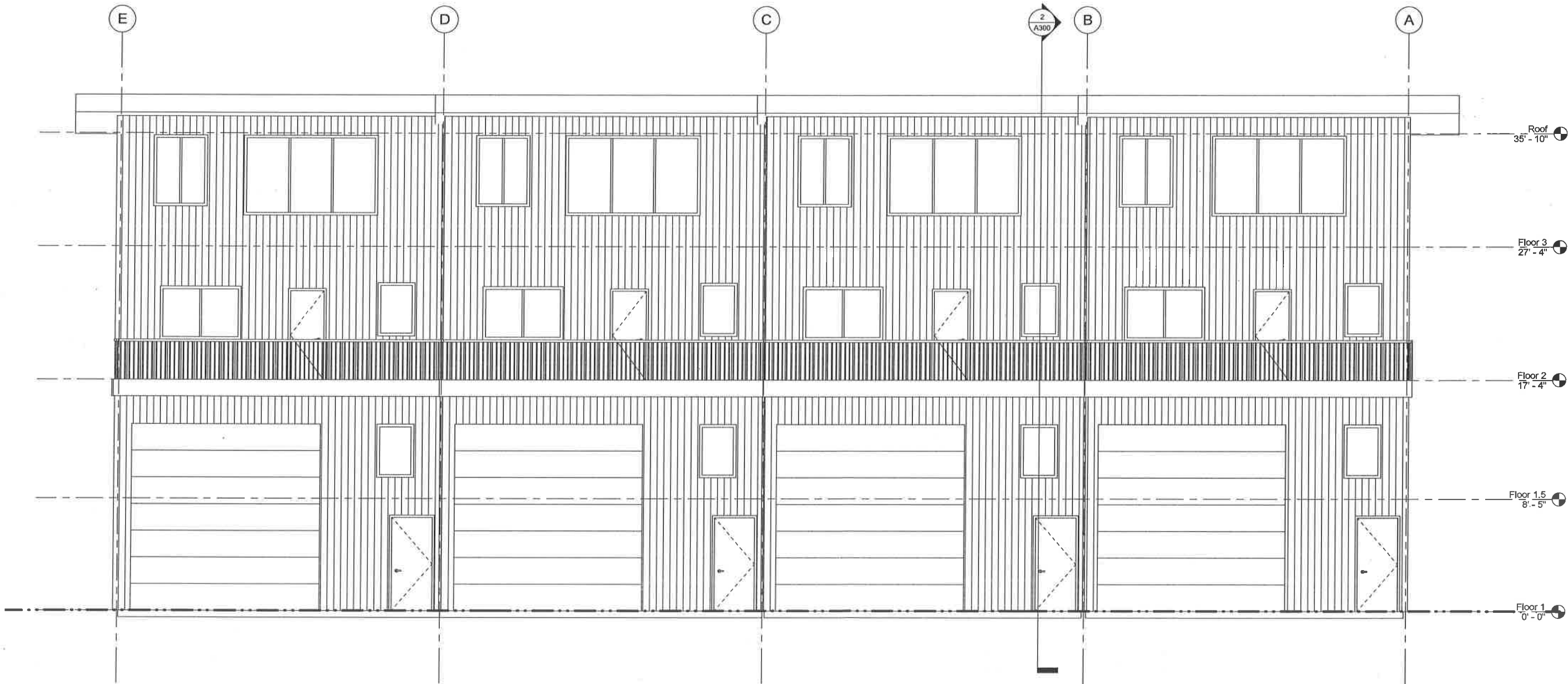
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ELEVATION  
NORTH

DATE: 01.04.2018

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SHEET NO.

**A400**



**1** ELEVATION NORTH  
1/4" = 1'-0"  
0' 2' 4' 8'

Attachment A

NOTE: 11"x 17" PRINT IS HALF SIZE



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1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

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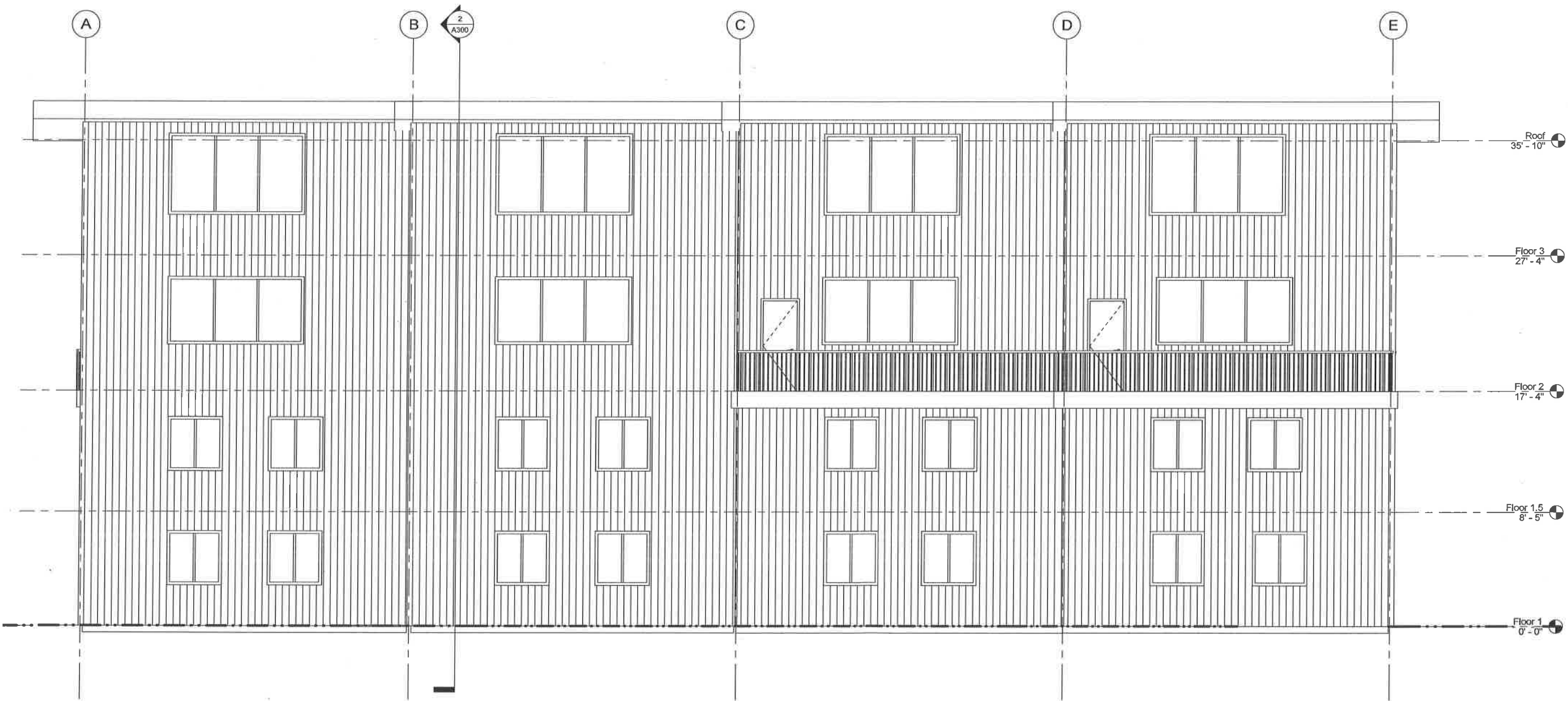
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ELEVATION  
SOUTH

DATE: 01.04.2018

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SHEET NO.

**A401**



**1 ELEVATION SOUTH**  
1/4" = 1'-0"  
0' 2' 4' 8'

Attachment A

NOTE: 11"x 17" PRINT IS HALF SIZE



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1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

MRV #

SCHEMATIC DOCUMENTS

TOWNHOUSE

BUILDING PROS INC.

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SHEET TITLE:  
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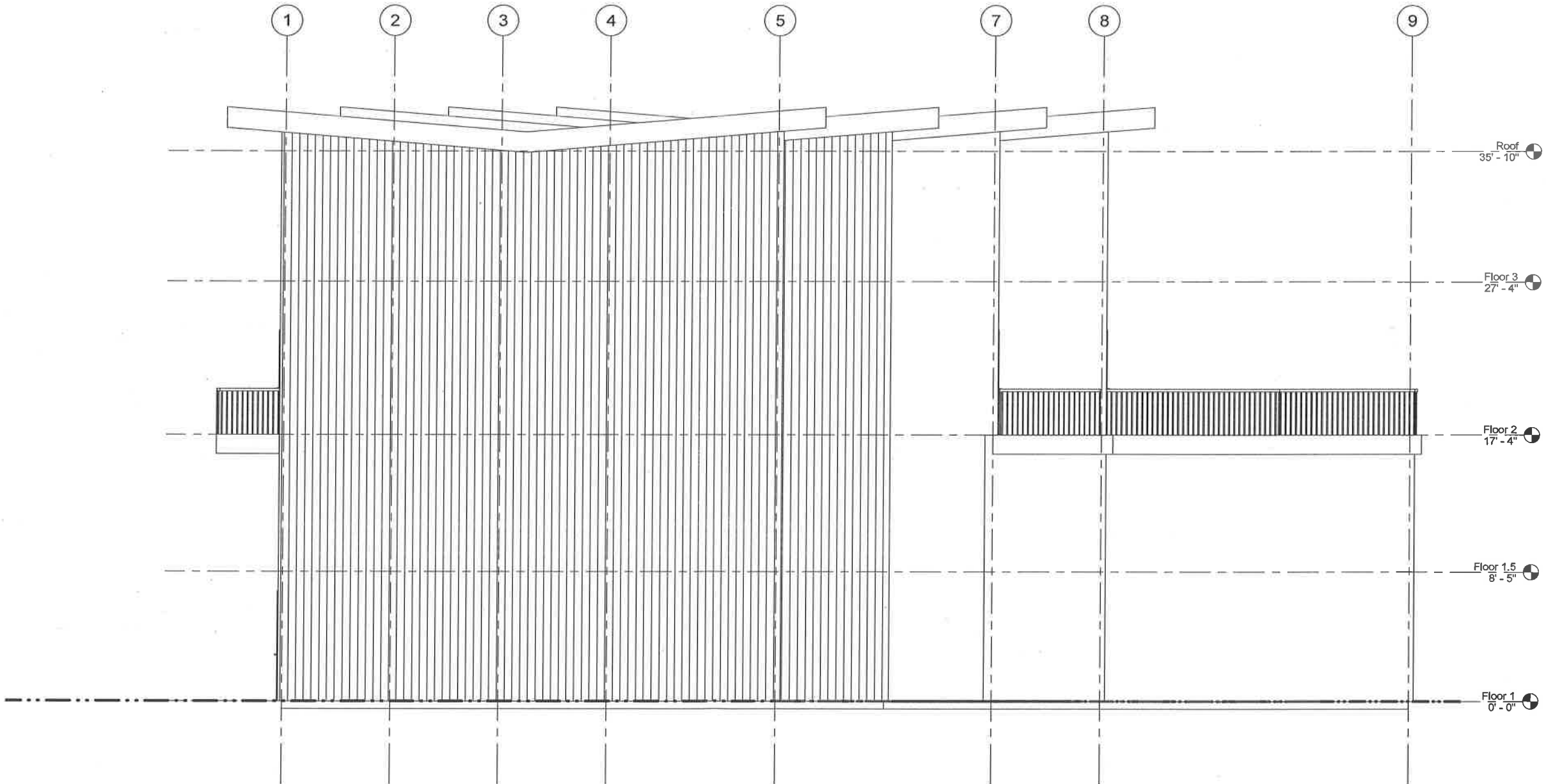
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SHEET NO.

A402



1 ELEVATION WEST  
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Attachment A

NOTE: 11"x 17" PRINT IS HALF SIZE



MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

MRV #

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**TOWNHOUSE**  
BUILDING PROS INC.

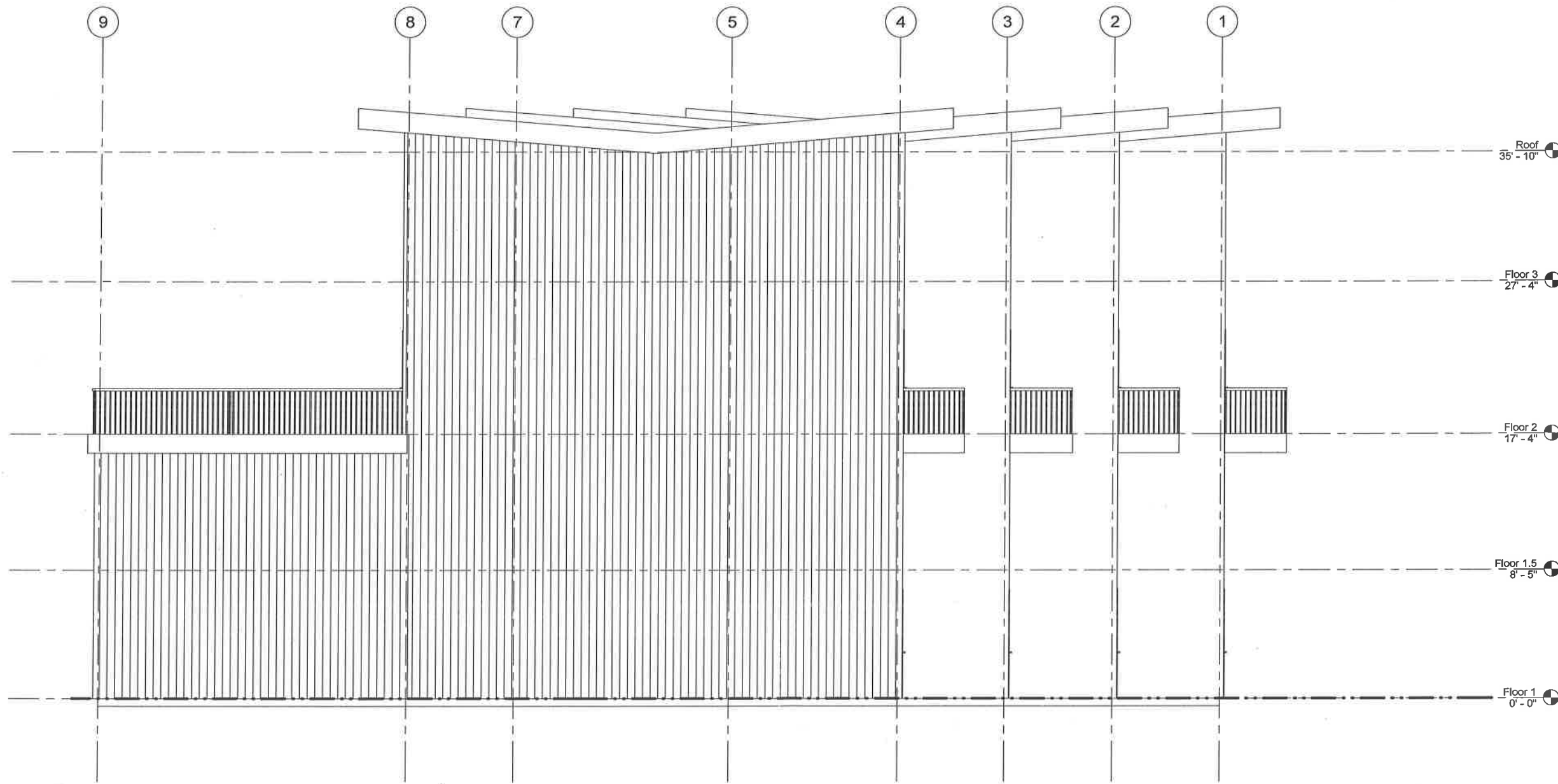
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SHEET TITLE:  
ELEVATION EAST

DATE: 01.04.2018

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**A403**

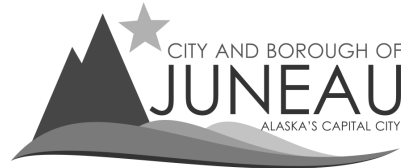
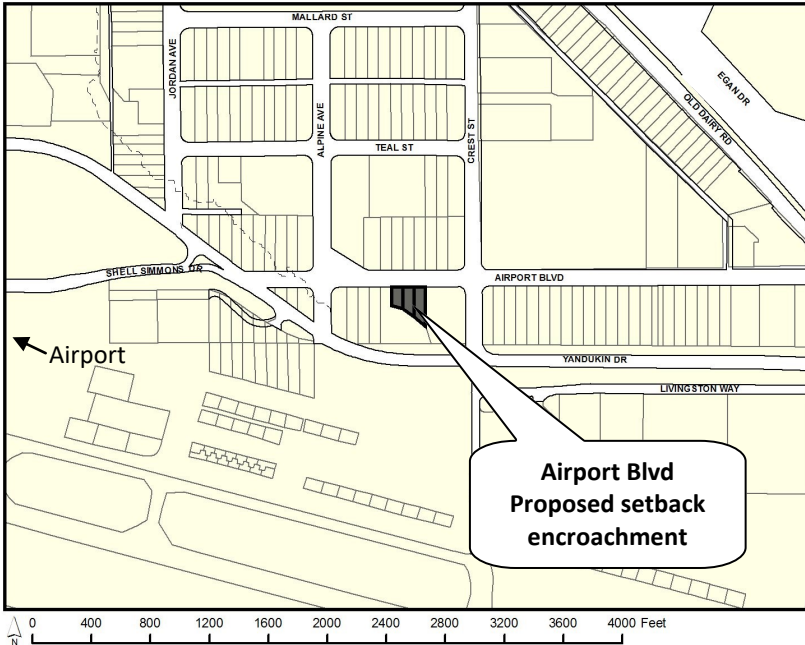


**1 ELEVATION EAST**  
1/4" = 1'-0"  
0' 2' 4' 8'

NOTE: 11"x 17" PRINT IS HALF SIZE

# Invitation to Comment

**PLEASE NOTE:** This hearing was removed from the 3/13 agenda and will now be heard by the Planning Commission on March 27, 2018.



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** to allow an **encroachment of approximately 8 feet into the rear yard setback** on parcels adjoining CBJ-owned land located on **Airport Blvd** in a **General Commercial (GC) zone**.

## TIMELINE

Staff Report expected to be posted Monday, March 19 at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>  
Find hearing results, meeting minutes and more here as well.

**Now through March 5, 2018**

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

**March 6 through 12 noon, March 23**

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

**NEW HEARING DATE**  
**7:00 pm, March 27, 2018**

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

**March 28**

The results of the hearing will be posted

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

Printed March 7, 2018

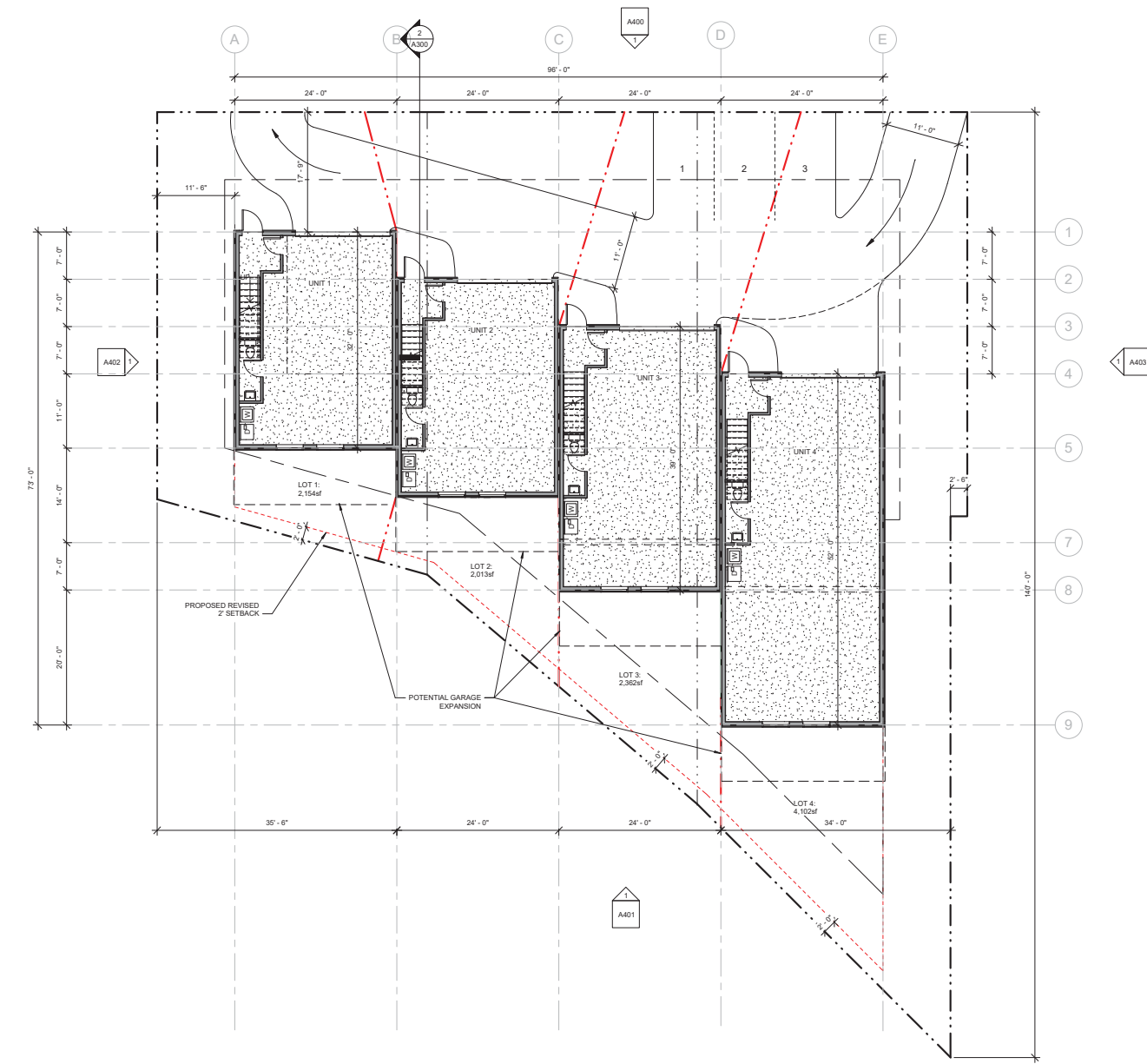
Attachment B

**Case No.:** USE2018 0002

**Parcel No.:** 5B1501090020, 5B1501090030 & 5B1501090041

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

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① SITE  
1/8" = 1'-0"

UNIT AREA SUMMARY  
W/O MEZZANINE

|        |             |
|--------|-------------|
| UNIT 1 | FL 1: 757   |
|        | FL 2: 757   |
|        | FL 3: 757   |
|        | TOTAL: 2271 |
| UNIT 2 | FL 1: 757   |
|        | FL 2: 757   |
|        | FL 3: 757   |
|        | TOTAL: 2271 |
| UNIT 3 | FL 1: 922   |
|        | FL 2: 757   |
|        | FL 3: 757   |
|        | TOTAL: 2436 |
| UNIT 4 | FL 1: 1239  |
|        | FL 2: 757   |
|        | FL 3: 757   |
|        | TOTAL: 2753 |

NOTE: 11"x17" PRINT IS HALF SIZE



MRV ARCHITECTS  
1420 GLACIER AVE. #101  
JUNEAU, AK 99801  
907-586-1371  
FAX 907-463-5544  
mrv@mrvarchitects.com

SCHEMATIC DOCUMENTS  
**TOWNHOUSE**  
BUILDING PROS INC.

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DATE: 02.20.2018

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SHEET NO.

A100





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

**DATE:** March 19, 2018

**TO:** City and Borough of Juneau Planning Commission

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

**RE:** **Juneau Downtown Harbors Uplands Master Plan: Bridge Park to Norway Point and Marine Park to Taku Dock Urban Design Plan**

The purpose of this memo is to inform the Planning Commission about two plans that were recently approved by the Docks and Harbors Board, an Empowered Board within the CBJ. Each plan will guide future Docks and Harbors' operations and development in the two respective study areas: Norway Point to Bridge Park and Marine Park to Taku Dock.

Many of the projects that each plan recommends will require further review by CDD staff, the Planning Commission, and the Assembly, mainly in the form of a City/State Project review and/or a Conditional Use Permit.

### **BRIDGE PARK TO NORWAY POINT**

The development of the plan included community workshops, design charrettes, and open house events. This public process resulted in three master plan options. The preferred master plan was approved by the Docks and Harbors Board on March 30, 2017.

The plan's main concepts and the specific projects proposed are listed below:

- **Access and parking improvements**
  - Construct a service road and a separated pedestrian path that would create a continuous connection from Norway Point to Harris Harbor. Currently, there is no direct connection from Norway Point to Harris Harbor; drivers and pedestrians must access Egan Drive. Angled parking would be included and would serve as a buffer between the road and pedestrian path. The harbor road and parking area would be paved, and the parking spaces would be delineated with striping and curb stops. The pedestrian path would connect to the existing seawalk at Bridge Park.
  - Create 46 new parking spaces for moorage patrons.
  - Create deceleration and acceleration lanes and a longer center turning lane at Egan Drive and Aurora Harbor.

- **Improve commercial fishing and vessel services**
  - Replace the aging moorage float with two new 150 ft. floats. This would double the moorage space currently available for loading and unloading vessels. Fishing vessels would be able to offer seafood sales direct to customers at this location.
- **Provide an icehouse and a “net shed” for fishing vessels, which would allow nets to be repaired out of the weather**
  - Construct a drive-down float and expand the current “crane dock.” This would allow for easier loading and unloading of vessels.
  - Construct a new two-story harbormaster building with public restrooms, laundry facilities, and waterfront related commercial space.
  - Dredge Aurora Harbor to allow larger vessels to access.
- **Expand and relocate the Marine Services Yard**
  - Use some of the dredged material from Aurora Harbor to expand Norway Point from 2.5 acres to 5.6 acres.
  - Relocate the Marine Services Yard, currently adjacent to the UAS Tech Center, to the expanded Norway Point.
  - Install a 150 ton boat lift. Aurora Harbor currently has a 35 ton lift and Auke Bay has a 45 ton lift. This means that many commercial vessels must travel to other community to be repaired.

For more details on the specific projects that the plan calls for and for a detailed map of the study area see Attachment A – Executive Summary and Project Map

#### **CBJ Title 49**

The study area is zoned Waterfront Commercial and is not located in any Title 49 special use areas.

#### *Article II. ZONING DISTRICTS*

*CBJ 49.25.250 (a) – The WC, waterfront commercial district, is intended to provide both land and water space for uses which are directly related to or dependent upon marine environment. Such activities include private boating, commercial freight and passenger traffic, commercial fishing, floatplane operations, and retail services directly linked to a maritime clientele. Other uses may be permitted if water-dependent or water-oriented. Residential development is allowed in mixed and single-use development in the waterfront commercial district.*

#### **2013 Comprehensive Plan**

#### **Chapter 5 – Economic Development**

*Policy 5.9 – To facilitate availability of sufficient and suitable water-based facilities and associated land-based acreage to support water-dependent uses, and to work closely with the public and private sectors to facilitate sustainable marine commerce, commercial fishing, seafood processing, recreation, public access to the shoreline and enjoyment of the waterfront through development of well-designed port facilities*

*5.9 Implementing Action IA4 – Investigate acquiring a larger capacity vessel lift (150 tons) along with additional uplands work areas along Juneau’s waterfront.*

*Policy 5.14 – To support the development and expansion of the seafood industry and of services and facilities that benefit commercial fishing activity and to attract and retain harvesters, processors, and sustainable aquaculture activities in Juneau*

*5.14 Implementing Action IA1 – Assist in the development and provision of facilities suitable for commercial fishing vessels, repair facilities and land for businesses that repair fishing vessels and gear*

## **Chapter 11 – Land Use Maps**

This chapter identifies nine subareas within the borough and provides guidelines that should influence land use decisions for each of the nine subareas. The Downtown Harbors Master Plan study area is located in Subarea 6. Of the nineteen guidelines to consider for Subarea 6 the two most relevant to the Downtown Harbors Master Plan are 7 and 11.

*Guideline 7 - Preserve public access to the shoreline and waterfront areas. Provide for public access, open space/natural areas and water-dependent and water-related uses on the downtown waterfront via a seawalk with connections to the existing pedestrian system.*

*Guideline 11 - Encourage use of the downtown waterfront area as mixed use waterfront serving residential, recreational, tourist and maritime uses as identified in the CBJ-adopted Long Range Waterfront Plan. Such development should avoid view blockage of the downtown historic district as viewed from the Gastineau Channel.*

The land use maps identify three land use designations within the study area: Marine Commercial, Traditional Town Center and Waterfront Commercial Industrial.

***Marine Commercial*** – Land to be used for water-dependent commercial uses such as marinas/boat harbors, marine vessel and equipment sales and repair services, convenience goods and services for commercial and sport fishing, marine recreation and marine tourism activities such as food and beverage services, toilet and bathing facilities, bait and ice shops, small-scale fish processing facilities, hotels, motels, and similar goods and services to support mariners and their guests. Float homes, house boats and live-aboards would be residential uses allowed in a MC district.

***Traditional Town Center*** – These lands are characterized by high density residential and non-residential land uses in downtown areas and around shopping centers, the University, major employment centers and public transit corridors, as well as other areas suitable for a mixture of retail, office, general commercial, and high density residential uses at densities at 18 or more residential units per acre. Residential and non-residential uses could be combined within a single structure, including off-street parking. Ground floor retail space facing roads with parking behind the retail and housing above would be appropriate and efficient use of the land.

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

### **2004 Long Range Waterfront Master Plan**

The study area associated with the Long Range Waterfront Master Plan extends from the Juneau-Douglas Bridge to the Little Rock Dump. This long stretch of waterfront is divided into areas A through F. Area A, encompassing Bridge Park to Gold Creek, slightly overlaps with the Docks and Harbors study

City & Borough of Juneau Planning Commission  
 Juneau Downtown Harbors Uplands Master Plan  
 March 19, 2018  
 Page 4 of 6

area. The following are development initiatives and priorities that are identified in the Waterfront Master Plan that are relevant to Area A.

- Mixed-use development, hotel, office or other community oriented commercial offering within Area A (low priority)
- Enhancement of the area (A) should at a minimum include improvement of the visual character of the area, creation of a gateway into downtown, traffic calming elements along Egan Drive, and enhancement of tidelands and natural areas found with and surrounding Gold Creek.

### **Juneau Economic Development Plan**

Chapter 3 of the Juneau Economic Development Plan discusses the challenges that Juneau's economy faces. One of those challenges is *"Less maritime industry, business and commerce than other Southeast communities"*. (pg. 43)

Chapter 5 discusses a 10 year objective and action plan for Juneau's economy.

*Objective 2: Create more value from seafood and other maritime resources. (pg. 85)*

*Action 2-C – Work to enhance Juneau's under-developed capacity to provide repair and maintenance services to Juneau's large fleet of commercial and recreational vessels, including boat lifting capacity and uplands work areas.*

The projects and uses that are proposed in the Downtown Harbors Uplands Master Plan conform to Title 49 and adopted plans. Specific projects will be evaluated through the appropriate permitting process.

### **MARINE PARK TO TAKU DOCK URBAN DESIGN PLAN**

The public outreach process for this planning effort included community workshops, open house events, and presentations to the Docks and Harbors Board and to the CBJ Assembly. During the planning process the owners of the currently vacant Archipelago property became interested in the plan. The property owners and Docks and Harbors worked together to incorporate the Archipelago property into the plan's design concepts. On January 25, 2018 the Docks and Harbors Board adopted the plan. The CBJ Assembly recently approved the appropriation of funds to begin the design process for a bus staging area that the plan proposes.

The plan proposes projects and design concepts on both private and CBJ owned property. The following analysis is only for CBJ projects.

The plan's main goal and specific projects are listed below:

- **Create better visitor infrastructure along the waterfront**
  - Create a bus staging lot with 12 to 15 stalls for B permit loading. B permit busses have a maximum capacity of 24 riders.
  - Construct a covered waiting area and public restroom facilities for the staging lot.
  - Construct a new visitors' kiosk along the north side of the library.
  - Consider a seawalk expansion.
  - Realign the deck staircase on the north side of the library with the crosswalk.
  - Deck over CBJ property to create space for public restrooms and a USS Juneau Memorial.

### **CBJ Title 49**

The development proposed for CBJ property is within the WC zoning district.

#### *Article II. ZONING DISTRICTS*

*CBJ 49.25.250 (a) – The WC, waterfront commercial district, is intended to provide both land and water space for uses which are directly related to or dependent upon marine environment. Such activities include private boating, commercial freight and passenger traffic, commercial fishing, floatplane operations, and retail services directly linked to a maritime clientele. Other uses may be permitted if water-dependent or water-oriented. Residential development is allowed in mixed and single-use development in the waterfront commercial district*

The proposed uses are allowed according to CBJ 49.25.300 Table of Permissible Uses.

A portion of the study area along the South Franklin right of way is located within the Downtown Historic District which has special design standards and height limit of 38 feet that will apply to future developments.

A portion of the study area is also located in a FEMA mapped flood zone. Special construction standards apply to structures located in flood zones. These standards are addressed in Title 49 and Title 19 (CBJ Building Code). Docks and Harbors or private land owners can apply for an exemption to the requirements in Title 49. All flood zone exemption application are decided by the Board of Adjustment.

### **2013 Comprehensive Plan**

#### **Chapter 5 – Economic Development**

*Policy 5.6 – To encourage tourism, convention and other visitor-related activities through the development of appropriate facilities and services, while protecting Juneau’s natural, cultural and economic attractions for local residents and visitors alike, and to participate in the accommodation of the future growth of tourism in a manner that addresses both community and industry concerns.*

*5.6 Design Guideline 2 – When considering capital improvements and when reviewing permit applications for tourism-related developments, assess the costs and benefits of the proposed project against the policies of this Comprehensive Plan and any CBJ-related tourism management plan or BMPs. (Juneau does not have a tourism management plan.)*

#### **Chapter 11 – Land Use Maps**

This chapter identifies nine subareas within the borough and provides guidelines that should influence land use decisions for each of the nine subareas. The Marine Park to Taku Dock study area is located in Subarea 6. Of the nineteen guidelines in Subarea 6, the most relevant to this plan are listed below:

*Guideline 6 – Preserve view corridors of the compact, historic downtown, as viewed from the Channel toward the historic district and the mountain back drop, and preserve views of the Channel, as viewed from public streets in downtown, through height restrictions and building orientation and spacing along the downtown waterfront.*

*Guideline 7- Preserve public access to the shoreline and waterfront areas. Provide for public access, open space/natural areas and water-dependent and water-related uses on the downtown waterfront via a seawalk with connections to the existing pedestrian system.*

### **2004 Long Range Waterfront Master Plan**

The study area for the Marine Park to Taku Dock plan partially overlaps with Areas C and D of the Long Range Waterfront master Plan. The following are development initiatives and priorities that are identified in the waterfront plan.

Area C: Contains Marine Park and the Downtown Library

- New public restrooms in the area should be incorporated, if feasible (pg. 52).

Area D: Franklin Street Corridor

- Vacant and underutilized parcels along the water side are encouraged to develop following design standards for pedestrian sidewalks and create access along the rear of waterfront properties (pg. 55).
- Expansion of vehicle marshalling areas and creation of a small park and gathering area are also contemplated for this area (pg. 56).

### **Juneau Economic Development Plan**

Chapter 3 discusses the assets and competitive advantages of Juneau's economy. One of those assets is "Popular cruise and independent visitor destination" (pg. 42).

Chapter 5 proposes a 10 year action plan for Juneau's economy.

*Goal: Revitalize Downtown, building the link between economic vitality and livable, mixed-use neighborhoods (pg. 99).*

*Objective 2 - Establish and maintain a safe, clean and attractive city center.*

*Action 2-D - Activate vacant storefront and blank walls.*

Although this plan is not proposing to activate a vacant storefront, it is proposing to develop a vacant CBJ owned lot.

*Goal: Manage downtown transportation to ensure circulation that enhances business activity and accommodates residents.*

Providing an additional bus staging area away from the congested intersection at Admiral Way / Marine Way will improve traffic circulation and will funnel pedestrian traffic away from the busy crosswalks near Marine Park and the Downtown Library.

### **SUMMARY**

The projects and uses that are proposed in the Marine Park to Taku Dock Master Plan generally conform to Title 49 and adopted plans. Specific projects will be evaluated through the appropriate permitting process.