

Agenda

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

June 13, 2017
Assembly Chambers
7:00 PM

I. ROLL CALL

II. APPROVAL OF MINUTES

- A. May 9, 2017 Draft Minutes - Regular Planning Commission Meeting

III. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE

- A. Additional Materials for 6/13/2017

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

V. PLANNING COMMISSION LIAISON REPORT

VI. RECONSIDERATION OF THE FOLLOWING ITEMS

VII. CONSENT AGENDA

- A. CSP2017 0009: CBJ acquisition of a portion of the Auke Bay Marine Station from the federal government
- B. USE2017 0009: Conditional use permit for additional living space above a nonconforming garage.
- C. CSP2017 0007: A consistency review for renewal of lease of CBJ lands for existing monitoring equipment associated with the Juneau Airport Wind System (JAWS)

VIII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

IX. UNFINISHED BUSINESS

X. REGULAR AGENDA

- A. CSP2017 0010: CBJ land disposal to add 14,000 - 22,000 square feet to Entrance Point Subdivision Tract C in the Rural Reserve zoning district along North Douglas Highway.

XI. BOARD OF ADJUSTMENT

XII. OTHER BUSINESS

XIII. DIRECTOR'S REPORT

- A. Report - Economic Indicator: Construction in Juneau

XIV. REPORT OF REGULAR AND SPECIAL COMMITTEES

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVI. ADJOURNMENT

Agenda
Planning Commission
 CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
 May 9, 2017

I. ROLL CALL

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

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Nathaniel Dye, Dan Hickok, Dan Miller, Kirsten Shelton-Walker, Carl Greene

Commissioners absent: Michael LeVine, Percy Frisby,

Staff present: Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Jill Maclean, Senior Planner; Tim Felstead, Planner II; Robert Palmer, Assistant Municipal Attorney

Assembly members: Debbie White

Altering Order of Business: Mr. Miller stated that the first piece of business was an item which he would be stepping down for. Therefore, he requested that the second item on the agenda for the Commission be dealt with first so that he could then excuse himself from the meeting when the item which he could not participate in arose on the agenda.

The Chairman and other Commission members voiced no objection.

II. APPROVAL OF MINUTES - None

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Assembly Liaison to the Planning Commission Debbie White said the Assembly has been focusing its work on the Finance Committee. They have a lot of difficult decisions yet to make, said Ms. White. They did decide not to close the downtown municipal museum or the downtown pool. They have yet to decide on whether to eliminate the Deputy City Manager

position, and whether or not to fill a vacant position in the Community Development Department, she noted.

V. **RECONSIDERATION OF THE FOLLOWING ITEMS** - None

VI. **CONSENT AGENDA** - None

VII. **CONSIDERATION OF ORDINANCES AND RESOLUTIONS** - None

VIII. **UNFINISHED BUSINESS** - None

IX. **REGULAR AGENDA** – None

Chairman Haight recessed the Planning Commission and convened the Board of Adjustment.

X. **BOARD OF ADJUSTMENT**

A. **VAR2017 0004:** A Variance to reduce the street side yard setback to the undeveloped right-of-way of Stark Street to allow for the construction of a new building at 5275 (also known as 5295) Glacier Highway

Applicant: Northwind Architects

Location: 5275 Glacier Highway

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and DENY the requested Variance, VAR2017 0004.

If the Board elects to amend the findings and approve the requested variance, the Variance Permit would allow the 10 feet street side yard setback bordering the undeveloped Stark Street right-of-way to be reduced from 10 feet to zero feet in an Industrial zoning district.

The site is approximately 1.8 acres, and it is designated in the Comprehensive Plan as heavy industrial zoning. It is zoned appropriately as an Industrial district, said Ms. Maclean. The applicant plans on retaining the large building on the property and demolishing the two smaller buildings, she said.

The property owner was granted a variance in 2015 for a reduced 10 feet to nine feet street side yard setback. However, it expired last year without any action by the property owner, noted Ms. Maclean. The applicant wants to repair mining equipment, and meeting the current setbacks would prevent them from doing the repair work effectively, said Ms. Maclean.

The property owner is seeking this variance because they have received a new contract to do repairs on mining equipment that historically has been performed down south, said Ms. Maclean. The large mining equipment for this contract requires more maneuvering than the setbacks in place would allow them to do, said Ms. Maclean.

Other utilizations of the property without the variance would require the trucks to back out onto Glacier Highway, noted Ms. Maclean. The Department of Transportation (DOT) has stated that it is opposed to any development which would require the trucks to back out onto Glacier Highway, she said.

They do need to construct a larger building with more bays to accommodate the additional work they have received with this new contract, said Ms. Maclean.

The recent Olmo decision has provided more defined guidelines for variance review, said Ms. Maclean. Per the Olmo decision, the applicant must first show hardship and practical difficulties resulting from an extraordinary situation or unique physical feature affecting only a specific parcel of property prior to determining that a proposal meets the six criteria for granting the variance, stated Ms. Maclean.

Ms. Maclean stated that the applicant at this time has not demonstrated any hardship or practical difficulty resulting from an extraordinary situation or unique physical feature affecting only their property. The parcel is appropriately zoned as an industrial use and is much larger than the minimum lot size, she said. There is nothing extraordinary about the applicant's desire to construct a new building and there is nothing unique about the property, said Ms. Maclean.

Therefore, the applicant has not satisfied that threshold determination, said Ms. Maclean. However, the six criteria which need to be met in order to grant the variance in addition to the threshold determination have been met, said Ms. Maclean. She added that several businesses in the area have built right up to the property line on Stark Street. The granting of the variance would be more consistent with the relief that other businesses in the area have enjoyed recently, said Ms. Maclean. The granting of the variance would have no impact on public safety and welfare, she said. There is no evidence that the authorization of the variance would injure a nearby property, said Ms. Maclean. She added that granting of the variance does not authorize uses not allowed in the district and that compliance with the existing standards would not unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood. Granting of the variance would result in more benefits than detriments to the neighborhood, said Ms. Maclean.

The CBJ Building Division and Capital Fire and Rescue have no issues with the proposal, said Ms. Maclean. The CBJ Engineering Department has no problem with the applicant's property being constructed right up to the property line, noted Ms. Maclean.

Commission Comments and Questions

Mr. Miller said he has tried to identify where in Title 49.2250 (b) it states, “Variances other than de minimus where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing on their own and render it difficult to carry out the provisions of this Title, the Board of Adjustment may grant a variance in harmony with the general purpose and intent of this Title. A variance may vary any requirement or regulation of this Title concerning dimensional and other design standards but not those concerning the use of land or structures housing density lot coverage or those establishing construction standards. A variance may be granted after the prescribed hearing and after the Board of Adjustment has determined...”. Then the six criteria are listed, said Mr. Miller.

It does not say that the Board of Adjustment must first find that it is an extraordinary situation or that there are hardship and practical difficulties as a prelude to the six criteria, said Mr. Miller. He said it is his understanding that when a code changes it goes to the Title 49 Committee, then it comes before the Planning Commission with public testimony. The Planning Commission then rules on whether or not to recommend the proposed change. That then goes to the Assembly where it becomes adopted if approved by the Assembly, noted Mr. Miller.

Mr. Miller said it is his understanding that 30 days later is when the proposal is codified.

Mr. Palmer explained that any existing ambiguity about the portion of the Title 49 code referred to by Mr. Miller was litigated in the Olmo decision in which the Assembly specifically identified that the first sentence of the threshold criteria has to be met before the subsequent six criteria can be granted for a variance.

Mr. Miller said this has not been made public and that when variances are applied for, that the initial threshold is not identified as a criterion that applicants have to meet. He asked how it is possible that the Commission is applying a standard to which applicants are not made aware.

Mr. Palmer said the Assembly’s decision was published, and the staff has relied upon that decision in this staff report which was provided to the applicant so there is no question of due process. The applicant has known about the threshold criteria, said Mr. Palmer. That language has been in the code, said Mr. Palmer. It may not have been crystal clear in the past but it is certainly clear today, he said.

Ms. McKibben said she met with the applicant prior to the submission of their application and that she made it clear to the applicant what the threshold was which must be met.

Mr. Miller said it was not crystal clear to him that this is a threshold determination. He asked how long ago this was appealed. He said it was not clear to him that the initial threshold had to be met before the subsequent six criteria could be evaluated.

Mr. Palmer said this threshold has been determined recently by the Assembly, which in this case is the binding court. The CDD (Community Development Department) must follow this precedent as established by the Assembly, said Mr. Palmer. If a variance could be granted for this project, said Mr. Palmer, then when would industrial setbacks be warranted.

Mr. Voelckers said it appears that the Stark Street right-of-way is not slated to become a true CBJ Street. He asked if Ms. Maclean was aware of any changes going on in that area. They have suggested to the applicant the possibility of a street vacation, said Ms. Maclean. They would need to retain easements for the utilities, she said. The vacated land could not be constructed upon she said, but that would allow the applicant the extra bit of land it needed to meet the setback, she said.

Mr. Voelckers asked if utilities continued to Glacier Highway at that point.

Ms. Maclean said she was not sure exactly where they were located in the vicinity of that right-of-way.

Mr. Dye asked Mr. Palmer what defines an “extraordinary situation”.

Mr. Palmer responded that the Board of Adjustment has some discretion in the definition of that term.

Mr. Greene asked if the property owner lost one of the two curb accesses to the road if that would create a problem.

Ms. Maclean said that would be a question for the applicant.

Applicant James Bibb, of Northwind Architects

Mr. Bibb said the City has been great to work with on this project and that they have been very upfront about challenges they may face for this variance. He said they do feel that the overarching requirement has been met. He said he felt it was very important to note that they have met all of the six criteria.

The opportunity creating the need for this variance has arisen quite suddenly, said Mr. Bibb.

Mr. Bibb said the Olmo ruling caught him off guard as well. He said personally he felt that the initial threshold which must be met was given too much weight in comparison to the six criteria which must be met. The definition of hardship, practical difficulties and extraordinary circumstances is subjective, said Mr. Bibb. Hardship impacts the ability of a business owner to construct on a lot, said Mr. Bibb. There are very few lots in the community which can support

this type of operation, said Mr. Bibb, which addresses practical difficulties. Tyler Rentals relies on street exposure for their marketing, he said.

The depth of the site is the issue, said Mr. Bibb. The site cannot be used exclusively as a driveway, said Mr. Bibb. He said it has to be used for the staging of equipment as well. If they don't have room to turn around on site then the remaining option is to back out onto the highway, said Mr. Bibb. There is not much land available in the community to accommodate a business such as Tyler, said Mr. Bibb.

Manager Steve Kikendall told the Commission in 20 years the business has grown to a staff of over 30 employees. They are the source of income for over 25 families, he said. Their goal is to continue with their growth. They have a scholarship which has been granted to high school students who can come back to good jobs in their community, he said. State spending on projects has been almost cut in half, said Mr. Kikendall. As a result, they have been expanding into other areas, he said. They have received a bid from the mining industry and to perform they need buildings, facilities and employees, said Mr. Kikendall.

They want to bring the mining equipment staging and repair business to Juneau instead of it being sent out of state, he said. They had looked all over town for property, but it would be extremely difficult to run their business out of two or three different locations, he said. They have tried to purchase neighboring property for their expansion but have been turned down, said Mr. Kikendall.

They would have to cut off some of their growth plans to meet the current restrictions, said Mr. Kikendall. This would not be good for the community and it would create less jobs, he said. They don't want to have to be forced to back these very large trucks onto the street, said Mr. Kikendall.

The hardship for this project would be the staff layoffs they would have to implement if they could not have more space, he said. This is critical to their business, he said. They are basically asking to have the building slid back 10 feet, he said. There would be no ill effects on anybody around the area, he said.

Commission Comments and Questions

Mr. Voelckers inquired about the difficulties of fitting the trucks through the passage on the property.

Mr. Kikendall said the trucks need about 94 feet to swing turning around on the property. In answer to a question from Mr. Voelckers, Mr. Kikendall confirmed that the City right-of-way is not a strong enough foundation for their heavy vehicles.

Mr. Miller asked if there has been any discussion about the City vacating the right-of-way so they could move their building ten feet back. They had originally considered it but it has not been discussed, said Mr. Kikendall.

Mr. Dye asked if they have identified what the dollar value of the contract would mean for the community.

They are discussing even more work with the mines, said Mr. Kikendall, but they do not know if they will get that work or not. They anticipate two additional employees in addition to the ones already hired, he said.

Mr. Dye asked how many total employees the new building would allow the business to hire.

They are actively pursuing seven additional positions right now, said Mr. Kikendall.

Mr. Greene asked how it would affect the business if it lost one of the two curbside accesses to the property.

It would be very challenging, said Mr. Kikendall. He said they are fairly optimistic they can reach a settlement about the access, he said.

Mr. Miller asked if it has been verified that the right-of-way could not hold up to heavy truck traffic.

Mr. Bibb said it has not been tested but that the right-of-way utilities are fairly shallow. It would also turn the entire site into a driveway, leaving no room for the heavy equipment, he added. The logistics call for enough room for staging the equipment before and after its maintenance, he said.

MOTION: *by Ms. Shelton-Walker, to reject staff's recommendation and approve VAR2017 0004.*

In support of her motion, Ms. Shelton-Walker said if this variance were to be rejected, that the City would be cutting off its nose to spite its face. The community needs high paying jobs, and this project would keep jobs in Juneau which would otherwise go outside of the community, she said. Ms. Shelton-Walker said she did feel the fact that Juneau is extremely short on industrial land would qualify this as a unique physical feature of this property, and that the applicant was in an extraordinary situation because of this. She said she felt this was unfairly burdensome to the applicant because they did not have anywhere else to go for their business. She said she did not feel the rear setback would be necessary since other properties were already at that property line as well. It would not be fair to give preference to some neighbors

and not the others, she said. With DOT rejecting almost any other plan, she said, the applicant's hands are tied and they are forced into this option.

Speaking in favor of the motion, Mr. Voelckers said he agreed with the points already made and he added that he felt there were unique circumstances in terms of the size of the equipment and the critical adjacencies needed to make this an efficient operation. He said he also felt it was the unique circumstance and that the applicant had a limited time in which to act to secure this opportunity. If they had unlimited time, said Mr. Voelckers, there may be other alternatives, but that is not the case, he said. He said the City has made extraordinary steps in the past to facilitate businesses such as actions it has made to facilitate the development of the Alaskan Brewing Company, where an entire street was closed.

Mr. Miller also spoke in favor of the motion, and said he agreed with the previous remarks. He added that in an industrial area that setbacks on the side are zero, and the front and back setbacks are 10 feet. He said in this case, where the property backs up to a completely unused right-of-way, that a zero setback made sense.

Roll Call Vote:

The motion passed by unanimous vote.

A. VAR2017 0001 and VAR2017 0002

Chairman Haight said they have a memo from the City Attorney that at the last regular Planning Commission meeting the applicant for the above variances had not been given the opportunity to present a closing argument. For this reason, said Chairman Haight, they have the opportunity to reconsider these variance requests.

To do this, said Chairman Haight, there must be a motion and it must pass by six votes.

MOTION: *by Mr. Voelckers, to reopen the matter of VAR2017 0001 and VAR2017 0002 for reconsideration.*

In answer to a question by Mr. Dye, Chairman Haight said if this item is reopened they could hear the applicant's closing arguments. Upon questioning of the applicant, they could then vote again on the issue, he said.

Mr. Palmer clarified that the Commission has broad discretion on what it will consider. If it was a "super majority" then it could be reopened for public testimony, he said. A super majority would mean all of the six voting Commission members, said Mr. Palmer.

Roll Call Vote:

Yeas: Voelckers, Dye, Greene, Shelton-Walker, Haight

Nays: Hickok

The motion failed.

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Ms. McKibben reported that the ad hoc committee finished its work on Monday . They are anticipating a draft ordinance for the May 23, (2017) meeting.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Lemon Creek Steering Committee

Mr. Voelckers reported that the Lemon Creek committee is moving swiftly and that Ms. Maclean was keeping the committee focused. They hope to have their work wrapped up by the end of this month and back to the Commission for its review in July, he said.

Title 49 Committee

The Title 49 Committee met two weeks ago, said Mr. Voelckers. They have been discussing urban livestock, and it is proving to be a surprisingly tricky issue, said Mr. Voelckers. There has been a lot of public input on this issue, he said.

Ad Hoc Committee

Mr. Dye reported that they have made great strides in their work and that he felt the ordinance would be before the Commission on May 23, (2017). They have developed two alternate development districts, he said. One is for the downtown area and one is for the Douglas town area, he said. It would use similar criteria for the conditional use process in order to augment the zoning maps utilizing similar footprints of properties, to give property owners relief to either build or rebuild and match the surrounding area, he said.

Wetlands Review Board

Ms. McKibben reported that the Wetlands Review Board met and reviewed an early draft of a revision to streamside buffers. This is part of a revision to the variance package to provide more flexibility in the code before the variance criteria are revised, she said.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XV. ADJOURNMENT

The meeting was adjourned at 8:17 p.m.

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers

7:00pm

Meeting Date: June 13, 2017

1. CSP2017 0010:

- a. Public Comment from Margo Waring, received via email 6/12/17
- b. Public Comment from SueAnn Randall, received via email 6/12/17

Marjorie Hamburger

From: Margo Waring <margowaring@gmail.com>
Sent: Monday, June 12, 2017 10:38 AM
To: PC_Comments
Subject: Agenda item CSP2017 0010

Follow Up Flag: Follow up
Flag Status: Completed

RE: CSP2017 0010

Dear Planning Commission members,

I am writing regarding the above request for disposal of CBJ land from Entrance Point Subdivision Tract C in the Rural Reserve to a private property owner.

First, let me say that, as far as I can tell, neighbors were not notified, nor is there a sign on the property. A paper notice of all CBJ planning actions was sent to the North Douglas Neighborhood Association but was delayed in being re-distributed.

I am puzzled by the staff recommendation.

- 1 First because the disposal is being recommended prior to any look at development of Tract C. No one, including the Planning Commission, has any sense of what development might be—where roads, water, perhaps district sewer, park set asides, etc. might look like. Clearly, there would be an effort to minimize driveways onto the North Douglas Highway, but other issues have yet to be identified.
- 2 The land owner knew the difficulties in development of the property at purchase. This is why it has taken so long for the property to sell.
- 3 I sympathize with the difficulties in development. We, too, have had to deal with a difficult feature of our property. And I can see that even a small residence would need to be close to the road and call for much land clearing.
- 4 However, it does not seem right for CBJ to create another non conforming lot. The current lot is legally non conforming. The 14,000 square foot addition would create a larger but still non conforming lot.

I strongly recommend that if a sale of CBJ property takes place that it be to create a conforming lot, consistent with the lot size that is required in this zone and consistent with what will eventually be required in Tract C.

Sincerely,

Margo Waring

11380 North Douglas Hwy

Juneau, AK 99801

Marjorie Hamburger

From: SueAnn Randall <porcupinewoman@outlook.com>
Sent: Monday, June 12, 2017 9:44 PM
To: PC_Comments
Cc: Gene Randall
Subject: RE: CSP2017

Monday, June 12, 2017

Dear Planning Commission members,

I write to you today regarding the request to augment the square footage of Entrance Point Subdivision Tract C with two triangular additions from the 92.05 acres of CBJ lot USS 3559 Lot 2 (LND-1421).

- Entrance Point Subdivision Tract C is already below the current minimum lot size.
- The applicant's request for an additional 14,000 square feet will result in 28,000 square feet overall.
- The lot will still be below the minimum 36,000 square foot lot size requirement for this Rural Reserve neighborhood.

The verdant tree-lined drive out the North Douglas Highway is an experience in itself for many Juneau residents. It is refreshing and restorative.

I would hope that Dwight Scott Williams and Carol Colp appreciate the drive out North Douglas, and will venture it was a key influence in the purchase of Entrance Point Subdivision Tract C.

I implore the planning commission, do not create a precedent by lowering the Rural Reserve square foot minimum. The impact of setting a precedent of lowered lot size minimum in the Rural Reserve carries a high probability of regret and sad loss of aesthetics. Please have the foresight to maintain the Rural Reserve minimum square foot requirement—of 36,000 square foot lot size—in order to encourage and enable the property owners ability to maintain the exquisite wilderness aesthetics of this amazing part of Juneau.

We are neighbors and stewards of this neck of the woods.

I would like to add that public notification is lacking for this Planning Commission agenda item and the opportunity for public comment has been minimal.

SueAnn Randall
11346 North Douglas Highway
Juneau, Alaska 99801

Sent from [Outlook](#)



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

DATE: June 2, 2017

TO: Planning Commission 

FROM: Chrissy Steadman, Planner II
Community Development Department

FILE NO.: CSP2017 0009

PROPOSAL: CBJ acquisition of a portion of the Auke Bay Marine Station from the federal government.

GENERAL INFORMATION

Applicant: City & Borough of Juneau

Property Owner: National Oceanic and Atmospheric Administration (NOAA)

Property Address: 11305 Glacier Highway

Legal Description: USS 1500 Fraction

Parcel Code No.: 4-B23-010-500-4-0

Site Size: 161,172 square feet (3.7 acres)

Comprehensive Plan Future Land Use Designation: Marine Mixed Use

Zoning: Waterfront Commercial (WC)

Utilities: Public water & sewer

Access: Glacier Highway

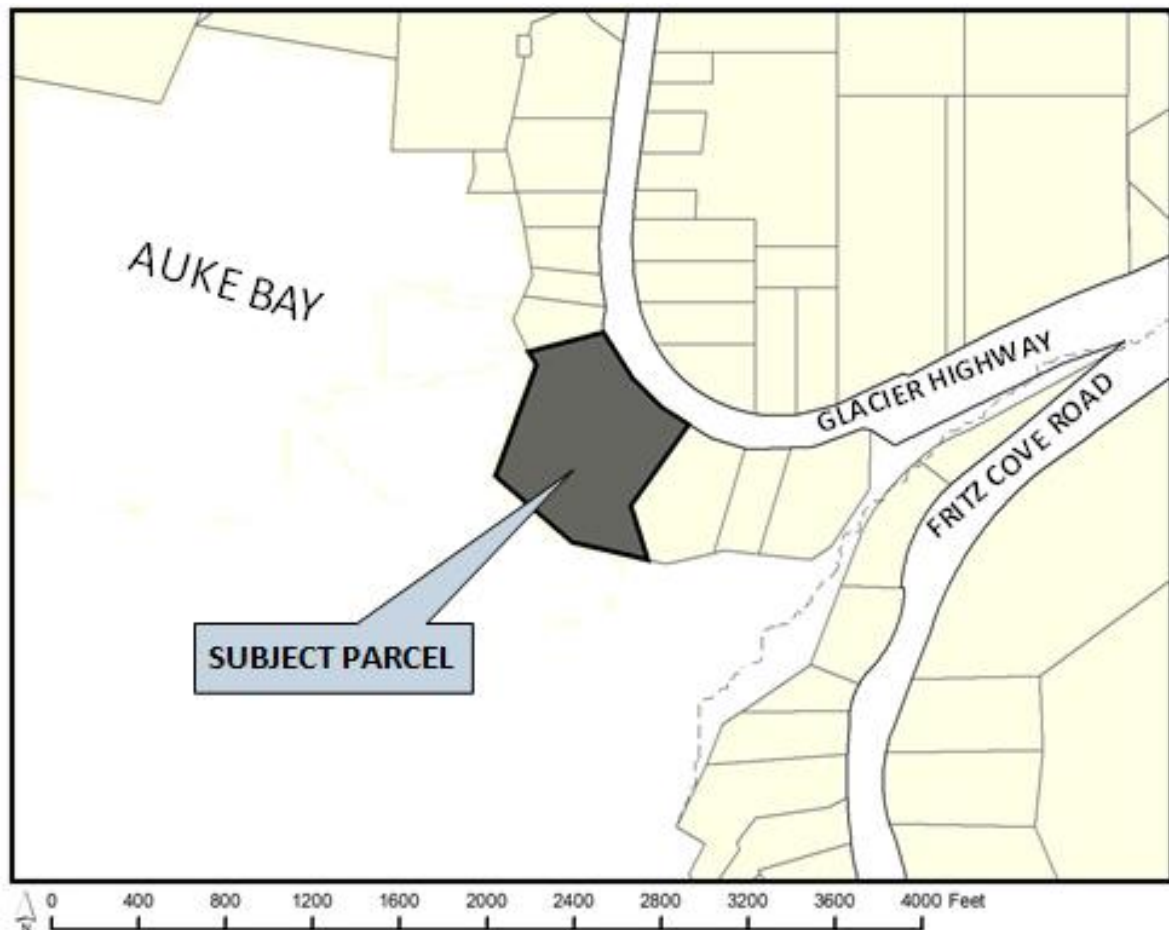
Existing Land Use: Coast Guard office

Planning Commission
File No.: CSP2017 0009
June 2, 2017
Page 2 of 5

Surrounding Land Use:

North	- University of Alaska Southeast
South	- Auke Bay/Fritz Cove
East	- University of Alaska Southeast Anderson Building
West	- Auke Bay/Statter Harbor

VICINITY MAP



ATTACHMENTS

Attachment A: CSP Application
Attachment B: Statter Harbor Expansion Conceptual Plan
Attachment C: CBJ/UAS Subdivision Proposal

Planning Commission
 File No.: CSP2017 0009
 June 2, 2017
 Page 3 of 5

PROPOSAL

The federal government is disposing of the former NOAA Auke Bay Lab property. The CBJ Docks & Harbors applied to the federal government to acquire the land for the purposes of expanding the Statter Harbor port facility.

CBJ 49.10.170 describes the duties of the Planning Commission including the review and recommendation to the assembly of land disposals as described in Title 53.

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

Title 53 requires that all negotiated land leases undergo a review by the Planning Commission before final authorization by the City Assembly.

53.09.260 - Negotiated sales, leases, and exchanges.

(b) Planning commission review, final assembly approval. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, and after review by the planning commission and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, or exchange or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection. The disposal may not be executed until the effective date of the ordinance.

BACKGROUND

The subject property is located to the west of Fritz Cove Road. The Auke Bay Marine Station was originally the site of NOAA Auke Bay Laboratories built in 1960. In 2007, the Auke Bay Laboratories moved out to the Ted Stevens Marine Research Center at Lena Point. The property was then a joint United States Coast Guard (USCG) and NOAA facility and now only houses USCG offices.

The United States General Services Administration (GSA) is the governing authority for disposing of the property. The property is being disposed of at no cost to qualifying applicants. The CBJ Docks & Harbors and the University of Alaska Southeast (UAS) applied to the federal

Planning Commission
 File No.: CSP2017 0009
 June 2, 2017
 Page 4 of 5

government to acquire the property. The GSA requested UAS and CBJ negotiate an agreement to divide the property in a mutually beneficial manner. The GSA is allowing the subdivision of the property so that both entities acquire the portion of the land that is of interest to their respective organizations. The proposed subdivision can be found in attachment C. CBJ Docks & Harbors would acquire the northern half of the parcel.

ANALYSIS

The project site is located in the Waterfront Commercial (WC) zoning district. The site is 3.7 acres. The proposed harbor expansion is a use allowed in the WC zoning district. The portion of the property that CBJ Docks & Harbors seeks to acquire contains two buildings that would be used for port offices and marine related support services. The USCG occupies a third building and will remain a tenant of that building. There are two buildings that are proposed for demolition.

Conformity with Adopted Plans

The subject property has a Comprehensive Plan land use designation of Marine Mixed Use (M/MU) and Institutional Public Use (IPU). These land use designations are defined as follows;

M/MU

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

IPU

Lands that are in public ownership and dedicated for a variety of public uses, such as the University of Alaska Southeast; local, state, and federal government uses; and for such public facilities as community gardens, schools, libraries, fire station, treatment plants, and public sanitary landfills. Included are potential sites for future boat harbors . . .

The Comprehensive Plan addresses supporting water-dependent uses in Chapter 5, *Economic Development*. Policy 5.9 states;

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

Planning Commission
File No.: CSP2017 0009
June 2, 2017
Page 5 of 5

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.

Standard operating procedure 2 of Policy 5.9 also supports CBJ acquisition of the site;

5.9 – SOP2 Encourage the expanded use of, and home porting in Juneau by state and federal government vessels, including NOAA oceanographic and fisheries research vessels, and cooperate with those agencies in the development of adequate water dependent port and related upland facilities to meet present and future needs.

The proposed use of the site is consistent with the Comprehensive Plan land use designations.

The Auke Bay Area Plan includes the subject property but does not specifically address the site aside from expanding a seawalk to the UAS Anderson building to the west of the subject property.

Habitat

The proposed land acquisition does not affect any mapped habitats regulated by the CBJ Land Use Code.

FINDINGS

Staff finds the proposed land acquisition of the Auke Bay Marine Station to be consistent with CBJ adopted plans. The project will allow for additional access to the water front and expansion of Statter Harbor.

RECOMMENDATION

Staff recommends that the Planning Commission find CSP2017 0009 to be consistent with adopted local plans and policies, as required by CBJ 49.10.170(c), CBJ 49.15.580 and AS 35.30.010 and forward to the Assembly a recommendation for approval to allow for the acquisition of a fraction of USS 1500 from the federal government.

DEVELOPMENT PERMIT APPLICATION

Project Number CSP17-09	CITY and BOROUGH of JUNEAU	Date Received: 4/21/17
Project Name (City Staff to Assign Name)		

INFORMATION PROJECT / APPLICANT	Project Description CBI Docks and Harbors is seeking to acquire a portion of the Anke Bay Marine Station (formerly NOAA Lab).		
	PROPERTY LOCATION		
	Street Address 11305 Glacier Highway	City/Zip Juneau, Alaska 99801	
	Legal Description of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) USS 1500 FR		
	Assessor's Parcel Number(s) 4B2301050040		
	LANDOWNER/ LESSEE		
	Property Owner's Name Federal Government	Contact Person: Andrew Schwartz	Work Phone: 253-931-7556
	Mailing Address 400 15th St. SW, Room 1161, Auburn, WA 98001	Home Phone:	Fax Number:
	E-mail Address andrew.schwartz@gsa.gov	Other Contact Phone Number(s):	
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits**** I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application. ☒ <u>Blaine Hastings</u> Landowner/Lessee Signature Date 4/21/2017 <u>Blaine Hastings, Contracting Officer</u> Landowner/Lessee Name/Title 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 CBI Docks and Harbors Mailing Address 155 S. Seward St. Juneau, AK 99801 E-mail Address gary.gillette@juneau.org ☒ <u>[Signature]</u> Applicant's Signature Date of Application 19 APR 17			
Contact Person: Gary Gillette Home Phone: Work Phone: 907-586-0398 Fax Number: Other Contact Phone Number(s):			

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE			
	☒	Permit Type Building/Grading Permit	Date Received	Application Number(s)
	☒	City/State Project Review and City Land Action	4/21/17	CSP17-009
	☐	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, RUD, St. Vacation, St. Name Change)		
	☐	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		
	☐	Variance Case (De Minimis and all other Variance case types)		
	☐	Wetlands Permits		
☐	Zone Change			
☐	Allocation			
☐	Other (Describe)			
Comments: ***Public Notice Sign Form filled out and in the file.				Permit Intake Initials CS

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Project Number	Project Name (15 characters)	Case Number CSP 20170009	Date Received 4/21/17																				
TYPE OF PROJECT REVIEW: ☐ City Project Review ☒ City Land Acquisition /Disposal ☐ State Project Review																							
DESCRIPTION OF PROJECT Acquisition of a portion of the Anke Bay Marine Station (former NOAA Lab) from the Federal Government. CBJ acquisition shown as LOT 1 on attached drawing. Lot 2 would be transferred to the University of Alaska.																							
Please attach a cover letter to fully explain the project if there is not adequate space on this form.																							
CURRENT USE OF LAND OR BUILDING(S): US Coast Guard																							
PROPOSED USE OF LAND OR BUILDING(S): CBJ Docks & Harbors																							
PROJECT NUMBERS ASSOCIATED WITH PROPOSAL: Is this project associated with any other Land Use Permits? ☒ No ☐ Yes Case No.: _____ Capital Improvement Program # (CIP) _____ Local Improvement District # (LID) _____ State Project # _____																							
ESTIMATED PROJECT COST: \$ GSA is transferring land for no cost.																							
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">CITY/STATE PROJECT 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>0</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>			CITY/STATE PROJECT FEES		Check No.	Receipt	Date		Fees				Application Fees	\$ <u>0</u>	_____	_____	_____	Total Fee	\$ _____	_____	_____	_____
CITY/STATE PROJECT FEES		Check No.	Receipt	Date																			
	Fees																						
Application Fees	\$ <u>0</u>	_____	_____	_____																			
Total Fee	\$ _____	_____	_____	_____																			

TO BE COMPLETED BY THE APPLICANT

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM &

EVEN IF THE PROPOSED PROJECT IS ASSOCIATE WITH OTHER LAND USE PERMITS, THIS APPLICATION MUST BE FILLED OUT

Edward Quinto

From: Gary Gillette
Sent: Friday, April 21, 2017 11:17 AM
To: Edward Quinto
Subject: CSP Application for Docks and Harbors
Attachments: ABMS Dev Permit Application-Signed-4-19-21.pdf; ABMS CSP Application-4-21-17.pdf; ABMS CSP Application.pdf

Hi Eddie

Attached is Development App; Project Narrative; CSP App.

The project is to acquire land (Auke Bay Marine Station) from the Federal Government for Port facilities expansion in Statter Harbor.

Please let me know if you need anything else.

Thanks

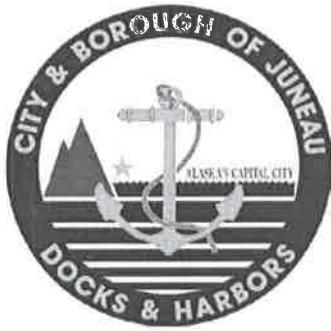


Gary H Gillette, Architect
Port Engineer

155 S. Seward Street
Juneau, Alaska 99801
907-586-0398
907-586-0295 (fax)

gary.gillette@juneau.org **Please Note New E-Mail Address**

RECEIVED
APR 21 2017
PERMIT CENTER/CDD



Port of Juneau

155 S. Seward Street • Juneau, AK 99801
(907) 586-0292 Phone • (907) 586-0295 Fax

RECEIVED
APR 21 2017
PERMIT CENTER/CDD

*Application for a
City/State Project Review*
for
**Acquisition of a Portion of the
Auke Bay Marine Station**

PROJECT NARRATIVE

Submitted by:
Gary Gillette, Port Engineer
On Behalf of the Applicant
CBJ Docks and Harbors
Phone: 907-586-0398
Fax: 907-586-0295
gary.gillette@juneau.org

April 21, 2017

INTRODUCTION

The federal government determined that the Auke Bay Marine Station (ABMS), locally known as the NOAA Auke Bay Lab, is no longer of use to them and began a process to dispose of the property. The City and Borough of Juneau (CBJ) Docks and Harbors (D&H) applied to the federal Department of Transportation through its Maritime Administration (MARAD) to acquire ABMS for the purposes of developing expanded port facilities at Statter Harbor. The University of Alaska (UA) also applied for the surplus property through the federal Department of Education. The Government Services Administration (GSA), who administers land disposal actions, will allow the ABMS property to be partitioned such that D&H would receive a portion of the property while UA would receive the other portion. D&H and UA have agreed upon a partitioning line as generally depicted in the drawing of Attachment A. D&H would receive Lot 1 and UA would receive Lot 2.

BACKGROUND

Title 49 of the City Code requires the Planning Commission review all city land acquisitions and make recommendation to the Assembly. The ABMS property is located in lands designated as Marine Mixed Use of the Comprehensive Plan and the Waterfront Commercial zoning district.

CONCEPTUAL PLAN

D&H has developed a conceptual plan as shown in Attachment B. The plan would significantly expand the Statter Harbor facilities to accommodate an increasing demand for moorage space in Auke Bay.

The D&H portion of the property contains three useable buildings. In the short term, the buildings would be used for port operations and other marine related support services. Currently one of the buildings is occupied by the U.S. Coast Guard who would remain a tenant for the immediate future. In the long term the buildings might be razed and new facilities developed to support the expanded harbor plan.

REQUESTED ACTION

D&H asks that the Planning Commission make a favorable recommendation to the Assembly to acquire this property allowing development of expanded port facilities in Auke Bay.

ATTACHMENTS

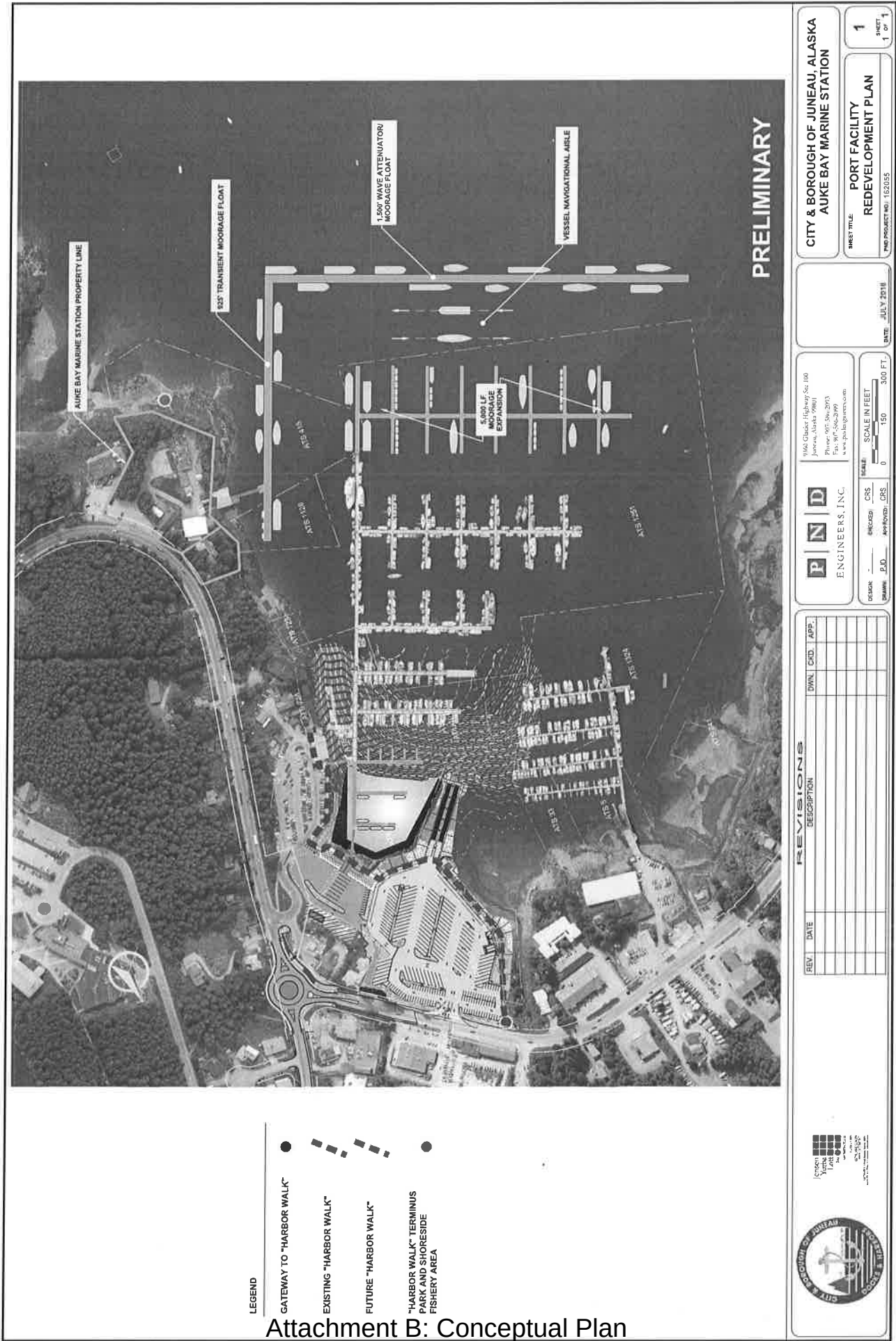
- A. ABMS Partition
- B. ABMS Conceptual Plan

*City and Borough of Juneau - Docks and Harbors
Acquisition of a Portion of Auke Bay Marine Station*

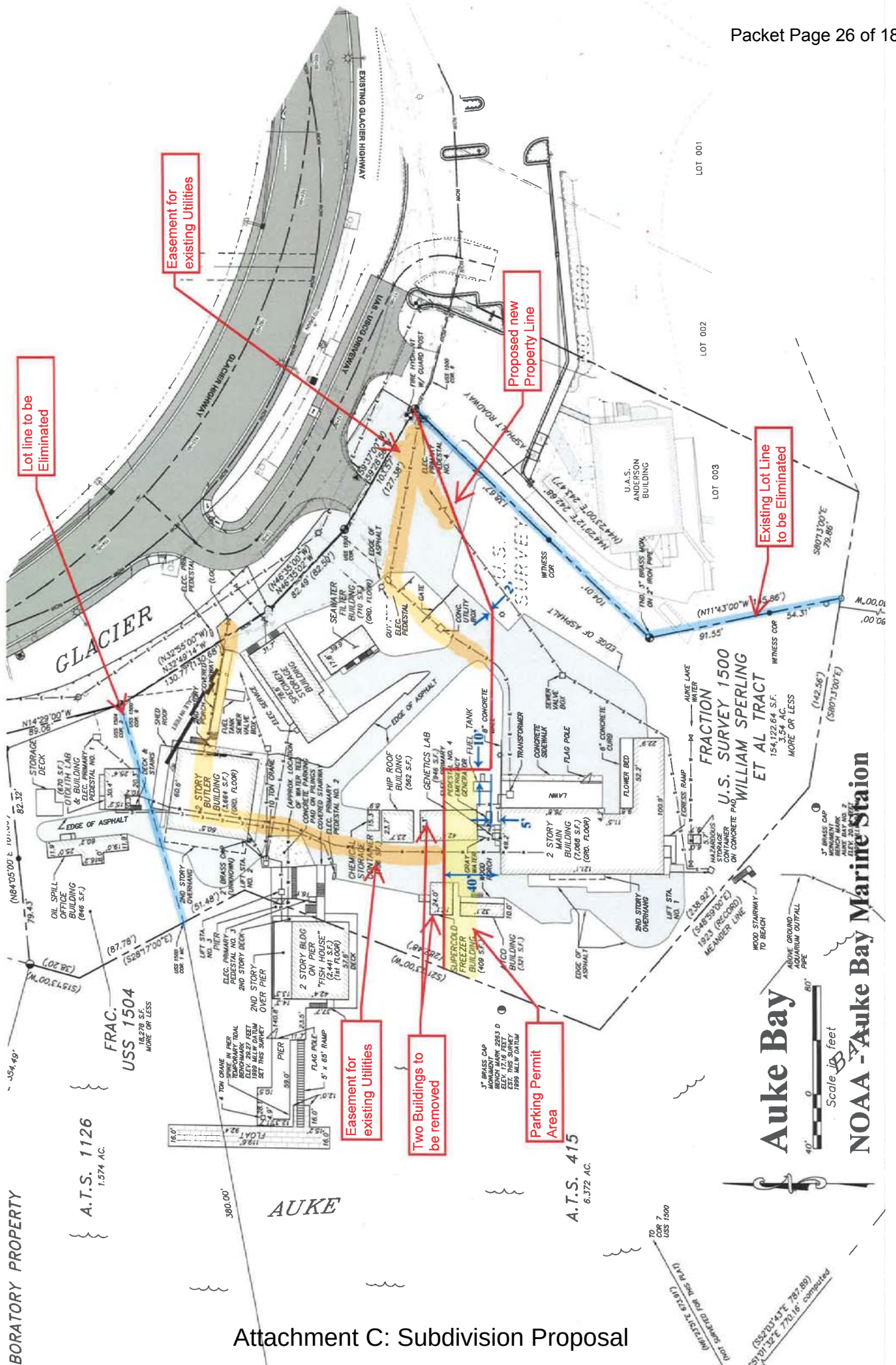
Page 3 of 4

ATTACHMENT A

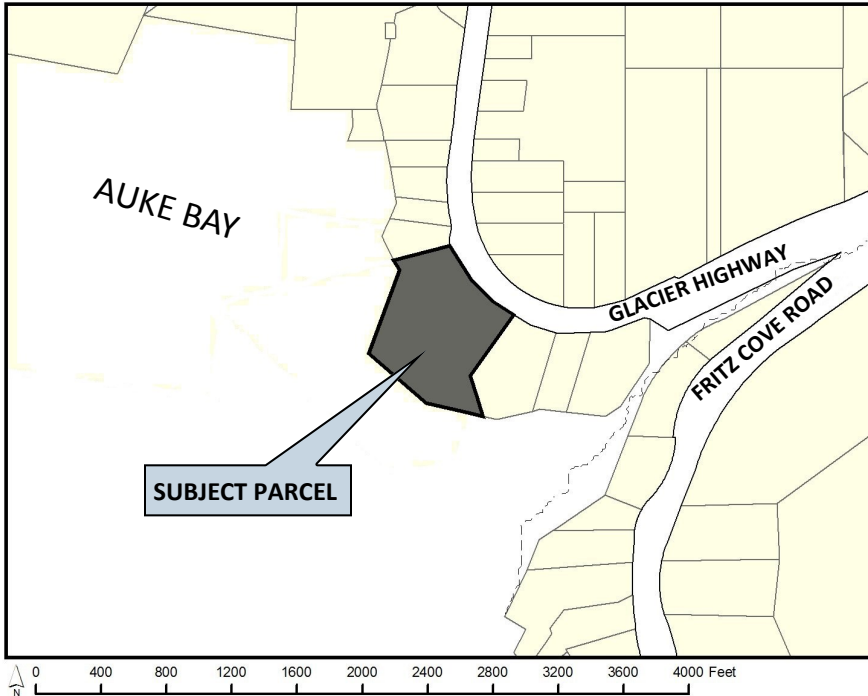
Auke Bay Marine Station Partition between University of Alaska and CBJ Docks & Harbors



Attachment B: Conceptual Plan



NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: CBJ acquisition of a portion of the Auke Bay Marine Station from the federal government.

File No:	CSP2017 0009	Applicant:	City & Borough of Juneau
To:	Neighborhood Associations	Property PCN:	4B2301050040
Hearing Date:	June 13, 2017	Owner:	NOAA
Hearing Time:	7:00 PM	Lot Size:	161,172 sq. ft.
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	WC (Waterfront Commercial)
		Site Address:	11305 Glacier Highway
		Accessed Via:	Glacier Highway

PROPERTY OWNERS PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



*If you have questions, please contact Chrissy Steadman at
Christine.steadman@juneau.org or (907) 586-0761.*

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at
<http://www.juneau.org/assembly/novus.php>

CSP2017 0009 – CBJ acquisition of a portion of the Auke Bay Marine Station from the federal government.

June 13, 2017

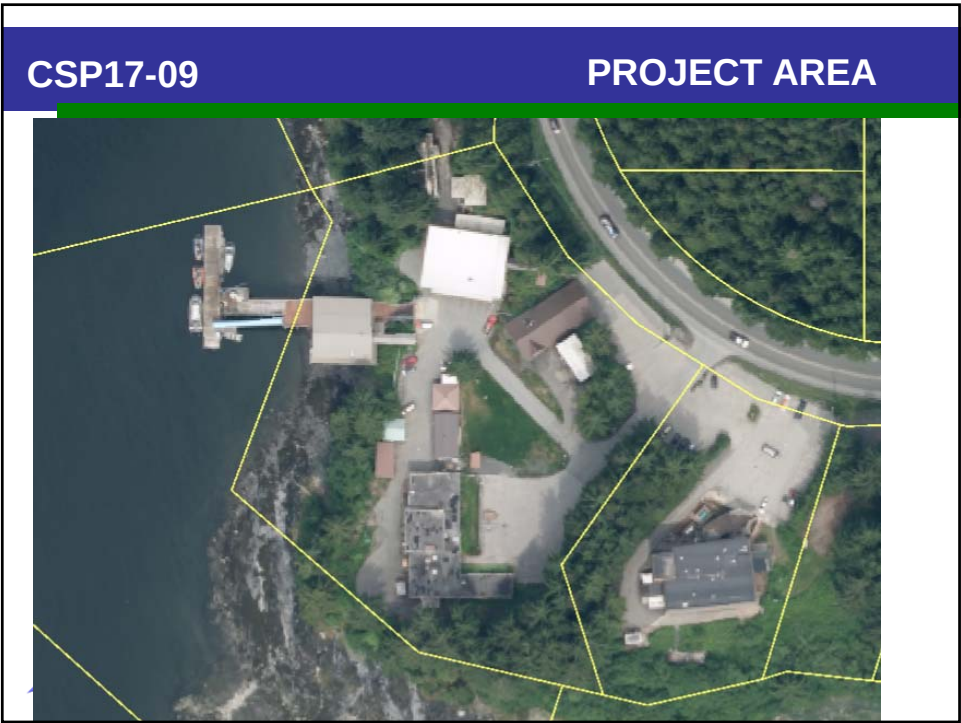


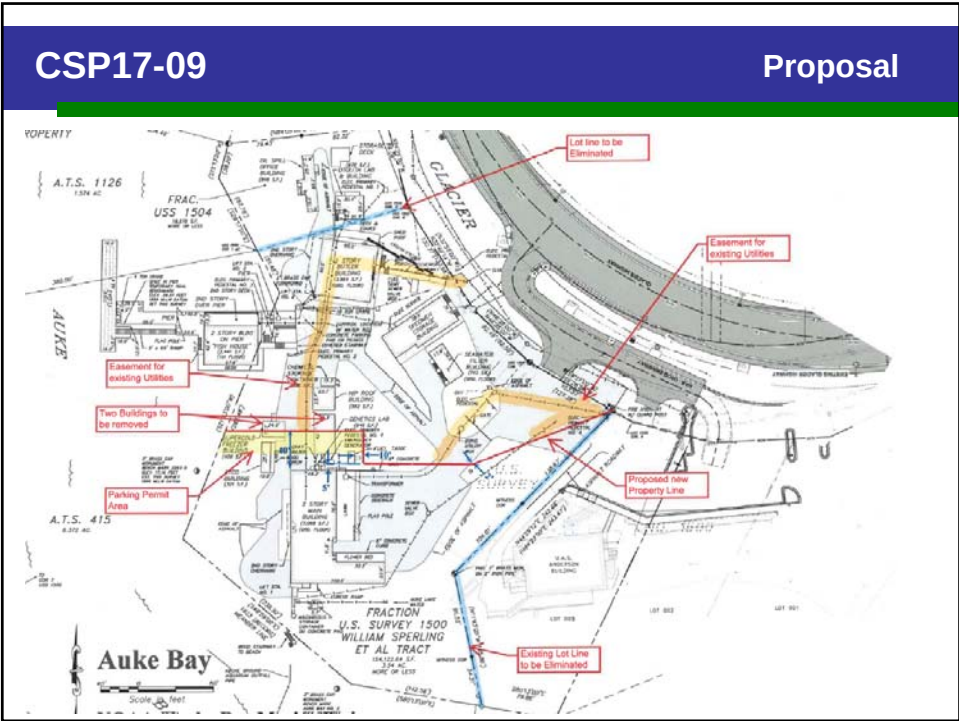
CSP17-10

PROJECT DESCRIPTION

Applicant:	City & Borough of Juneau
Property Owner:	City & Borough of Juneau
Legal Description:	Lot 2 USS 3559
Parcel Code No.:	6-D12-0-111-001-0
Site Size:	90.5 acres
Comprehensive Plan Future Land Use Designation:	Rural Low Density Development (RLDR)
Zoning:	Rural Reserve (RR)
Utilities:	City water and private septic
Access:	North Douglas Highway
Existing Land Use:	Vacant







CSP17-10

CONFORMITY WITH PLANS

Title 49:

CBJ 49.30.300(a): *A lot rendered substandard in size by the adoption of this title may nonetheless be used in conformity with applicable use regulations, provided that no use, including duplexes and multifamily dwellings, requiring a larger lot size greater than the minimum for that zone shall be permitted except as provided in subsections 49.25.510(h) and (i).*

CBJ 49.30.400(a): *nonconforming situations may not be aggravated*



CSP17-10

CONFORMITY WITH PLANS

2016 CBJ Lands Plan – Goal 1

- Make land available for community expansion.
- Expand the property tax base.
- Minimize the CBJ's costs for disposing of land.
- Provide opportunities for a variety of housing by disposing of land in multiple locations, by a variety of methods and at several price ranges.
- Maximize the CBJ's return on its property.
- Provide opportunities for as many people as possible to acquire CBJ land.

2013 Comprehensive Plan

No Goals or policies restrict or prohibit the proposed land disposal



CSP17-08

CONFORMITY WITH PLANS

With appropriate conditions, the disposal of this CBJ owned parcel within the severe hazard zone can meet the intent behind CBJ retaining property or acquiring private property within severe hazard zones.



CSP17-08

RECOMMENDATION

Staff recommends that the Planning Commission find CSP2017 0008 to be consistent with adopted local plans and policies, as required by CBJ 49.15.170(c), CBJ 49.15.580 and AS 35.30.010 and forward to the Assembly a recommendation for approval to allow for the sale of Lot 5 & 6 Fraction, Block 115, Juneau Townsite to the owners of Lot 7, Block 115, Juneau Townsite.



CSP17-08

RECOMMENDATION

This recommendation is based on the following condition:

1. The fraction of Lots 5 & 6 and Lot 7 of Juneau Townsite Block 115 shall be consolidated.





Community Development

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION

NOTICE OF RECOMMENDATION

Date: June 17, 2017

File No.: CSP2017 0009

City and Borough of Juneau
CBJ Assembly Members
155 S Seward Street
Juneau, AK 99801

Proposal: Planning Commission recommendation to the City and Borough Assembly regarding CBJ acquisition of a portion of the Auke Bay Marine Station from the federal government.

Property Address: 11305 Glacier Highway

Legal Description: USS 1500 Fraction

Parcel Code No.: 4-B23-010-500-4-0

Hearing Date: June 13, 2017

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 2, 2017, and found CSP2017 0009 to be consistent with adopted local plans and policies, as required by CBJ 49.10.170(c), CBJ 49.15.580 and AS 35.30.010 and recommends the Assembly approve the requested acquisition of a fraction of USS 1500 from the federal government with the following condition:

1. Subsequent planning and development by Docks & Harbors on City and Borough of Juneau land shall incorporate the space for a seawalk as identified in the Auke Bay Area Plan.

Attachments: June 2, 2017 memorandum from Chrissy Steadman, Planner II, Community Development Department, to the CBJ Planning Commission regarding CSP2017 0009.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even

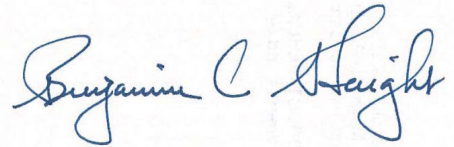
City and Borough of Juneau
CBJ Assembly
File No.: CSP2017 0009
June 17, 2017
Page 2 of 2

if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020(b).

Project Planner:



Beth McKibben, AICP
Planning Manager
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

June 19, 2017

Date

cc: Plan Review

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



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

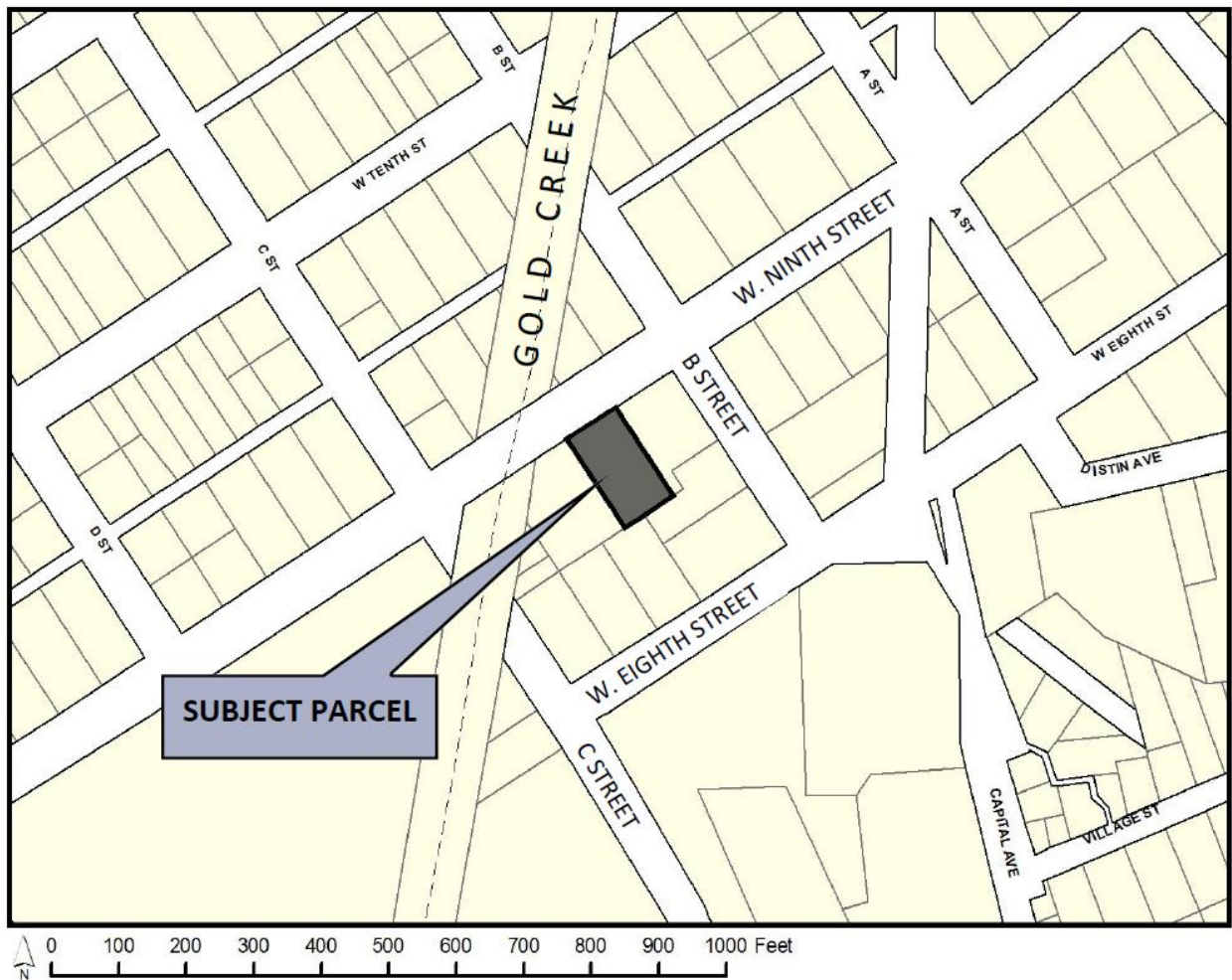
DATE: June 5, 2017
TO: Planning Commission
FROM: Tim Felstead, Planner
Community Development Department
FILE NO.: USE2017 0009
PROPOSAL: Conditional Use Permit for additional living space above a nonconforming garage

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

GENERAL INFORMATION

Applicant: Matthew & Naomi Davidson
Property Owner: Matthew & Naomi Davidson
Property Address: 521 W. Ninth Street
Legal Description: Lots 2 & 3 fraction, Block 212, Casey Shattuck
Parcel Code No.: 1-C06-0-C12-002-0
Site Size: 3,240 Square Feet
Comprehensive Plan Future Land Use Designation: MDR-SF
Zoning: D5
Utilities: Public water/public sewer
Access: W. Ninth Street
Existing Land Use: Single Family Residential
Surrounding Land Use: Northeast - Single family residential (D5)
Southeast - Single family residential (D5)
Southwest - Single family residential (D5)
Northwest - W. Ninth Street, Single family residential, Gold Creek (D5)

Planning Commission
 File No.: USE 2017 0009
 June 5, 2017
 Page 2 of 9



ATTACHMENTS

- Attachment A Application including narrative, site plan, no-build easement agreement with adjacent lot (now recorded) and proposed construction drawings
- Attachment B 2010 as-built survey of property
- Attachment C Photographs of subject property showing location of addition
- Attachment D Public notice

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a 318 square foot, 2nd story addition above an existing nonconforming attached garage. The existing garage is 1.87 feet from the side lot line and is considered a nonconforming structure. A second or third story addition to a nonconforming structure may be allowed with an approved Conditional Use Permit per CBJ 49.25.430(4)(M).

Planning Commission
File No.: USE 2017 0009
June 5, 2017
Page 3 of 9

BACKGROUND

According to the Assessor's database, the existing house and attached garage were built in 1950. The existing structure appears in aerial photography of the area circa 1959. The Casey-Shattuck Subdivision was platted nearly 100 years ago. The lots in this block (Block 212) of Casey-Shattuck were platted as 40 feet wide and 81 feet deep. The subject lot is currently made up of two fractions of the originally platted lots (Lots 2 and Lot 3). Fire insurance maps circa 1948 indicate that at that time this property was a combination of the whole of the original Lots 2 and 3 with a building situated across the common lot line.

It is assumed the building shown on the 1948 fire insurance map was demolished and the existing house then built. The subject lot boundary appears to have been adjusted over time with the lot width being reduced to allow homes to be constructed on either side of the subject home. It is not clear when these boundary changes occurred, but based on the Assessor's database, the homes on either side of the subject home were constructed in 1949 and 1951. It is reasonable to assume that the boundary changes occurred at this time and most likely by deed description. This was a common practice at the time. The existing lot configuration is shown on the 1969 fire insurance maps for the area

ANALYSIS

The Land Use Code provides for construction of additional stories above existing nonconforming structures or structures for which a variance has previously been granted (CBJ 49.25.430(4)(N)).

Additional stories. The commission, through the conditional use permit process, may allow the addition of a second or third story atop or below an existing enclosed structure which projects into a required yard setback if the structure is either lawfully nonconforming or if a variance was previously granted for the structure. The commission may deny such request 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.

Project Site – The subject lot is zoned D5, which requires a minimum lot width of 70 feet, depth of 85 feet, and area of 7,000 square feet. According to a 2010 as-built survey (**Attachment B**), the subject lot is 45 feet wide, 81 feet deep and 3,240 square feet in area.

Planning Commission
 File No.: USE 2017 0009
 June 5, 2017
 Page 4 of 9

The standard setbacks for the lot are 20 feet for the front yard, 5 feet for the *side yard* and 20 feet for the *rear yard*. Setback exceptions in the Land Use Code allow for lots that are substandard in width and depth to have the required setbacks reduced based on the proportion of the actual lot width or depth compared to the required lot width or depth (CBJ 49.25.430(4)(J)). However, the setbacks cannot be reduced to more than half the standard setback, or less than 5 feet for a *side yard* or 10 feet for a *rear yard*. The *front yard* setback may also be reduced if an average of the distance of the subject building and the nearest two adjacent buildings to the front property line is less than the required setback (CBJ 49.25.430(4)(K)), but it may not be reduced to less than 10 feet. The standard setback, the reduced required setbacks based on the applicable exceptions, and the actual distances are given in **Table 1**.



Setback	Standard for D5 (feet)	Reduced per exceptions (feet)	Actual distance (feet)
<i>Front yard</i>	20	18.5	18.98
<i>Side yard A</i>	5	5	1.87
<i>Side yard B</i>	5	5	7.94
<i>Rear yard</i>	20	19	32.38

Planning Commission
 File No.: USE 2017 0009
 June 5, 2017
 Page 5 of 9

Based on the above history, the lot and building are both considered nonconforming.

Project Design - The applicants wish to construct an additional story above the existing attached garage (**Attachments A and C**). The garage is nonconforming because it encroaches into the required side yard setback and is 1.87 feet from the property line.



The plans indicate the existing eaves on the building project an additional 0.5 feet into the setback beyond the face of the wall. CBJ 49.25.430(4)(A) allows eaves and other architectural features to project into the setback 4 inches for every foot of required setback but no closer than 2 feet to side or rear lot lines. The existing eaves are also nonconforming. The applicant's design will not encroach further into the side yard setbacks than currently exists for both the finished face of the walls and the eaves. All other required setbacks will be met. *It is recommended as a condition of approval to ensure that further encroachment into the setbacks does not occur and that the dimensions of the existing eaves be measured in the field and used to determine the distance from the side lot line. Not exceeding this distance should be added as a condition of approval of the associated building permit.*

It is also recommended that as a condition of approval, prior to a temporary certificate of occupancy for an approved building permit, an as-built survey be submitted to the Community Development Department.

Planning Commission
File No.: USE 2017 0009
June 5, 2017
Page 6 of 9

The maximum lot coverage of 50% will not be exceeded by the proposal; the structure has a footprint of approximately 970 square feet or 30% of the lot. The maximum height for permissible uses in the D5 zoning district is 35 feet; the plans indicate the proposed addition will be 23 feet high. The site meets the 20% vegetative cover requirement for the zoning district.

Traffic, Parking and Circulation - The existing use as a single family dwelling will not be changing. The addition will only be providing additional living space for the single family dwelling. The existing site will continue to provide two required on-site parking spaces.

Noise – There is no evidence that the proposed addition would generate noise that would be out of keeping with a residential neighborhood.

Public Health or Safety - A building permit has already been approved pending approval of this Conditional Use Permit. CBJ Building and General Engineering Divisions, and Capital City Fire and Rescue have no issues with the proposal.

A no-build easement agreement with the owner of the neighboring property (519 W. Ninth Street) has been signed (**Attachment A**) and has subsequently been recorded with the State Recorder's office. This agreement will ensure the level of fire separation required by the building code can be achieved. The no-build easement agreement will provide at least 10 feet of separation between the finished faces of the subject building, proposed addition, and the existing structure at 519 W. Ninth Street.

Habitat – There are no mapped habitats regulated by the CBJ Land Use Code in the area of the proposed addition.

Property Value or Neighborhood Harmony – The no-build agreement ensures that the level of separation that would normally be required between buildings on separate lots in a D5 neighborhood is provided for (5 feet to the common side property line and 10 feet total). This also provides clear agreement for the applicants to maintain the subject building and the proposed addition. Additionally, it does not prevent the neighbor from using this easement area provided it does not compromise the purpose of the easement. The agreement also states that the owner of the adjacent property has no objection to the construction of the requested additional story.

Public notice of the proposal has been sent to all property owners within 500 feet of the subject property and a sign was placed at the subject property. At the time of writing this report, no public comment had been received.

The proposed appearance of the addition is in keeping with the neighborhood.

Planning Commission
 File No.: USE 2017 0009
 June 5, 2017
 Page 7 of 9

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

Conformity with Adopted Plans - Policy 10.6 of the 2013 Comprehensive Plan update states that site design for residential developments should provide for light, air, and privacy. Setbacks are a tool within the land use code to provide for this. The no-build agreement with the immediate neighbor will ensure building code requirements are met as well as provide for light and air. The public hearing for a Conditional Use Permit allows an opportunity for public scrutiny of any negative impacts of constructing above a nonconforming building in the standard setback that would normally be required for the zoning district. The lack of public comment as well as site visits by staff indicate there would be no issues regarding provision of light, air and privacy if the application for the proposed addition is approved.

POLICY 10.6. TO REQUIRE NEW RESIDENTIAL DEVELOPMENTS TO MEET MINIMUM CRITERIA FOR OVERALL SITE DESIGN INCLUDING PROVISION OF LIGHT, AIR AND PRIVACY. (P. 134)

The Comprehensive Plan also recommends that older housing stock in the older downtown Juneau neighborhoods be retained. The proposed addition will be in keeping with the scale of the existing neighborhood.

Guidelines and Considerations for Subarea 6 (Juneau):

1. Preserve the scale and densities of the older single family neighborhoods in the downtown area, including the Casey-Shattuck "flats" and Star Hill historic districts, Chicken Ridge, Basin Road, Mt. Maria, the Highlands, and the higher density apartments and homes in the vicinity of the Federal Building. (P. 184) (emphasis added)

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.

Planning Commission
 File No.: USE 2017 0009
 June 5, 2017
 Page 8 of 9

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 1.110 for the D5 zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the Friday June 2, 2017 and Monday June 12, 2017 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way. The proposed addition will be constructed with approved building permits, and lot coverage, height vegetative cover, and on-site parking as well as all other setback requirements will be met.

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

No. Based on the analysis above, no health or safety concerns have been identified related to the proposed addition.

Planning Commission
File No.: USE 2017 0009
June 5, 2017
Page 9 of 9

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

No. Based on the analysis above, there is no evidence that the development would 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. As discussed above, the proposed development is in general conformity with the land use plan.

7. Will the proposed addition result in excessive blockage of views, excessive restriction of light and air, or other deleterious impacts. This finding is added to specifically address the requirements of CBJ 49.25.430(4)(N).

No. As discussed above there is no evidence that the proposed addition will result in an excessive blockage of views, excessive restriction of light and air, or other deleterious impacts on surrounding properties.

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

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

Not applicable.

RECOMMENDATION

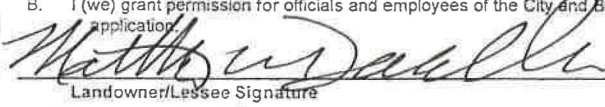
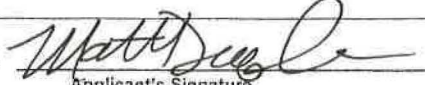
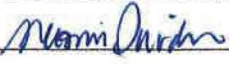
It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a second story addition above an existing nonconforming attached garage, 1.87 feet from a side lot line, in a D5 zoning district.

The approval is subject to the following conditions:

1. To ensure that further encroachment into the setbacks does not occur, the dimensions of the existing eaves be measured in the field and not exceeding their current distance from the side lot line added as a condition of approval of a building permit.
2. Prior to the issuance of a Temporary Certificate of Occupancy for the associated building permit, an as-built survey of the completed addition is provided to the Community Development Department.

DEVELOPMENT PERMIT APPLICATION

Project Number VSE 2017 0009	CITY and BOROUGH of JUNEAU	Date Received: 4/26/17
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description Build additional living space on existing garage		
	PROPERTY LOCATION		
	Street Address 521 W 9TH ST	City/Zip JUNEAU 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Casey Shattuck BL 222 LTS 2 & 3 FR		
	Assessor's Parcel Number(s) 1C060C120020		
	LANDOWNER/ LESSEE		
	Property Owner's Name MATT & NAOMI DAVIDSON	Contact Person: MATT	Work Phone: 465-8466
	Mailing Address 521 W 9TH ST 99801	Home Phone: CALL 321-5124	Fax Number:
	E-mail Address MWD907@GMAIL.COM	Other Contact Phone Number(s): 209-8191 NAOMI	
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X	 Landowner/Lessee Signature	4/26/17 Date	
X	 Landowner/Lessee Signature	4/26/17 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 MATT & NAOMI DAVIDSON	Contact Person: MATT	Work Phone: 465-8466	
Mailing Address 521 W 9TH ST JUNEAU 99801	Home Phone: CALL 321-5124	Fax Number:	
E-mail Address	Other Contact Phone Number(s): 209-8191 NAOMI		
X	 Applicant's Signature	 Date of Application	

STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	☒	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		4/26/17	VSE 17-009
		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 CAS

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number PAC20170013	Date Received 4/26/17
----------------	------------------------------	-----------------------------------	---------------------------------

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

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

Please list the Table of Permissible Uses Category: _____

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

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

Additional living space above existing non-conforming garage

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

CURRENT USE OF LAND OR BUILDING(S): *single family home*

PROPOSED USE OF LAND OR BUILDING(S): *single family home*

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

SITE AND BUILDING SPECIFICS:

Total Area of Lot 3240 square feet Total Area of Existing Structure(s) 1257 living square feet

Total Area of Proposed Structure(s) 1817 living/garage/addition square feet 7310 242 garage

EXTERNAL LIGHTING:

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

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

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

☐ Site Plan
☐ Floor Plan of proposed buildings
☐ Elevation view of existing and proposed buildings
☐ Proposed Vegetative Cover

☐ Existing and proposed parking areas (including dimensions) and proposed traffic circulation
☐ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)

ALLOWABLE/CONDITIONAL USE FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>350</u>	_____	_____	_____
Admin. of Guarantee	\$ _____	_____	_____	_____
Adjustment	\$ _____	_____	_____	_____
Pub. Not. Sign Fee	\$ <u>50</u>	_____	_____	_____
Pub. Not. Sign Deposit	\$ <u>100</u>	_____	_____	_____
Total Fee	\$ <u>500</u>	<u>08815B</u>	<u>CAD9150</u>	<u>4/26/17</u>

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.

If you need any assistance filling out this form, please contact the Permit Center at 586-0770.

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



Community Development

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

Additional living space above non-conforming garage

Case Number: PAC20170013

Project Description: Conditional Use permit for additional living space above existing non-conforming garage

Applicant: Matt and Naomi Davidson

Property Owner: Don Levine, Marti Marshall, Matthew Davidson, Naomi Harris

Property Address: 521 W Ninth Street

Parcel Code Number: 1C060C120020

Site Size: 3,240 square feet

Zoning: D5

Existing Land Use: Single family residential

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Conference Date: March 14 2017 @ Permit Center Counter

Report Issued: March 20 2017

List of attendees

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

Name	Title	Email address
Charlie Ford	CBJ Building Official	Charlie.ford@juneau.org
Tim Felstead	CBJ Planner	Tim.felstead@juneau.org
Matt Davidson	Owner	Mwd907@gmail.com
Naomi Davidson	Owner	Ndavidson907@gmail.com

Neighborhood Association/Contact: (Neighborhood association name and contact info.)

Attachment A: Application

Revised 10/30/13

Pre-Application Conference Final Report

Conference Summary

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

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

1. **Zoning** – D5 zoning. Lot size is substandard in size. Any accessory apartment would need a Conditional Use permit. An accessory apartment is outside the scope of this project.
2. **Setbacks** – Standard setbacks are 20ft front yard, 20ft rear yard and 5ft side yard. The only adjustment that can be applied is a reduction to the front yard setback based on the substandard setbacks of surrounding buildings. The average of the nearest three buildings including the subject dwelling is ~17.21ft (~17.27 ft for 525 W Ninth, 18.86ft for 521 W. Ninth and ~15.5ft for 519 W. Ninth). This is approximate but existing front yard setback for 521 W. Ninth could definitely be maintained for new structures since neighboring structures are closer.

Existing garage is considered non-conforming due to substandard side yard setback of 1.87 feet – eaves on this side of the building may also be encroaching more than allowed. Old maps of the area show the existing structure being present in 1959 (see 1969 Sandborn Map and 1959 aerial photo). You may build up to the 5ft setback for the 2nd story addition with no Conditional Use permit.

The new eaves may not extend into the setback anymore than currently occurs. If you built only to the 5ft setback, the eaves could extend into the setback 4 inches for every foot of required setback – this means 20inches – but no closer than 2ft to the property line. The plans indicated the proposed eaves along the side property line are 2ft in depth and based on the asbuilt survey, which shows the existing garage wall being 1.87ft from the side property line, the proposed eaves may encroach into the neighboring property which would not be allowed.

Building addition on top of part of building in the setback requires a Conditional Use permit from the Planning Commission. This allows any objections from CBJ, other agencies or the public to be considered before a further aggravation to a setback encroachment can occur.

Things to consider in narrative – how will neighbors privacy be impacted differently than if you built only to the setback? Will proposal unacceptably reduce the amount of light and air they receive compared to if you built to the 5ft setback? Get letters of support from neighbors if possible.

3. **Height** – Maximum building height is 35ft measured to the mid-point of the roof. The proposal will not exceed this height (a 35ft height at the 5ft setback could arguably impact the neighbors more than the current proposal).
4. **Parking** – Dwelling must continue to provide two parking spaces.
5. **Landscaping** – 20% vegetative cover required for this lot.
6. **Lighting** – any lights should not disturb neighbors.

Building – The 2009 International Residential Code, Section R302, which has been adopted by the City and Borough of Juneau, requires a 10 foot separation between structures if the wall has openings (windows). A No Build Agreement must be obtained from the property owners adjacent to the proposed addition to insure a 10 foot separation between structures is maintained. The agreement is perpetual and runs with the property. If a No Build Agreement cannot be obtained the new addition would have to meet current setback requirements to have windows. If no windows are used, the fire rating of the wall must be increased to 2hrs to be closer than 3ft to the property line and 10ft to the nearest property otherwise a no build agreement with the neighbor is required.

Pre-Application Conference Final Report

Fixture count may increase the required water line size (see Utilities).

7. **Fire District** – Covered under building code
8. **Traffic** – NA
9. **Engineering** – NA
10. **Noise** – Additional space in the setbacks will not significantly increase noise. Increased fire protection required will also provide additional soundproofing.
11. **Drainage** – roof water should be directed to approve drainage path. Covered by building permit.
12. **Utilities** – (water, power, sewer, etc.) - Existing water line size for increased number of water fixtures will be addressed during building permit review.
13. **Wetlands** – N/A
14. **Habitat** – (Eagle, Riparian, etc.) – NA
15. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – NA
16. **Flood** – NA
17. **Plat or covenant restrictions** – None found
18. **Other Agency Reviews** – (DOT&PF, Alcohol Beverage Control Board, Corps of Engineers, DEC waste-water, DNR, USF&WL, FAA, US Coast Guard, Corrections etc.) – NA

List of required applications

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

1. Conditional Use permit application including narrative, building plans and site plans).
2. Development permit application

Additional submittal requirements:

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

1. A copy of this pre-application conference report.
2. Any letters of support especially from impacted neighbors.

Fee estimates

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

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

1. \$350 for Conditional Use permit
2. \$150 for public notice sign (\$100 dollars refundable if sign returned within a week)

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

Submit your completed application

Pre-Application Conference Final Report

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

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

Phone: (907) 586-0715
Fax: (907) 586-4529
Web: www.Juneau.org

Conditional Use Permit Narrative

Naomi and Matt Davidson
521 W 9th Street
Juneau, AK 99801

The Davidsons seek a conditional use permit to add a bedroom and bathroom as a second story addition to their existing garage. This addition will utilize the existing footprint and foundation of the current garage, and add to the livability of the home. A CBJ conditional use permit is necessary because the existing garage encroaches into the side yard setback with our neighbors, the Tallys. The proposed design has been modified so that the addition (structure and eaves) will not further encroach into the substandard setback.

We met with the Tallys and reviewed the design plans. The Tallys agreed that the addition will not negatively impact their home or property. The Davidsons and Tallys have implemented a Maintenance Access and No-Build Easement Agreement to maintain the existing space between the structures and allow for access to the Tally's property for construction and maintenance purposes. This agreement will be recorded with the State of Alaska and travel with the properties.

We have also briefed the other immediate neighboring properties on the proposed project. None of the neighbors have expressed any concern with the proposed project.

During the development phase we will work to the contractor to limit the disruption due to noise or hours of operation. We do not expect the project to require activities during early morning or late evening daylight hours.

There are no animal habitats nearby that will be impacted and appropriate fencing or screening will be provided to ensure safety.

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Maintenance Access and No-Build Easement Agreement

This Agreement for No-Build Easement ("Agreement") is entered into by LARRY AND ALISON TALLEY (the "Talleys"), husband and wife and MATTHEW AND NAOMI DAVIDSON (the "Davidsons"), husband and wife, and the City and Borough of Juneau ("CBJ") of the State of Alaska as of the date of recordation of this Agreement.

RECITALS

- A. The Davidsons are the owner of a structure upon certain real property also owned by Davidsons and located at 521 West 9th Street, within the limits of the CBJ. The legal description of the real property (Davidsons) is: (CASEY SHATTUCK BL 212 LTS 2 & 3 FR)
- B. The Talleys are the owners of the structure and certain real property located at 519 West 9th Street, within the limits of the CBJ. The legal description of the property (Talleys) is: (CASEY SHATTUCK BL 212 LTS 1 & 2 FR)
- C. City and Borough of Juneau (CBJ) building code, provides that all structures within residential zoning districts (within which Davidsons property is located), shall have interior yards of not less than 5 feet or a minimum of 10 feet between buildings.
- D. The Davidsons wish to build a second story addition onto the existing one-car garage. This existing structure is within approximately 2 feet of the interior lot line of Davidsons property.
- E. The houses on the Talley Property and the Davidson Property do not crowd one another in the opinion of their owners.
- F. The Talleys have agreed to provide Davidsons with a no-built and maintenance access easement immediately adjacent to Davidsons structure. The purpose of the easement will be to provide Davidsons with the additional setback as required by CBJ Code.
- G. The Davidson's proposed addition shall not encroach further into the property setback.

TERMS OF THE AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises contained herein, it is agreed as follows:

1. Talleys hereby grant to Davidsons a perpetual easement, appurtenant to the Davidsons property, to be used by the Davidsons for access for the construction, repair, and maintenance of the Davidson Property and the improvements thereon. A diagram of the easement is attached hereto, marked Exhibit A, and is incorporated herein.
2. Talleys agree that they will not construct or place improvements upon the easement strip, and that they will not physically restrict or impede the possibility of access by the Davidsons to the easement strip for the purposes for which the easement has been granted. The Davidsons shall have no rights, outside this Agreement, to do anything on the Talley Property.
3. By granting the easement the Talley's waive all objections to the present location of the Davidson house.
4. The easement herein granted is not exclusive, and the Davidsons may make such use of the easement as is not inconsistent with the Talleys use of the easement and the terms of the Agreement. The Davidsons shall provide the Talleys with reasonable notice of use of the easement area.
5. The Agreements contained herein touch and concern, and relate to the use of, the Talleys and Davidsons properties, and are intended by the parties to be covenants and restrictions running with the land. This document shall therefore be recorded with the State of Alaska, to serve as notice to any future owners or occupants of the respective real properties that the permission herein granted by the CBJ is subject to all of the terms of this Agreement.
6. The terms of this Agreement shall extend to and be binding upon the heirs, administrators, executors, transferees, successors, and assigns of the parties hereto.
7. Removal of this Agreement from the subject property without the removal of all portions of the structure within 5 feet of the interior property line is an intentional violation of CBJ and is subject to all available enforcement actions of the CBJ.
8. Prior to terminating this Agreement or rescinding, amending, adding, deleting or otherwise modifying any provision of this Agreement, the written consent of all parties to this Agreement shall first be had. Certificates of amendment recorded with the State of Alaska evidencing any such alterations shall have attached the document in which such consent is manifest. Failure to secure the

consent required by this section shall render a rescission, termination, amendment, addition, or deletion null, void and of no force or effect.

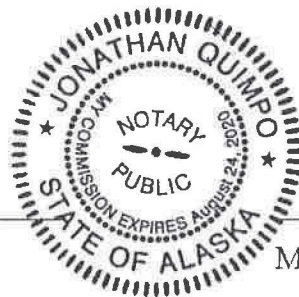
9. If any suit, action, or other proceeding, or an appeal there from, is instituted to enforce, compel, or clarify any right or obligation created in this Agreement, the prevailing party shall be entitled to recover from the adverse party, in addition to costs and disbursements, an award of reasonable attorney's fees to be set by the trial or appellate court.

Naomi Davidson
Naomi Davidson

Matt Davidson
Matt Davidson

On this 26 day of April, 2017, personally appeared before me the above named, Naomi Davidson & Matt Davidson, and acknowledged the foregoing instrument to be their voluntary act and deed.

[Signature]
Notary Public for Alaska



August 24, 2020

My Commission Expires

Alison Talley
Alison Talley

[Signature]
Larry Talley

On this 24th day of April, 2017, personally appeared before me the above named, Alison Talley & Larry Talley, and acknowledged the foregoing instrument to be their voluntary act and deed.



[Signature]
Notary Public for Alaska

10/7/2018

My Commission Expires

Attachment A: Application

Davidson - Tally Maintenance Access and Easement Agreement-Exhibit A

Tally Structure

No Build and Access Agreement

Davidson Structure and Addition

18.86'

32.50'

100.00'

100.00'

100.00'

100.00'

TRUE NORTH

PLAT NORTH

Based on 2010 J. W.

INDEX

LOT DRAWING	1
CONSTRUCTION NOTES	2
BASEMENT	3
MAIN FLOOR	4
UPPER FLOOR	5
ELEVATIONS	6
FOUNDATION	7
SECTION A	8
SECTION B	9
UPPER FLOOR FRAMING	10
ROOF FRAMING	11

Based on 2010 J. W. Bean Survey

LOT DRAWING

SCALE 1" = 30'-0"

sheet 1 of

Matt and Naomi Davidson
521 West Ninth Street
Juneau, Alaska 99801
907-521-5224
907-209-8191
wm907@gmail.com

2ND STORY BEDROOM
ADDITION
TO EXISTING WOOD FRAME
RESIDENCE

CHILKAT ENGINEERING
JUNEAU, ALASKA
907-321-0219

PROPOSED 318 SQ. FT.
Upper Floor Addition

INDEX

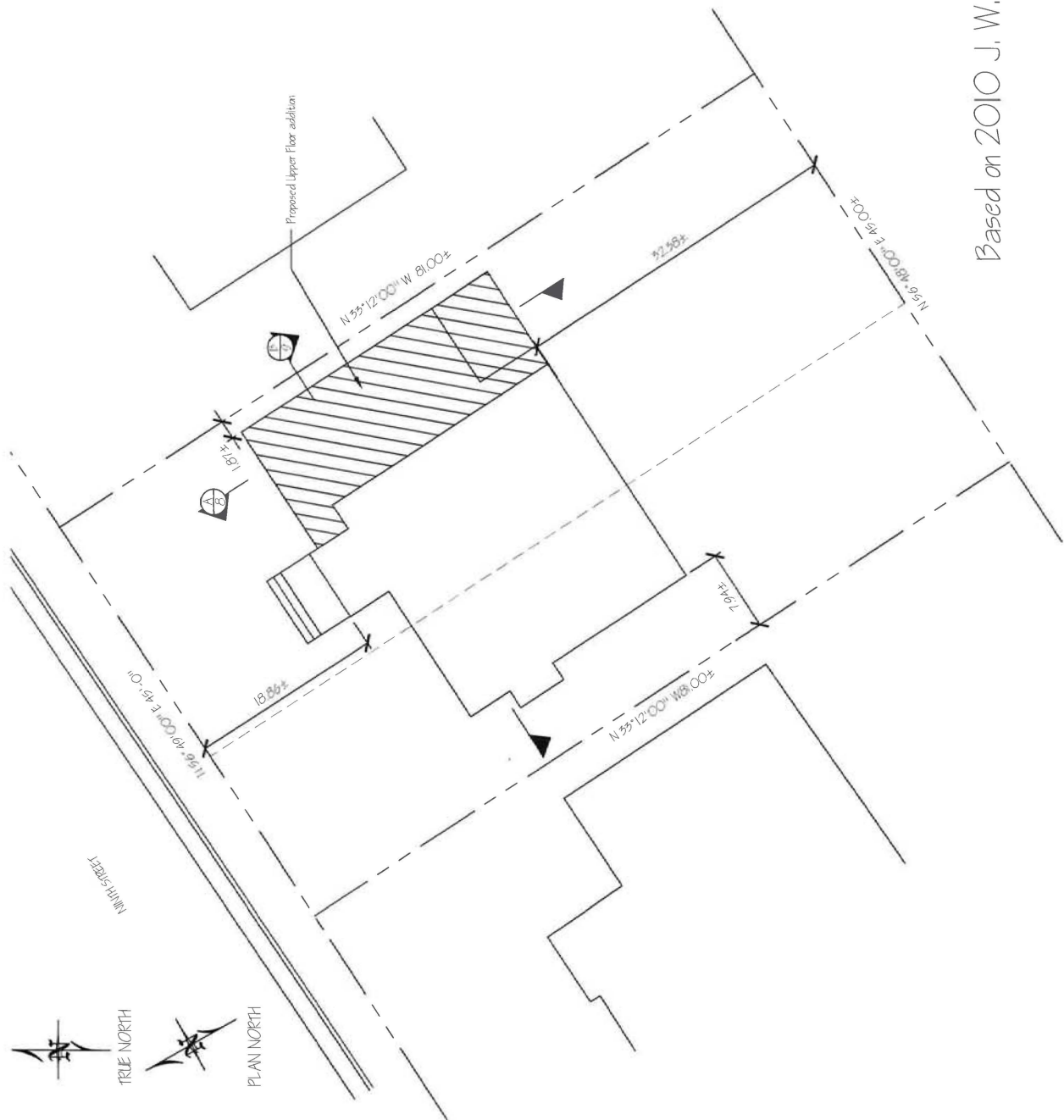
1	LOT DRAWING
2	CONSTRUCTION NOTES
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8	SECTION A
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MARCH 2017

LOT DRAWING
SCALE: 1" = 30'-0"
sheet 1 of

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Based on 2010 J. W. Bean Survey



GENERAL

Structural Design:
Design wind speed = 120mph, Exp. "C"
Seismic Design Criteria: Juneau, Ss= 0.53g, S1=0.36g, Site Class "C",
Roof Snow Load: Ps = 50 psf

The Plans and Specifications are a guide and do not depict or call out every component necessary for completion of the project. All materials used shall be installed according to manufacturer's specifications. Designer will forward plans to Contractor for review prior to construction. The Designer's obligation and/or liability for errors or omissions in these drawings shall be limited to redrawing or redesigning to correct the situation.

Contractor's Responsibility:

Design and provide adequate shoring, bracing, formwork, etc., as required for the protection of life and property during construction. Verify all existing conditions and dimensions and structural member sizes prior to construction and notify designer of any discrepancies between existing conditions and these drawings. Obtain approval from designer and owner for proposed field changes prior to effecting modifications.

SITE WORK

General:
Unless a soils investigation report by a licensed soils engineer is provided, the foundation design is based upon an assumed average soil bearing capacity of 2,000 psf. Exterior footings shall bear 2'-8" minimum below finished grade, unless otherwise insulated per code. All footings to bear on firm, undisturbed earth below organic surface soils. All back fill material shall be thoroughly compacted.

CONCRETE

1. Concrete shall conform to American Concrete Institute Standard 301, "specifications for structural concrete for buildings", w/28 day 5500 psi strength. An air entraining admixture conforming to 2003 IBC shall be added to all concrete. Provide 5% + 1% entrained air. Plasticizer (water reducing admixture recommended for walls. Air entraining agent (3% to 6%) to be used in all concrete flat work exposed to weather.
2. Possoloth 300 series (4 oz. per 100 # of cement) to be used in all concrete.

Reinforcing Steel

#4 Bars and smaller use ASTM A615 Grade 40.

Anchor Bolts and Embedments:

Typical sill anchor bolts are GRV, 5/8" diameter A307 drilled and bonded all-thread with 3"x3"x3/16" plate washers @ 40" on center, unless noted otherwise. Embed bolt with 7" minimum embedment.
Refer to Foundation Plan and/or Shear Wall Schedule for exact placement of anchor bolts and hold-down anchors. All hold-down anchors shall be in place prior to inspection.

CARPENTRY

General:
All framing shall comply with the IBC Chapter 23.
All wood in contact with concrete to be pressure treated.

Lumber:

Item-Fir No. 2 or better unless otherwise noted.

Wood bearing on or installed within 1" of masonry or concrete to be treated with an approved preservative. Solid blocking of not less than 2x thickness, unless otherwise noted, shall be provided at ends and at all support of joists and rafters. All metal framing anchors and hangers shown on drawings shall be strong tie connectors as manufactured by Simpson Company or approved equal.

Plinwood

All plywood wall and roof sheathing shall be cdx with span index of 24/0 minimum, unless noted otherwise. Nailing shall be 8d @ 6" o.c. at panel edges and 12" o.c. in field, unless otherwise noted.
All plywood floor sheathing shall be 3/4" cdx tongue & groove unless noted otherwise. Floor panels shall be glued and nailed with a minimum of 10d @ 6" o.c. @ panel edges and 12" o.c. in field. Span index shall be 40/20. Stagger all panel edges at roof and floor sheathing.
Oriented strand board (o.s.b.) sheathing products of equivalent span ratings shall be allowed.

Manufactured Trusses

All trusses shall be designed by registered Engineer in the State of Alaska. Design and fabrication to comply with the IBC and referenced standards.
All non bearing walls or partitions shall be held away from the truss bottom chord with an approved fastener to ensure that the truss bottom chord will not bear on the wall or partition.

All roof trusses shall be framed and tied into the frame work and supporting walls so as to form an integral part of the whole structure. Roof trusses shall have joints well fitted and shall have all tension members well lightened before any load is placed upon the truss. Diagonal and sway bracing shall be used to brace all trusses.

All trusses shall be designed for uniform loading as follows:

Top Chord 60 psf of tributary width
Bottom Chord 10 psf of tributary width

Framing Notes:

1. Unless otherwise noted, all headers above openings at bearing and shear walls shall have double 2x trimmers be a minimum of:

4x8 HF2 at 2x4 stud walls

6x8 HF2 at 2x6 walls

6x10 HF2 at 2x8 walls

2. All top plates to have 48" min. lap at splices with (24) 16 d nails staggered per connection (U.O.N.)

3. Wood framed exterior bearing and shear walls shall be 2x6 HF2 studs @ 16" o.c. (U.O.N.). See plans for other stud framing conditions.

4. All lumber shall be identified with the grade mark and stamp of the grading association covering the species and under which grading rules the lumber was produced.

5. The manufacturer's A.I.T.C. Certification of Compliance for Glu-Lam beams or other laminated products is to be provided at the time of framing inspection and properly indicate the fiber bending and grade specification.

6. Place shear panels on shear walls prior to the construction of intersecting walls.

7. Place fire stops in concealed spaces of stud walls, including spaces at ceiling and floors and in openings around ducts, pipes, chimneys, or similar openings which allow passage of fire.

8. Unless otherwise noted, use 1/2" T&G plywood or sheathing (Span Index 40/20) glued and nailed with 10d @ 6-6-10" o.c. (Case 1 Layout)

Roof Framing Notes:

1. Use H-1 at each perpendicular truss or rafter to top plate connection (U.O.N.). Where the truss span is greater than 20 feet, supplement H-1 with (1) 1/2" dia. SDS of Ledger Lok screw. Attach through underside of top plate w/ 2" min. penetration into bottom truss chord.

2. Solid blocking between rafters with (1) A35 centered at each block. Use 8d at 6" o.c. sheathing boundary nails into blocking. Frame soffit vent openings at 3rd truss using 2x blocking laid flat against sheathing.

3. Roof sheathing to be 19/32" cdx pnd with min span rating of 32/16. Attach sheathing with 8d at 6-6-12" o.c. (Case 1 Layout).

4. Use 5/8" T1-11 or equivalent at eaves with 8d at 6-6-12" o.c. (Case 1 Layout).

5. Sub-Fascia to be 2xHF2, overhang per Plans.

6. Provide flashing and counter flashing at roof edges and penetrations.

7. Provide approved waterproofing over all flat roof areas.

8. Provide double underlayment for asphalt shingles installed on roof slopes 1:12 to 4:12.

9. Moisture content of wall and floor framing members shall be verified prior to enclosure. Framing members shall not be enclosed with moisture content greater than 19%.

Insert the following specifications:

CONCRETE:

Drilling and Bonding Dowels: Drill holes by methods that do not shatter or damage the concrete adjacent to the holes.

Drill each hole to the diameter and depth recommended by the manufacturer to develop the ultimate strength of the dowel.

Prepare each hole according to the manufacturer's instructions before placing the epoxy and the dowels. Fill the hole with epoxy and install the dowel according to the manufacturer's instructions. Completely fill drilled holes with epoxy using a method that will not trap air or create voids. Support dowels and prevent movement during curing. Do not disturb the dowels until the epoxy has cured.

Bonding adhesive: Use two component epoxy cartridge system suitable for site construction and service conditions. Suitable Products include:

Hilti HTE50, Hilti RE500, Ultrabond HS200, Simpson's SET22 and SET56.

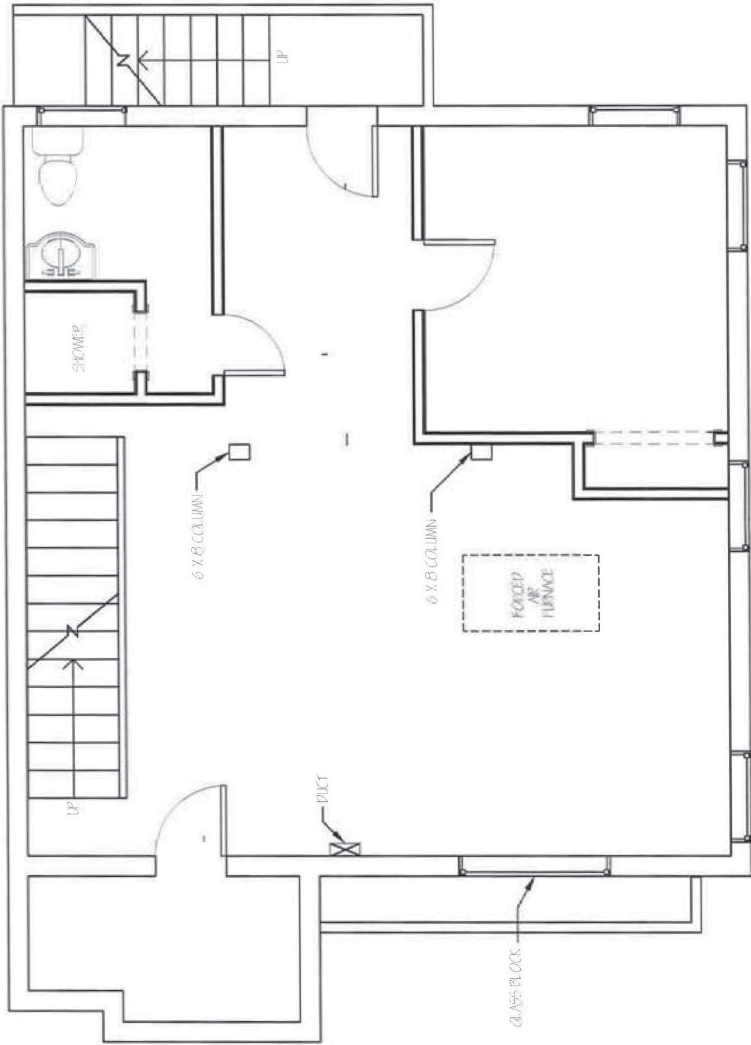


04/25/2017

CONSTRUCTION NOTES

Matt and Naomi Davidson
521 West Ninth Street
Juneau, Alaska 99801
907-521-5224
wm907@gmail.com

CHILKAT ENGINEERING
JUNEAU, ALASKA
907-521-0219

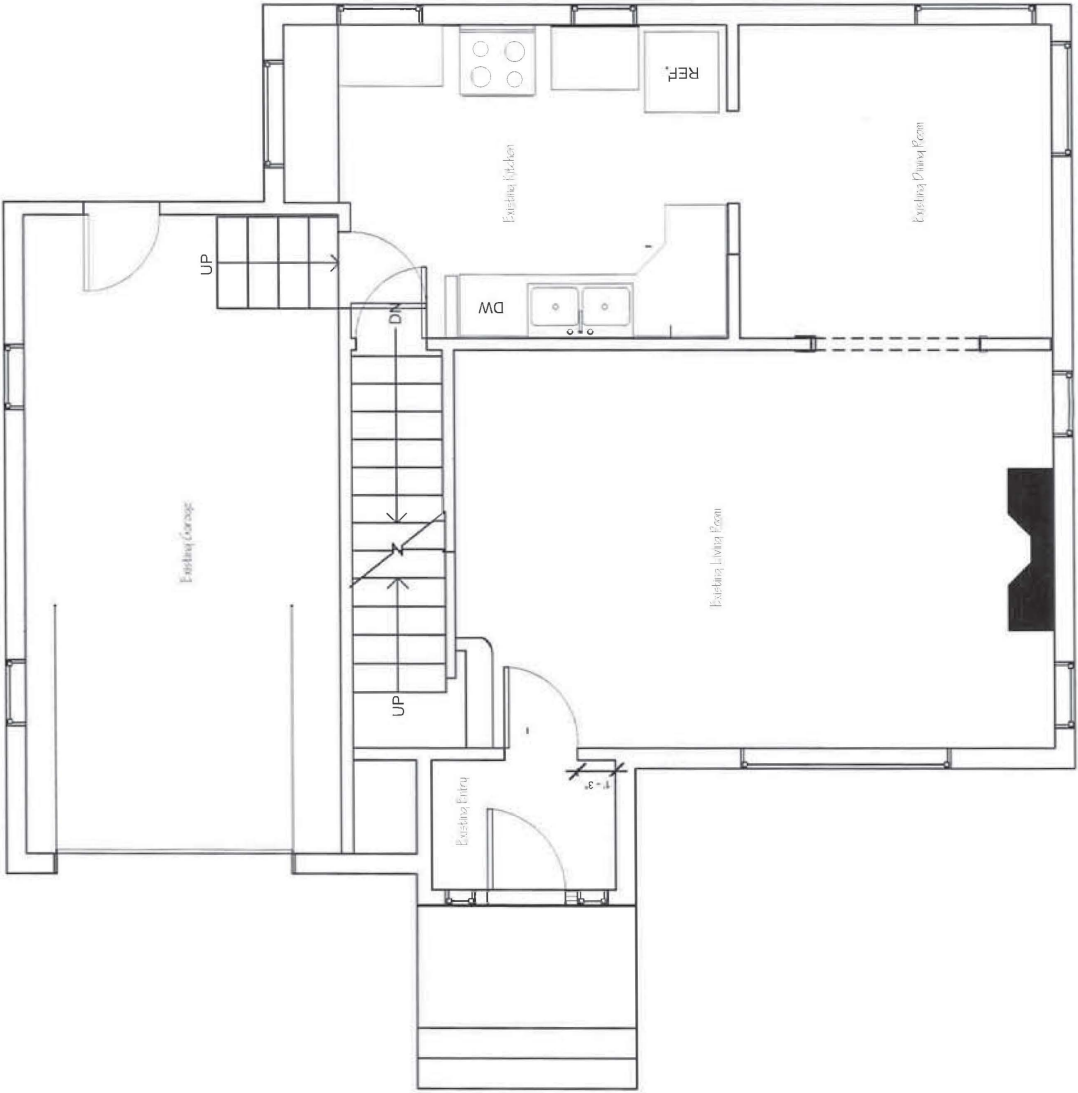


EXISTING BASEMENT
625.5 SQ. FT.

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



PLAN NORTH



EXISTING MAIN FLOOR
643 SQ. FT.
w/ EXISTING GARAGE
267 SQ. FT.
SCALE:
1/4" = 1'-0"
PLAN NORTH

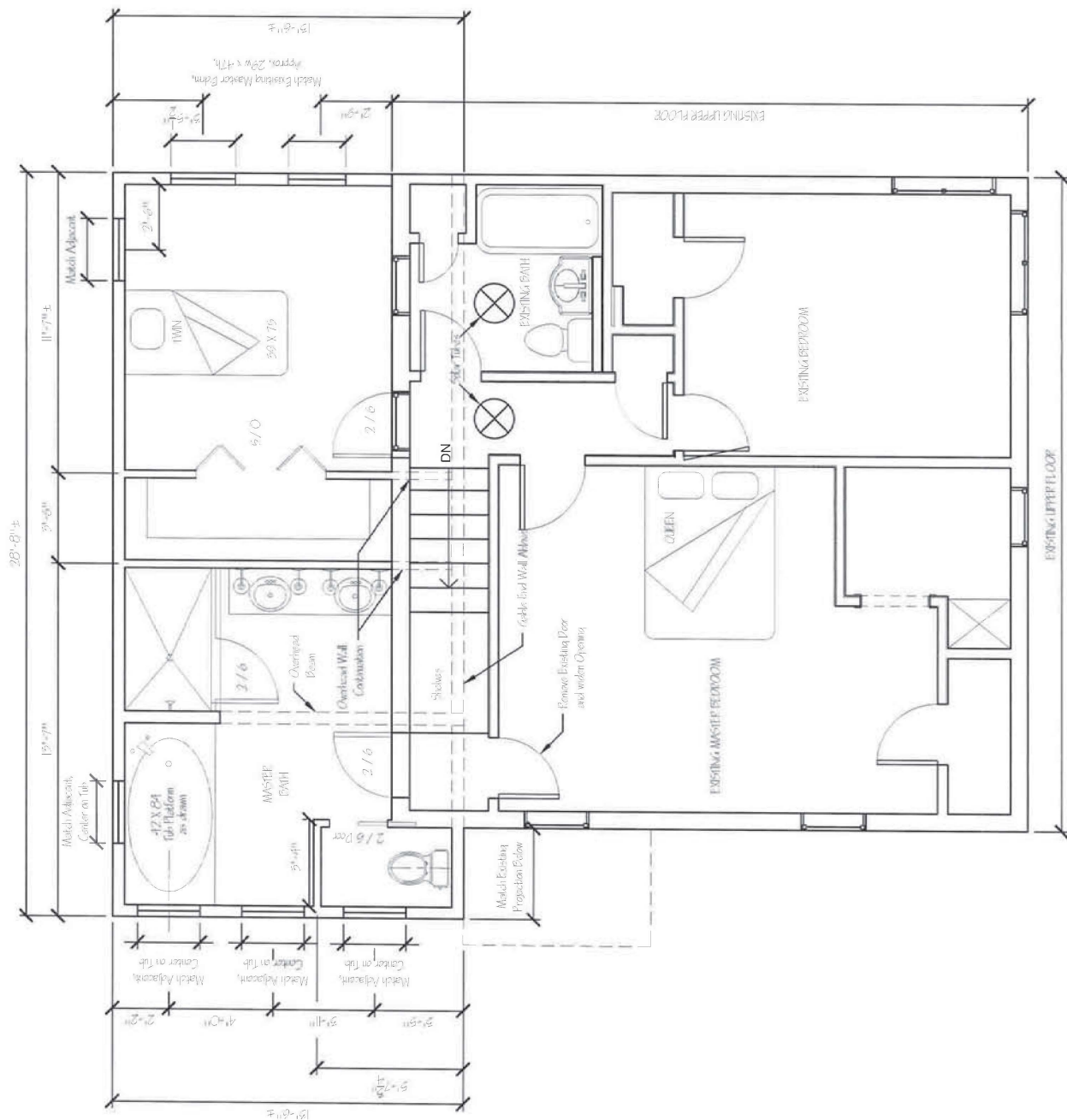
Note: Before ordering anything for this project, confirm relevant dimensions.

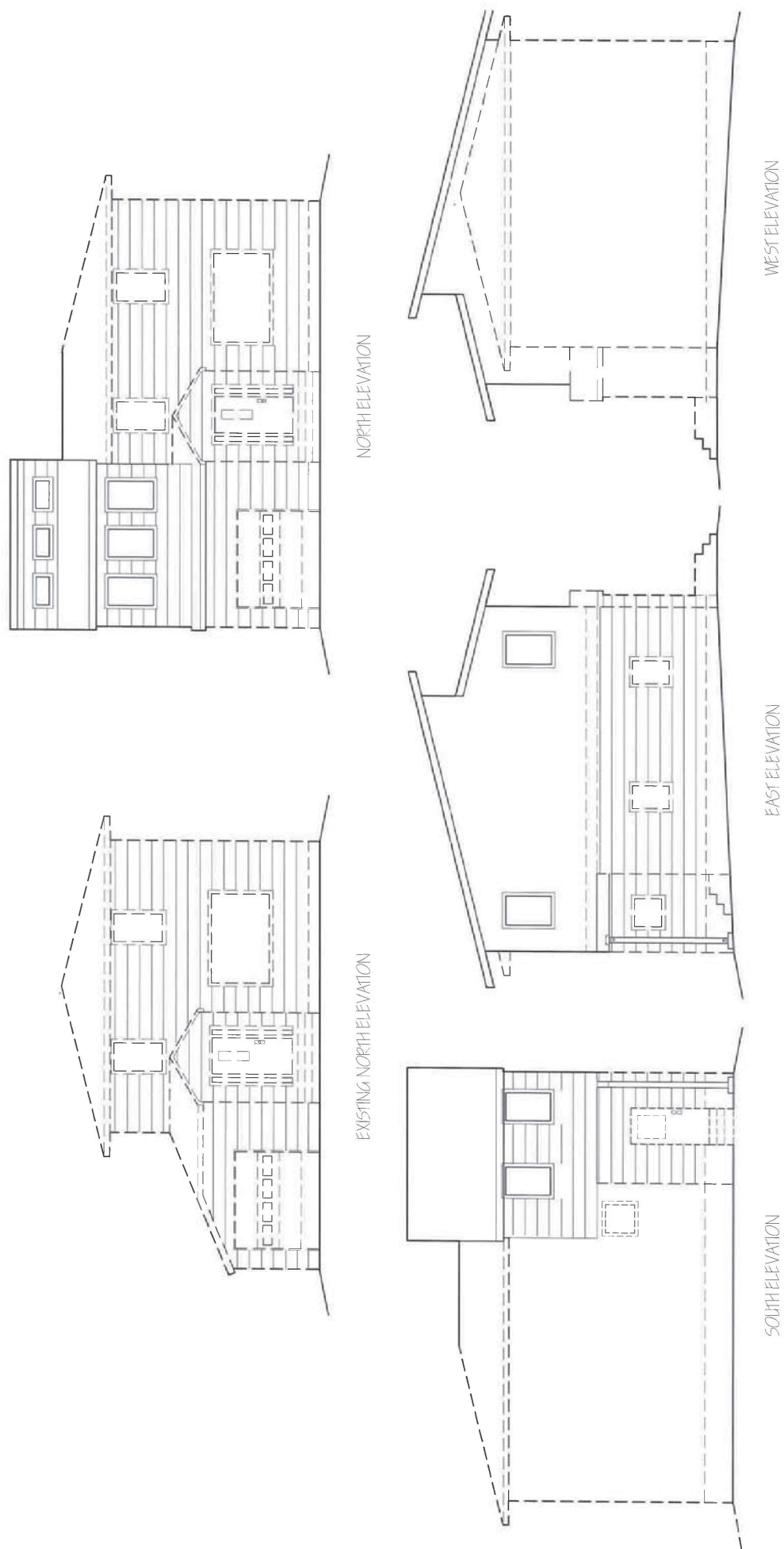
EXISTING 626 ± SQ. FT. UPPER FLOOR W/
318 SQ. FT. ADDITION

SCALE:

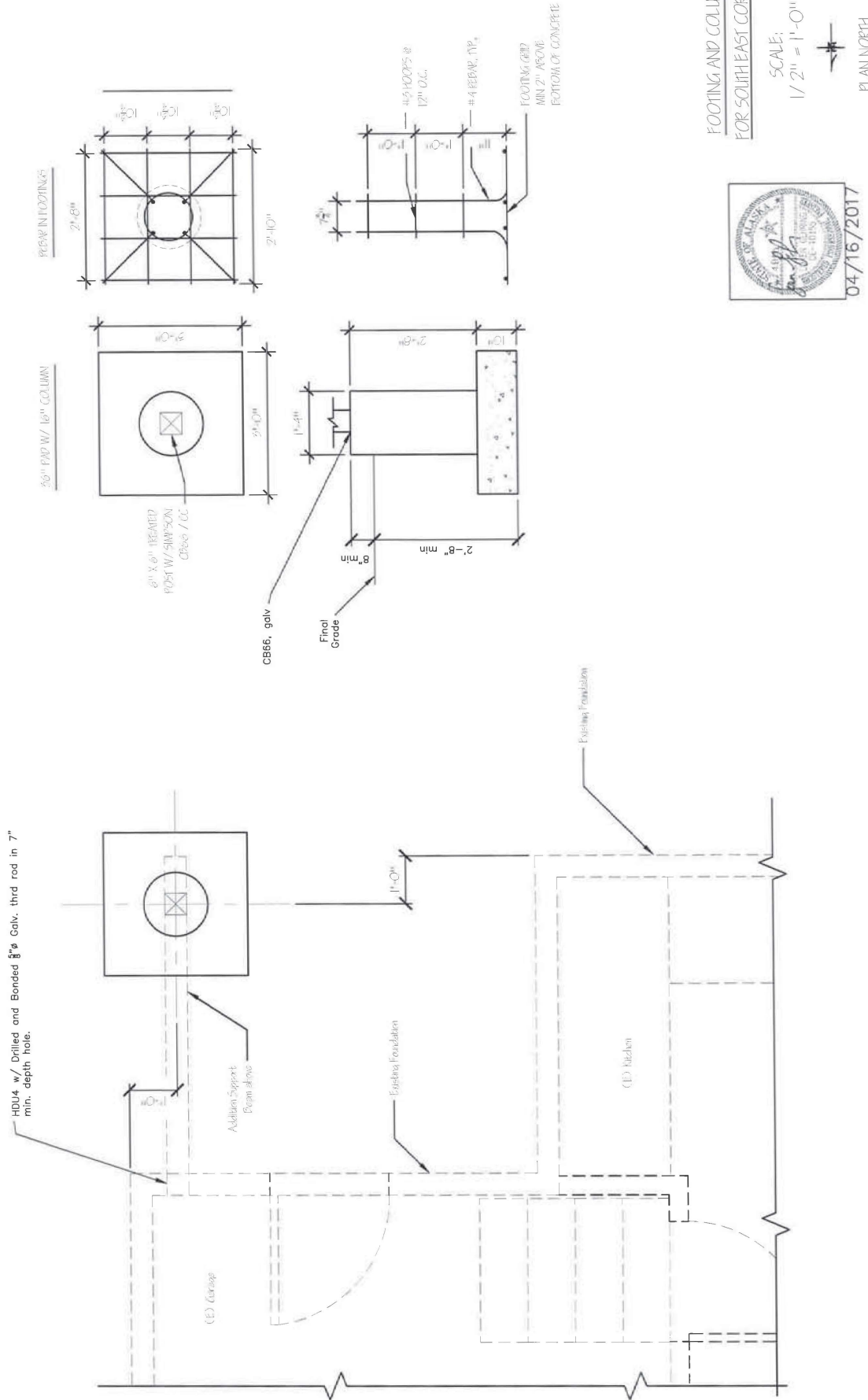
$$|/4'' = |'-0''$$

sheet 5 of 11





ELEVATIONS
SCALE:
1/8" = 1'-0"
sheet 6 of 11



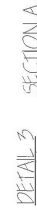
FOOTING AND COLUMN
FOR SOUTH EAST CORNER

SCALE:
1/2" = 1'-0"



PLAN NORTH
Sheet 7 of 11











04/25/2017

ROOF FRAMING

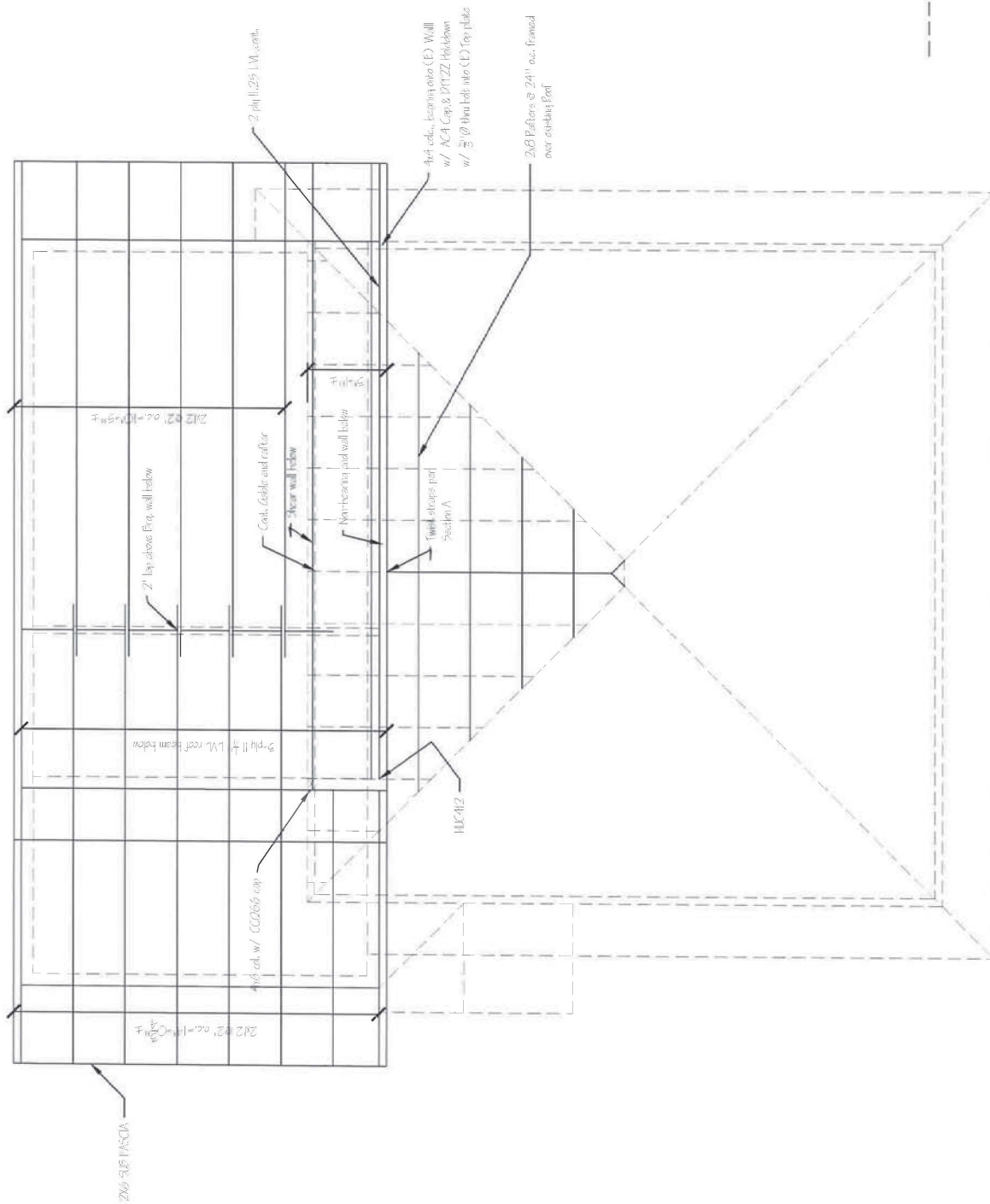
SCALE:

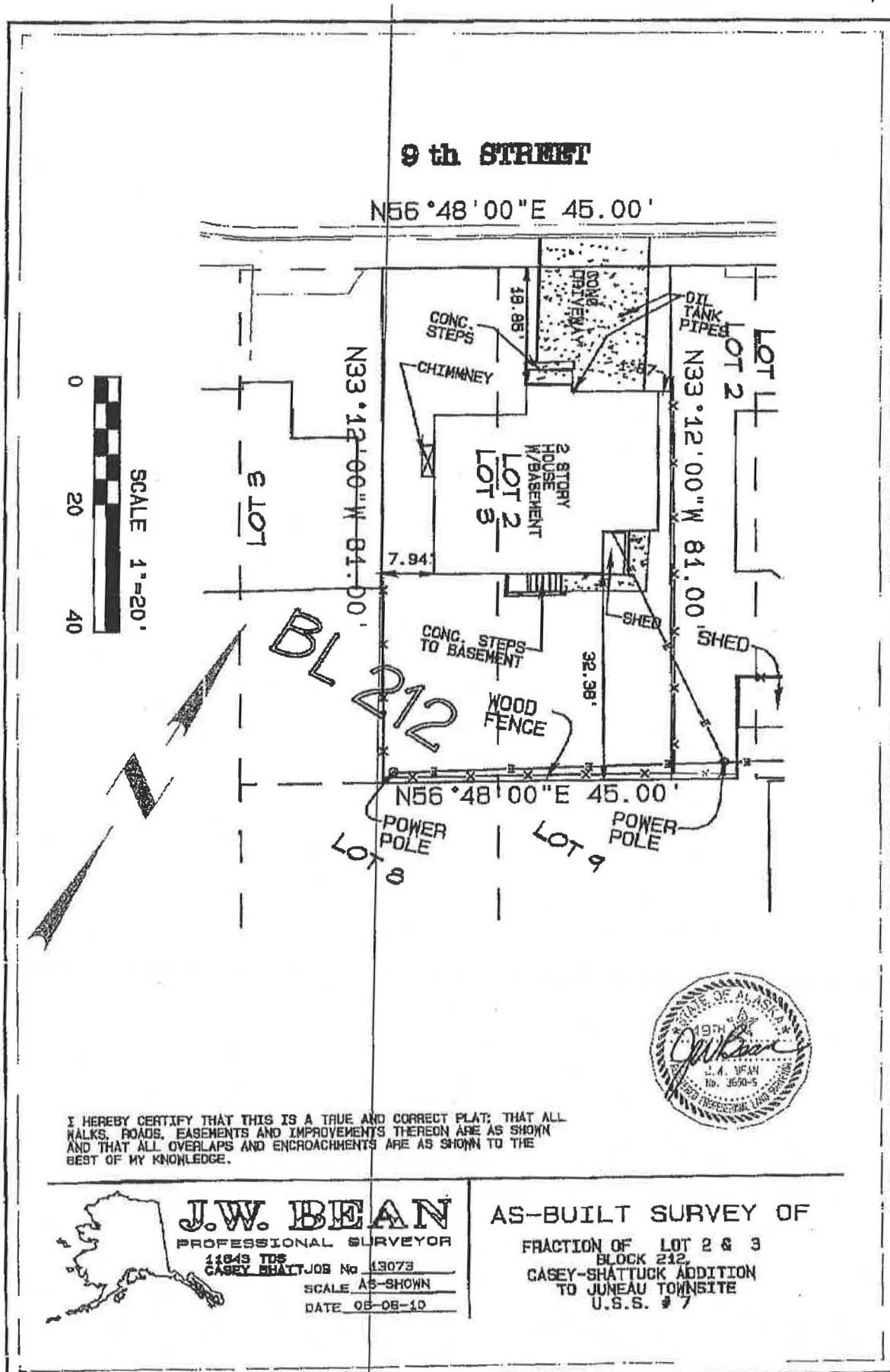
$$1/4'' = 1'-0''$$

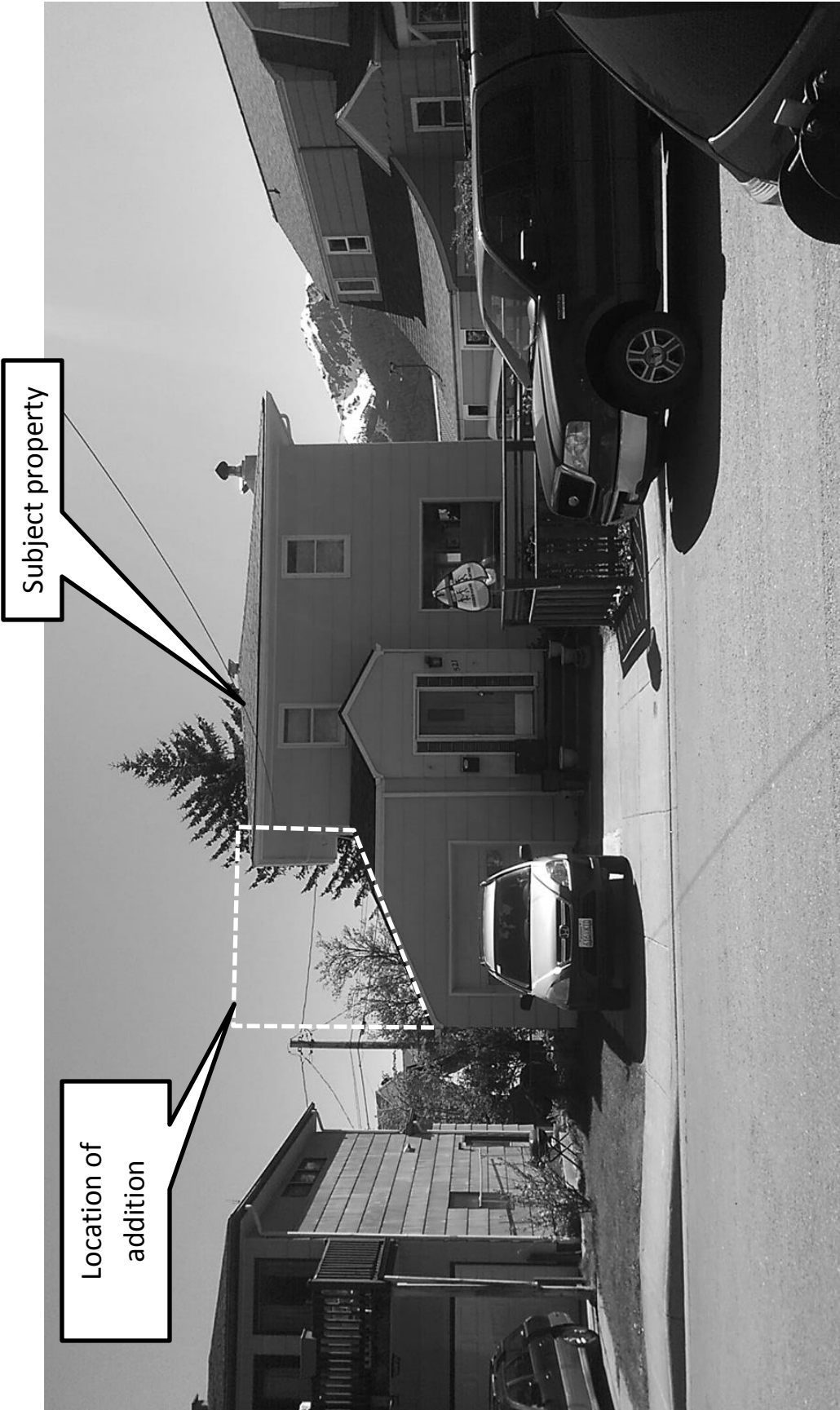

PLAN NORTH

sheet || of ||

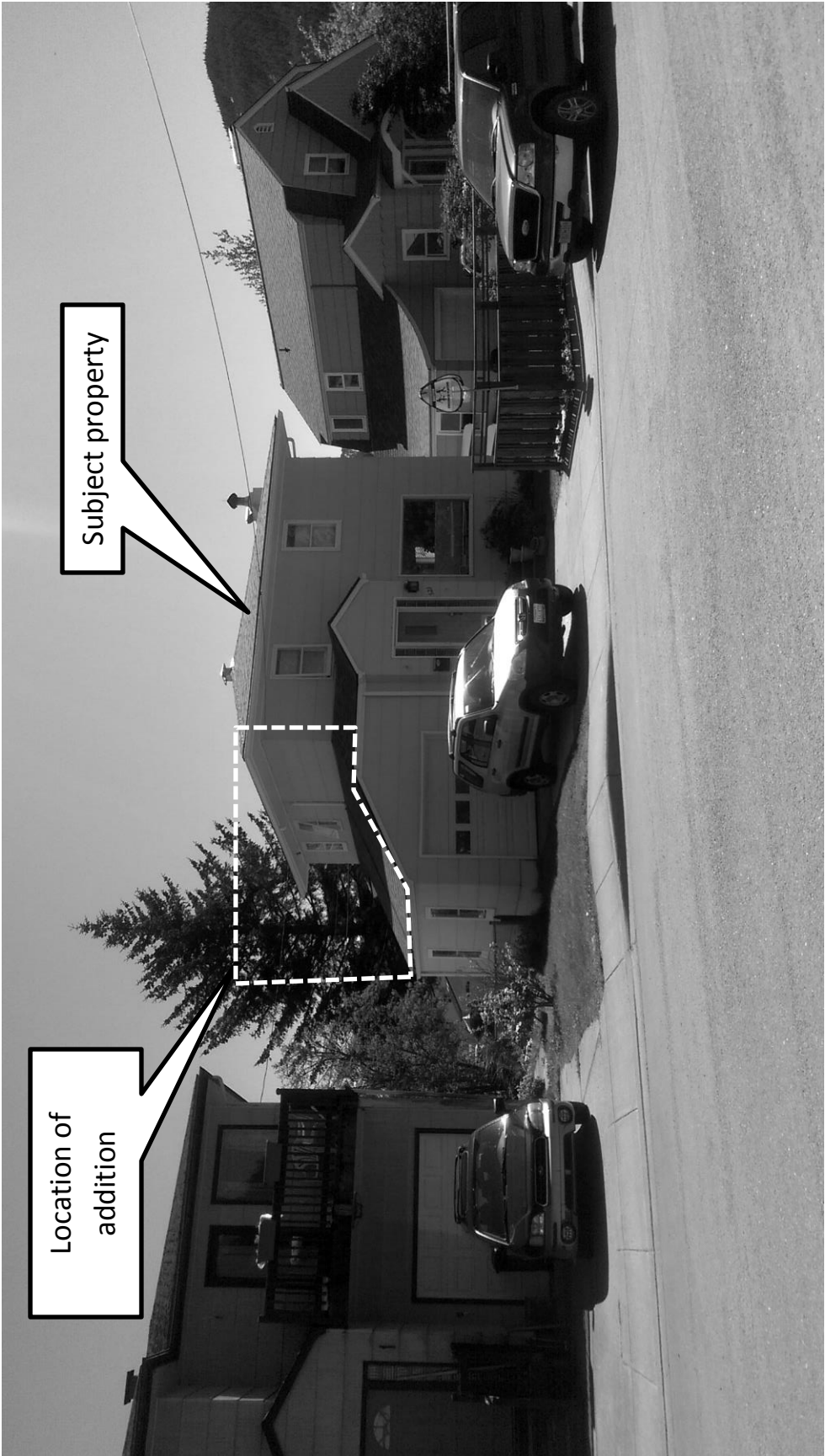
= EXISTING



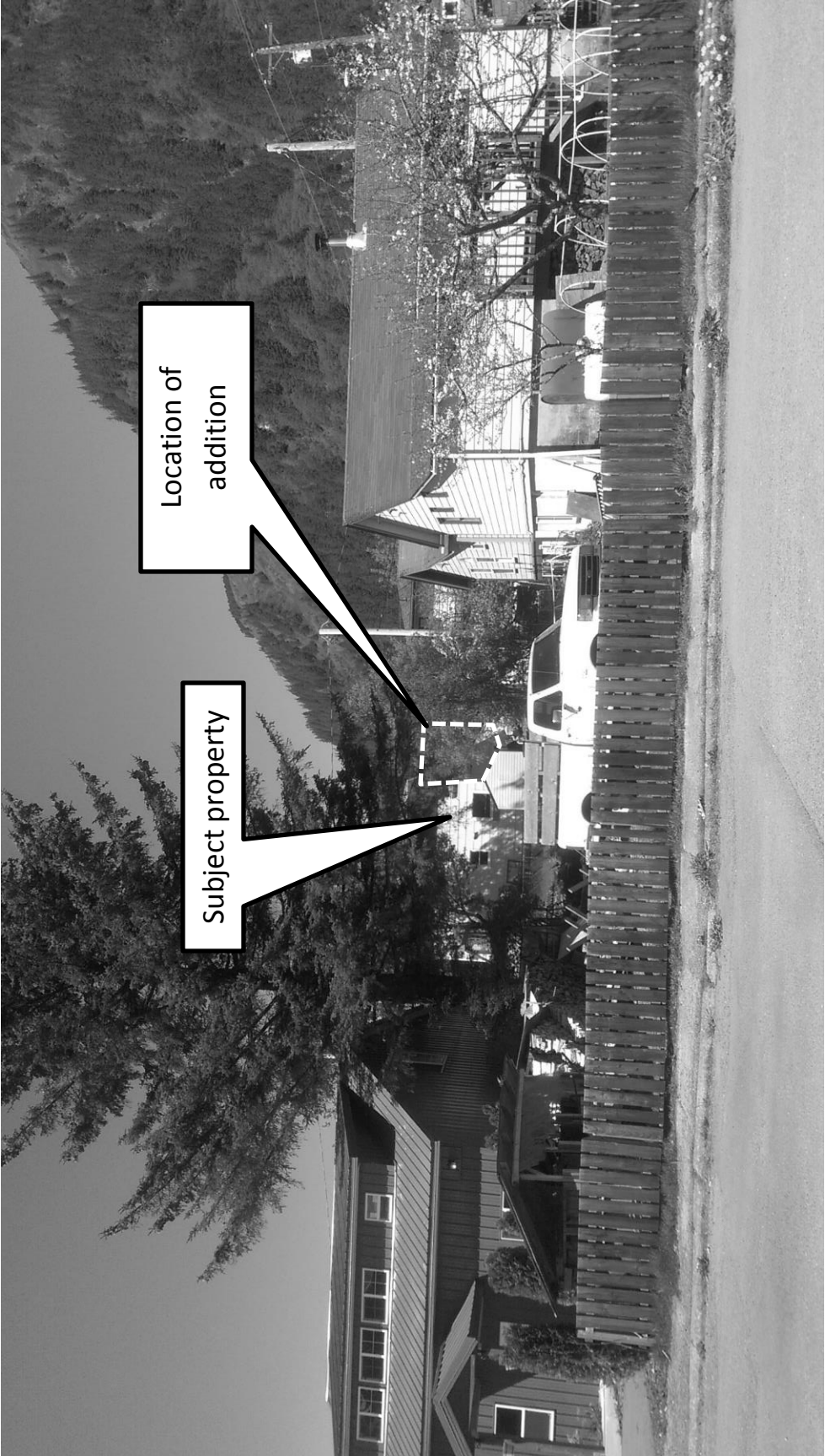




View of subject property from W. Ninth Street –
addition will be constructed above garage



View of subject property from outside windows of 506 W. Ninth Street –
addition will be constructed above garage

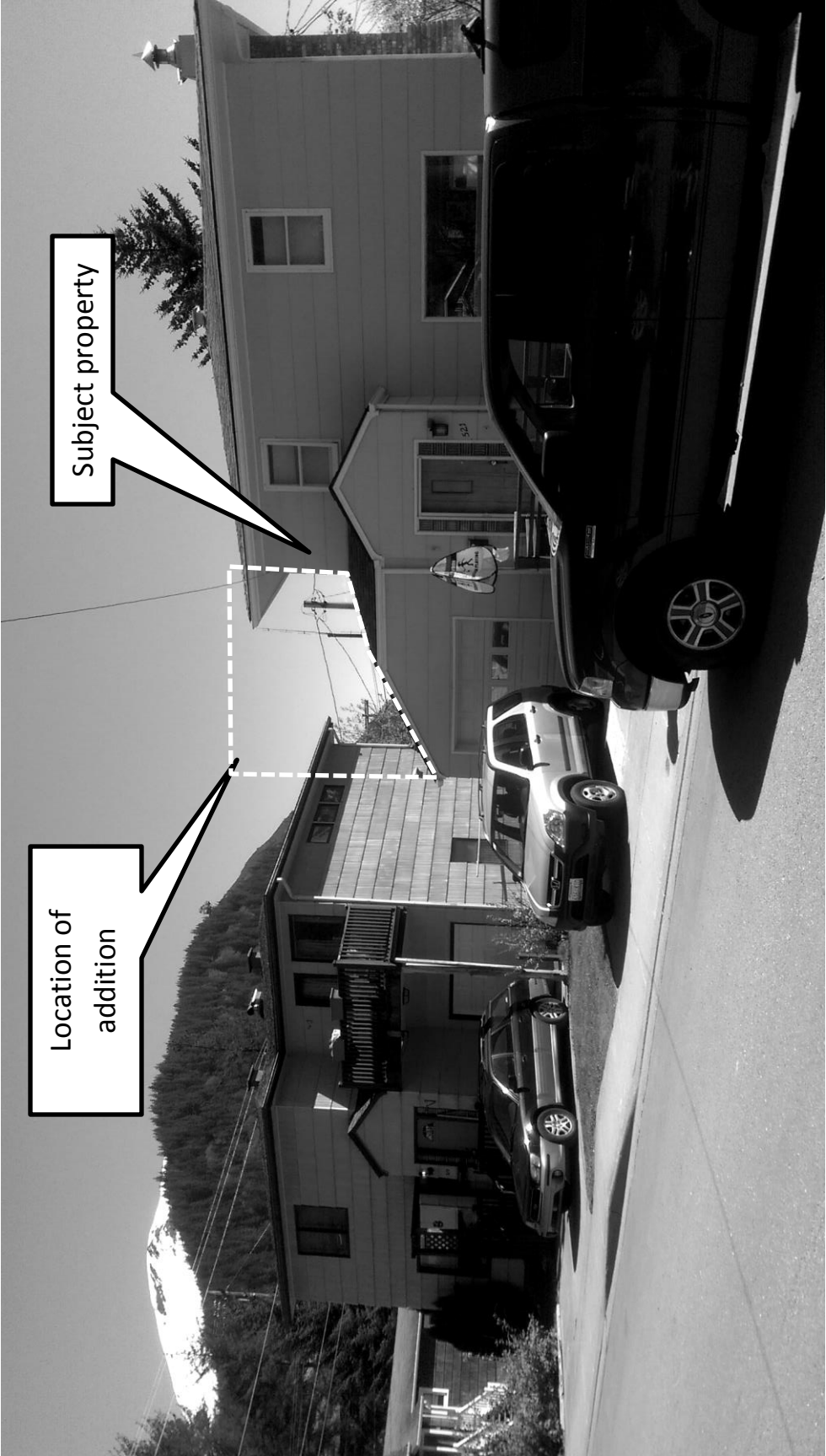


View of rear subject property from W. Tenth Street –
addition will be constructed above garage



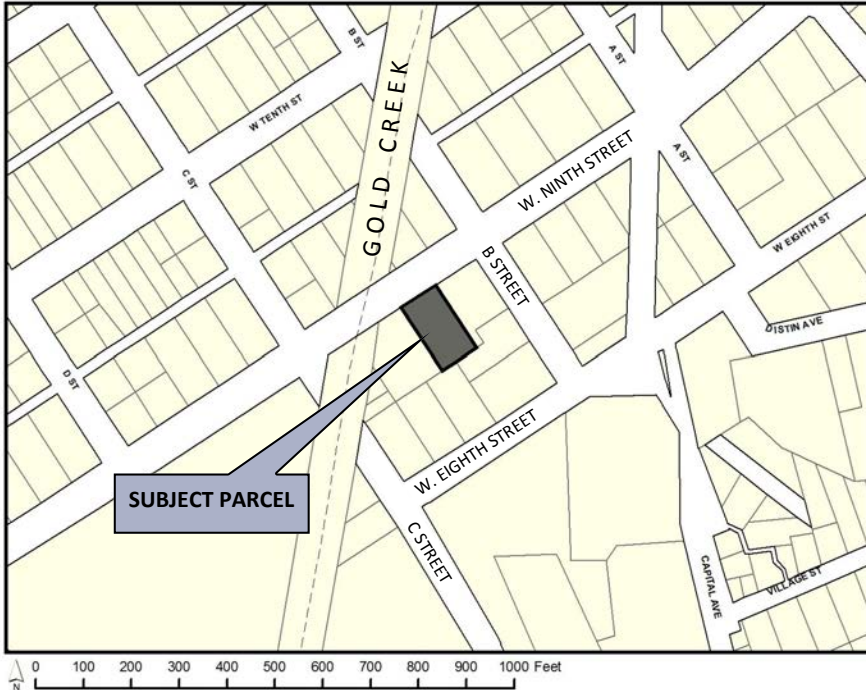
Subject property (behind trees)

View of side subject property from outside of 815 'B' Street –
addition will be constructed above garage



View of side subject property from W. Ninth Street Bridge over Gold Creek –
addition will be constructed above garage

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:

PROPOSAL: Conditional use permit for additional living space above a nonconforming garage.

File No:	USE2017 0009	Applicant:	Matt Davidson
To:	Abutting Property Owners	Property PCN:	1C060C120020
Hearing Date:	June 13, 2017	Owner:	Matthew Davidson & Naomi Harris
Hearing Time:	7:00 PM	Lot Size:	3,240 sq. ft.
Place:	Assembly Chambers	Zoned:	D5
	Municipal Building	Site Address:	521 Ninth Street
	155 South Seward Street	Accessed Via:	Ninth Street
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

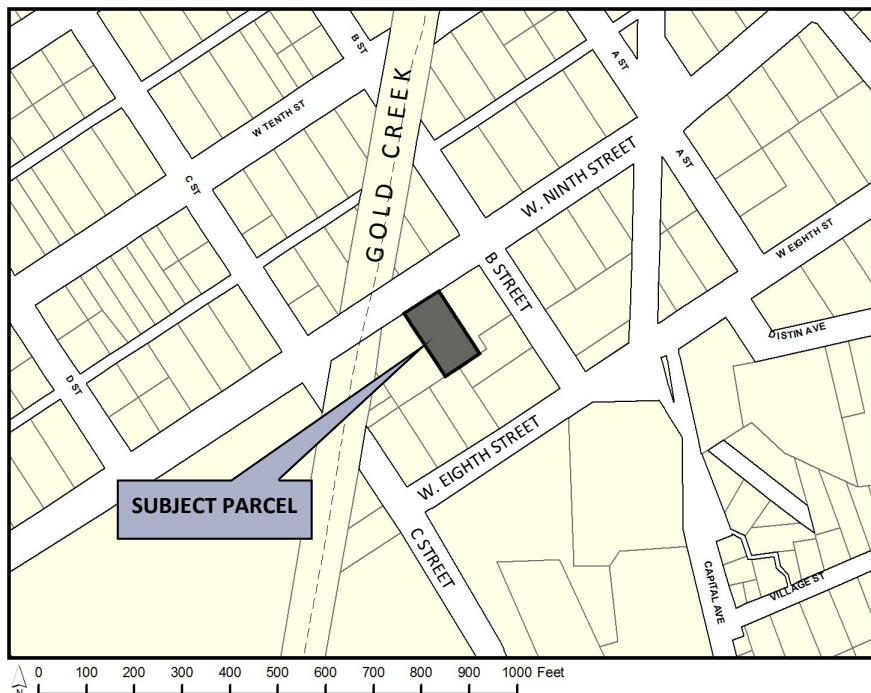
You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



*If you have questions, please contact Tim Felstead at
tim.felstead@juneau.org or (907) 586-0466.*

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at
<http://www.juneau.org/assembly/novus.php>

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:

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<http://www.juneau.org/assembly/novus.php>

USE2017-0009

Conditional Use Permit for additional living space above a nonconforming garage.



USE17-09

Project Proposal

- Conditional Use Permit for the development of a 318 square foot, 2nd story addition above an existing nonconforming attached garage. The existing garage is 1.87 feet from the side lot line and is considered a nonconforming structure.

USE17-09

'Upfill' Conditional Use Permit

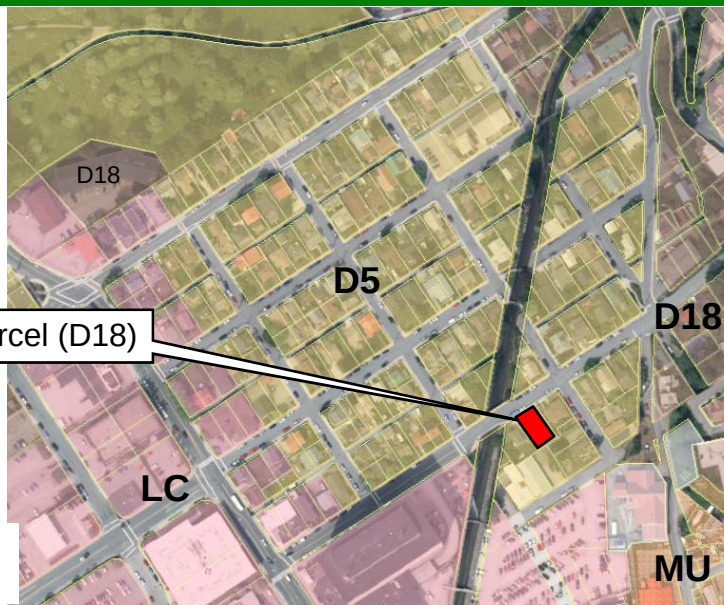
49.25.430(4)(N) Additional stories.

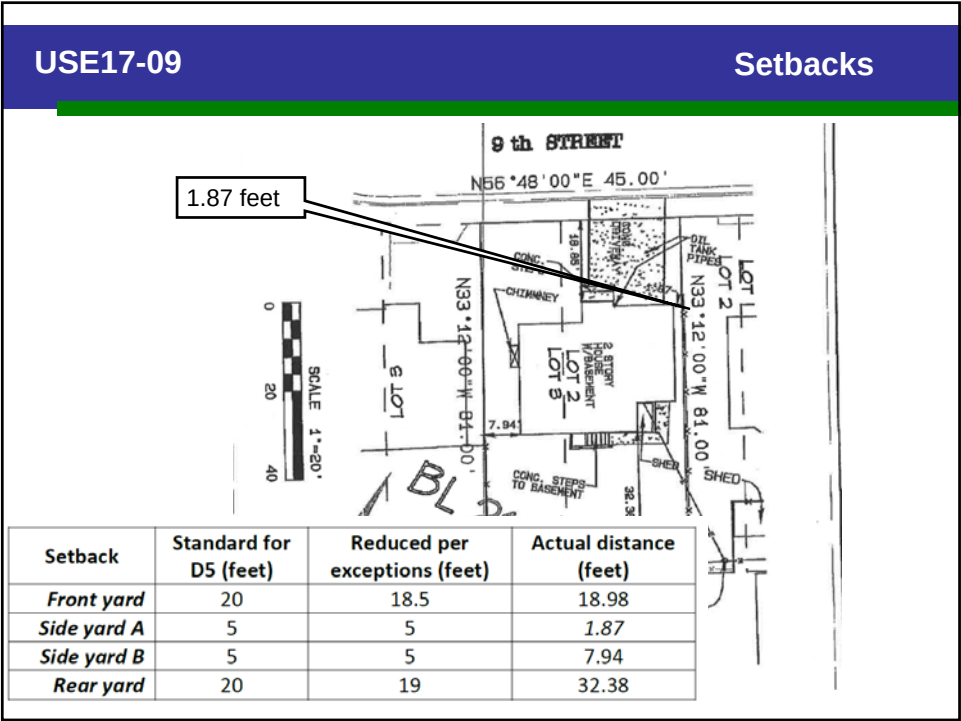
The commission, through the conditional use permit process, may allow the addition of a second or third story atop or below an existing enclosed structure which projects into a required yard setback if the structure is either lawfully nonconforming or if a variance was previously granted for the structure. The commission may deny such request 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.

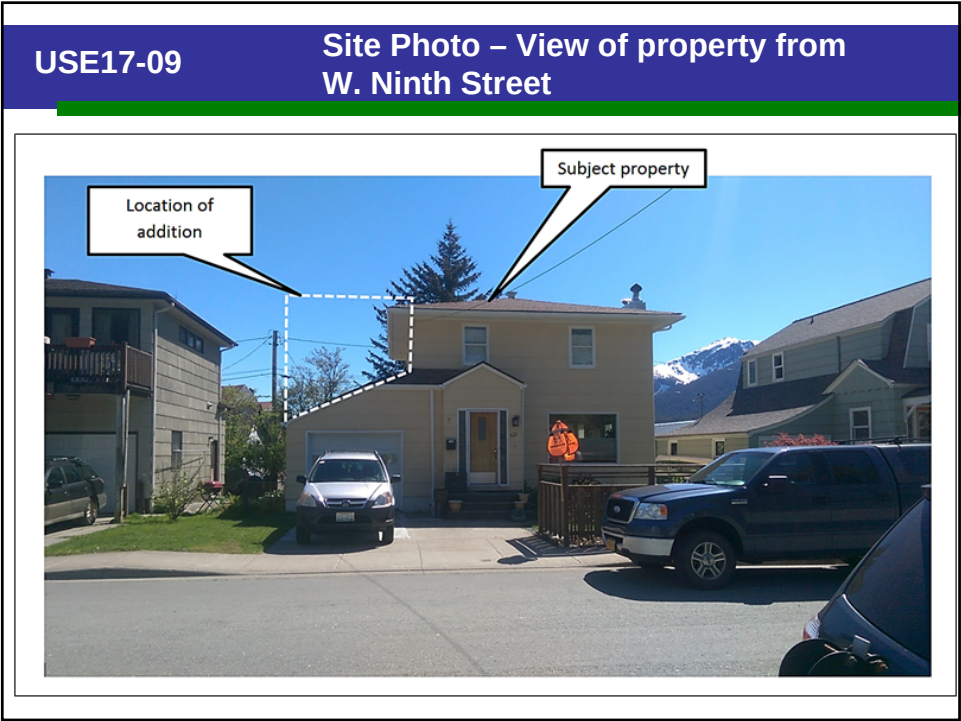
USE17-09

Location

Subject Parcel (D18)







USE17-09

Proposed plan elevations

EXISTING NORTH ELEVATION

NORTH ELEVATION

SOUTH ELEVATION

EAST ELEVATION

WEST ELEVATION

CONDITIONS RECOMMENDED

USE17-09

No-build agreement to meet

Davidson - Tally Maintenance Access and No-Build Easement Agreement- Exhibit A

Tally Structure

No-Build and Access Agreement Area

Davidson Structure and Addition

Based on 2010 J. W. Bean Survey

North and Tally Structure
921 West North Street
Juneau, Alaska 99901
907-521-9224
907-521-2181
www.6077@gmail.com

2ND STORY REAR ROOM
ADDITION
TO EXISTING WOOD FRAME
RESIDENCE

CHRYL ECKHART
JUNEAU, ALASKA
907-521-0219

PROPOSED 318 SQ. FT.
Upper Floor Addition

NOTES

1	LOT DEPICTING
2	CONSTRUCTION NOTES
3	BASEMENT
4	MAIN FLOOR
5	UPPER FLOOR
6	ELEVATIONS
7	FOUNDATION
8	SECTION A
9	SECTION B
10	UPPER FLOOR PLAN
11	ROOF PLAN

APRIL 2017

SCALE:
1" = 30'-0" sheet 1 of 2

USE17-09

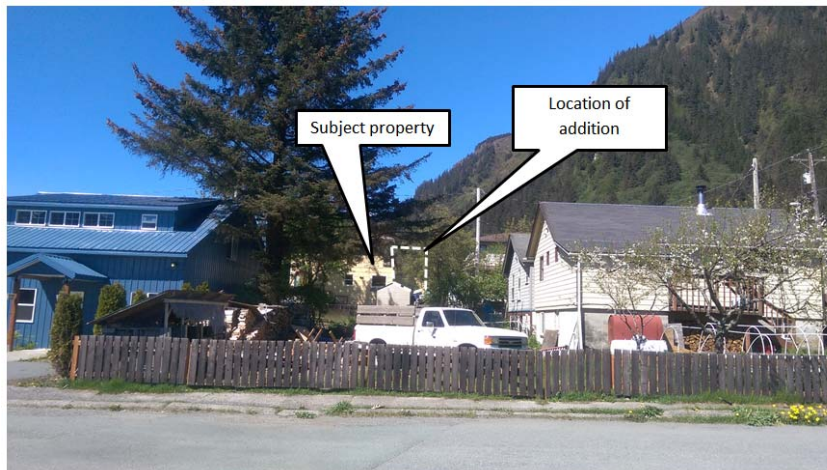
Site Photo – From 506 W. Ninth



Attachment C: View of subject property from outside windows of 506 W. Ninth Street – additional will be constructed above garage

USE17-09

Site Photo – From W. Eighth Street



Attachment C: View of rear subject property from W. Tenth Street – additional will be constructed above garage

USE17-09

Site Photo – From ‘B’ Street



Attachment C: View of side subject property from outside of 815 ‘B’ Street – additional will be constructed above garage

USE17-09

Findings (1)

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 1.110 for the D5 zoning district.

USE17-09

Findings (2)

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 Friday June 2, 2017 and Monday June 12, 2017 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

The proposed addition will be constructed with approved building permits, and lot coverage, height vegetative cover, and on-site parking as well as all other setback requirements will be met.

USE17-09

Findings (3)

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

No. Based on the analysis, no health or safety concerns have been identified related to the proposed addition.

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

No. Based on the analysis, there is no evidence that the development would decrease the value of or be out of harmony with property in the neighboring area.

USE17-09	Findings (4)
6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans? Yes. The proposed development is in general conformity with the land use plan. <i>POLICY 10.6. TO REQUIRE NEW RESIDENTIAL DEVELOPMENTS TO MEET MINIMUM CRITERIA FOR OVERALL SITE DESIGN INCLUDING PROVISION OF LIGHT, AIR AND PRIVACY. (P. 134)</i> The Comprehensive Plan also recommends that older housing stock in the older downtown Juneau neighborhoods be retained. <i>Guidelines and Considerations for Subarea 6 (Juneau):</i> <i>1. Preserve the scale and densities of the older single family neighborhoods in the downtown area, including the Casey-Shattuck "flats" and Star Hill historic districts, Chicken Ridge, Basin Road, Mt. Maria, the Highlands, and the higher density apartments and homes in the vicinity of the Federal Building. (P. 184) (emphasis added)</i>	

USE17-09	Findings (5)
7. Will the proposed addition result in excessive blockage of views, excessive restriction of light and air, or other deleterious impacts. This finding is added to specifically address the requirements of CBJ 49.25.430(4)(N). No. There is no evidence that the proposed addition will result in an excessive blockage of views, excessive restriction of light and air, or other deleterious impacts on surrounding properties. Per CBJ 49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination: 8. Will the proposed development comply with the Juneau Coastal Management Program? le.	

USE17-09	Staff Recommendation
It is recommended that the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow the development of a second story addition above an existing nonconforming attached garage, 1.87 feet from a side lot line, in a D5 zoning district. The approval is subject to the following conditions: 1.To ensure that further encroachment into the setbacks does not occur, the dimensions of the existing eaves be measured in the field and not exceeding their current distance from the side lot line added as a condition of approval of a building permit. 2.Prior to the issuance of a Temporary Certificate of Occupancy for the associated building permit, an as-built survey of the completed addition is provided to the Community Development Department.	

USE17-09	END



Community Development

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: June 17, 2017
File No.: USE2017 0009

Matthew & Naomi Davidson
521 W 9th Street
Juneau, AK 99801

Proposal: Conditional Use Permit for additional living space above a non-conforming garage.

Property Address: 521 W Ninth Street

Legal Description: Lots 2 & 3 fraction, Block 212, Casey Shattuck

Parcel Code No.: 1-C06-0-C12-002-0

Hearing Date: June 13, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 5, 2017, and **APPROVED** the development of a second story addition above an existing nonconforming attached garage, 1.87 feet from a side lot line, in a D5 zoning district, to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. To ensure that further encroachment into the setbacks does not occur, the dimensions of the existing eaves be measured in the field and not exceeding their current distance from the side lot line added as a condition of approval of a building permit.
2. Prior to the issuance of a Temporary Certificate of Occupancy for the associated building permit, an as-built survey of the completed addition is provided to the Community Development Department.

Matt & Naomi Davidson
File No.: USE2017 0009
June 17, 2017
Page 2 of 2

Attachments: June 5, 2017 memorandum from Tim Felstead, Planner, Community Development Department, to the CBJ Planning Commission regarding USE2017 0009.

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

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

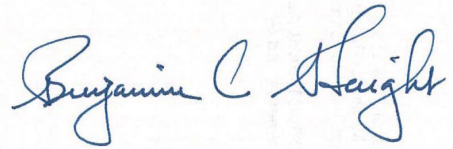
Effective Date: The permit is effective upon approval by the Commission, June 13, 2017.

Expiration Date: The permit will expire 18 months after the effective date, or January 13, 2019, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:



Tim Felstead, Planner
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

June 19, 2017

Date

cc: Plan Review

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



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

DATE: June 2, 2017

TO: Planning Commission 

FROM: Tim Felstead, Planner
Community Development Department

FILE NO.: CSP2017 0007

PROPOSAL: A consistency review for renewal of lease of CBJ lands for existing monitoring equipment associated with the Juneau Airport Wind System (JAWS)

GENERAL INFORMATION

Applicant: City & Borough of Juneau, Division of Lands & Resources, and Juneau Police Department (JPD)

Property Owner: City & Borough of Juneau

Property Address: Site 1: No address (off Fish Creek Road, North Douglas)
Site 2: 115 Dock Street, Douglas
Site 3: 6235/6255 Alaway Avenue, Lemon Creek

Legal Description: Site 1: Lot 1, USS 3559;
Site 2: ATS 14 Fraction;
Site 3: Tract J1, JPD II

Parcel Code No.: Site 1: 6-D10-1-100-001-0
Site 2: 2-D04-0-T32-006-1
Site 3: 5-B13-0-107-003-8

Lot Size: Site 1: 1,096 acres
Site 2: 89.58 acres
Site 3: 5.5650 acres

Planning Commission
File No.: CSP2017 0007
June 2, 2017
Page 2 of 7

Comprehensive Plan Future

Land Use Designation: Site 1: Resource Development (RD)
Site 2: Marine Mixed Use (M/MU)
Site 3: Resource Development (RD)

Zoning: Site 1: Rural Reserve (RR)
Site 2: Waterfront Industrial
Site 3: General Commercial/Rural Reserve

Utilities: NA

Access: Site 1: Fish Creek Road
Site 2: Dock Street
Site 3: Alaway Avenue

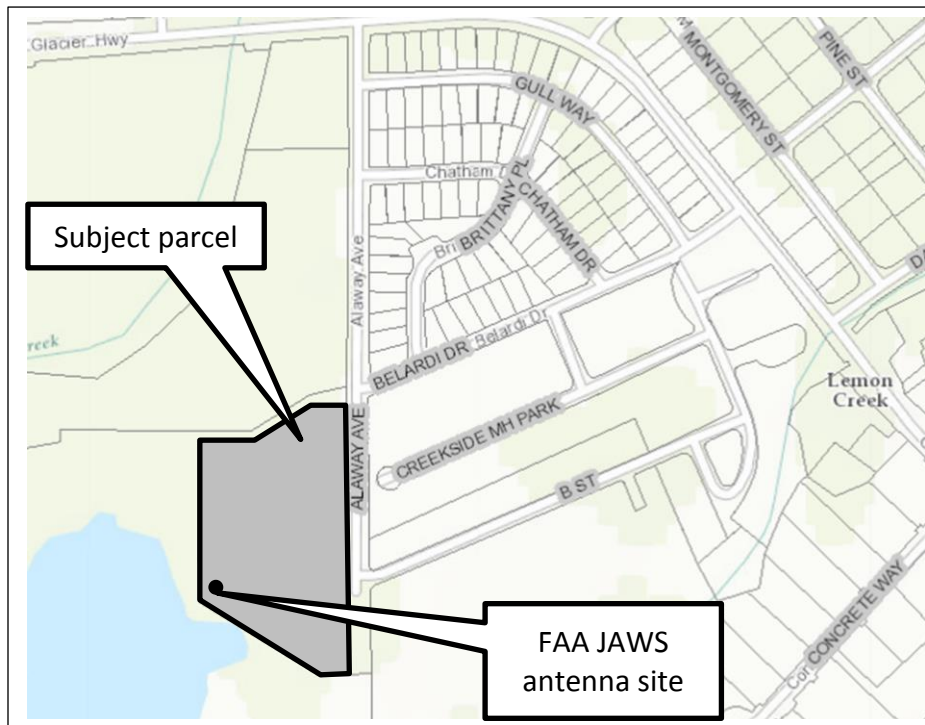
Existing Land Use: Site 1: Lower Fish Creek rock quarry, trails, JAWS monitoring site;
Site 2: Mike Pusich Douglas Harbor JAWS monitoring site;
Site 3: JPD police station and JAWS monitoring site respectively

Surrounding Land Use:

Direction	<i>Site 1: Fish Creek Rd. 6-D10-1-100-01-0</i>	<i>Site 2: Dock Street 2-D04-0-T32-006-1</i>	<i>Site 3: Alaway 5-B13-0-107-003-8</i>
North	Single family residential (D1)	Gastineau Channel tidelands (WI)	Vacant (GC, RR)
South	Access road for Lower Fish Creek Rock Quarry (RR)	Mike Pusich Douglas Harbor Parking lot and boat ramp (WI)	Gravel pits (GC, RR)
East	Fish Creek Road, Vacant (RR)	Entrance to Mike Pusich Douglas Harbor (WI)	Alaway Avenue, Mobile Home Park (D15)
West	North Douglas Highway, Vacant and Single family residential (RR)	Dock Street and Tidelands	Gravel pits (GC, RR)



Planning Commission
File No.: CSP2017 0007
June 2, 2017
Page 4 of 7



Site 3: Alaway Avenue, Lemon Creek at JPD

ATTACHMENTS

- | | |
|--------------|--|
| Attachment A | Application including antenna designs, antenna site plans and maps showing locations |
| Attachment B | Photographs of antenna locations |

PROPOSAL

The Federal Aviation Administration (FAA) wishes to renew its lease of limited areas of the subject parcels for the purposes of continuing to host their weather monitoring equipment. The weather monitoring equipment provides data for local aviation conditions in particular wind speeds, windshear and local turbulence around take-off and landing approach routes for Juneau International Airport.

CBJ 49.10.170 describes the duties of the Planning Commission including the review and recommendation to the assembly of land disposals as described in Title 53.

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

Title 53 requires that all negotiated land leases undergo a review by the Planning Commission before final authorization by the City Assembly.

53.09.260 - Negotiated sales, leases, and exchanges.

(b) Planning commission review, final assembly approval. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, and after review by the planning commission and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, or exchange or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection. The disposal may not be executed until the effective date of the ordinance.

BACKGROUND

The FAA uses the three sites to host ground level antenna and ancillary equipment and has been leasing the sites from CBJ since 1997. Additional existing uses are provided on page 2 of this report. The lease was last renewed in 2007. CBJ Lands Division is proposing that the lease be renewed for a further 30 years.

The antenna equipment sheds have been approved by the CBJ Community Development department (BLD1998-00003 for Site 1: Fish Creek Road, BLD1996-00106 for Site 2: Dock Street, and BLD1998-00765 and BLD2008-00102 for Site 3: Alaway Avenue).

ANALYSIS

The antennae are typically 7 feet high (see **Attachments A and B**). Each antenna also has an electronic equipment shed. Sites 2 and 3 are enclosed by fencing, but Site 1 has no surrounding fencing. Existing antenna infrastructure is not proposed to be changed.

The antennae are key components in the Juneau Airport Wind System which is used to identify

Planning Commission
 File No.: CSP2017 0007
 June 2, 2017
 Page 6 of 7

dangerous wind conditions on the take-off and approach routes surrounding Juneau International Airport.

The lease square footage for each site is given in Table 1. The lease square footage is a small fraction of the overall lot sizes.

Location	Lease area (square feet)
Site 1: Fish Creek Road	13,927
Site 2: Dock Street	1,416
Site 3: Alaway Avenue	2,269

Table 1: Lease square footage

The land parcels in which the leased areas lie are identified in the 2016 Land Management Plan (see Table 2).

Location	Land Management Plan Parcel code	Managing Dept.	Retention status
Site 1: Fish Creek Road	LND-1420	Lands and Resources/Parks and Recreation	Retain/dispose
Site 2: Dock Street	LND-1241	Docks and Harbors	Retain
Site 3: Alaway Avenue	LND-0827	JPD	Retain

Table 2: Summary of Land Management Plan designation of subject parcels

The relevant managing departments support the renewal of the existing leases.

Conformity with Adopted Plans

2013 Comprehensive Plan

The use and location of the antenna facilities is consistent with the following policies in the Comprehensive Plan.

POLICY 8.1. TO PROMOTE AND SUPPORT AVIATION SAFETY; TO DEVELOP AND MAINTAIN AIRPORT FACILITIES MEETING THE AVIATION TRANSPORTATION NEEDS FOR JUNEAU, ITS RESIDENTS, VISITORS AND COMMERCE; AND TO WORK WITH THE PUBLIC AND PRIVATE SECTORS TO FACILITATE COMMERCE, ECONOMIC DEVELOPMENT, AND ACCESS TO ALASKA'S CAPITAL CITY. (p.104)

The locations of the antennae are away from residential locations and do not conflict

Planning Commission
File No.: CSP2017 0007
June 2, 2017
Page 7 of 7

with surrounding land uses.

POLICY 10.4 TO MINIMIZE CONFLICTS BETWEEN RESIDENTIAL AREAS AND NEARBY RECREATIONAL, COMMERCIAL, OR INDUSTRIAL USES THAT WOULD GENERATE ADVERSE IMPACTS TO EXISTING RESIDENTIAL AREAS THROUGH APPROPRIATE LAND USE LOCATIONAL DECISIONS AND REGULATORY MEASURES. (p. 132)

Appropriate uses of CBJ owned property is encouraged, even those parcels not identified for immediate disposal.

POLICY 17.2. TO HOLD CERTAIN LANDS IN THE PUBLIC TRUST, AND TO DISPOSE OF CERTAIN LANDS FOR PRIVATE USE WHEN DISPOSAL SERVES THE PUBLIC INTEREST.

In particular the following Standard Operating Procedure is relevant:

17.2 - SOP5 Evaluate land not scheduled for immediate disposal for possible interim uses prior to private development.

2016 Land Management Plan

The 2016 Land Management Plan notes that land not intended for disposal and given a 'retain' status may be *eased or leased for specific purposes, such as airport related uses...* (p. 43)

The proposed lease is consistent with the adopted 2016 Land Management Plan.

Habitat

The land lease relates to equipment that has already been installed and is currently in use. Continued leasing of these sites would not impact any habitat regulated by the CBJ Land Use Code.

FINDINGS

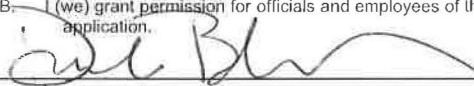
CDD staff finds the proposed renewal of an existing lease of the three subject sites by CBJ Lands Division and JPD is consistent with the CBJ Land Use Code and is consistent with adopted plans and studies.

RECOMMENDATION

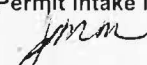
Staff recommends that the Planning Commission forward the subject proposal to the Assembly with a **recommendation of approval**.

DEVELOPMENT PERMIT APPLICATION

Project Number CSP2017 0007	CITY and BOROUGH of JUNEAU	Date Received: 4/7/17
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description Juneau Airport Wind System (JAWS) Facility Sites; Three locations		
	PROPERTY LOCATION		
	Street Address See Attached Property Location Map and Description		City/Zip Juneau/99801
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) USS 3559 LT 1; JPD II TR J1; ATS 14 FR		
	Assessor's Parcel Number(s) 6D1011000010; 5B1301070038; 2D040T320061		
	LANDOWNER/ LESSEE		
	Property Owner's Name City & Borough of Juneau; Lands and JPD	Contact Person: Dan Bleidorn	Work Phone: 586-0224
	Mailing Address 155 S. Seward Street	Home Phone:	Fax Number:
	E-mail Address dan.bleidorn@juneau.org	Other Contact Phone Number(s): 586-5252	
	PROJECT / APPLICANT	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****	
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:			
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.			
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X			4/6/17
		Landowner/Lessee Signature	Date
X			
		Landowner/Lessee Signature	Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name OWNER		Contact Person: Dan Bleidorn	
Mailing Address		Home Phone:	
E-mail Address		Fax Number:	
		Other Contact Phone Number(s):	
X		4/6/17	
	Applicant's Signature	Date of Application	

-----OFFICE USE ONLY BELOW THIS LINE-----

STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)	
	☒	Building/Grading Permit				
	☒	City/State Project Review and City Land Action		4/7/17	CSP20170007	
	☐	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)				
	☐	Mining Case (Small, Large, Rural, Extraction, Exploration)				
	☐	Sign Approval (If more than one, fill in all applicable permit #'s)				
	☐	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)				
	☐	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)				
	☐	Variance Case (De Minimis and all other Variance case types)				
	☐	Wetlands Permits				
	☐	Zone Change Application				
	☐	Other (Describe)				
	***Public Notice Sign Form filled out and in the file.					
	Comments:					Permit Intake Initials 

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

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Project Number	Project Name (15 characters)	Case Number CSP 20170007	Date Received 4/7/17
----------------	------------------------------	-----------------------------	-------------------------

TYPE OF PROJECT REVIEW:

☒ City Project Review
 ☐ City Land Acquisition /Disposal
 ☐ State Project Review

DESCRIPTION OF PROJECT

The lease for the Juneau Airport Wind System (JAWS) Facility Site is expiring and a new lease is needed. 53.09.260 states that "Planning commission review, final assembly approval. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, and after review by the planning commission and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, or exchange or other disposal of City and Borough land."

Please attach a cover letter to fully explain the project if there is not adequate space on this form.

CURRENT USE OF LAND OR BUILDING(S): _____
 Juneau Airport Wind System (JAWS) Facility Site

PROPOSED USE OF LAND OR BUILDING(S): _____
 Continued use for Juneau Airport Wind System (JAWS) Facility Site

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

Is this project associated with any other Land Use Permits? ☒ No ☐ Yes Case No.: _____

Capital Improvement Program # (CIP) _____

Local Improvement District # (LID) _____

State Project # _____

ESTIMATED PROJECT COST: \$ 1,000.00

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	CITY/STATE PROJECT FEES				
		Fees	Check No.	Receipt	Date
	Application Fees	\$ _____	_____	_____	_____
	Total Fee	\$ _____	_____	_____	_____

TO BE COMPLETED BY THE APPLICANT

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

EVEN IF THE PROPOSED PROJECT IS ASSOCIATE WITH OTHER LAND USE PERMITS, THIS APPLICATION MUST BE FILLED OUT

CITY/STATE PROJECT REVIEW REQUIREMENTS

Each application for a City/State Project is reviewed by the Planning Commission at a public hearing. The permit procedure is intended to provide the Commission the flexibility necessary to make recommendations tailored to individual applications.

Application: An application for a City/State Project Review will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

Forms: A completed City/State Project Review Application form and Development Permit Application form. The "land owner or lessee consent" signature is mandatory for all landowners on the Development Permit Application form.

Fees: No fee required for projects that cost less than \$2.5 million. For projects costing more than this amount, the fee is \$1,600.00. All fees are subject to change.

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

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

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

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

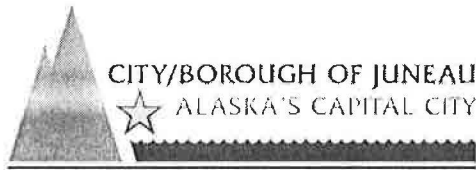
- A. Electronic copies may be submitted by CD, DVD or E-mail in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf or other formats pre-approved by the Community Development Department.
- B. Paper copies may not be larger than 11" X 17" (Unless a larger paper size is preapproved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

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

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

Hearing: All City/State Project Review Permit Applications must be reviewed by the Planning Commission. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting. The Planning Commission will make a recommendation based on staff's analysis and forward it to the Assembly for final approval/denial.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



APPLICATION TO LEASE CITY AND BOROUGH OF JUNEAU LANDS

Application No.

Staff only

Assessor's No.

Assessor's number available using the CBJ Assessor's Database: <http://www.juneau.org/assessordata/sql/assessor.php>

Legal name of applicant(s)

Mailing address

1. Legal description of property where the lease is to be located (attach map)

See attached legal descriptions and maps

2. Existing parcel size

Square feet: Acres:

Parcel (lot) size available using the CBJ Assessor's Database: <http://www.juneau.org/assessordata/sql/assessor.php>

3. Existing utilities

Water: On Site ☐ Public ☐ None ☐

Sewer: On Site ☐ Public ☐ None ☐

Utilities information available using the CBJ Assessor's Database: <http://www.juneau.org/assessordata/sql/assessor.php>

4. Access

5. Provide a brief description of your proposal:

To renew existing land leases for FAA's Juneau Airport Wind System (JAWS) located at Lemon Creek Police Station, North Douglas and South Douglas. FAA will provide lease templates.

5. Continued

--

6. Comprehensive plan designation for property *(Staff only)*

7. Zoning designation

Zoning designation a la 1 or Data a la 1 or a or a or data la or

I HEREBY CERTIFY THAT all of the statements made in this application and its incorporated attachments are true and correct.

Alice L. Salzman, Real Estate Contracting Officer

Name and Title (Please Print)

Alice L. Salzman
Signature

Signature

[illegible]

Name and Title (Please Print)

Signature

Return application to the Lands and Resources Office, 105 Municipal Way, Third Floor or Lands_Office@juneau.org

Staff only

RECEIPT of the above application and attachments together with filing fee (non-refundable) in the amount of \$1,000.00 is hereby acknowledged.

FULL APPLICATION RECEIVED by Lands staff on _____ by: _____

MM/DD/YYYY

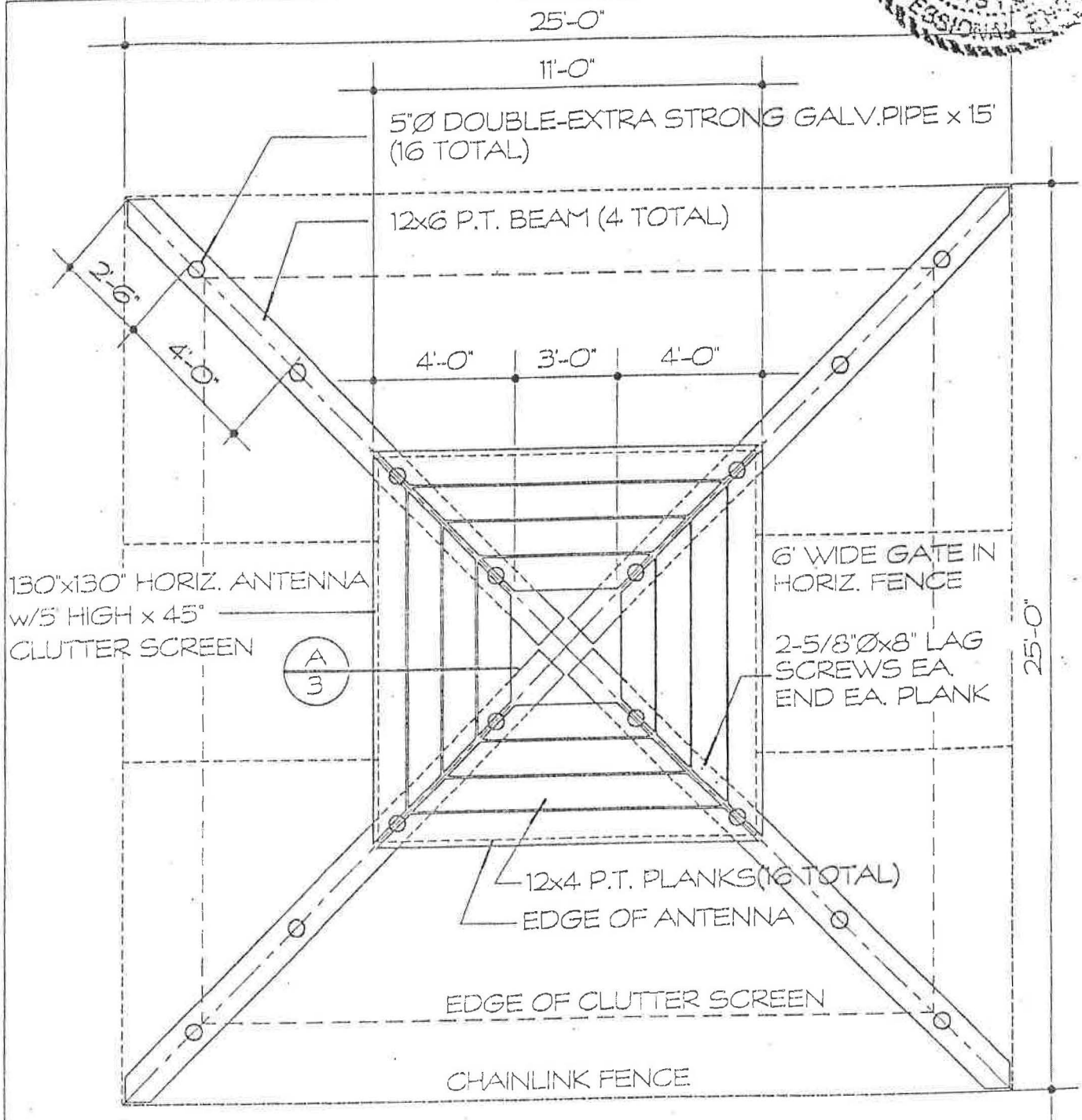
Name and Title (Please Print)

Signature _____



LIUM ENGINEERING
JUNEAU, ALASKA
(907) 586-3891

NCAR-Wind P...ler
sheet no. 1 of 6
calculated by: RL
date: 7 APR 98
scale: 1/4"=1'-0"



ANTENNA PLATFORM PLAN (16 PIPE OPTION)

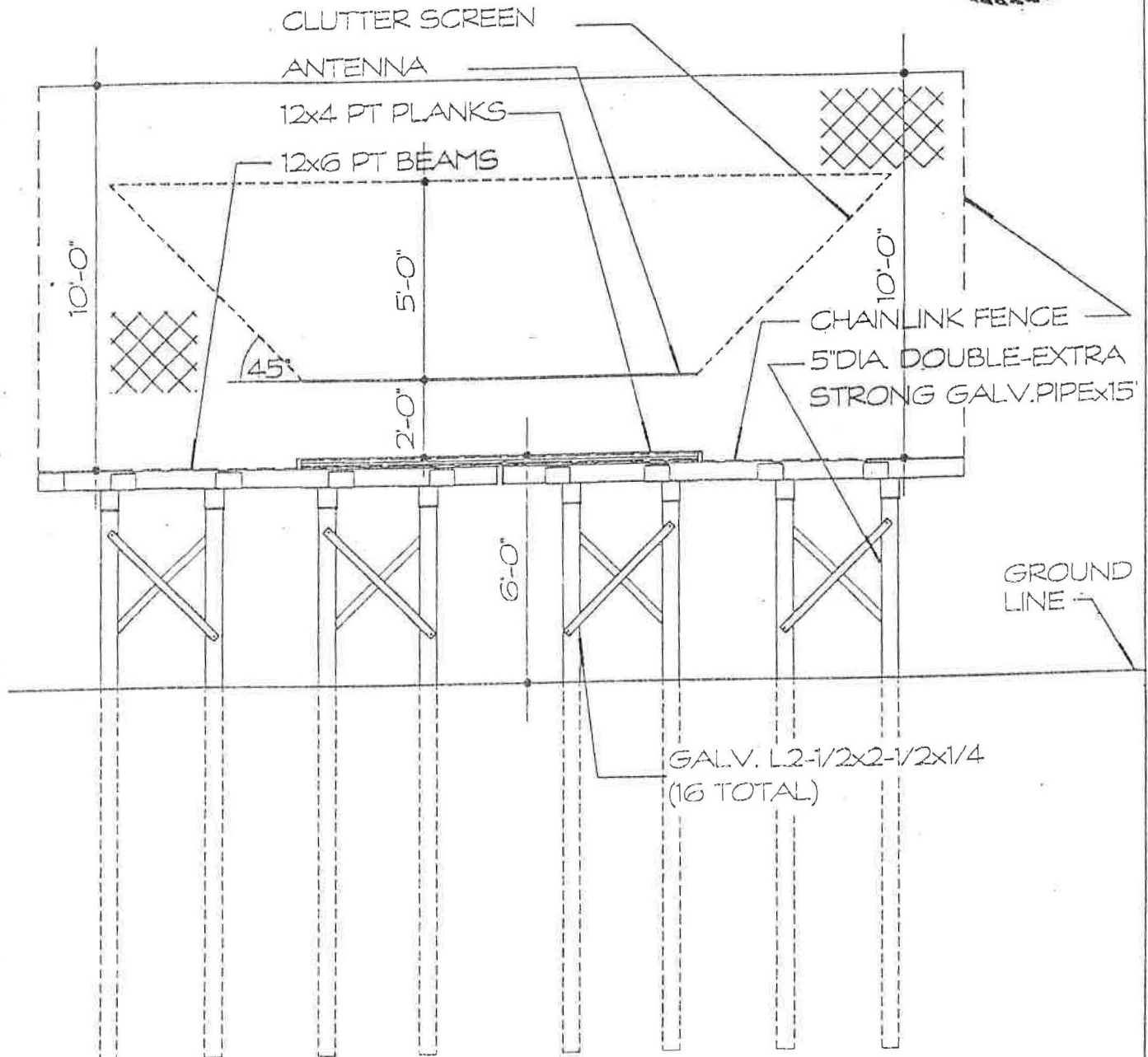
SCALE:

Attachment A: Application

1/4"=1'-0"

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JUNEAU, ALASKA
(907) 586-3891

NCAR-Wind P-100-100
sheet no. 2 of 6
calculated by: RL
date: 7 APR 98
scale: 1/4"=1'-0"



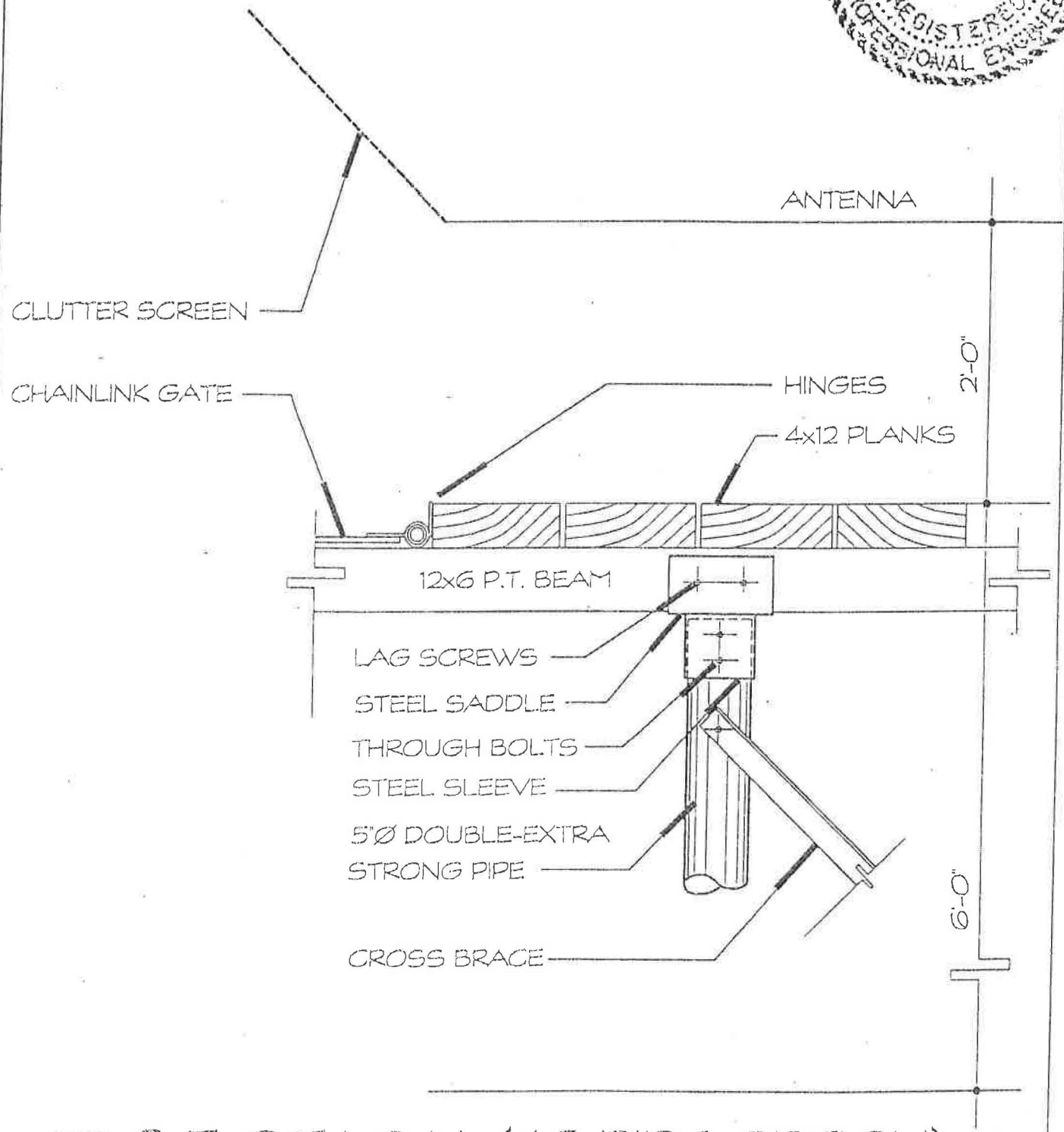
ANTENNA PLATFORM ELEVATION (16 PIPE OPTION)

SCALE:

1/4"=1'-0"

LIUM ENGINEERING
JUNEAU, ALASKA
(907) 586-3891

NCAR-Wind Filer
sheet no. 3 of 6
calculated by: RL
date: 7 APR 98
scale: 1"=1'-0"



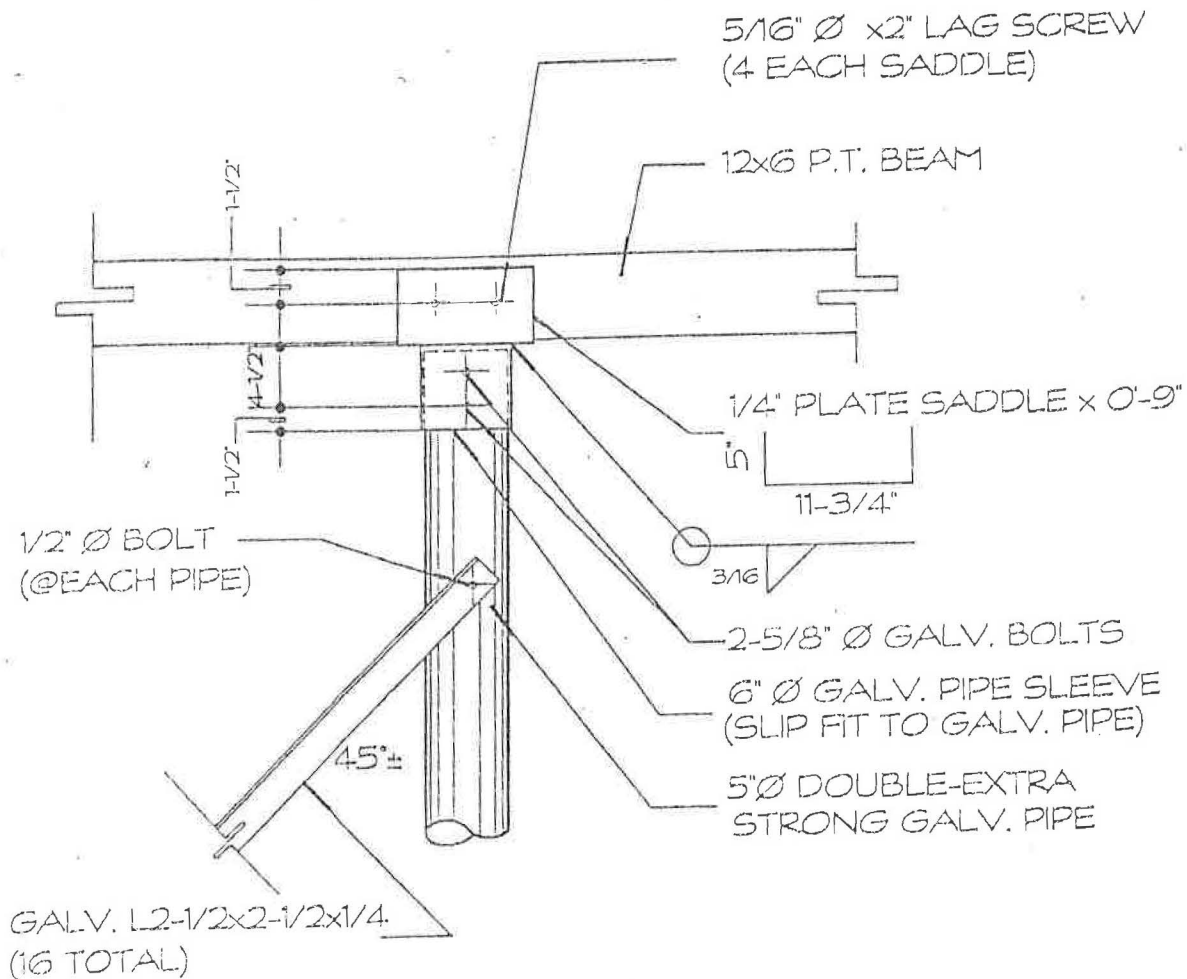
A
3

SECTION (16 PIPE OPTION)

SCALE: 1"=1'-0"

LIUM ENGINEERING
JUNEAU, ALASKA
(907) 586-3891

NCAR-Wind Filer
sheet no. 4 of 6
calculated by: RL
date: 7 APR 98
scale: 1"=1'-0"



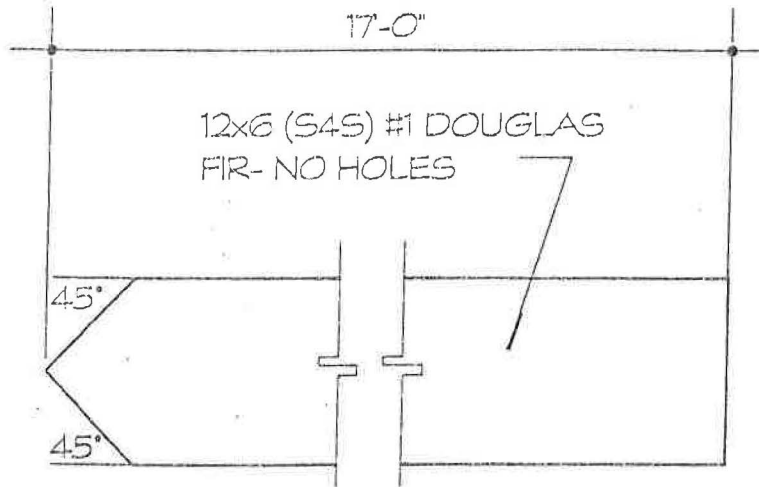
SADDLE DETAIL (16 PIPE OPTION)

SCALE: 1"=1'-0"

Attachment A: Application

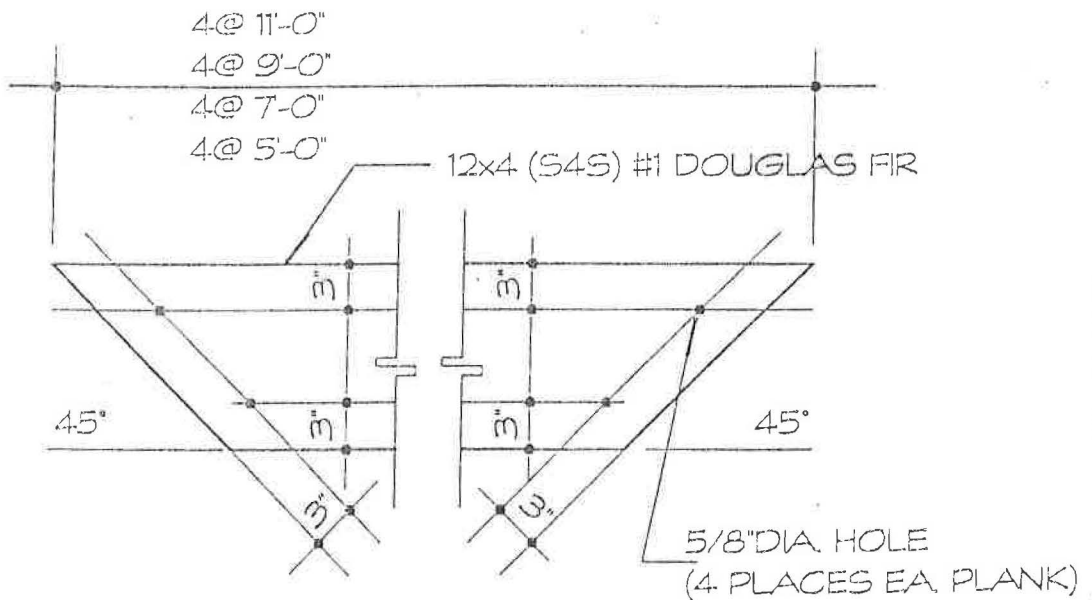
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(907) 586-3891

NCAR-Wind Filer
sheet no. 5 or 6
calculated by. RL
date: 7 APR 98
scale: 1"=1'-0"



PILE CAP (4 TOTAL)

SCALE: 1"=1'-0"



DECK PLANK (4 OF EA. LENGTH=16 TOTAL)

SCALE: 1"=1'-0"

LIUM ENGINEERING

JUNEAU, ALASKA

(907) 586-1164 3891

JOB NLAK ~ Wind Motives
 SHEET NO. _____ OF _____
 CALCULATED BY KL DATE 14 April '98
 CHECKED BY _____ DATE _____
 SCALE _____



STRUCTURAL NOTES

DESIGN LOADS: SNOW LOAD - 70psf
 WIND LOAD - 90mph, EXPOSURE B

SOILS: NO SOILS INVESTIGATION WAS MADE AT THIS SITE. PROBES INDICATE VERY DENSE BEARING LAYER (BLUE CLAY ?) ABOUT 10 FEET BELOW MUSKEG SURFACE.

PILES: USE OPEN-END PIPE PILES CONFORMING TO ASTM A53, GALVANIZED PER ASTM A153. HAND DRIVE TO REFUSAL ON DENSE BEARING LAYER. OPTIONS WITH FEWER, LARGER PILES OR CONCRETE FILLED PILES MAY BE PROPOSED. SEPARATE PIPE PILES FROM MUSKEG (& ICE) WITH 4 FOOT LENGTHS OF PVC PIPE SLEEVE. PACK GREASE BETWEEN SLEEVE AND PIPE. HANG SLEEVE FROM CROSS BRACING.

CONCRETE: FURNISH CONCRETE FILL WITH A 7 SACK MIX USING PEA GRAVEL COARSE AGGREGATE AND AN ENTRAINED AIR CONTENT BETWEEN 4% & 8%.

STEEL: USE ASTM A36 SHAPES, PLATES, AND BARS. USE ASTM A 500, GRADE B, TUBES. USE ASTM A307 BOLTS. GALVANIZE ALL STEEL AFTER FABRICATION PER ASTM A123 AND ASTM A153.

TIMBER: USE #1 DOUGLAS FIR PLANKS AND BEAMS. PRESSURE TREAT ALL TIMBER PER AWPA C2 AFTER FABRICATION. HOLE SIZES SHOWN ARE ACTUAL SIZES AFTER TREATMENT. TREAT FABRICATED PLANKS AND BEAMS WITH ACZA TO 0.6pcf RETENTION

LAG SCREWS: FIELD DRILL LEAD HOLES FOR THREADED PORTIONS OF LAG SCREWS. DRILL 7/16" DIA. HOLES FOR 5/8" DIA. LAG SCREWS AND 3/16" DIA. HOLES FOR 5/16" SCREWS.

FENCE: USE GALVANIZED CHAINLINK TYPE FENCE TO PROTECT ANTENNA. PROVIDE STEEL FRAMEWORK TO CARRY FENCE DEAD LOAD PLUS DESIGN LOADS BETWEEN SUPPORTS. PROVIDE HORIZONTAL GATE FOR ACCESS UNDER PLATFORM. FENCE CENTER OF PLATFORM IF NOT DECKED

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JUNEAU, ALASKA

(907) 586-3891

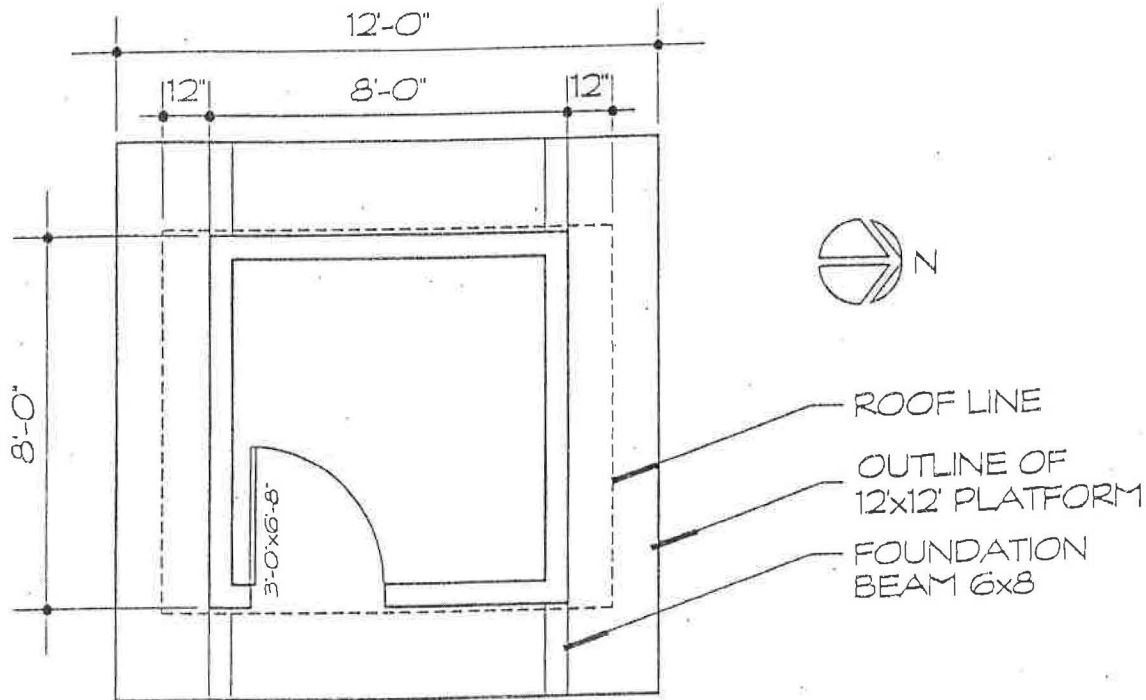
NCAR-Wind Protiter

sheet no. 1 of 1

calculated by: RL

date: 10 APR 98

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



FLOOR PLAN

STRUCTURAL NOTES

DESIGN LOADS: 50 psf SNOW LOAD
'94 UBC WIND & EARTHQUAKE (Z=0.26)

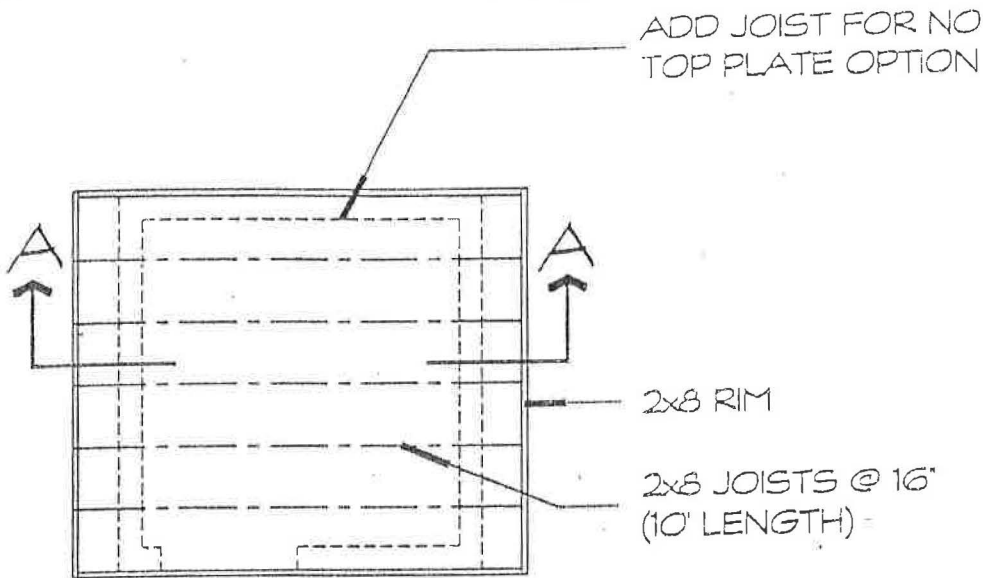
STEEL: USE ASTM A36 SHAPES, PLATES, AND BARS. USE
ASTM A53 PIPE. USE ASTM A307 CONNECTORS.
USE 7 STRAND CABLE. GALVANIZE ALL STEEL
PER ASTM A123 OR A153.

TIMBER: USE #2 OR BETTER HEM-FIR FRAMING LUMBER. USE
#1 DOUGLAS FIR POSTS AND BEAMS. USE SIMPSON
STRONG TIE METAL CONNECTORS. PRESSURE TREAT
MEMBERS MARKED P.T. PER RECOMMENDATIONS BY ATC
FOR GROUND CONTACT.

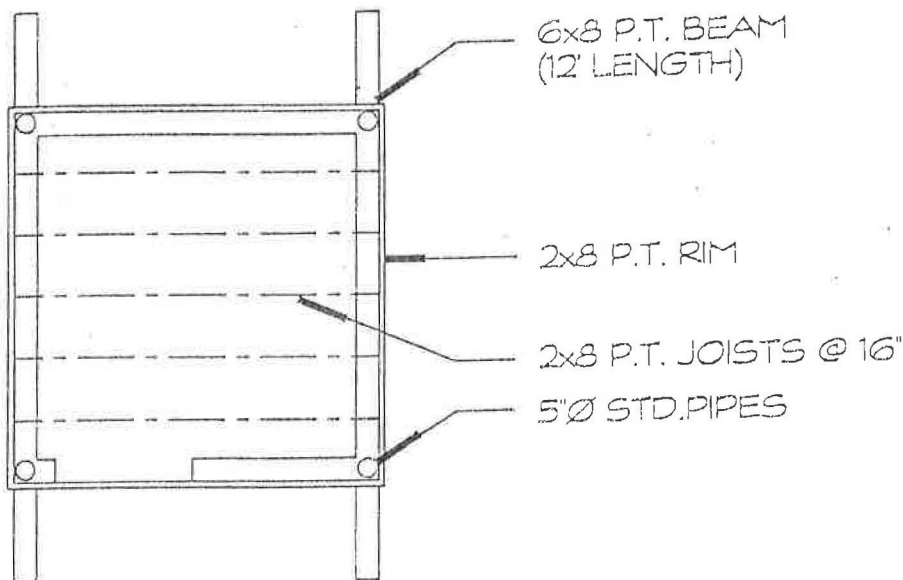


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(907) 586-3891

NCAR-Wind Profiler
sheet no. 2
calculated by: RL
date: 10 APR 98
scale: 1/4"=1'-0"



ROOF FRAMING PLAN



FLOOR FRAMING PLAN



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JUNEAU, ALASKA

(907) 586-3891

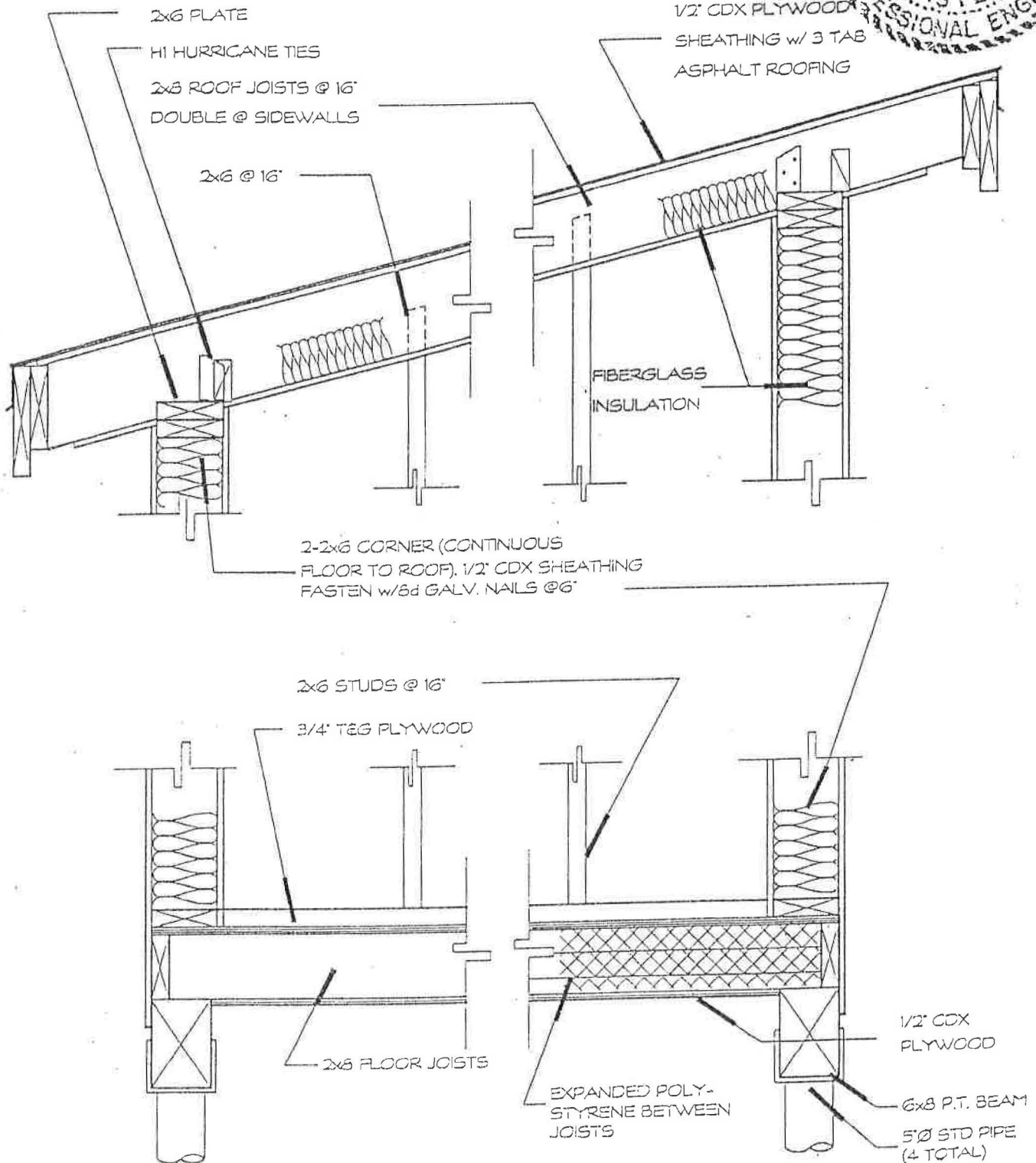
NCAR-Wind Profiler

sheet no. 3

calculated by: RL

date: 10 APR 98

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SECTION A-A

Attachment A: Application

LIUM ENGINEERING

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(907) 586-3891

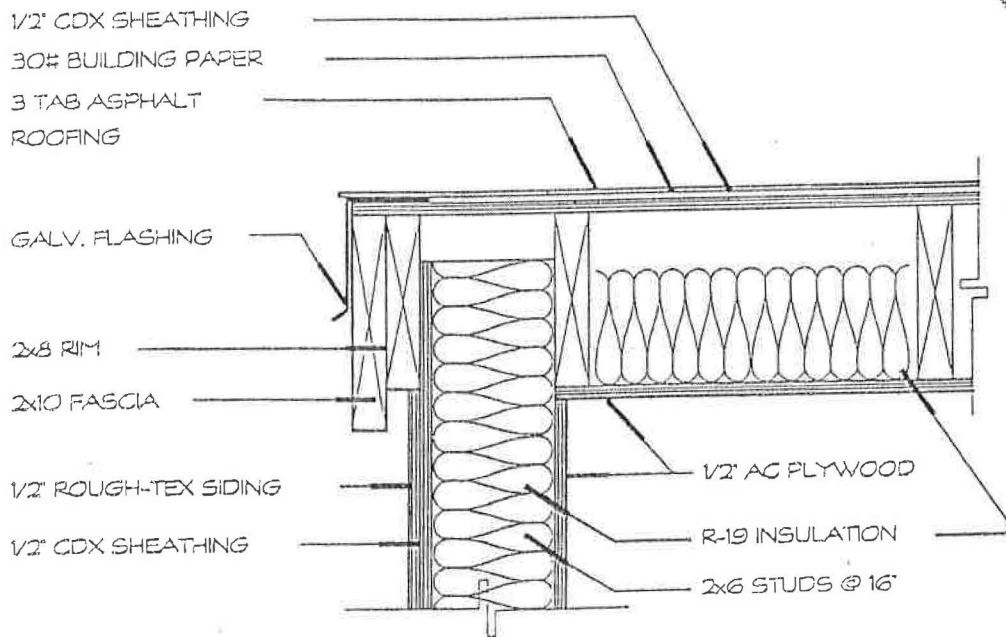
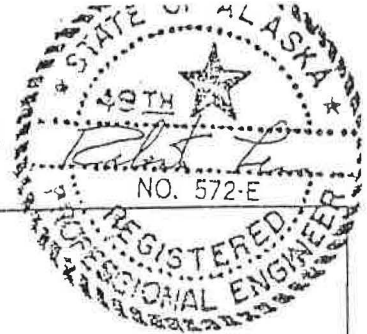
NCAR-Wind Profiler

sheet no. 5

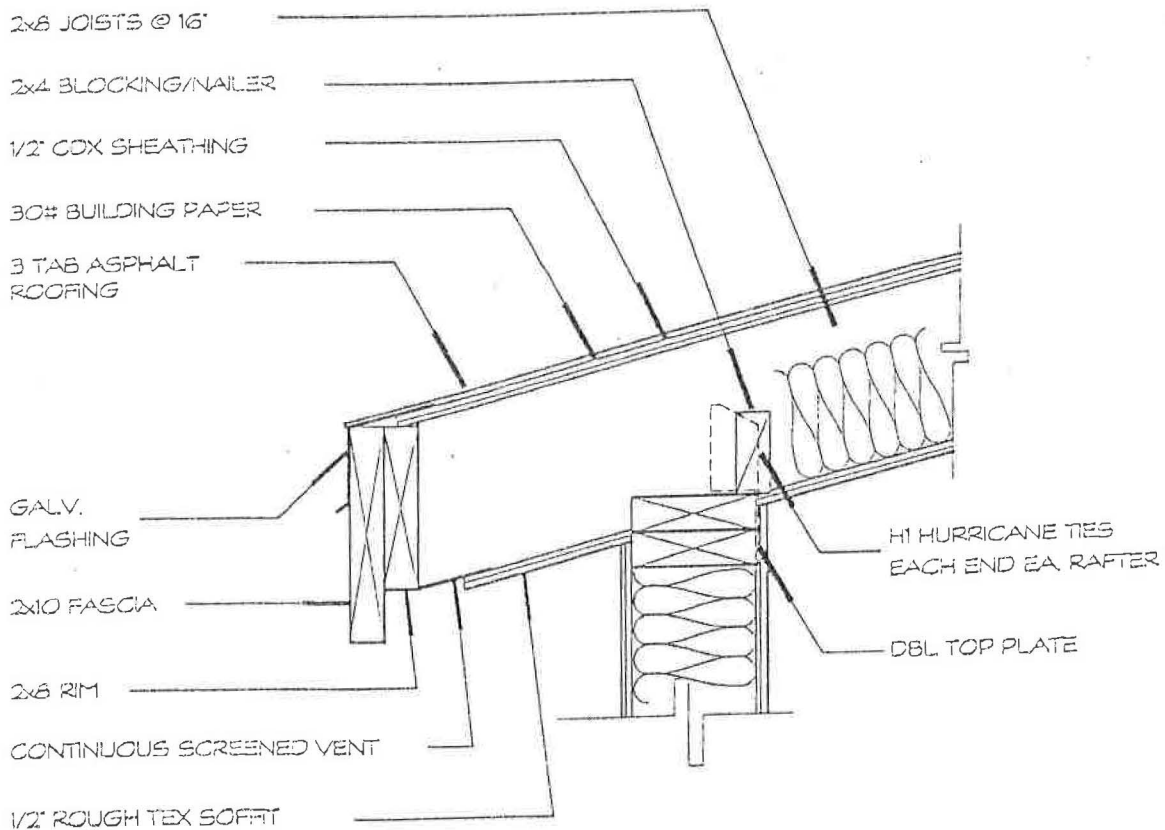
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date: 10 APR 98

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RAKE DETAIL



EAVE DETAIL

LIUM ENGINEERING

JUNEAU, ALASKA

(907) 586-3891

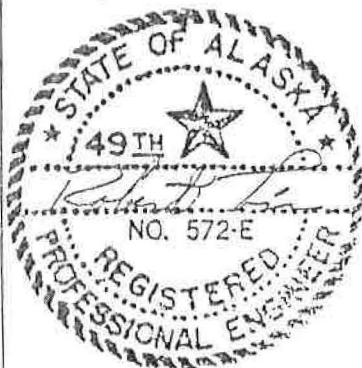
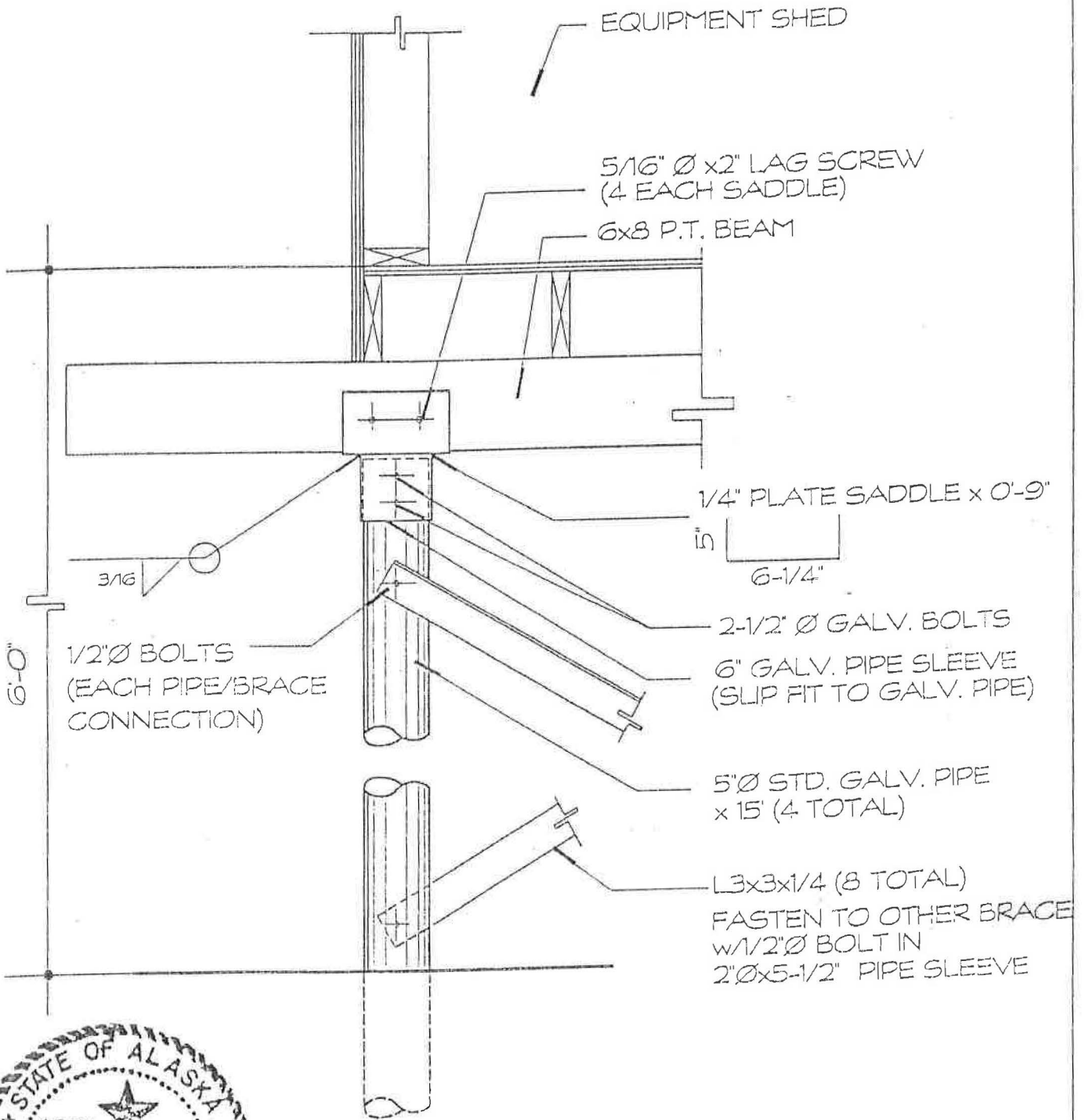
INCH-WING PLOTTER

sheet no. 6 3

calculated by: RL

date: 10 APR 98

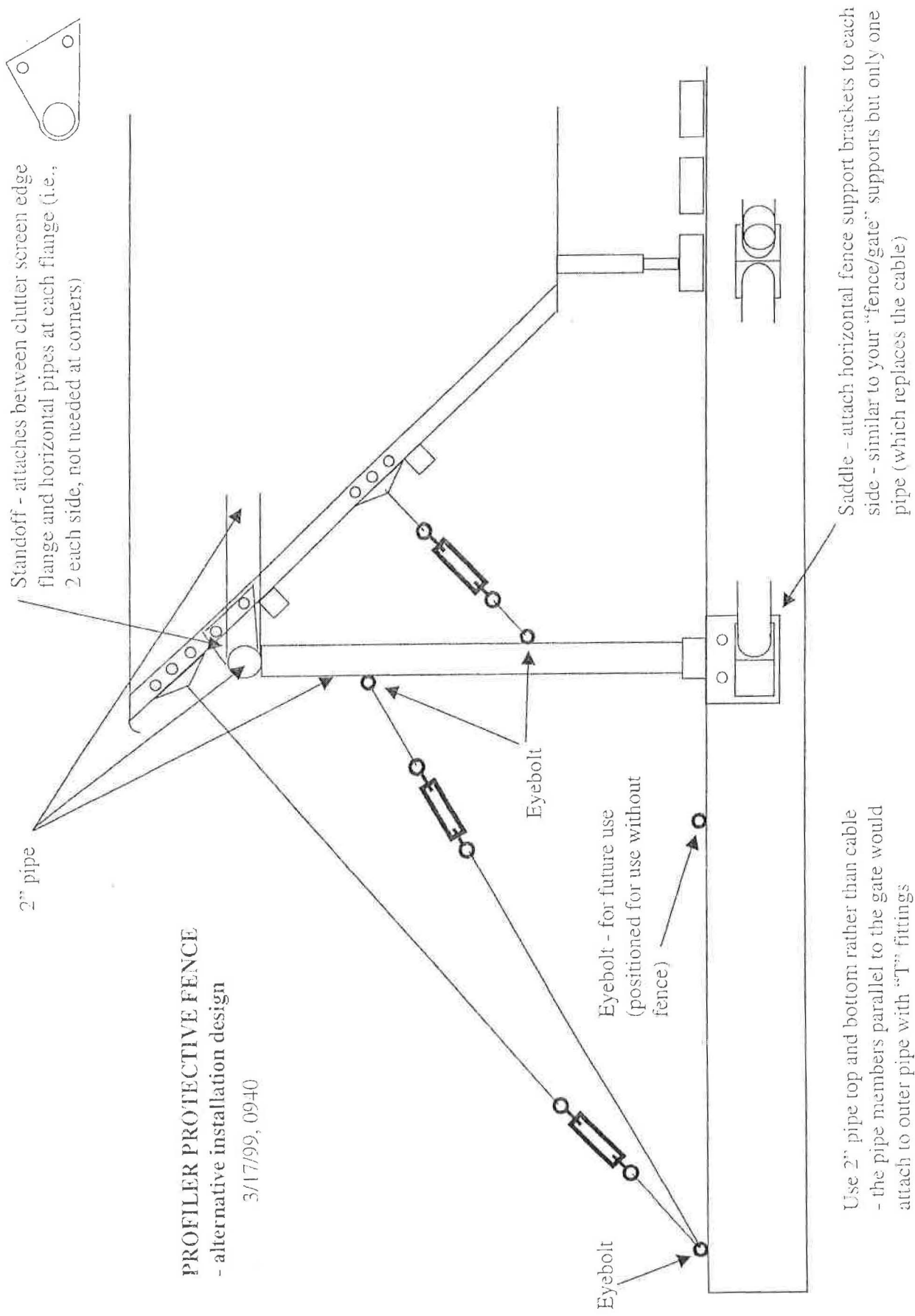
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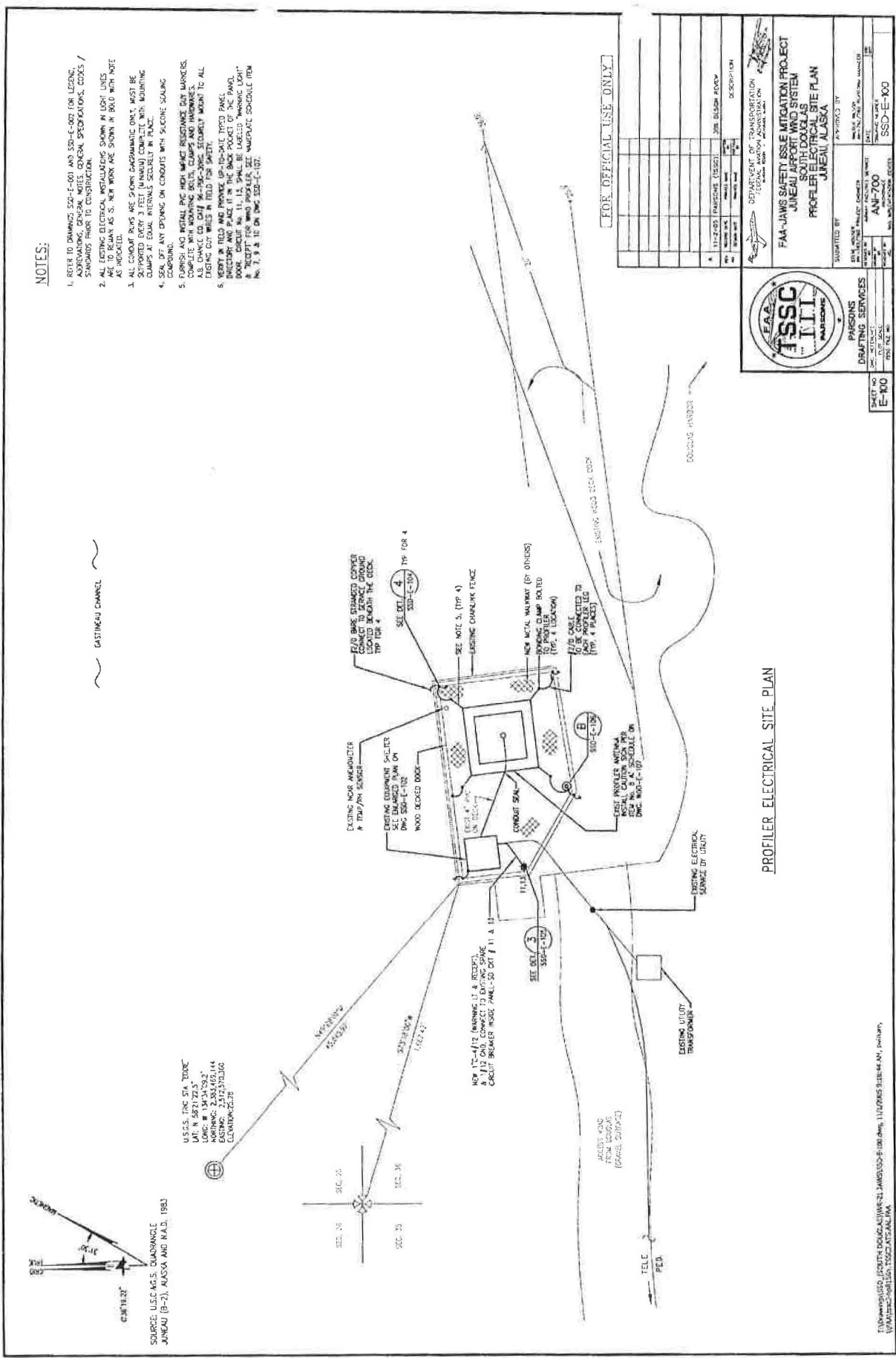


SADDLE ELEVATION

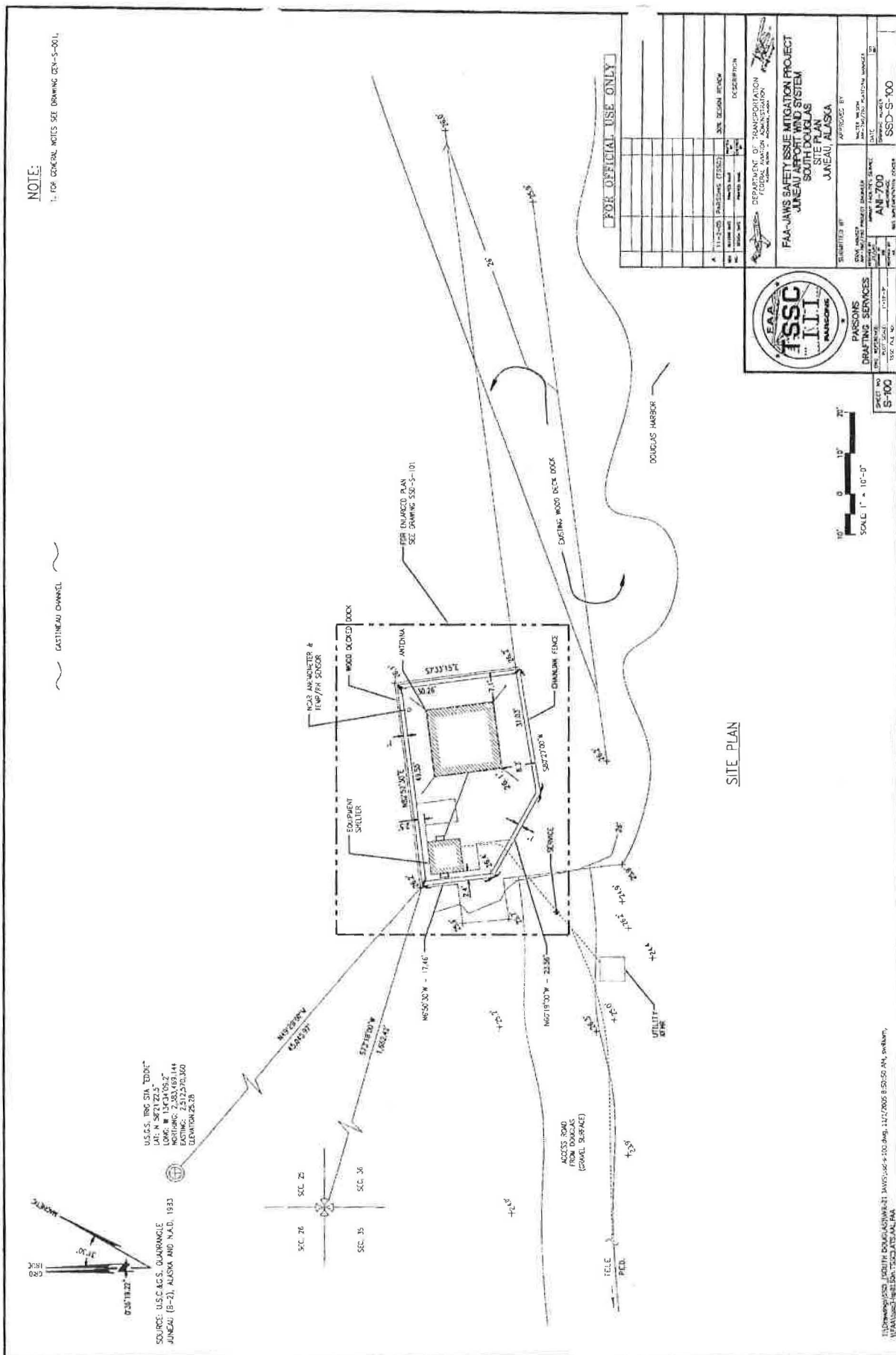
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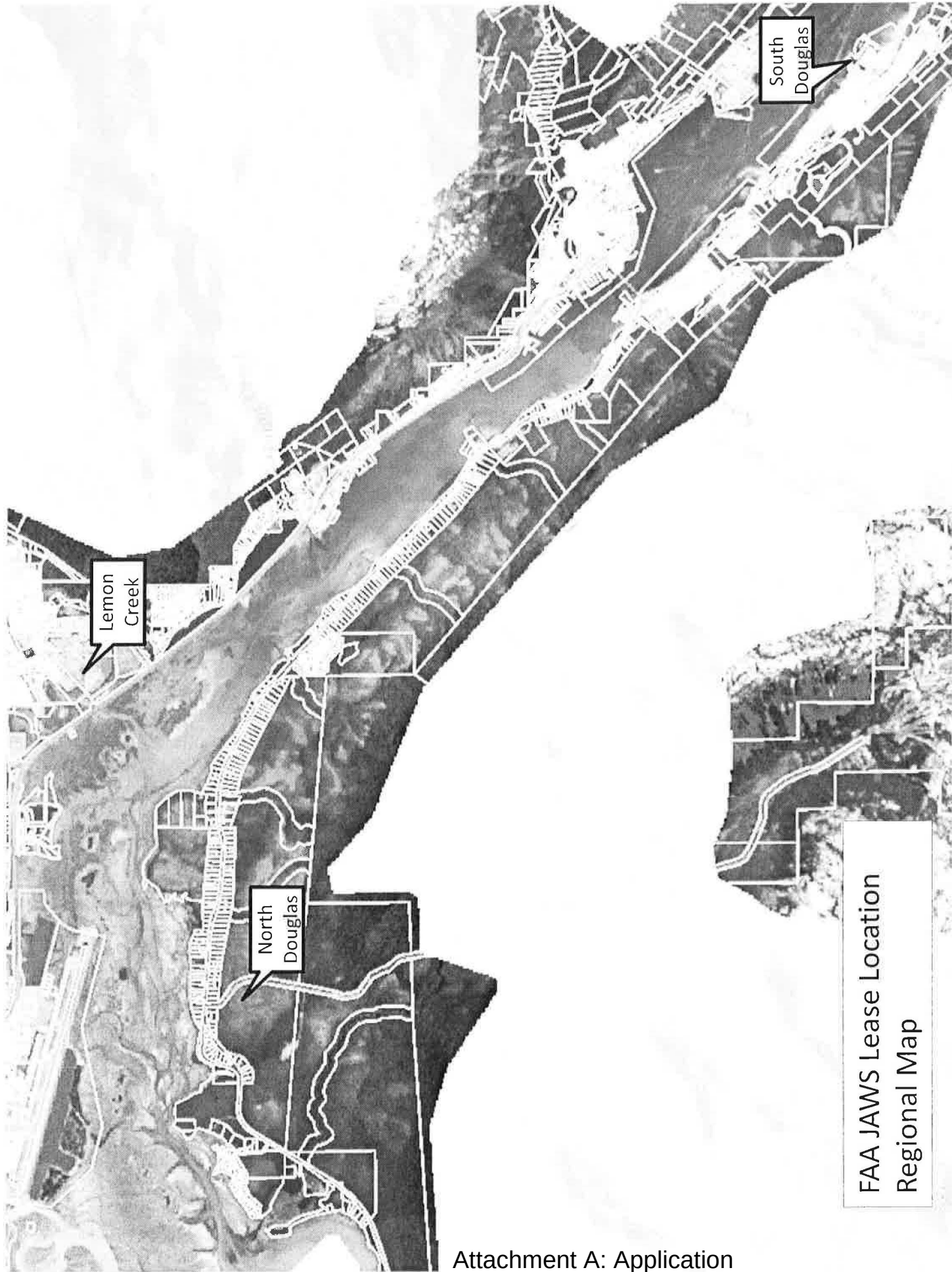
Attachment A: Application



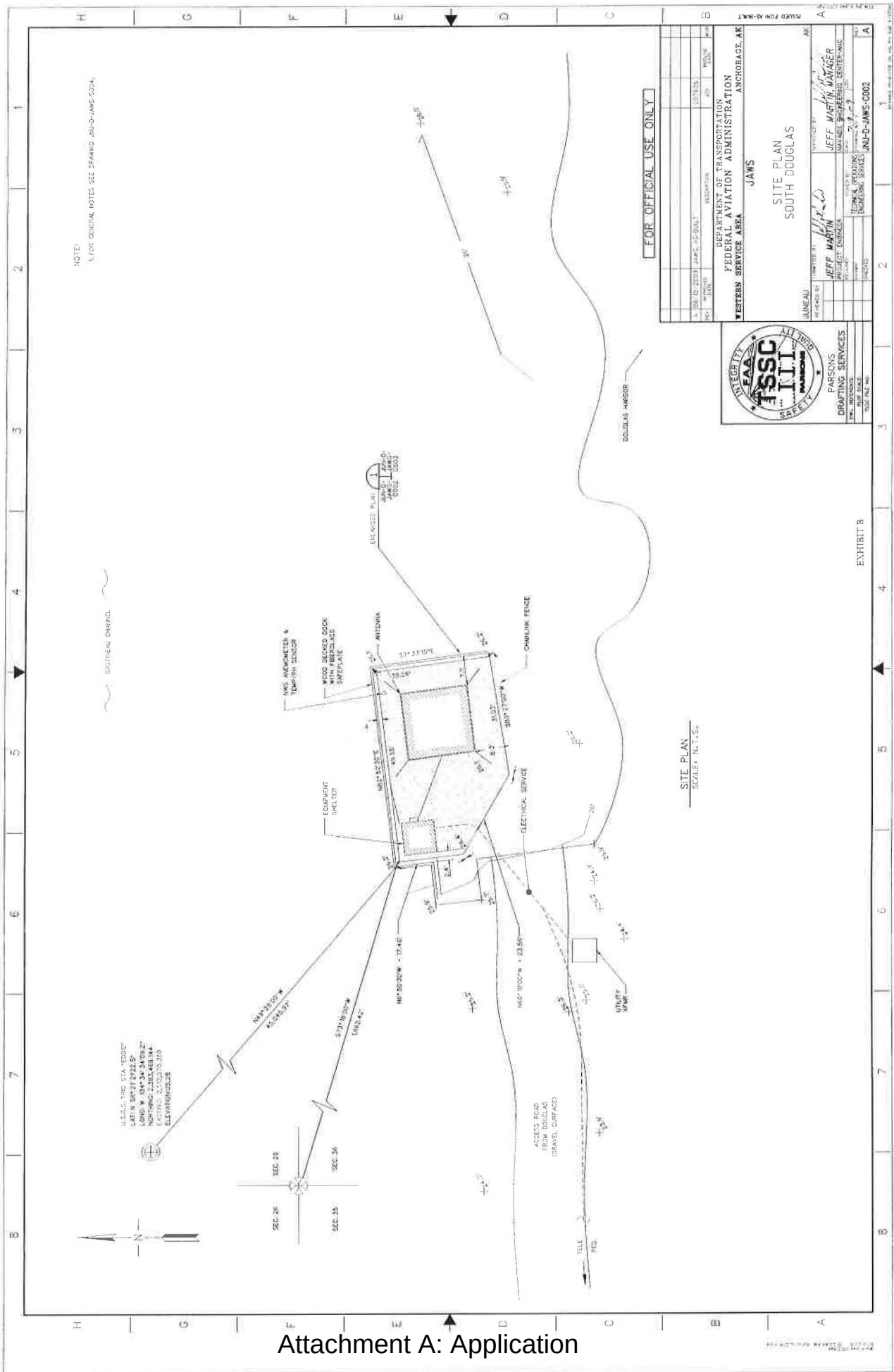


Attachment A: Application

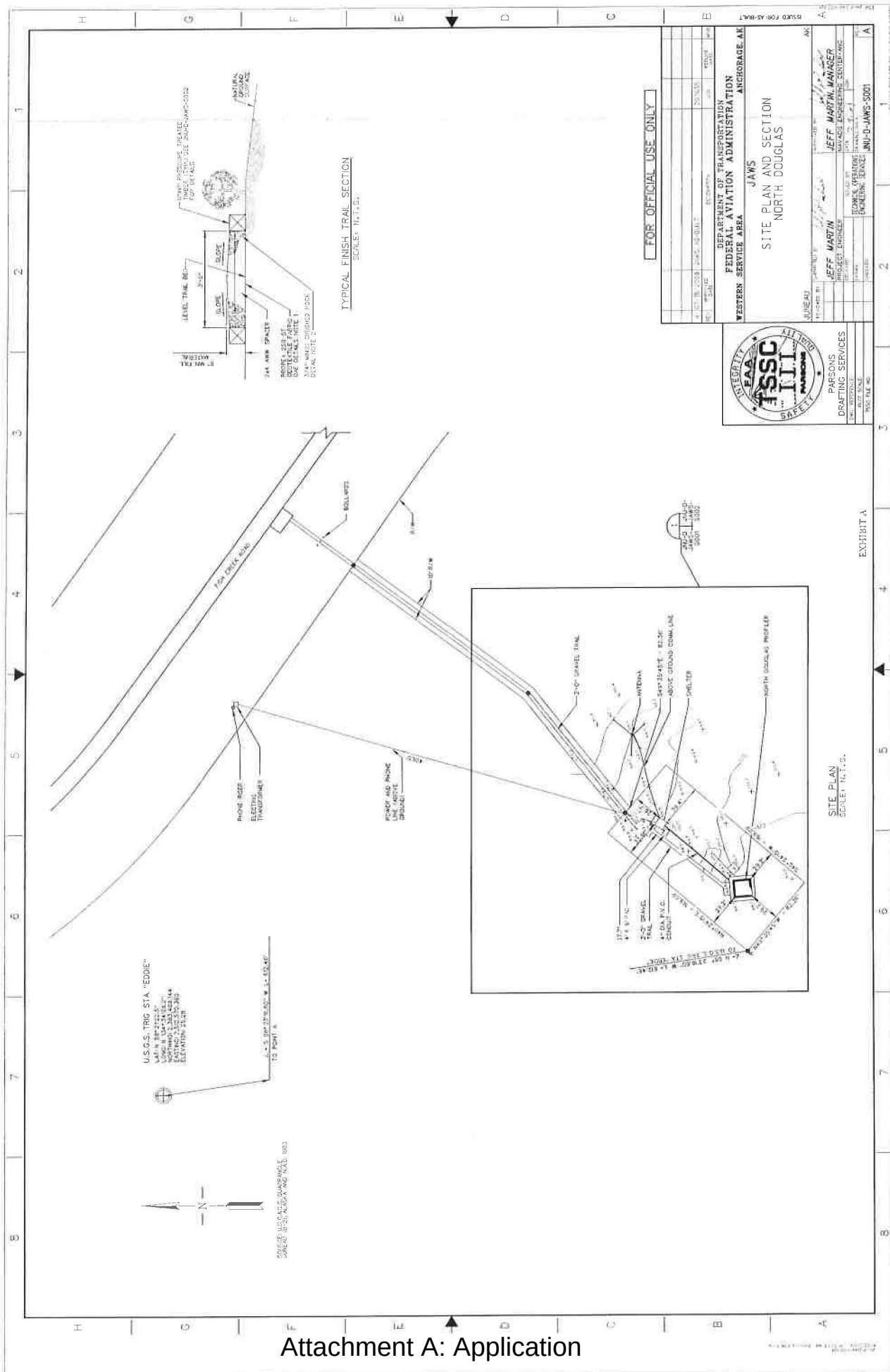


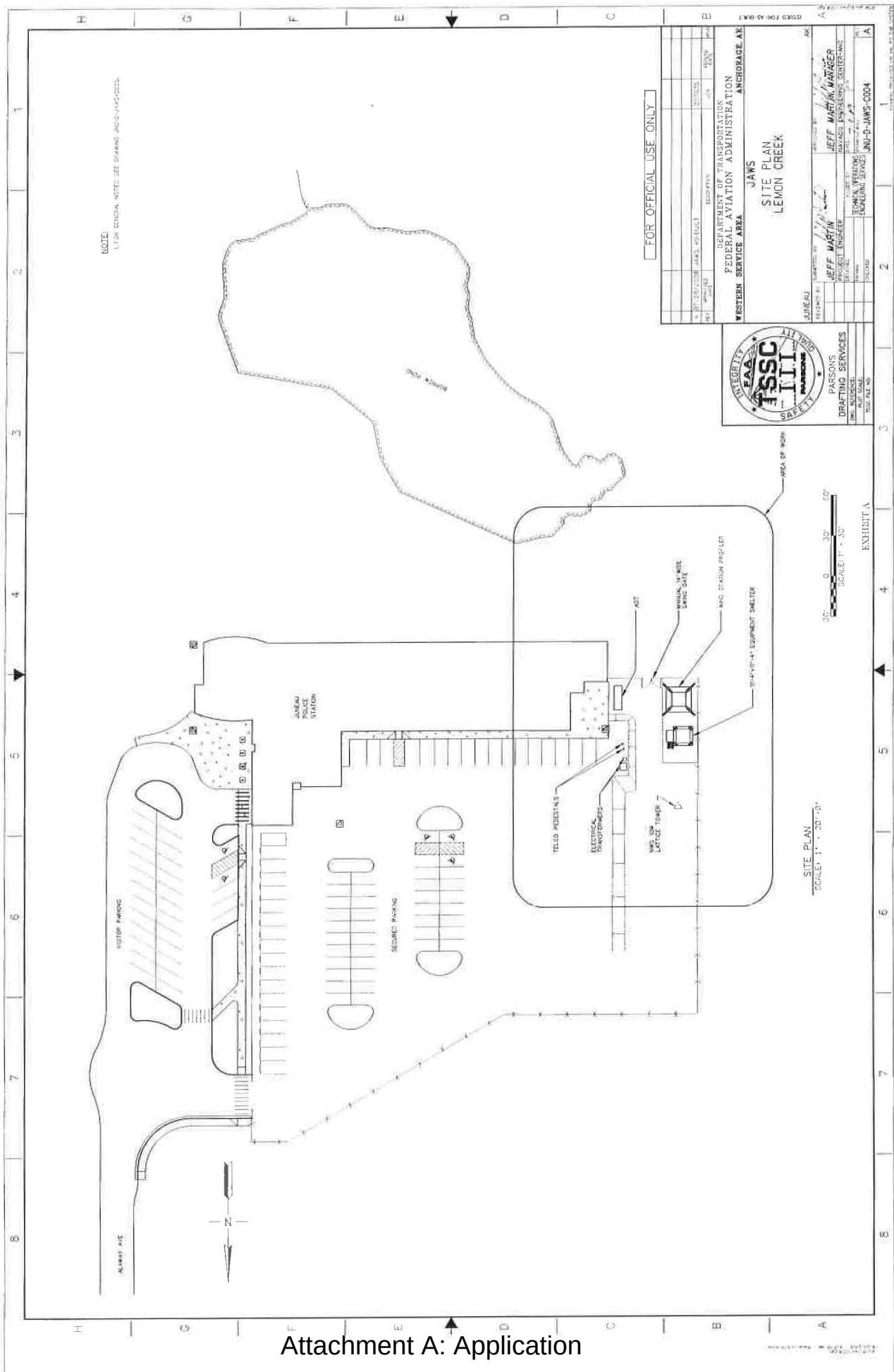


Attachment A: Application



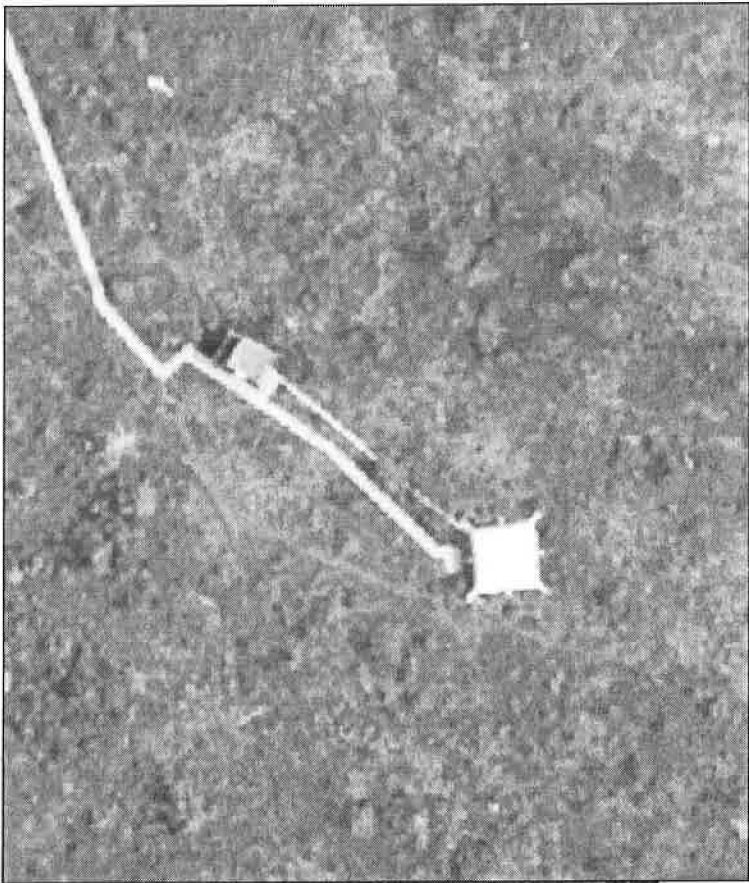
Attachment A: Application



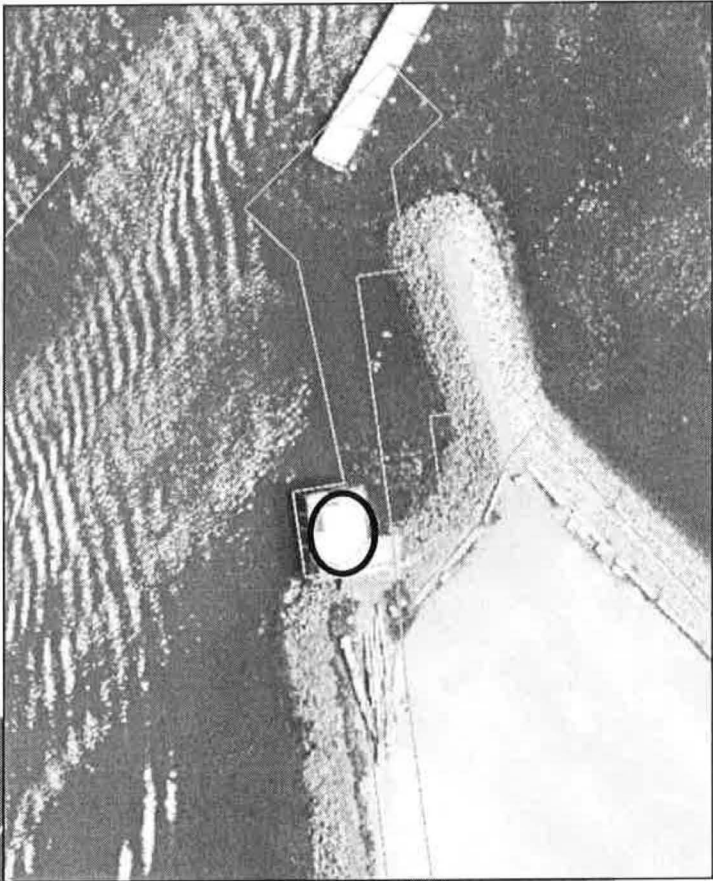
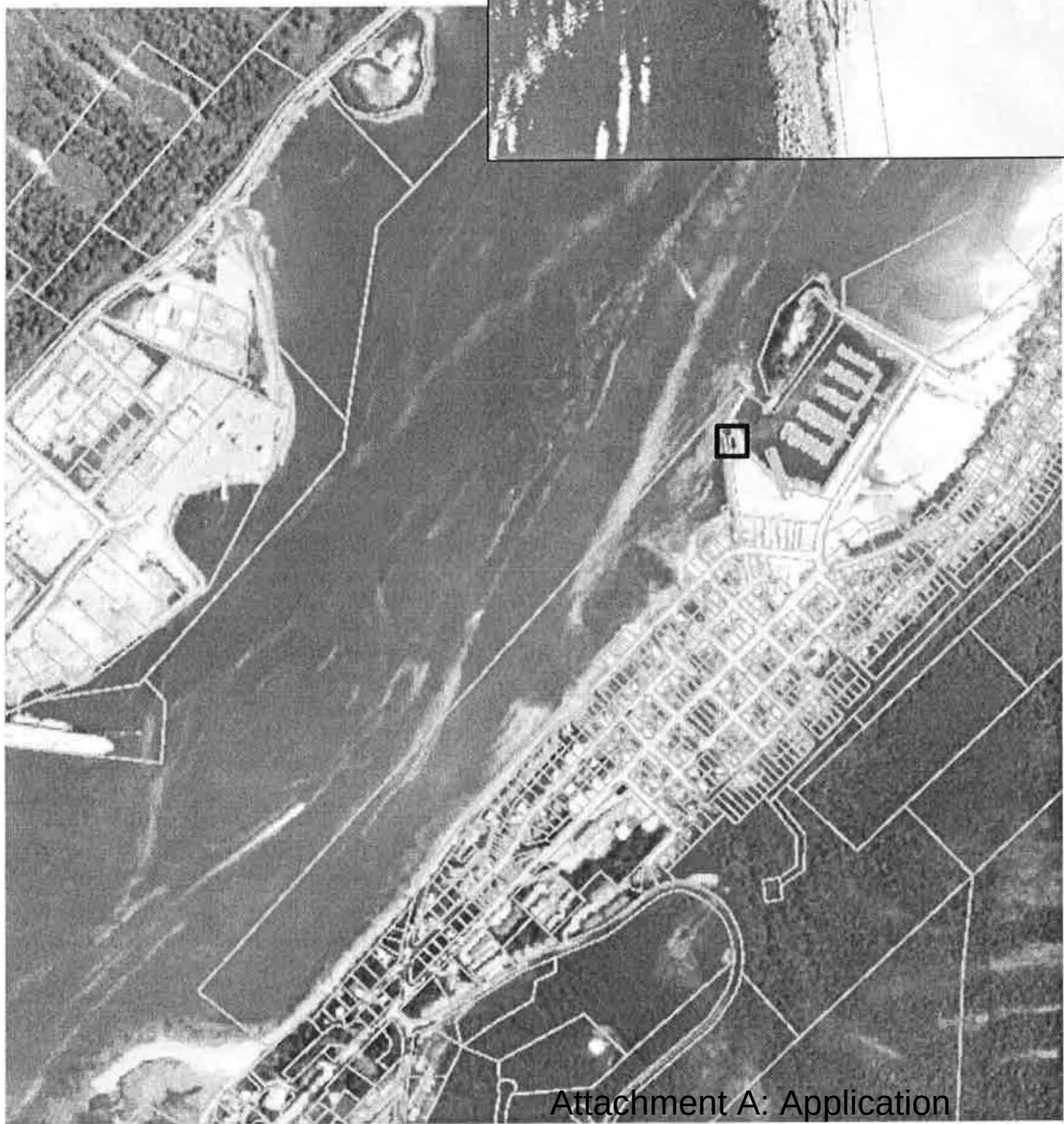


Attachment A: Application

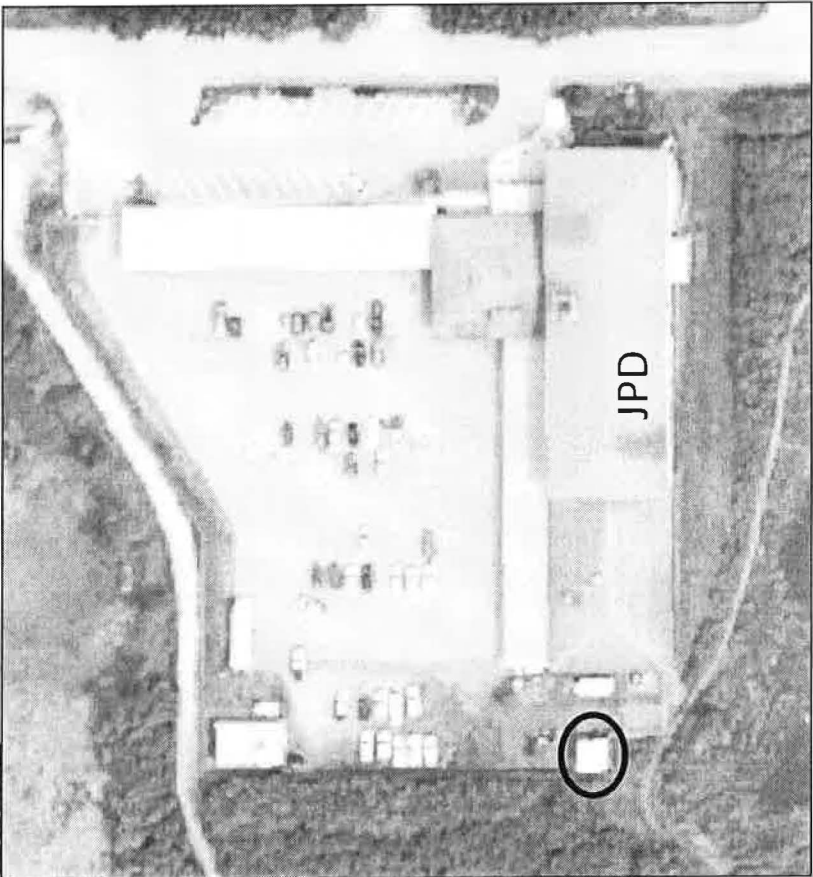
North Douglas
Fish Creek Rd.



South Douglas
Dock Street



Lemon Creek
Juneau Police
Station





Site 1: Fish Creek Road



Site 1: Fish Creek Road



Site 2: Mike Pusich Douglas Harbor, Dock Street



Site 3: Juneau Police Department (JPD), Alaway Avenue



Site 3: JPD, Alaway Avenue

CSP2017-0007

A consistency review for renewal of lease of CBJ lands for existing monitoring equipment associated with the Juneau Airport Wind System (JAWS) .



CSP17-07

Project Proposal

- The Federal Aviation Administration (FAA) wishes to renew its lease of limited areas of the subject parcels for the purposes of continuing to host their weather monitoring equipment.
- The weather monitoring equipment provides data on local aviation conditions in particular wind speeds, windsheer and local turbulence around take-off and landing approach routes for Juneau International Airport.

CSP17-07

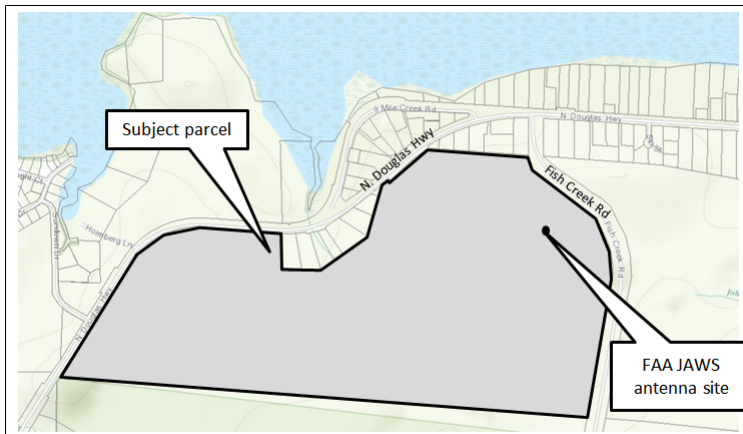
Planning Commission review

49.10.170 (c) City and borough land acquisitions, disposals and projects.

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

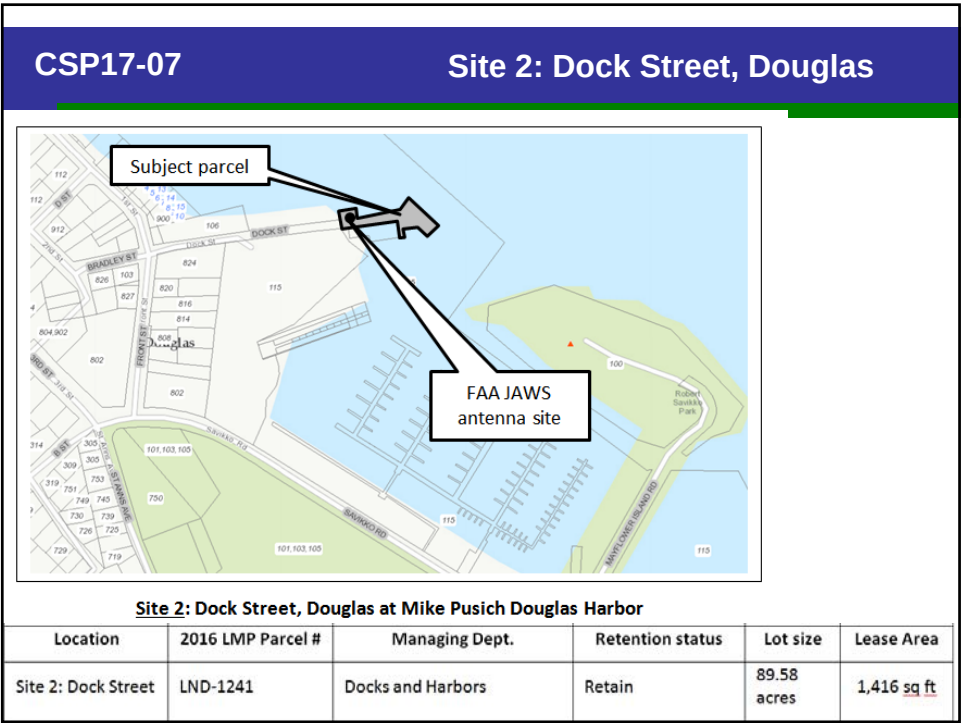
CSP17-07

Site 1: Fish Creek Road, N. Douglas



Site 1: Fish Creek Road, N. Douglas

Location	2016 LMP Parcel #	Managing Dept.	Retention status	Lot size	Lease Area
Site 1: Fish Creek Road	LND-1420	Lands and Resources/Parks and Recreation	Retain/dispose	1,096 acres	13,927 sq ft



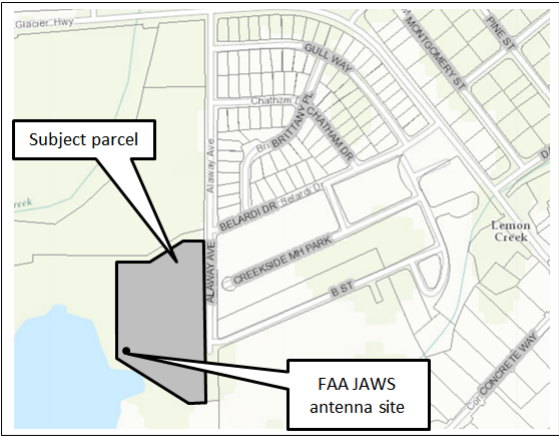
CSP17-07

Site 2: Dock Street, Douglas



CSP17-07

Site 3: Alaway Avenue, Lemon Creek



Site 3: Alaway Avenue, Lemon Creek at JPD

Location	2016 LMP Parcel #	Managing Dept.	Retention status	Lot size	Lease Area
Site 3: <u>Alaway Avenue</u>	LND-0827	JPD	Retain	5.5650 acres	2,269s q ft

CSP17-07

Site 3: Alaway Avenue, Lemon Creek



CSP17-07

**Consistency with adopted plans
Comprehensive Plan**

POLICY 8.1. TO PROMOTE AND SUPPORT AVIATION SAFETY; TO DEVELOP AND MAINTAIN AIRPORT FACILITIES MEETING THE AVIATION TRANSPORTATION NEEDS FOR JUNEAU, ITS RESIDENTS, VISITORS AND COMMERCE; AND TO WORK WITH THE PUBLIC AND PRIVATE SECTORS TO FACILITATE COMMERCE, ECONOMIC DEVELOPMENT, AND ACCESS TO ALASKA'S CAPITAL CITY. (p.104)

POLICY 10.4 TO MINIMIZE CONFLICTS BETWEEN RESIDENTIAL AREAS AND NEARBY RECREATIONAL, COMMERCIAL, OR INDUSTRIAL USES THAT WOULD GENERATE ADVERSE IMPACTS TO EXISTING RESIDENTIAL AREAS THROUGH APPROPRIATE LAND USE LOCATIONAL DECISIONS AND REGULATORY MEASURES. (p. 132)

POLICY 17.2. TO HOLD CERTAIN LANDS IN THE PUBLIC TRUST, AND TO DISPOSE OF CERTAIN LANDS FOR PRIVATE USE WHEN DISPOSAL SERVES THE PUBLIC INTEREST.

OP5 Evaluate land not scheduled for immediate disposal for interim uses prior to private development.

CSP17-07 **Consistency with adopted plans Land Management Plan**

2016 Land Management Plan

The 2016 Land Management Plan notes that land not intended for disposal and given a 'retain' status may be *eased or leased for specific purposes, such as airport related uses...* (p. 43)

The proposed lease is consistent with the adopted 2016 Land Management Plan.

CSP17-07 **Findings and Recommendation**

FINDINGS

CDD staff finds the proposed renewal of an existing lease of the three subject sites by CBJ Lands Division and JPD is consistent with the CBJ Land Use Code and is consistent with adopted plans and studies.

RECOMMENDATION

Staff recommends that the Planning Commission forward the subject proposal to the Assembly with a **recommendation of approval**.



Community Development

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION

NOTICE OF RECOMMENDATION

Date: June 17, 2017

File No.: CSP2017 0007

City and Borough of Juneau
CBJ Assembly Members
155 S Seward Street
Juneau, AK 99801

Proposal: Planning Commission recommendation to the City and Borough Assembly regarding renewal of lease of CBJ lands for existing monitoring equipment associated with the Juneau Airport Wind System (JAWS).

Property Address: Site 1: No address (off Fish Creek Road, North Douglas)
Site 2: 115 Dock Street, Douglas
Site 3: 6235/6255 Alaway Avenue, Lemon Creek

Legal Description: Site 1: Lot 1, USS 3559;
Site 2: ATS 14 Fraction;
Site 3: Tract J1, JPD II

Parcel Code No.: Site 1: 6-D10-1-100-001-0
Site 2: 2-D04-0-T32-006-1
Site 3: 5-B13-0-107-003-8

Hearing Date: June 13, 2017

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 2, 2017, and recommended that the City Manager direct CBJ staff to renew the Federal Aviation Authority (FAA) lease of CBJ lands for existing monitoring equipment associated with the Juneau Airport Wind System (JAWS).

Attachments: June 2, 2017, memorandum from Tim Felstead, Planner, Community Development Department, to the CBJ Planning Commission regarding CSP2017 0007.

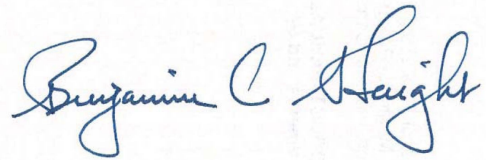
City and Borough of Juneau
 CBJ Assembly
 File No.: CSP2017 0007
 June 17, 2017
 Page 2 of 2

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

Project Planner:



Tim Felstead, Planner
 Community Development Department



Benjamin Haight, Chair
 Planning Commission



Filed With City Clerk

June 19, 2017

Date

cc: Plan Review

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



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

DATE: June 8, 2017

TO: Planning Commission

FROM: Chrissy Steadman, Planner II
Community Development Department

FILE NO.: CSP2017 0010

PROPOSAL: CBJ land disposal to add 14,000 - 22,000 square feet to Entrance Point Subdivision Tract C in the Rural Reserve zoning district along North Douglas Highway.

A handwritten signature in black ink, appearing to read 'Chrissy Steadman', is written over the 'FROM:' line of the letter.

GENERAL INFORMATION

Applicant: City & Borough of Juneau

Property Owner: City & Borough of Juneau

Property Address: N/A

Legal Description: Lot 2, USS 3559

Parcel Code No.: 6-D12-0-111-001-0

Site Size: 90.5 acres

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

Zoning: RR

Utilities: City water & private septic

Access: North Douglas Highway

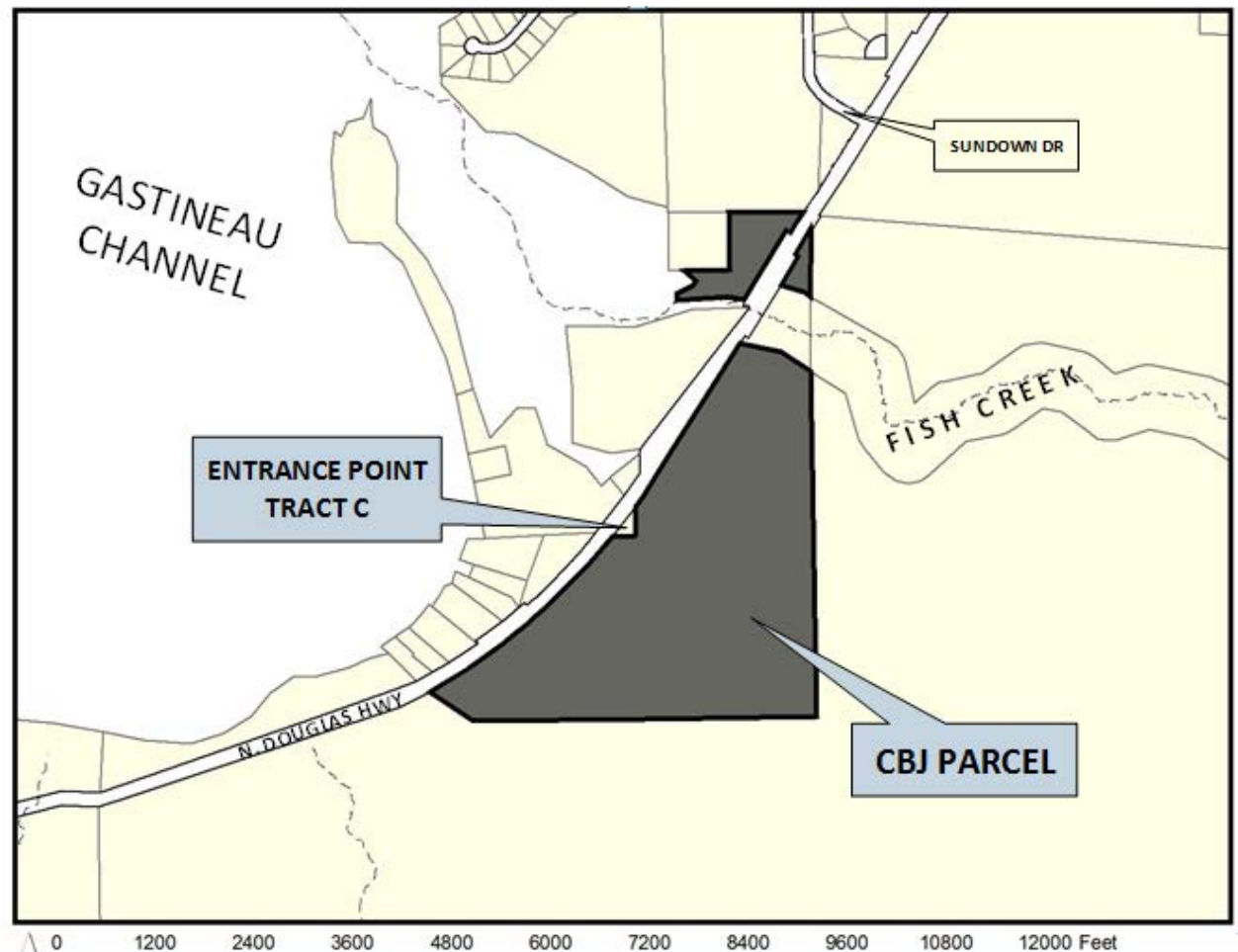
Existing Land Use: Vacant

Planning Commission
File No.: CSP2017 0010
June 8, 2017
Page 2 of 6

Surrounding Land Use:

North	-	Rural Reserve/Vacant
South	-	Rural Reserve/Vacant
East	-	Rural Reserve/Vacant
West	-	Rural Reserve/Vacant

VICINITY MAP



Attachments

Attachment A: CSP Application
Attachment B: Plat of Entrance Point Subdivision
Attachment C: Proposed Land Acquisition

Planning Commission
File No.: CSP2017 0010
June 8, 2017
Page 3 of 6

PROPOSAL

The CBJ Lands & Resources Division has applied for Planning Commission review of a proposed land disposal of 14,000 to 22,000 square feet to increase the size of Entrance Point Subdivision Tract C in the Rural Reserve zoning district along North Douglas Highway.

CBJ 49.10.170 describes the duties of the Planning Commission including the review and recommendation to the assembly of land disposals as described in Title 53.

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

Title 53 requires that all negotiated land leases undergo a review by the Planning Commission before final authorization by the City Assembly.

53.09.260 - Negotiated sales, leases, and exchanges.

(b) Planning commission review, final assembly approval. Upon satisfactory progress in the negotiation or competition undertaken pursuant to subsection (a) of this section, and after review by the planning commission and authorization by the assembly by ordinance, the manager may conclude arrangements for the lease, sale, or exchange or other disposal of City and Borough land. The final terms of a disposal pursuant to this section are subject to approval by the assembly unless the minimum essential terms and the authority of the manager to execute the disposal are set forth in the ordinance enacted pursuant to this subsection. The disposal may not be executed until the effective date of the ordinance.

BACKGROUND

The subject parcel, USS 3559 Lot 2, begins at 8.5 mile North Douglas Highway. The parcel is 90.5 acres and zoned Rural Reserve. Fish Creek, an anadromous stream, runs through the north corner. There are no CBJ mapped wetlands on the parcel. The site is designated for future residential subdivision and managed by Lands & Resources and Parks & Recreation. According to the 2016 Land Management Plan, the parcel has a retention status of retain/dispose. This means that the land is appropriate for disposal, but there are sections such as stream corridors and high value wetlands that may be retained for public purpose. It is a common designation for larger parcels.

Planning Commission
File No.: CSP2017 0010
June 8, 2017
Page 4 of 6

The CBJ acquired USS 3559 Lot 2 from the State of Alaska in 1982. Tract C is 14,260 square feet and was created by the Alaska Department of Transportation during the platting of North Douglas Highway in 1971. Tract C was created prior to existing zoning regulations and is therefore legally nonconforming because it is smaller than the minimum lot size required for the zoning district.

The property owners of Entrance Point Subdivision Tract C (see vicinity map) are seeking to purchase a small portion of Lot 2 in order to make their existing triangular lot a rectangle. Tract C is 14,260 square feet. The minimum lot size in the Rural Reserve zoning district is 36,000 square feet. In order to meet the minimum lot size, the property owner of Tract C would have to purchase 22,000 square feet. However due to price concerns for purchasing land, the owner of Tract C is requesting the minimum necessary to create a rectangular lot, which is 14,000 square feet of USS 3559 Lot 2 (Attachment C). The resulting lot would be 28,260 square feet.

ANALYSIS

The purpose of this land sale is to create a rectangular lot which, according to the property owners, will be easier to develop. The minimum lot size in the Rural Reserve zoning district is 36,000 square feet. The yard setback requirements in the Rural Reserve zoning district are 25 feet in the front and rear and 15 feet on the sides. The minimums for lot width and depth in the Rural Reserve zoning district are each 150 feet. Tract C has two side lot lines measuring 153.80 feet and 189.60 feet respectively and a front lot line measuring 237 feet totaling 14,260 square feet. Lot width is measured at a horizontal distance from the required front setback line. Therefore Tract C is approximately 190 feet wide and meets the RR minimum lot width requirement. Lot depth is measured from the front lot line to the rear lot line. In the instance of a triangle lot such as Tract C, the rear lot line is considered to be the intersection of the two side lot lines opposite the front lot line. Therefore Tract C is approximately 119 feet deep. Because the lot was created prior to existing zoning regulations, the lot is considered legally non-conforming.

The owners of Tract C are requesting to purchase 14,000 square feet which would create a 28,260 square foot lot; 8,000 square feet less than that required for the zoning district. Chapter 49.30 of Title 49, the Land Use Code, addresses nonconforming lots. CBJ 49.30.300(a) states;

A lot rendered substandard in size by the adoption of this title may nonetheless be used in conformity with applicable use regulations, provided that no use, including duplexes and multifamily dwellings, requiring a larger lot size greater than the minimum for that zone shall be permitted except as provided in subsections 49.25.510(h) and (i).

The existing legally nonconforming substandard lot could be developed with a single family residence, as could a 28,000 square foot lot. Title 49 does not prohibit a substandard lot from adding square footage while continuing to be substandard in size.

Planning Commission
 File No.: CSP2017 0010
 June 8, 2017
 Page 5 of 6

CBJ 49.25.430(4)(J) Substandard lots, states;

If the lot width, lot depth, or both are less than required, the corresponding side or rear setbacks may be reduced to the same percentage that the lot width, depth, or both, bear to the zoning district requirements, except that in no case shall the side and rear yard setbacks be less than half those required by this chapter, or five feet, whichever is greater.

This section of code applies to Tract C because it is substandard in depth. By adding the two triangular portions of USS 3559 Lot 2 as proposed, the lot depth would remain approximately 119 feet which is 21 percent less than the minimum lot depth requirement of 150 feet. Therefore the rear yard setback would be reduced from 25 feet to 20 feet.

In order to make the lot conforming, an additional 32 foot by 237 foot portion of USS 1500 would need to be acquired in addition to the 14,000 square feet proposed.

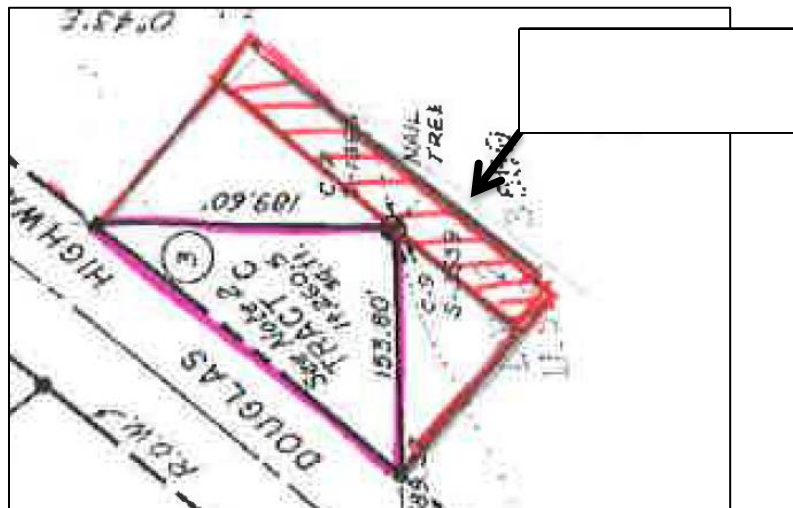


Figure 1: Area required to create a conforming lot

According to CBJ 49.30.400(a), nonconforming situations may not be aggravated. The addition of 14,000 square feet to the already substandard lot does not aggravate the preexisting legal nonconformity. No requirements in Title 49 prevent the sale of the requested 14,000 square feet.

Conformity with Adopted Plans

As previously stated, the subject parcel is primarily designated for disposal except for the portion which contains Fish Creek. The proposed land for acquisition does not contain any portion of Fish Creek. Goal 1 of the 2016 Lands Plan seeks to continue to place CBJ land into private ownership based on the following objectives:

Planning Commission
File No.: CSP2017 0010
June 8, 2017
Page 6 of 6

- Make land available for community expansion.
- Expand the property tax base.
- Minimize the CBJ's costs for disposing of land.
- Provide opportunities for a variety of housing by disposing of land in multiple locations, by a variety of methods and at several price ranges.
- Maximize the CBJ's return on its property.
- Provide opportunities for as many people as possible to acquire CBJ land.

The proposed land disposal would meet Goal 1 of the 2016 Lands Plan.

As related to disposal of CBJ lands, the 2013 CBJ Comprehensive Plan advocates for in-fill development where services and utilities already exist. However, the Comprehensive Plan is silent on minor individual proposals to facilitate the development of a single family dwelling.

Habitat

There are no mapped habitats regulated by the CBJ Land Use Code that impact this proposed land sale.

FINDINGS

Staff finds that the disposal of 14,000 to 22,000 square feet of USS 3559 Lot 2 to be consistent with CBJ adopted plans. As requested, the land sale will create a lot that is non-conforming for lot size but nearer to conformance than the current lot.

RECOMMENDATION

Staff recommends that the Planning Commission find CSP2017 0008 to be consistent with adopted local plans and polices, as required by CBJ 49.10.170(c), CBJ 49.15.580 and AS 35.30.010 and forward to the Assembly a recommendation for approval to allow for the sale of a portion of USS 3559 to the owners of Entrance Point Subdivision Tract C. This recommendation is based on the following condition:

1. The area of land disposed by CBJ to the owners of Entrance Point Subdivision Tract C shall be the minimum necessary to meet the dimensional requirements of the Rural Reserve zoning district found in Title 49, the Land Use Code.

DEVELOPMENT PERMIT APPLICATION

RECEIVED

APR 27 2017

PERMIT CENTER/CDD

Project Number		CITY and BOROUGH of JUNEAU		Date Received:
Project Name (City Staff to Assign Name)				
INFORMATION	Project Description The applicants own a legally non-conforming, triangular, 14,000 sq. ft. lot at 11259 N. Douglas Highway and are purchasing adjacent CBJ property on either side of their lot to make it rectangular in shape. The CBJ Assembly has authorized the Manager to enter into negotiations for a land sale to Mr. Dwight Scott Williams and Ms. Carol Colp for approximately 14,000-22,000 square feet of CBJ property located at USS 3559 Lot 2.			
	PROPERTY LOCATION			
	Street Address 11259 North Douglas Highway		City/Zip Douglas/99824	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) USS 3559 Lot 2			
	Assessor's Parcel Number(s) 6D1201090030			
	LANDOWNER/ LESSEE			
	Property Owner's Name City and Borough of Juneau		Contact Person: Greg Chaney	Work Phone: 907-586-0205
	Mailing Address 155 S. Seward St.		Home Phone:	Fax Number:
	E-mail Address Greg.Chaney@juneau.org		Other Contact Phone Number(s): 907-586-5252	
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****			
PROJECT / APPLICANT	I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this			
	X <u>Greg Chaney</u>		April 25 2017	
	X _____		Date _____	
	Landowner/Lessee Signature		Date	
	NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
	APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
	Applicant's Name SAME		Contact Person:	Work Phone:
	Mailing Address		Home Phone:	Fax Number:
	E-mail Address		Other Contact Phone Number(s):	
	X _____		Date of Application _____	
Applicant's Signature		Date of Application		

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)	
	☒	Building/Grading Permit				
	☒	City/State Project Review and City Land Action		4/27/17	CSP20170010	
	☐	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)				
	☐	Mining Case (Small, Large, Rural, Extraction, Exploration)				
	☐	Sign Approval (If more than one, fill in all applicable permit #'s)				
	☐	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)				
	☐	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)				
	☐	Variance Case (De Minimis and all other Variance case types)				
	☐	Wetlands Permits				
	☐	Zone Change Application				
	☐	Other (Describe)				
	***Public Notice Sign Form filled out and in the file.					
	Comments: Lot will be undersized but improvement in current situation, subdivision required. DOT Driveway permit attached.					Permit Intake Initials TJF

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

FORMS\2010 Applications

Attachment A: Application

Revised November 2009

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Project Number	Project Name (15 characters)	Case Number CSP	Date Received APR 27 2017 PERMIT CENTER/CDD
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TYPE OF PROJECT REVIEW: CSP 20170010

☐ City Project Review
 ☒ City Land Acquisition /Disposal
 ☐ State Project Review

DESCRIPTION OF PROJECT

The applicants own a legally non-conforming, triangular, 14,000 sq. ft. lot at 11259 N. Douglas Highway and are purchasing adjacent CBJ property on either side of their lot to make it rectangular in shape. The CBJ Assembly has authorized the Manager to enter into negotiations for a land sale to Mr. Dwight Scott Williams and Ms. Carol Colp for approximately 14,000-22,000 square feet of CBJ property located at USS 3559 Lot 2.

Please attach a cover letter to fully explain the project if there is not adequate space on this form.

CURRENT USE OF LAND OR BUILDING(S):

CBJ property USS 3559 Lot 2 (LND-1421) is listed in the 2016 Land Management Plan as "retain/dispose." The CBJ has future plans to subdivide the lot; the applicants' request does not hinder future CBJ development of the lot.

PROPOSED USE OF LAND OR BUILDING(S):

The applicants are acquiring CBJ property to make their lot rectangular. With the additional property, the applicants intend to build a small house on the lot.

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

Is this project associated with any other Land Use Permits? ☒ No ☐ Yes Case No.: _____

Capital Improvement Program # (CIP) _____

Local Improvement District # (LID) _____

State Project # _____

ESTIMATED PROJECT COST: \$ Less than \$100,000

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="5" style="text-align: left;">CITY/STATE PROJECT FEES</th> </tr> <tr> <th style="width: 30%;"></th> <th style="width: 10%;">Fees</th> <th style="width: 15%;">Check No.</th> <th style="width: 15%;">Receipt</th> <th style="width: 10%;">Date</th> </tr> <tr> <td>Application Fees</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </table>	CITY/STATE PROJECT FEES						Fees	Check No.	Receipt	Date	Application Fees	\$ _____	_____	_____	_____	Total Fee	\$ _____	_____	_____	_____
CITY/STATE PROJECT FEES																					
	Fees	Check No.	Receipt	Date																	
Application Fees	\$ _____	_____	_____	_____																	
Total Fee	\$ _____	_____	_____	_____																	

**NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM
&
EVEN IF THE PROPOSED PROJECT IS ASSOCIATE WITH OTHER LAND USE PERMITS, THIS
APPLICATION MUST BE FILLED OUT**

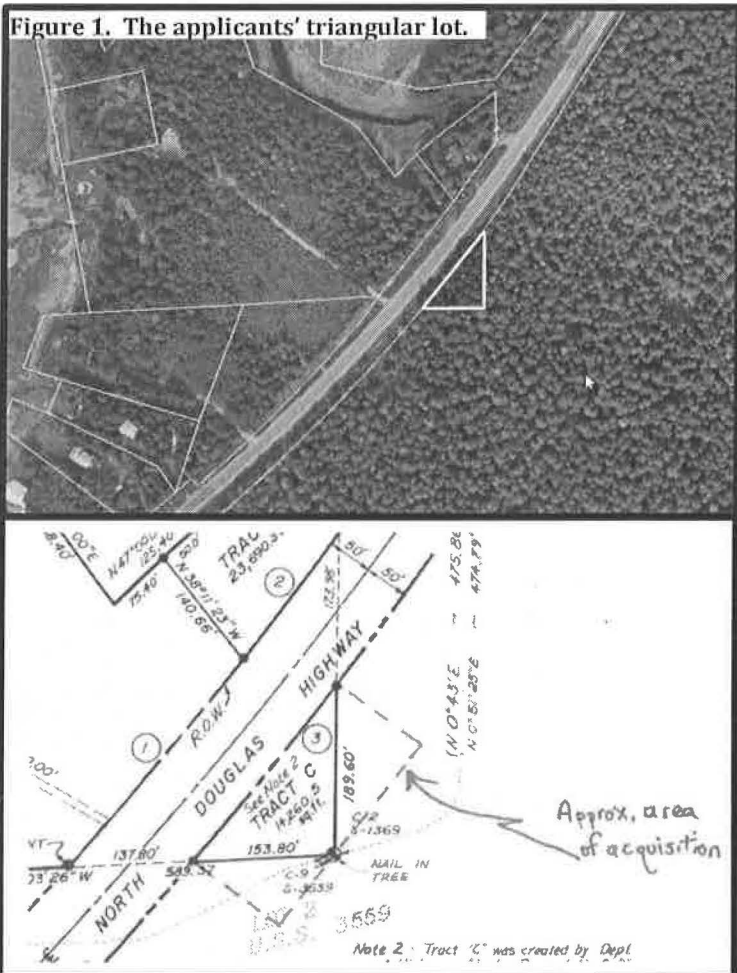


Memorandum

From: Rachel Friedlander
Lands and Resources Specialist *Rachel Friedlander*
To: Assembly Lands Committee
Date: April 6, 2017
Re: Dwight Williams and Carol Colp Application to Acquire City Property
USS 3559 Lot 2
6D1201110010 and 6D1201120080; LND-1421

City & Borough of Juneau
155 S. Seward Street • Juneau, AK 99801

The CBJ Lands Office received an application from Dwight Scott Williams and Carol Colp to acquire City property in North Douglas, about one-third of a mile outbound of the Fish Creek Bridge. The applicants own a substandard triangular shaped lot approximately 14,000 square feet at 11259 N. Douglas Highway (Figure 1). The applicants would like to purchase City property on each side of their lot to form a rectangular lot (Figure 2).



According to the applicant, the current triangular shape of their lot poses challenges with siting a driveway, installing a septic system, and building a desired residential structure. The applicant states that *"because the lot is dimensionally nonconforming and triangular, setbacks reduce the developable lot substantially."* In a letter dated February 14th, 2017, Mr. Williams explains the lot was created when the State of Alaska built this segment of the North Douglas Highway in the 1970's. It appears that the triangular lot was created as a remnant of a larger lot that was cut off by the highway.

The two triangular additions would increase the applicants' lot size by roughly 14,000 square feet, making the lot 28,000 square feet overall. The minimum lot size in Rural Reserve is 36,000 square feet. While the applicants are open to the idea of increasing the amount of square footage they are requesting to meet the current minimum lot size of 36,000 square feet, they would like to move forward with their application as is for financial reasons. If an appraisal reveals they can afford more than the 14,000

square feet they are requesting, they would entertain the idea of acquiring more property in order to meet the minimum lot size requirement of 36,000 square feet.

The 2016 Land Management Plan categorizes the 92.05 acres of CBJ lot USS 3559 Lot 2 (LND-1421) as "retain/dispose." The long range plan for this CBJ property is to subdivide once adequate services and utilities reach this section of North Douglas. The sale of approximately 14,000 square feet of CBJ property to the applicants from LND-1421 would not disrupt the City's future development plans for this site.

CBJ§53.09.260 Negotiated sales, leases, and exchanges stipulates that once an application has been received, it must first be determined by the Assembly whether the proposal should be further considered by direct negotiation with the original proposer or if the property should be offered for public sale to other individuals. In this case, the applicants would not be creating a new lot, only adding to an existing lot to alter its shape and size to make it more compliant with existing minimum lot dimensions and lot design standards. Additionally there are no other private neighboring landholders, aside from the applicants, near CBJ lot LND-1421.

The applicants are requesting the City waive the \$500.00 application fee on the grounds that they will incur a cost burden from initiating the purchase and transfer of City property, which should offset any administrative time taken throughout the negotiation process. *CBJ§53.09.260 Negotiated sales, leases, and exchanges* stipulates that a \$500 fee is required to submit an application to purchase CBJ property. Therefore staff recommends upholding CBJ code and not waiving the \$500 fee. Except in very unusual circumstances, every applicant interested in purchasing CBJ property is required to pay the \$500 application fee, and to pay for all other services needed to complete a potential sale, including surveying costs, appraisal fees, subdivision fees, and recording fees.

Lands staff is requesting that the Lands Committee provide a motion of support in favor of the sale to the original applicants while maintaining the \$500 application fee.

Suggested Motion: A motion of support to the Assembly for a fair market value negotiated sale of approximately 14,000 square feet of City property located at USS 3559 Lot 2 (CBJ LND-1421) to the original applicants, Dwight Scott Williams and Carol Colp.

*Lands Committee
April 10, 2017 minutes (DRAFT)*

option. Ms. Elfers said the lot could be used for household hazardous waste but she was not sure if it could accommodate both household hazardous waste and recycling.

Mr. Kiehl said it's to the City's benefit to consolidate operations; enable the adjacent landowner to grow the business; and examine additional land options for relocation.

The Lands Committee reviewed the following three motions to be forwarded to the Finance Committee:

1. A recommendation to authorize the manager to begin negotiations directly with the Brewery for sale of the four lots.
2. A recommendation to move the water utility to the valley shop
3. A recommendation to purchase the Channel property, move Recycling and HHW to the property and consider other program components such as Junk Vehicles and composting on the site.

Mr. Kiehl said he was in support of the first and second motion but was hesitant regarding the third motion, especially because a thorough financial evaluation of the properties has yet to occur.

Ms. Elfers asked the Lands Committee to refine the list of potential program relocation properties. Mr. Gregory replied that the gravel pit location is not an option, and the Lands Committee confirmed it so. Mr. Kiehl said the former valley shop site is less appealing as a drop off for the general public and would like to see staff look more into the possibilities of a lease. If the City proceeds with a lease, it will have needed to save a fair amount of money throughout the lease; Mr. Kiehl requested more financial information to see if a lease should or should not be considered. Mr. Kiehl said he is also surprised the 7 mile site is tight, and wanted an analysis of this property in addition to Mr. Gregory's request regarding the Alaska Brewing Company's lot across from Costco.

The Lands Committee unanimously forwarded a motion of support to the Assembly to authorize the manager to begin negotiations directly with the Brewery for sale of the four lots.

PUBLIC PARTICIPATION ON AGENDA ITEM A

There was no public participation on Agenda Item A.

- B. Dwight Williams and Carol Colp Application to Acquire City Property
Ms. Friedlander addressed the Lands Committee with her April 6th, 2017 memo. The CBJ Lands Office received an application from Dwight Scott Williams and Carol Colp to acquire City property in North Douglas, about one-third of a mile outbound of the Fish Creek Bridge. The applicants own a substandard triangular shaped lot approximately 14,000 square feet at 11259 N. Douglas Highway. The applicants would like to purchase City property on each side of their lot to form a rectangular lot. The applicants' current request of 14,000 square feet of CBJ property would still make their lot substandard for land located with a rural

reserve zoning designation; they would be interested in acquiring more property if an appraisal shows the land will be affordable.

Mr. Gregory asked what Mr. Williams would do with a non-conforming lot and Mr. Williams replied he would build a house on the lot although that would be much more difficult to do. Mr. Williams said he is planning to build a small house on the lot. By adding more square footage to his existing lot, Mr. Williams believes it will be easier to develop. Mr. Gregory asked if Mr. Williams would be interested in buying enough property to make the lot conforming and Mr. Williams replied he would if he could afford it. At this point in time, Mr. Williams said he would just like to square off the lot so that it is rectangular, but that if he can afford more property, he is interested.

Chair White disclosed that she did reach out to the applicant with the same question because of her concern of building on a non-conforming lot. Mr. Williams said he would prefer a larger lot, but that affordability is a challenge.

Mr. Kiehl said the land is managed by both CBJ Lands and Resources Division and the CBJ Parks and Recreation Department, and was curious what Parks and Recreation thought of Mr. Williams' proposal. Ms. Friedlander replied she had not asked Parks and Recreation for their input on this proposal, and that the Land Management Plan lists the property as "retain/dispose." Mr. Chaney added that the anadromous stream that runs through the property is what is designated as Parks and Recreation property; the rest of the lot is managed by the Lands and Resources Division.

Chair White was concerned the motion did not incorporate enough flexibility for surveyors when evaluating the property but Lands staff confirmed the word "approximately" allows for this flexibility.

The Lands Committee unanimously forwarded a motion of support to the Assembly for a fair market value negotiated sale ranging from approximately 14,000 to 22,000 square feet of City property from USS 3559 Lot 2 (CBJ LND-1421) to the original applicants, Dwight "Scott" Williams and Carol Colp.

PUBLIC PARTICIPATION ON AGENDA ITEM B

There was no public participation on Agenda Item B.

VI. STAFF REPORTS

There were no staff reports.

VII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

There were no committee member or liaison comments or questions.

VIII. ADJOURNMENT

The meeting was adjourned at 5:55pm.

DRAFT

None.

X. NEW BUSINESS

- A. Authorization for the Manager to Enter into a Fair Market Value Negotiated Sale of City property from USS 3559 Lot 2.

The Lands Office received an application to purchase approximately 14,000 square feet of City property on each side of the applicants' existing lot located at 11259 North Douglas Highway. The applicants' legally non-confirming 14,000 square foot lot does not meet the minimum dimensional standards for a lot located in a rural reserve zoning district. The applicants would like to purchase adjacent City property to increase their current lot size. The Lands Committee encouraged the applicants to purchase additional property so that their lot would conform with the area's rural reserve zoning designation, which requires lots to be a minimum of 36,000 square feet and 150 feet in depth.

On April 10, 2017, the Assembly Lands Committee adopted a unanimous motion of support to the Assembly for a Fair Market Value Negotiated Sale ranging from approximately 14,000 to 22,000 square feet of City property from USS 3559 Lot 2 (CBJ LND-1421) to the original applicants. The applicants indicated they would purchase as much property as they could afford but were unable to commit to purchasing 22,000 square feet until a sale price was established.

As established in CBJ 53.09.260(a) staff recommends that this proposal be pursued by direct negotiation with the original proposers because this land sale would not create new lots, only add to an existing lot.

The Manager requests a motion of support to enter into direct negotiations for the disposal of approximately 14,000 to 22,000 square feet of City property from USS 3559 Lot 2.

Public Comment:

None.

Assembly Action:

***MOTION**, by Becker, to authorize the manager to enter into direct negotiations for the disposal of approximately 14,000 to 22,000 square feet of City property from USS 3559 Lot 2. Hearing no objection, it was so ordered.*

XI. STAFF REPORTS

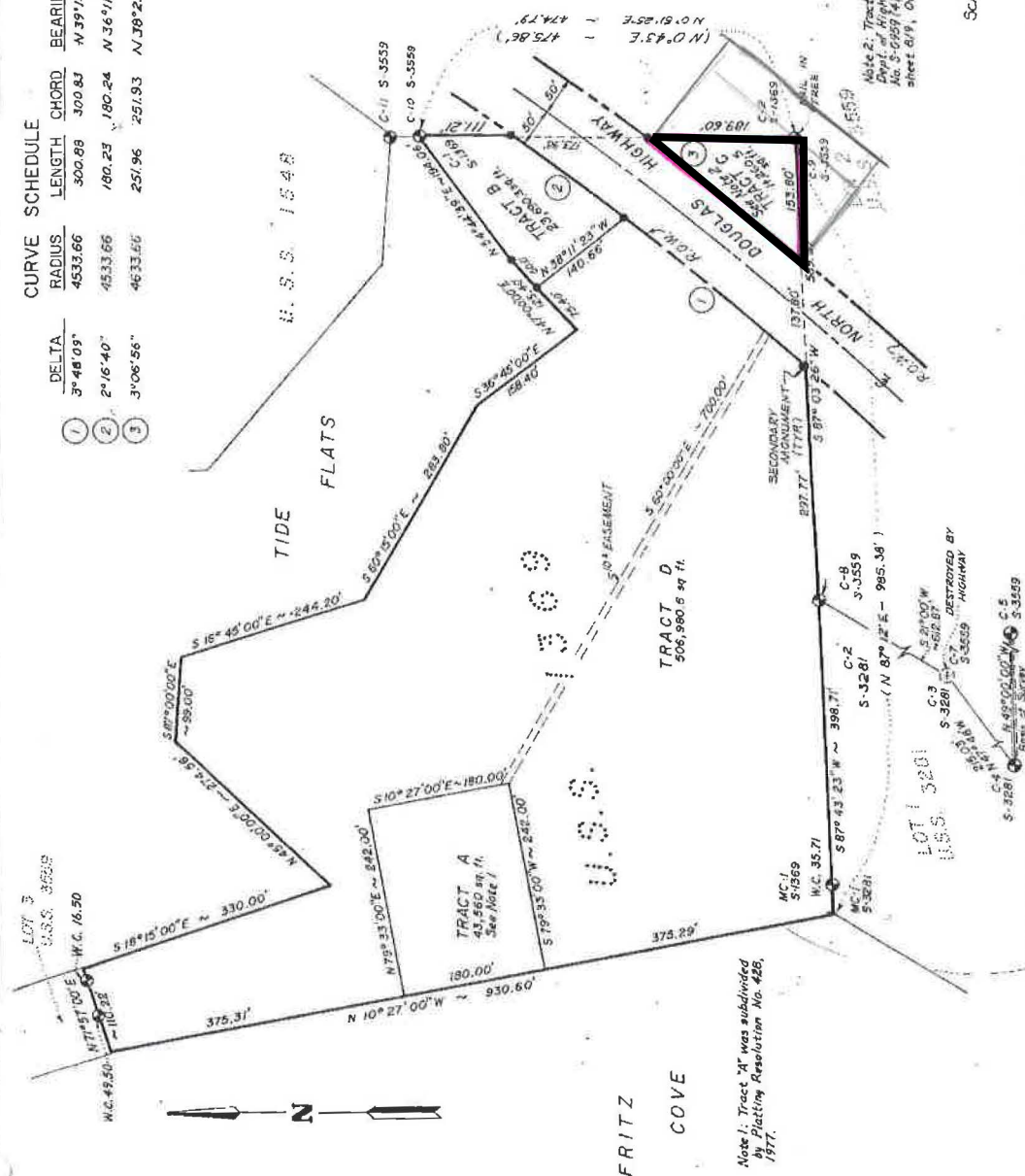
- A. Auke Bay Marine Station

Mr. Watt said CBJ and UAS are extremely close to an agreement regarding the Auke Bay Marine Station. This agreement will share the parcel by subdivision, allowing the



VICINITY MAP
SCALE 1" = 1/4 MILE

CURVE	SCHEDULE	RADIUS	LENGTH	CHORD	BEARING
1	DELTA	3" 48' 09"	300.89	300.83	N 39° 13' 35" E
2	2" 16' 40"	453.36	180.23	180.24	N 36° 11' 07" E
3	3" 06' 56"	463.36	251.96	251.93	N 39° 23' 06" E



CERTIFICATE OF APPROVAL BY THE BOARD

I hereby certify that the subdivision plat shown herein has been found to comply with the subdivision regulations of the City and Borough of Juneau, Alaska, and that said plat shown herein has been approved by the Planning Board by Resolution No. 27-573 dated 8/19, 1982, and that the plat shown herein has been approved for recording in the office of the District Recording Office, Juneau, Alaska.

Dated July 20, 1982.

Donna J. Pugh
Chairman, Planning Board
City and Borough of Juneau, Alaska

SURVEYOR'S CERTIFICATE

I hereby certify that I am a professional Land Surveyor registered in the State of Alaska, and that this plat represents the survey made by me, or under my direct supervision, that all dimensions and relative bearings are correct and that corner monuments are set in place and noted upon this plat as present.

LEGEND

- B.L.M. Monument located this survey
- Secondary Monument set this survey 3/4" Rebar with Plastic Cap.



STATEMENT OF OWNERSHIP

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described herein and that I (we) hereby adopt this plan of subdivision with my (our) free consent and dedicate all streets, alleys, walks, parks and other open spaces public or private use as noted.

Dated July 14, 1982.

Owner: John & Mary Williams Witness: Stuart Beatty
Owner: John & Mary Williams Witness: Stuart Beatty

NOTARY'S ACKNOWLEDGEMENT

On this 14 day of July, 1982, before me, the undersigned, a Notary Public in and for the State of Alaska, residing at 1215 E. 1st Avenue, Anchorage, Alaska, known to me to be the person who executed the foregoing certificate and acknowledged to me that he executed said certificate freely and voluntarily for the uses and purposes therein mentioned.

In witness whereof, I have hereunto affixed my signature and official seal the day, month, and year in this certificate first above and therein mentioned.

Harold H. Bean
Notary Public for the State of Alaska
My commission expires: July 1, 1985

SCALE

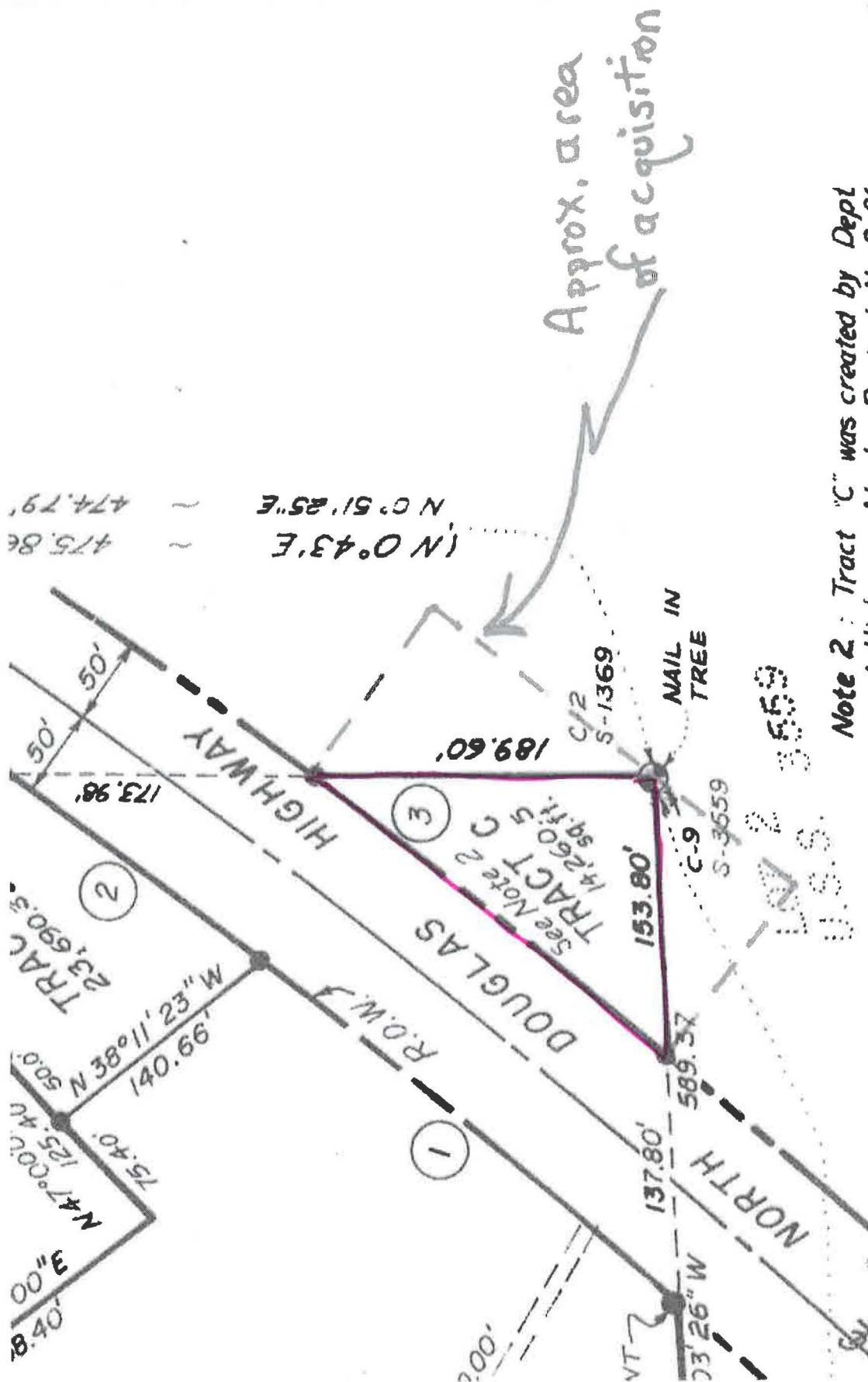


A PLAT OF:

ENTRANCE POINT
SUBDIVISION
RESUBDIVISION OF U.S. SURVEY No. 1369
INTO TRACTS A, B, C AND D.

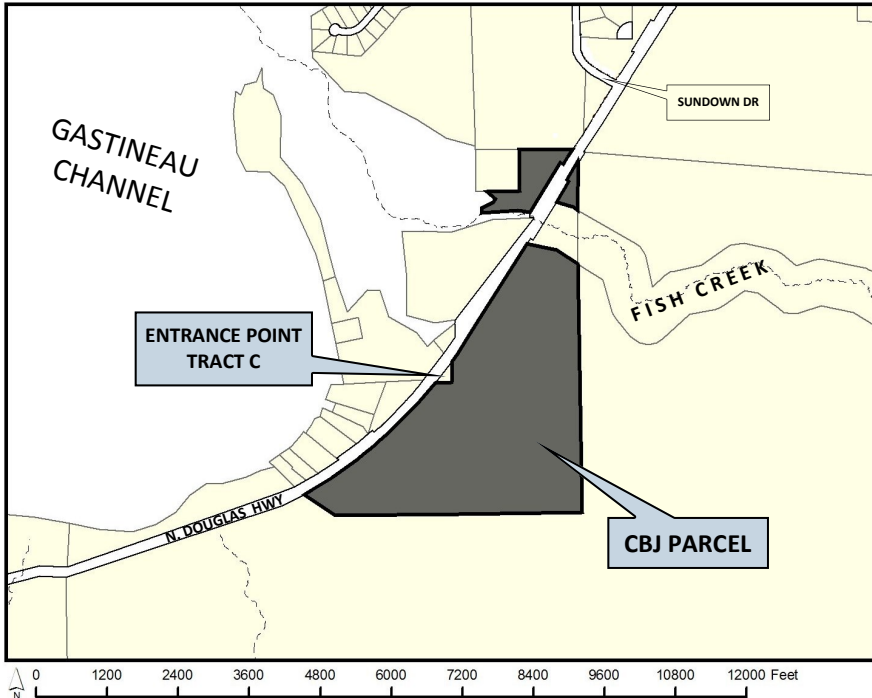
J.W. BEAN
PROFESSIONAL SURVEYOR
2215 E. 1st Ave.
ANCHORAGE, ALASKA
NO. 1369-0000
SURVEYOR - PLANNER

DATE OF SURVEY: July 1, 1982
BOOK: 4 PAGE: 57
JOB NO.: 7777
DRAWN BY: J.W. Bean
CHECKED BY: J.W. Bean



Attachment C: Proposed Land Acquisition

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:

PROPOSAL: CBJ land disposal to add approximately 22,000 square feet to Entrance Point Subdivision Tract C in the Rural Reserve zoning district along North Douglas Highway.

File No:	CSP2017 0010	Applicant:	City & Borough of Juneau
To:	Neighborhood Associations	Property PCN:	6D1201110010
Hearing Date:	June 13, 2017	Owner:	City & Borough of Juneau
Hearing Time:	7:00 PM	Lot Size:	90.5 acres
Place:	Assembly Chambers, Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	RR (Rural Reserve)
		Site Address:	11259 N. Douglas Highway
		Accessed Via:	N. Douglas Highway

PLEASE NOTE:

You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included in the information packet given to the Planning Commission a week before the Public Hearing. Written material received after the deadline will be provided to the Planning Commission at the Public Hearing.



If you have questions, please contact Chrissy Steadman at Christine.steadman@juneau.org or (907) 586-0761.

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

CSP2017 0010 – CBJ land disposal to add approximately 22,000 square feet to Entrance Point Subdivision Tract C in the Rural Reserve zoning district along North Douglas Highway.

June 13, 2017



CSP17-10

PROJECT AREA

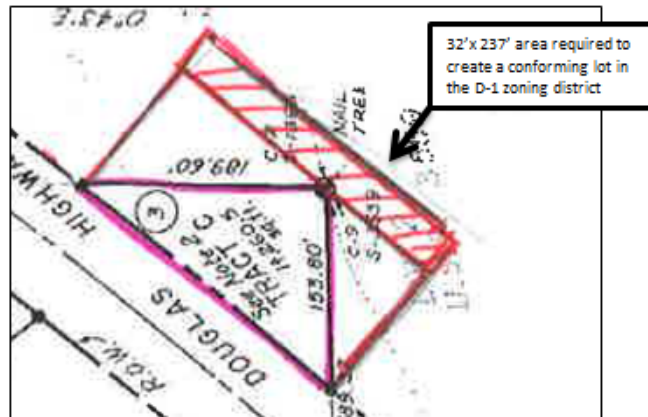


CSP17-10		PROJECT DESCRIPTION
Applicant:	City & Borough of Juneau	
Property Owner:	City & Borough of Juneau	
Legal Description:	Lot 2 USS 3559	
Parcel Code No.:	6-D12-0-111-001-0	
Site Size:	90.5 acres	
Comprehensive Plan Future Land Use Designation:	Rural Low Density Development (RLDR)	
Zoning:	Rural Reserve (RR)	
Utilities:	City water and private septic	
Access:	North Douglas Highway	
Existing Land Use:	Vacant	
		

CSP17-10		CONFORMITY WITH PLANS
Title 49: CBJ 49.30.300(a): <i>A lot rendered substandard in size by the adoption of this title may nonetheless be used in conformity with applicable use regulations, provided that no use, including duplexes and multifamily dwellings, requiring a larger lot size greater than the minimum for that zone shall be permitted except as provided in subsections 49.25.510(h) and (i).</i> CBJ 49.30.400(a): <i>nonconforming situations may not be aggravated</i>		
		

CSP17-10

CONFORMITY WITH PLANS



CSP17-10

CONFORMITY WITH PLANS

2016 CBJ Lands Plan – Goal 1

- Make land available for community expansion.
- Expand the property tax base.
- Minimize the CBJ's costs for disposing of land.
- Provide opportunities for a variety of housing by disposing of land in multiple locations, by a variety of methods and at several price ranges.
- Maximize the CBJ's return on its property.
- Provide opportunities for as many people as possible to acquire CBJ land.

2013 Comprehensive Plan

No Goals or policies restrict or prohibit the proposed land disposal



CSP17-08

CONFORMITY WITH PLANS

With appropriate conditions, the disposal of this CBJ owned parcel within the severe hazard zone can meet the intent behind CBJ retaining property or acquiring private property within severe hazard zones.



CSP17-08

RECOMMENDATION

Staff recommends that the Planning Commission find CSP2017 0008 to be consistent with adopted local plans and policies, as required by CBJ 49.15.170(c), CBJ 49.15.580 and AS 35.30.010 and forward to the Assembly a recommendation for approval to allow for the sale of Lot 5 & 6 Fraction, Block 115, Juneau Townsite to the owners of Lot 7, Block 115, Juneau Townsite.



CSP17-08

RECOMMENDATION

This recommendation is based on the following condition:

1. The fraction of Lots 5 & 6 and Lot 7 of Juneau Townsite Block 115 shall be consolidated.



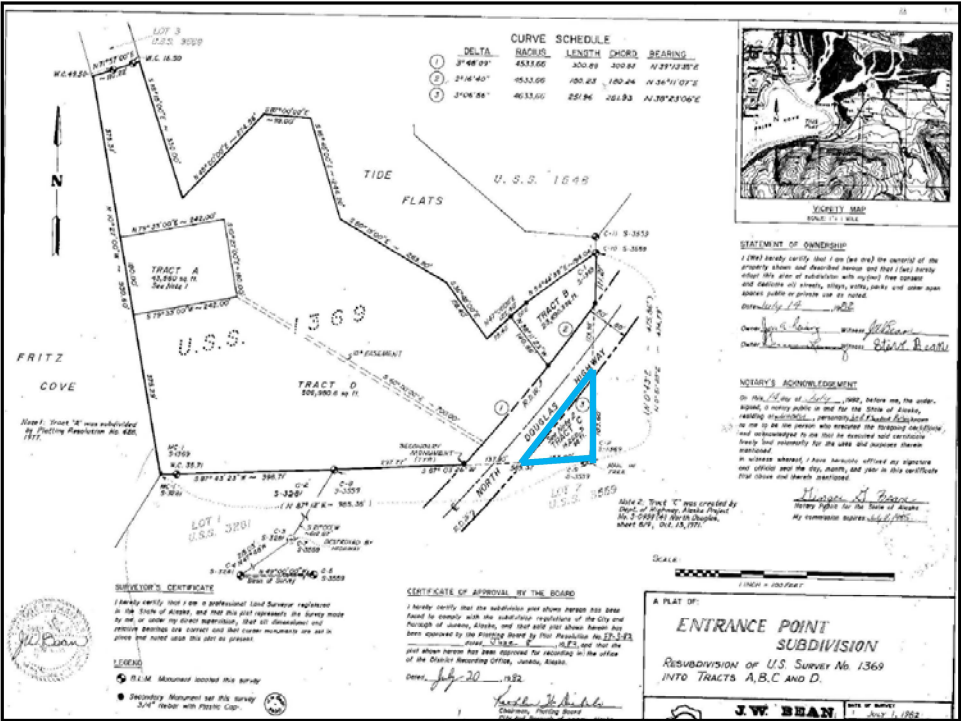
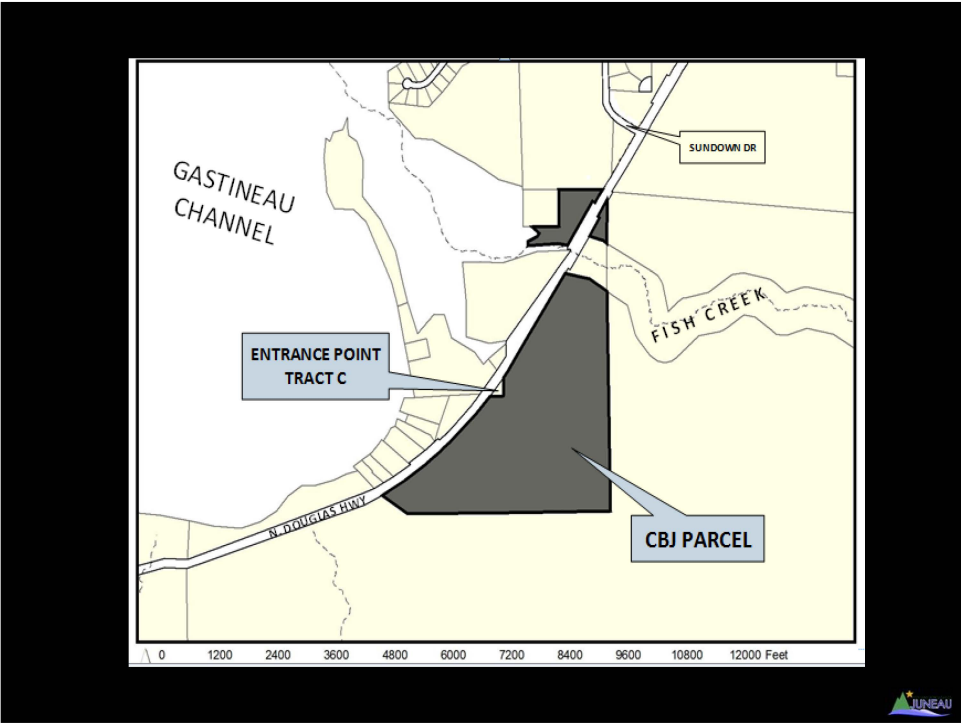
Planning Commission
June 13th, 2017

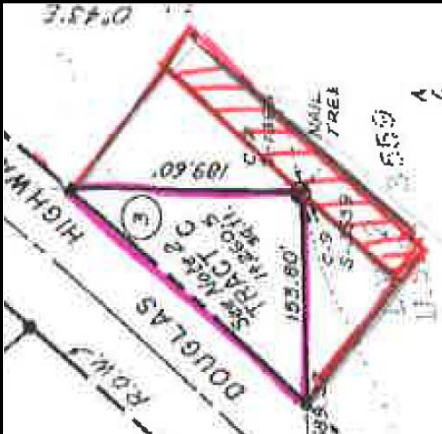
Dwight "Scott" Williams and Carol Colp:
Proposal to Acquire City Property



Applicants' current property at 11259 N. Douglas Highway







Tract C Triangle: 14,260 sq. ft.
2 Side Triangles: ~14,260 sq. ft.
Additional sq. ft: ~8,100 sq. ft.

Total: 36,620 sq. ft.

Rural Reserve Zoning Requirements

	Current	Proposed	Compliant
Area (sq. ft.)	~14,000	~28,000	36,000
Depth (ft)	~107	~107	150
Width (ft)	~192	~240	150

Applicants' D. Scott Williams and Carol Colp's proposal of purchasing ~14,000 sq. ft. improves an existing substandard lot.

Lands staff supports the applicants' proposal of a ~14,000 sq. ft. lot line adjustment but do not object to CDD's recommendation of making the lot conform with Rural Reserve zoning requirements.





Community Development

(907) 586-0715

PC_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: June 17, 2017
File No.: CSP2017 0010

City and Borough of Juneau
CBJ Assembly Members
155 S Seward Street
Juneau, AK 99801

Proposal: Planning Commission recommendation to the City and Borough Assembly regarding a proposed CBJ land disposal to add 14,000 - 22,000 square feet to Entrance Point Subdivision Tract C in the Rural Reserve zoning district along North Douglas Highway.

Legal Description: Lot 2, USS 3559

Parcel Code No.: 6-D12-0-111-001-0

Hearing Date: June 13, 2017

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 8, 2017, and found CSP2017 0010 to be consistent with adopted local plans and policies, as required by CBJ 49.10.170(c), CBJ 49.15.580 and AS 35.30.010 and recommends the Assembly approval the sale of a portion of USS 3559 to the owners of Entrance Point Subdivision Tract C with the following condition:

1. The area of land disposed by CBJ to the owners of Entrance Point Subdivision Tract C shall be the minimum necessary to meet the dimensional requirements of the Rural Reserve zoning district found in Title 49, the Land Use Code.

Attachments: June 8, 2017 memorandum from Chrissy Steadman, Planner II, Community Development Department, to the CBJ Planning Commission regarding CSP2017 0010.

This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even

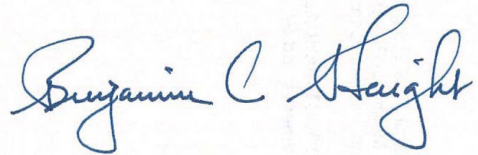
City and Borough of Juneau
CBJ Assembly
File No.: CSP2017 0010
June 17, 2017
Page 2 of 2

if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of CBJ 01.50.020(b).

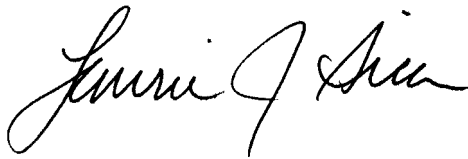
Project Planner:



Beth McKibben, AICP
Planning Manager
Community Development Department



Benjamin Haight, Chair
Planning Commission



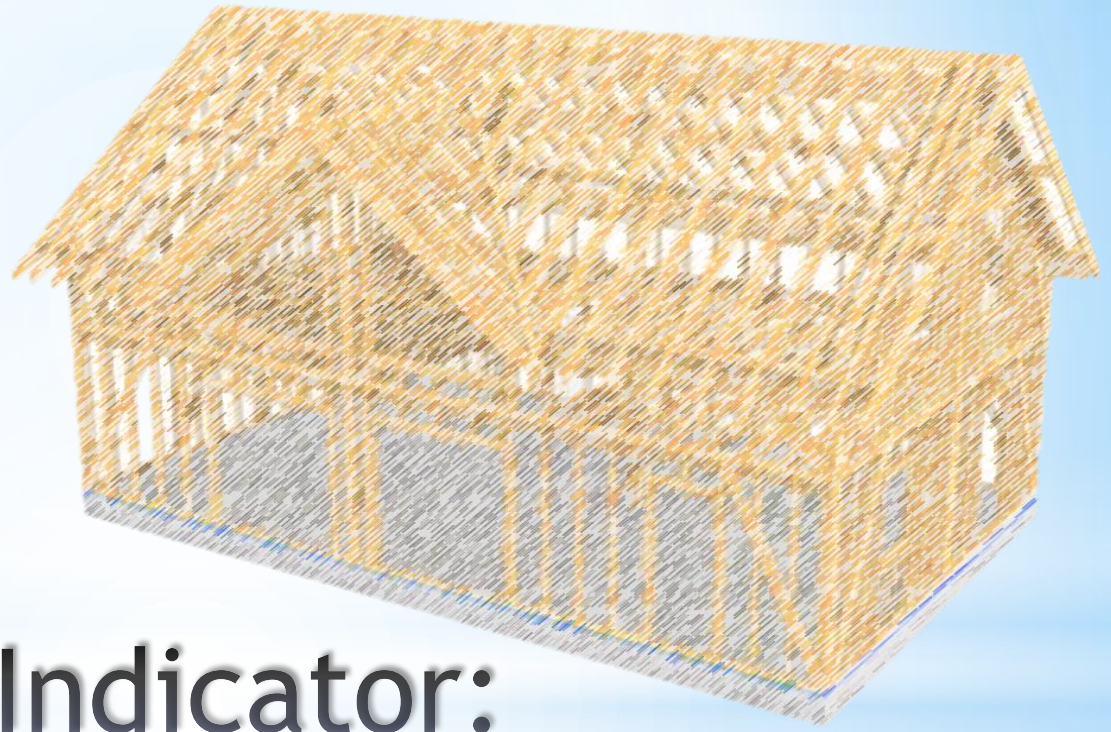
Filed With City Clerk

June 19, 2017

Date

cc: Plan Review

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

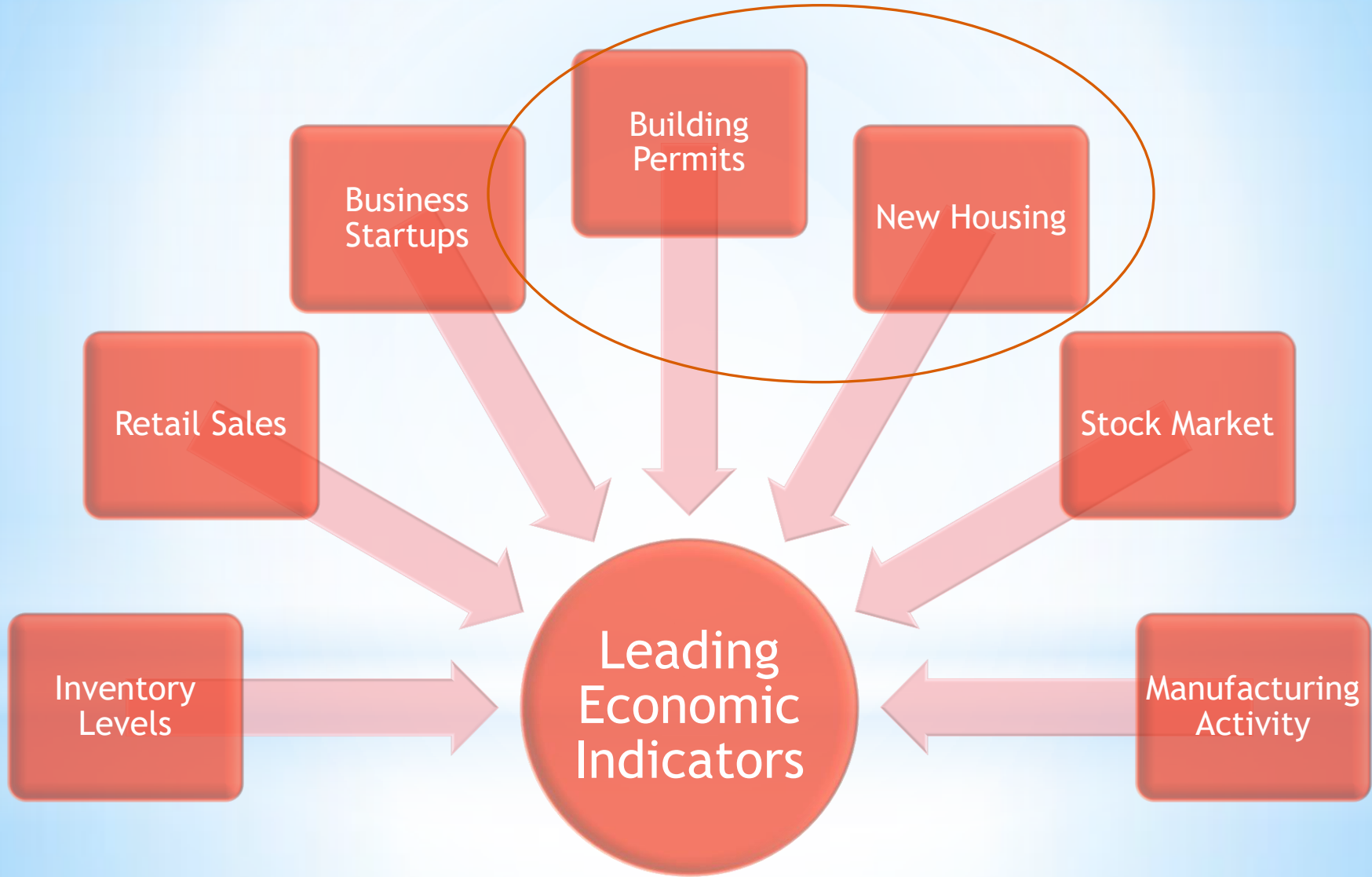


* **Economic Indicator:
Construction in Juneau**

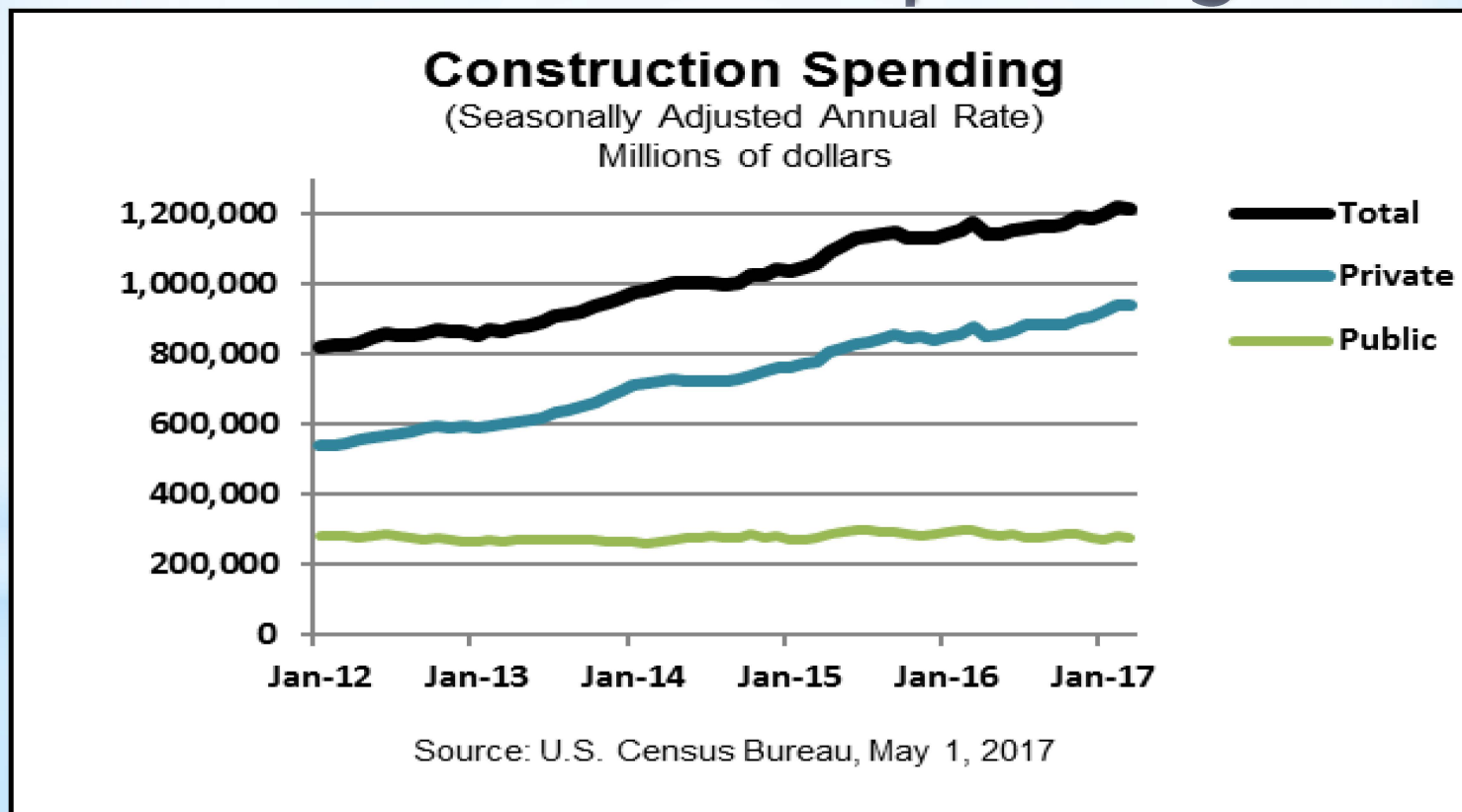


Construction Data

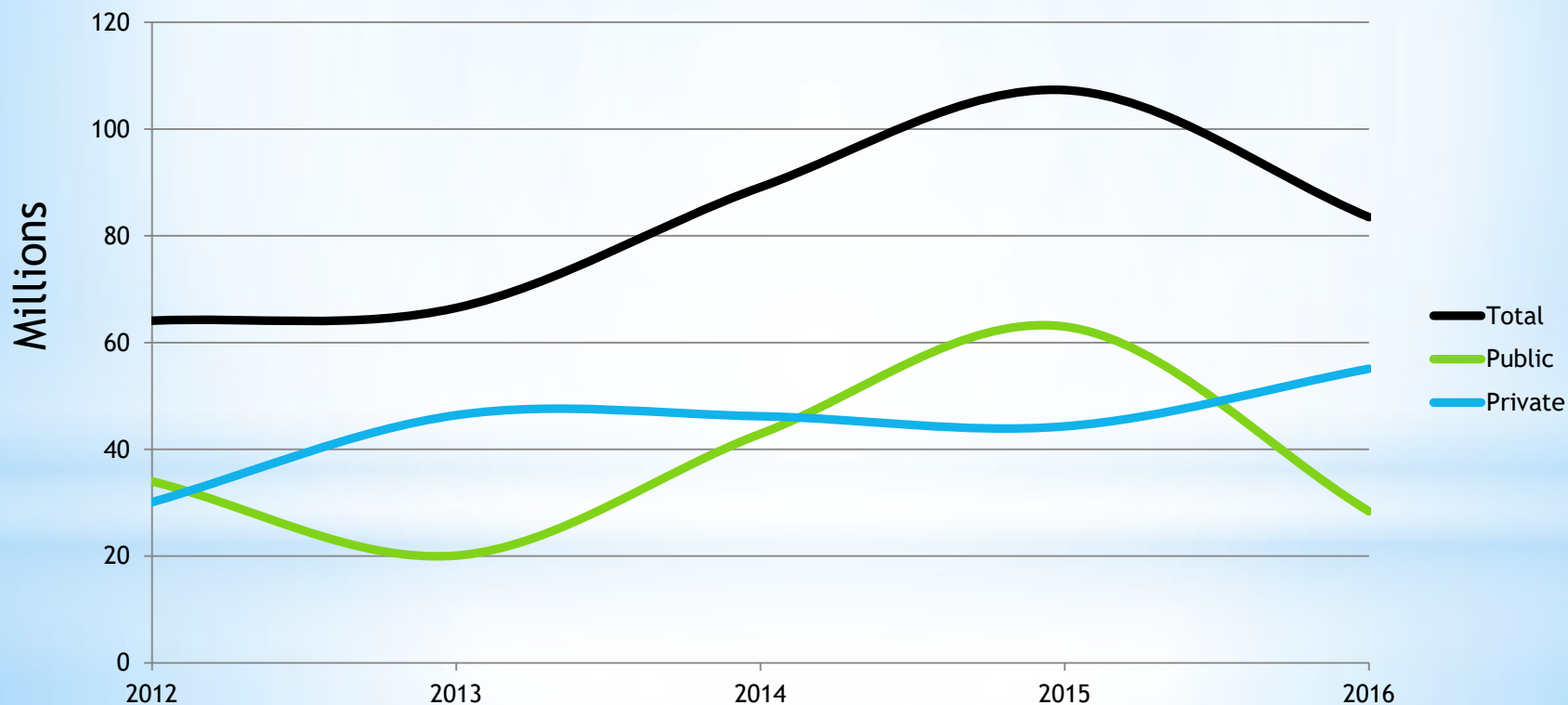
- Construction Spending By Sector
- Building Season Comparisons
- New Dwelling Units By Type



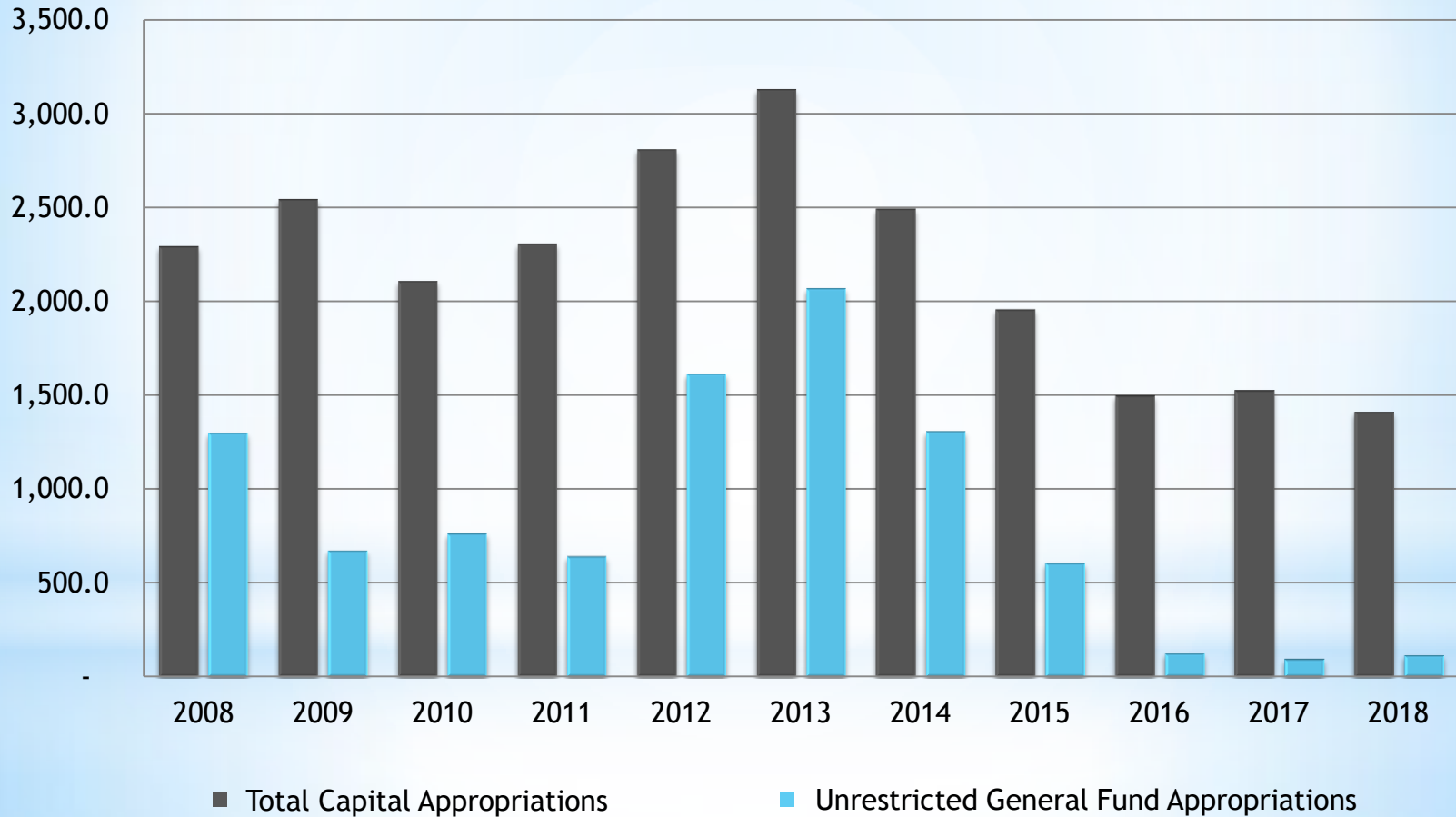
Nationwide Public & Private Sector Construction Spending



Juneau Public & Private Sector Construction Spending

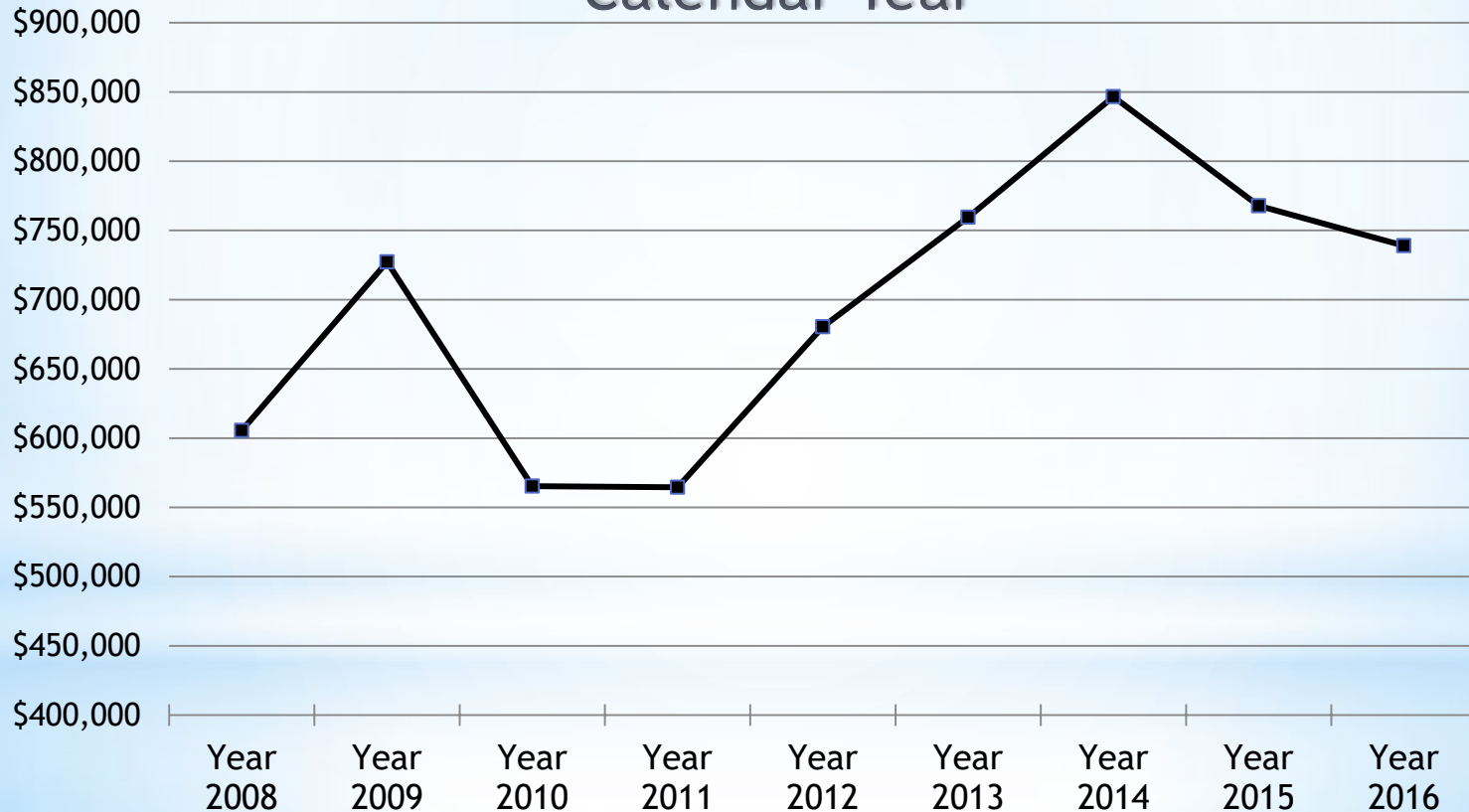


State Spending on Capital Projects

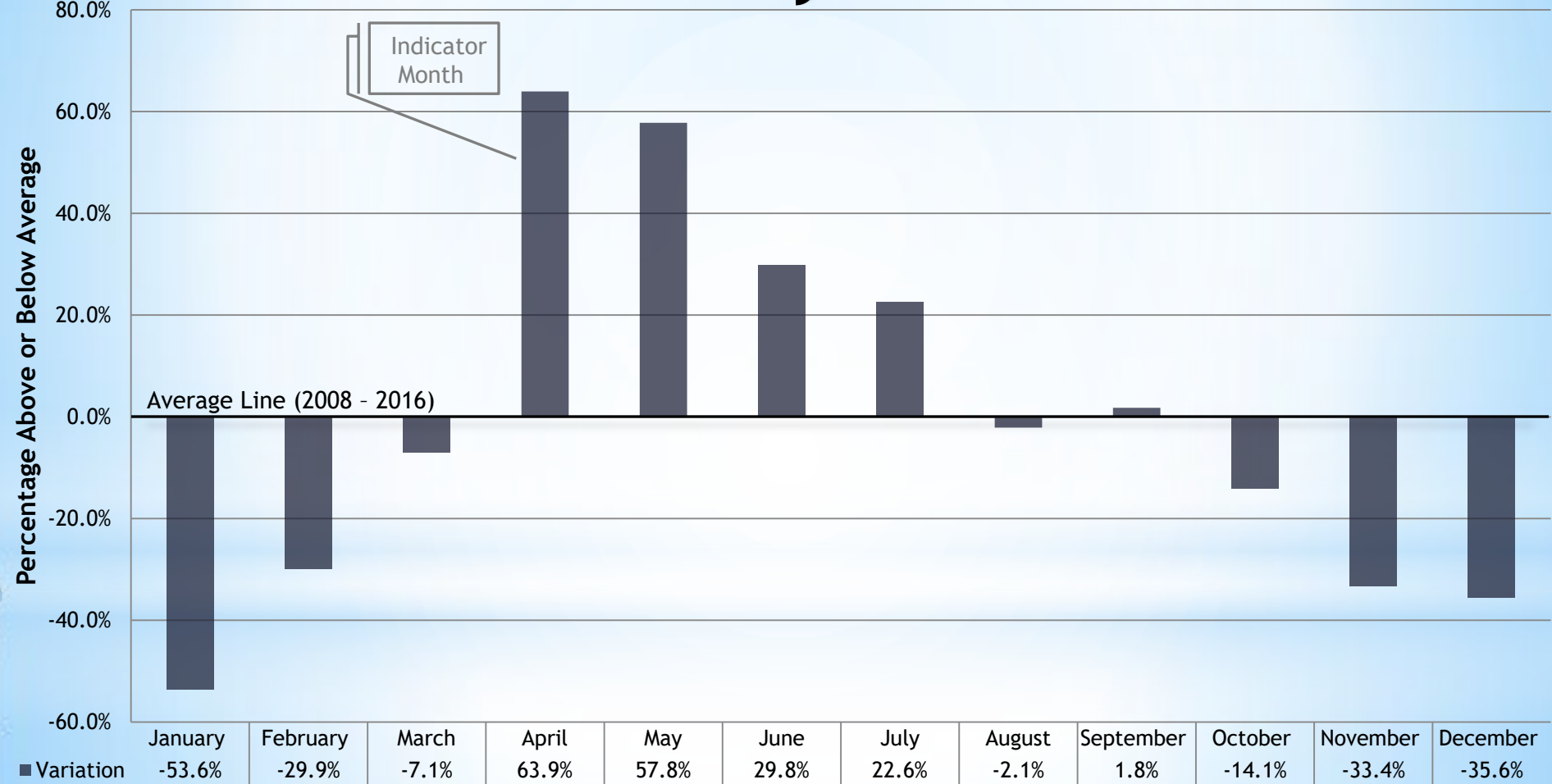


Revenue by Building Season

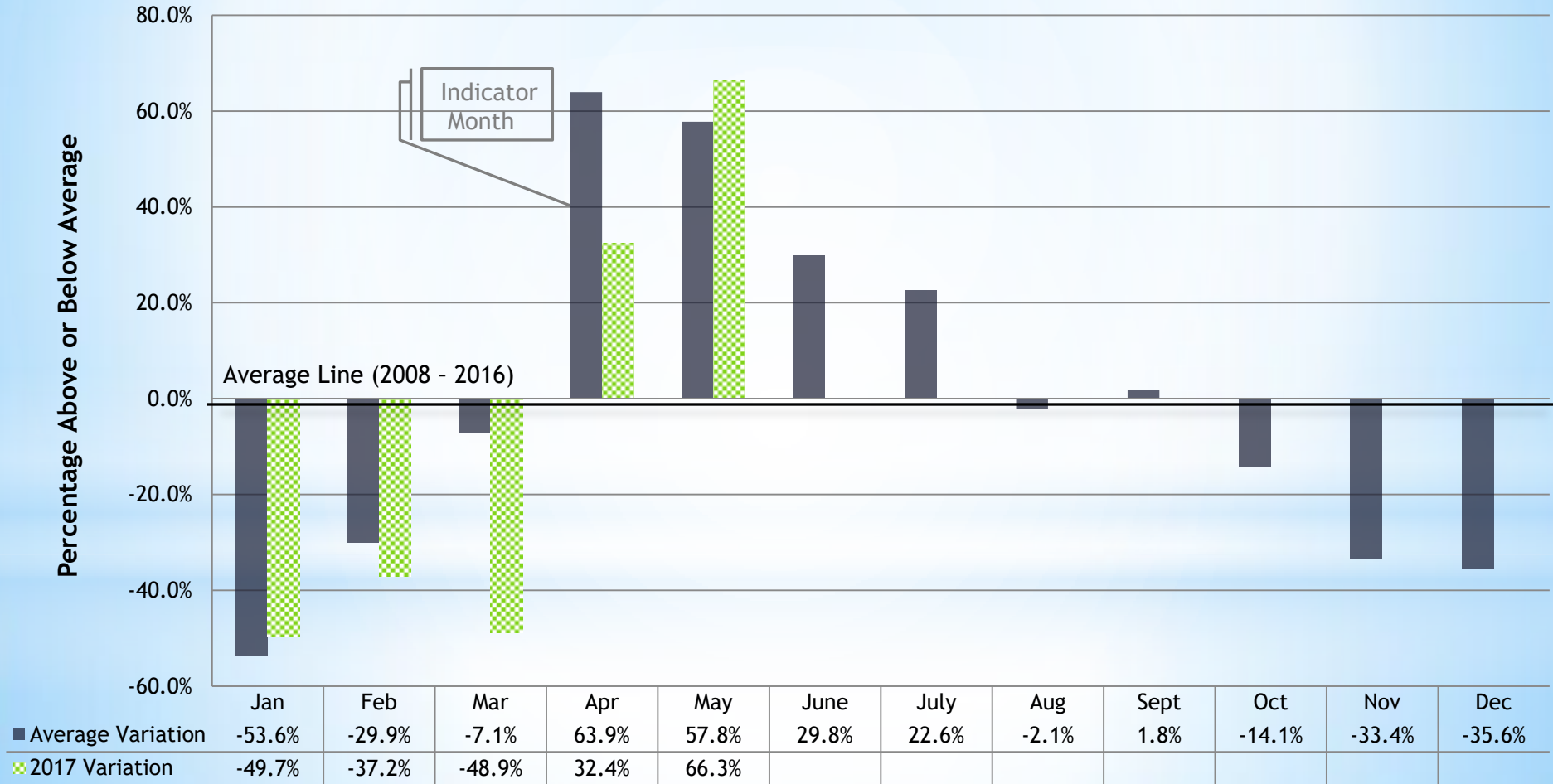
Calendar Year



Seasonality Variation

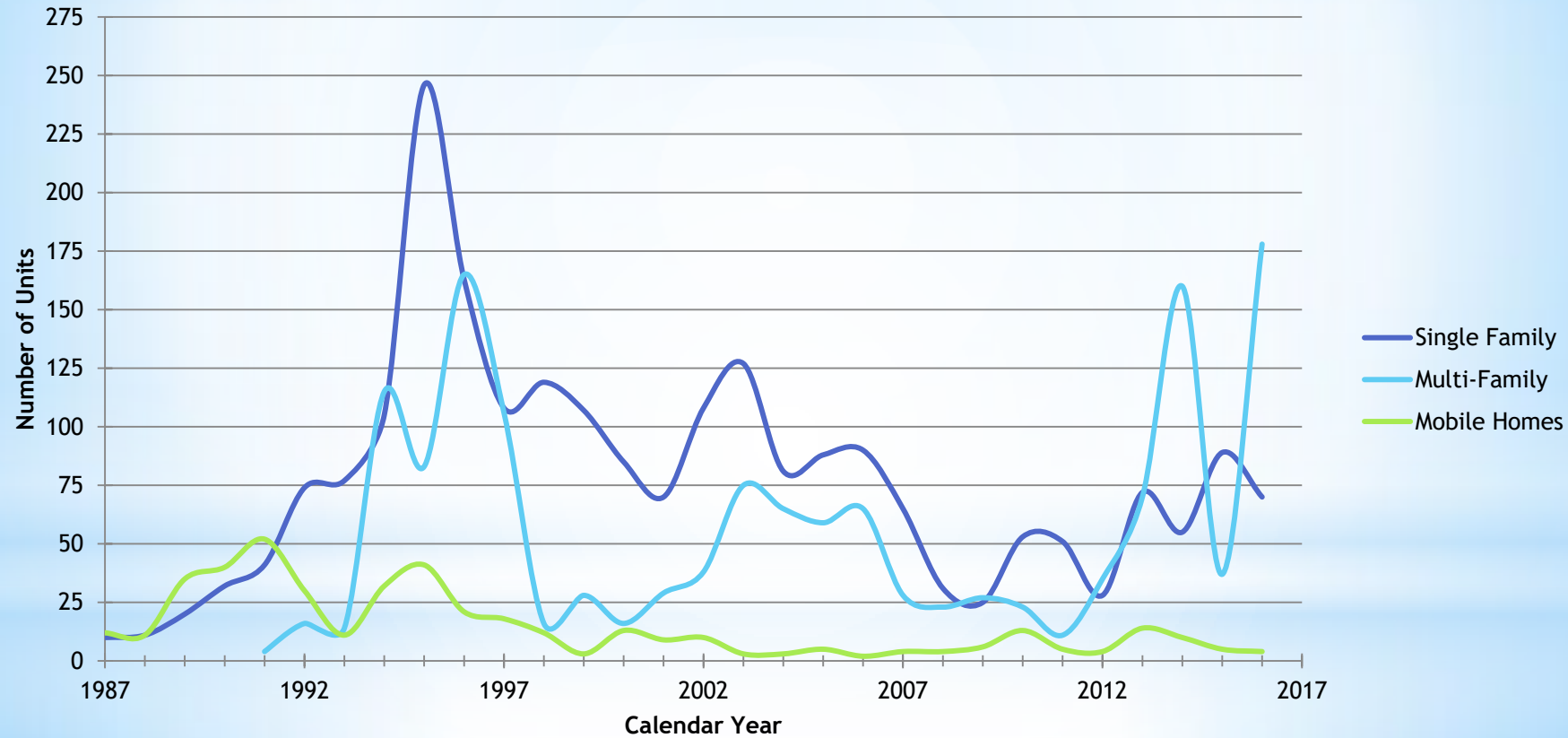


Average Seasonality Variation Compared to 2017 Actuals

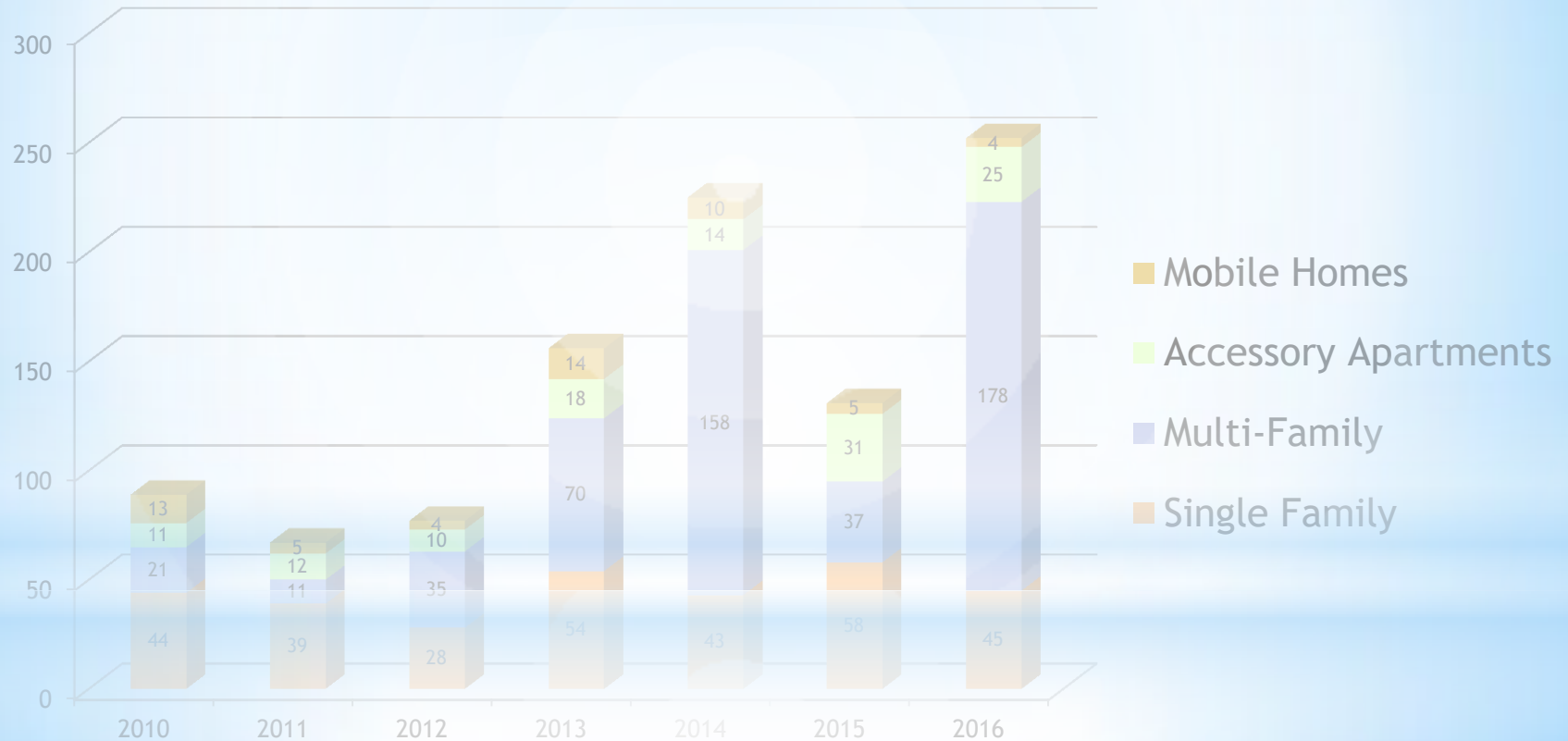


New Dwelling Units Created

20 Year Span

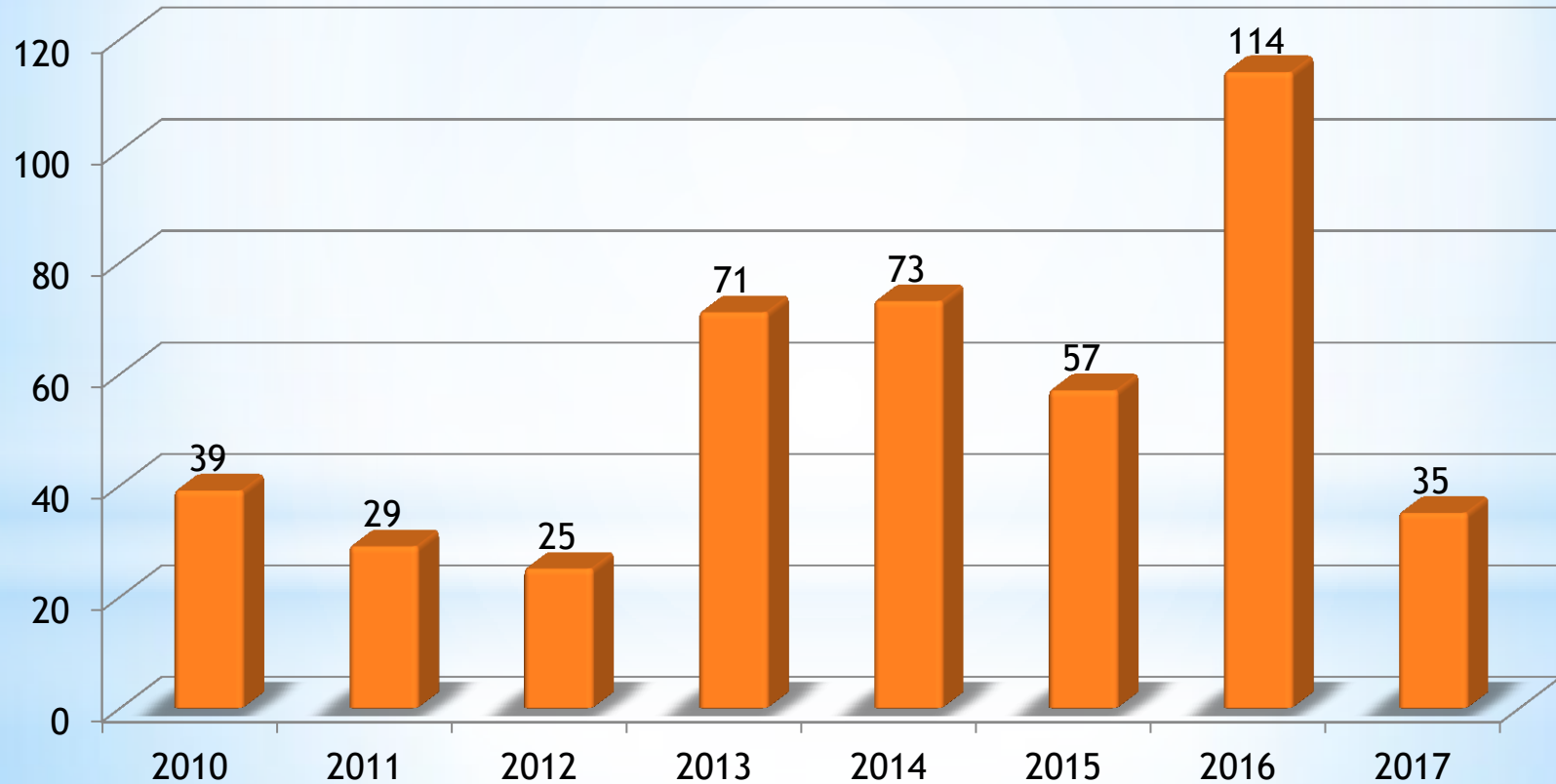


Total Dwelling Units Created 2010 - 2016

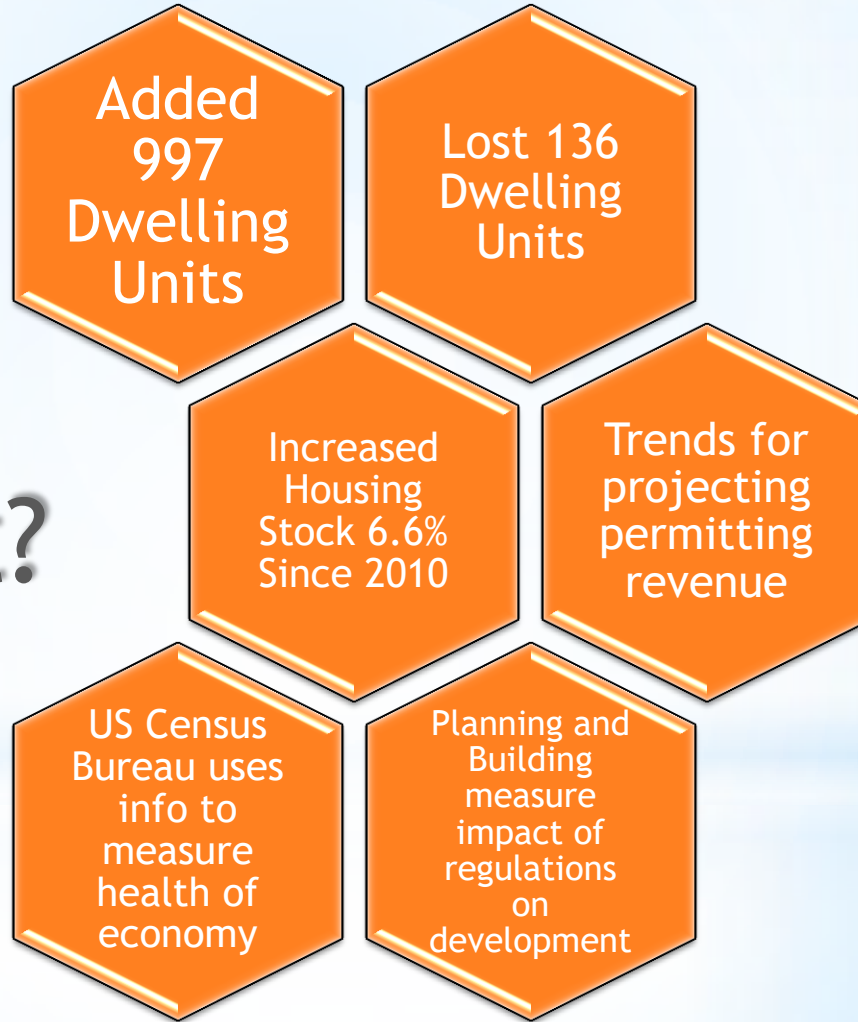


To Date Comparison of Total Dwelling Units Created

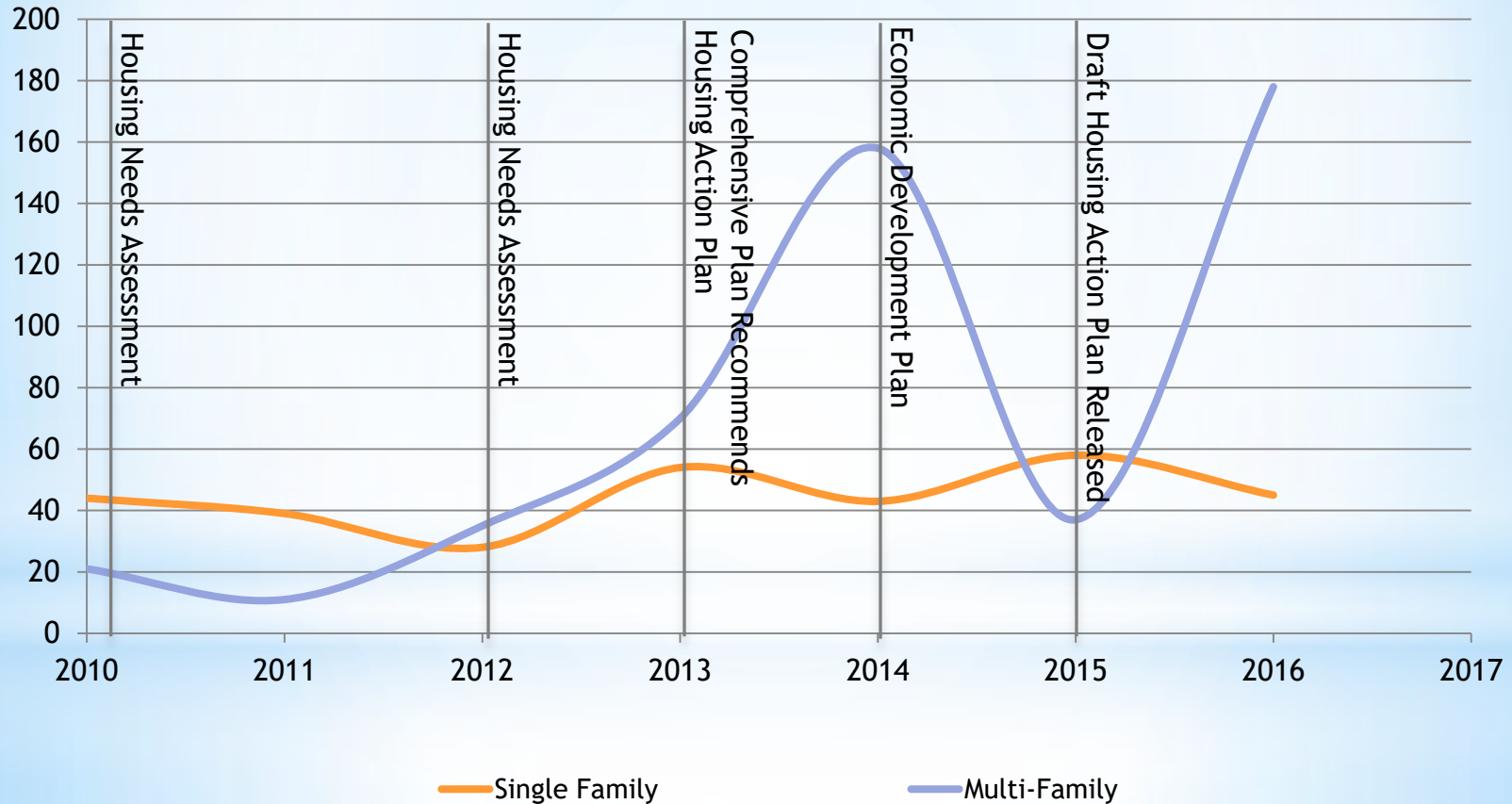
January 1 - June 13



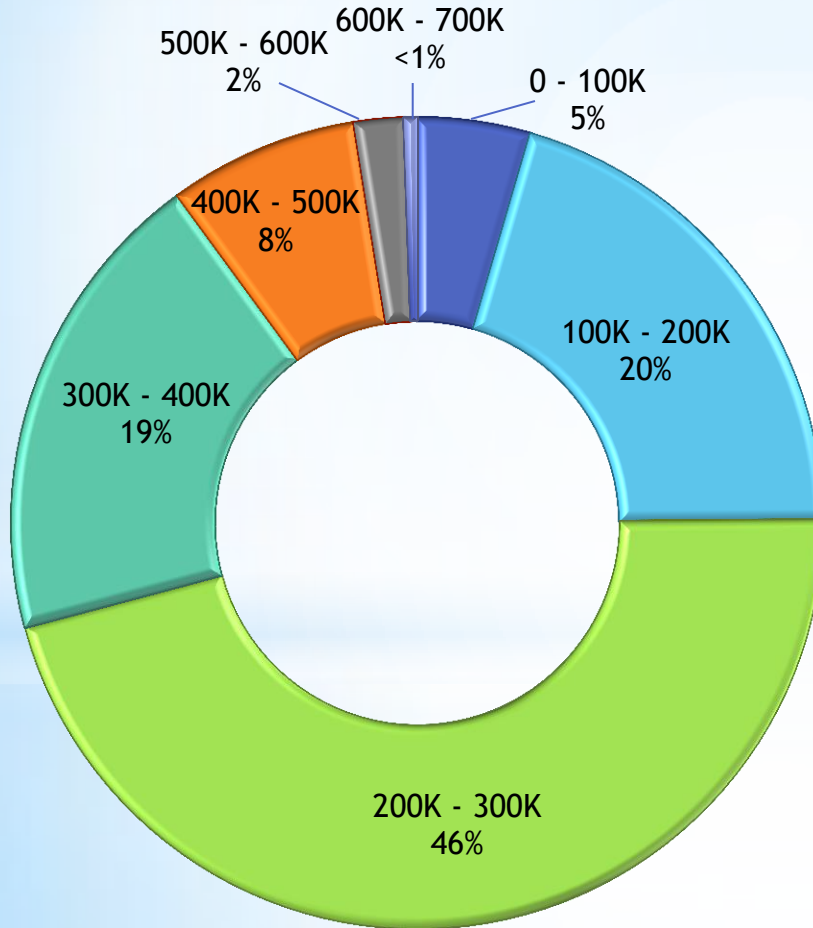
So What?



New Single Family & Multi-Family



Single Family Detached Home Value 2006 - 2016



Average Price: \$255,950

Median Price: \$349,000

**Based on 2003 IBC Construction Valuation Table*

Average Size: 1,891 SF Home

Plus 300 SF Deck and 500 SF Garage

Median Size: 2,622 SF Home

Plus 850 SF Deck and 405 SF Garage

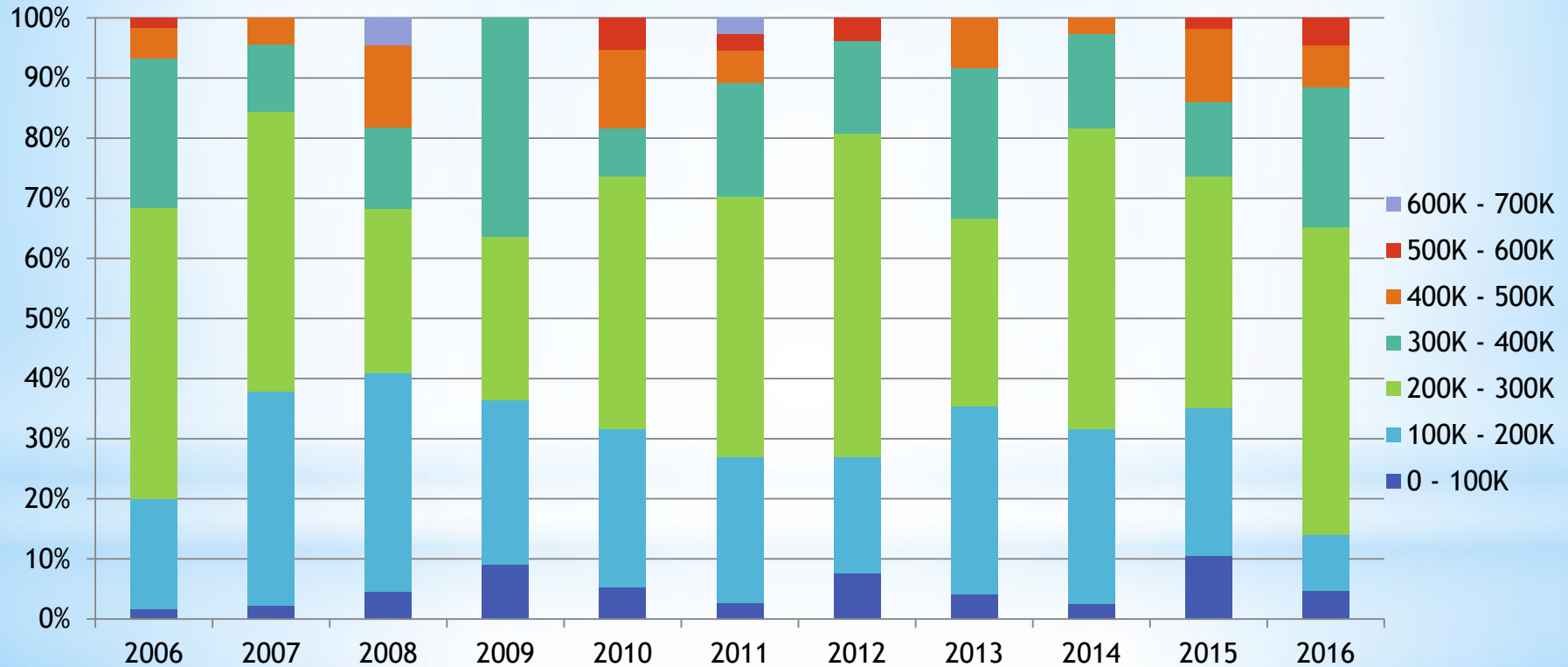
Single Family Detached Homes

Average Size w/ Linear Trendline



New Single Family Detached Homes

Value in Stacked Percentages

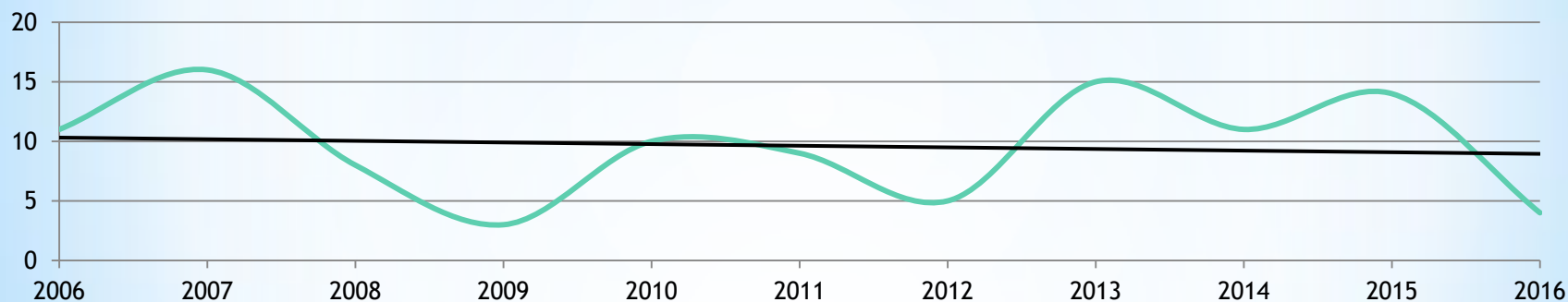


*Based on 2003 IBC Construction Valuation Table

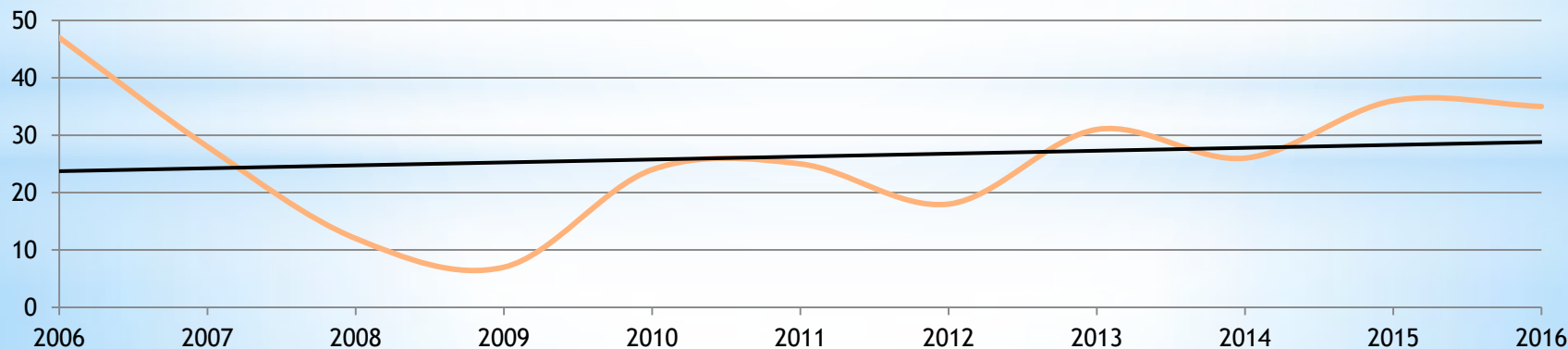
New Single Family Detached Homes

Linear Trendline Comparisons

100K - 200K



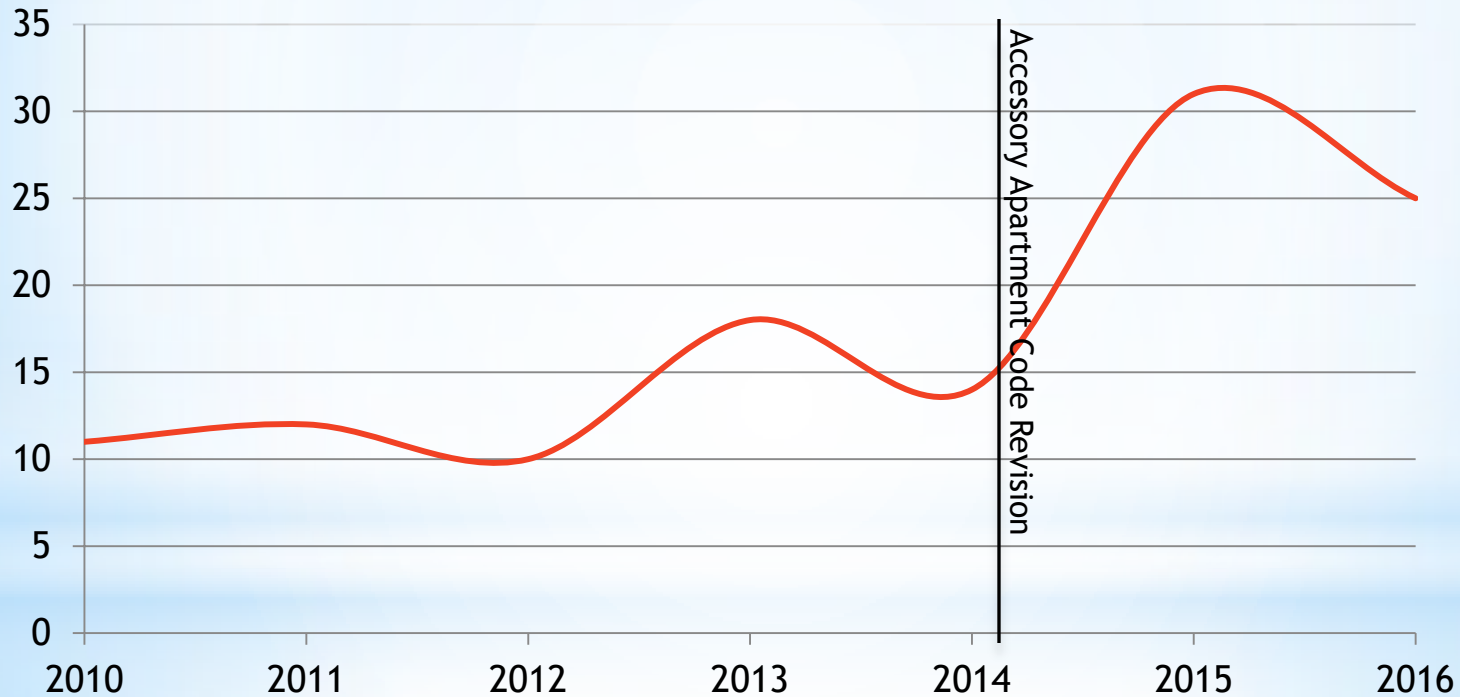
200K - 500K



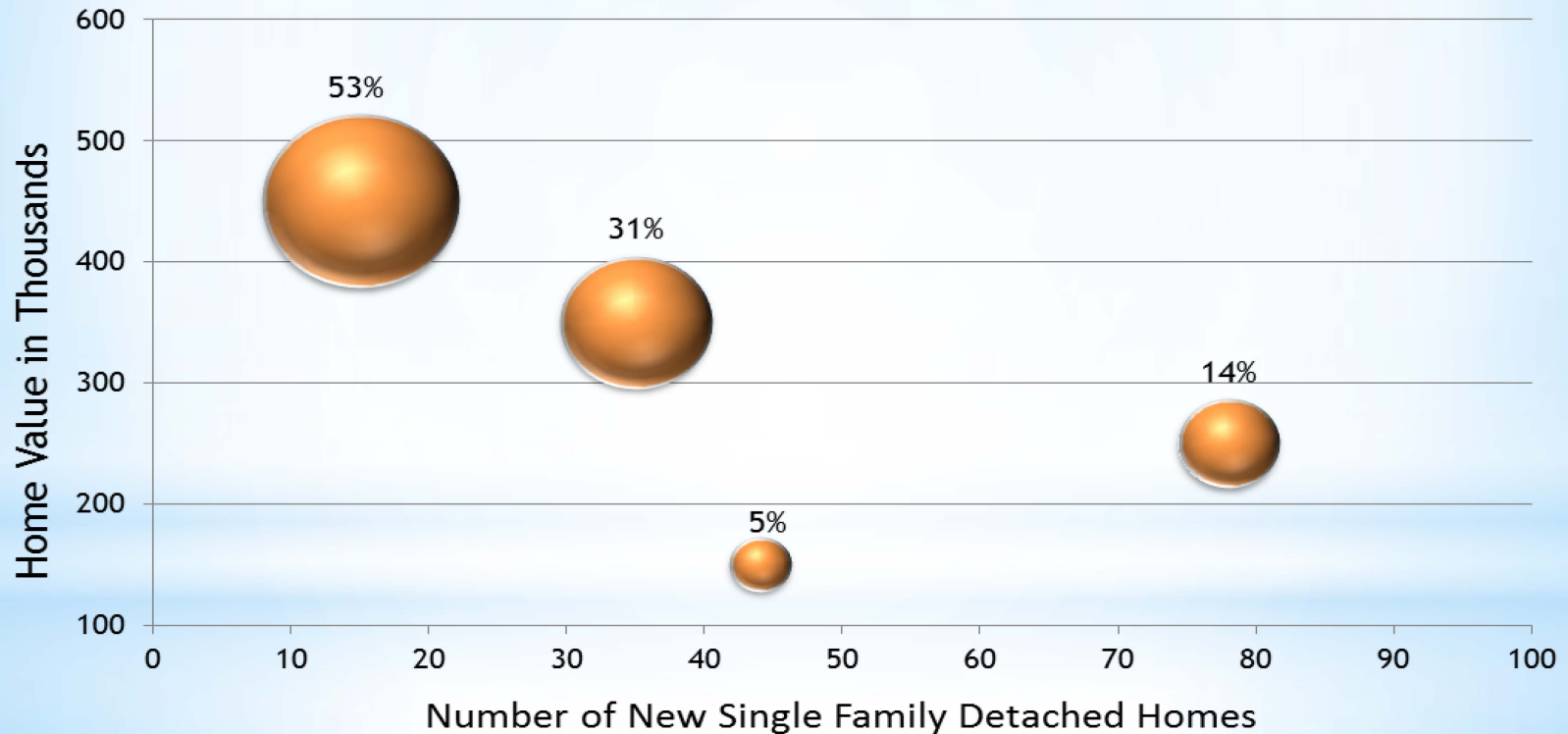
So What?



New Accessory Apartments Created



Percentage of New SFD Homes with Accessory Apartments 2013 - 2016



Based on 2003 IBC Construction Valuation Table

So What?

