

Agenda

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

March 28, 2017
Assembly Chambers
7:00 PM

I. ROLL CALL

II. APPROVAL OF MINUTES

- A. February 28, 2017 Draft Minutes

III. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE

- A. Additional Materials Received After Deadline

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

V. PLANNING COMMISSION LIAISON REPORT

VI. RECONSIDERATION OF THE FOLLOWING ITEMS

VII. CONSENT AGENDA

- A. CSP2017 0001 City project review for water system replacement along Douglas Highway
- B. USE2017 0002 A Conditional Use permit for a Marijuana Cultivation facility in an Industrial zone
- C. USE2017 0003 A Conditional Use Permit to operate a food truck in the Industrial zoning district

VIII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

IX. UNFINISHED BUSINESS

X. REGULAR AGENDA

- A. CSP2017 0003 Planning Commission Review of Fiscal year 2018 Capital Improvement Program

XI. BOARD OF ADJUSTMENT

- A. **CASE WITHDRAWN** VAR2016 0011 Variance request to reduce the side yard setback requirement from 15 feet to 5 feet for the construction of additional living space and storage

XII. OTHER BUSINESS

XIII. DIRECTOR'S REPORT

XIV. REPORT OF REGULAR AND SPECIAL COMMITTEES

- A. Wetland Review Board 2016 Annual Report
- B. Title 49 Committee Minutes, 3/8/2017

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVI. ADJOURNMENT

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
February 28, 2017

I. ROLL CALL

Paul Voelckers, Vice Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:01 p.m.

Commissioners present: Paul Voelckers, Vice Chairman; Michael LeVine, Nathaniel Dye, Dan Miller, Percy Frisby, Dan Hickok, Kirsten Shelton-Walker, Carl Greene (telephonically)

Commissioners absent: Ben Haight

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Jill Maclean, Senior Planner; Eric Feldt, Planner II; Greg Chaney, Lands and Resources Manager; Dan Bleidorn, Deputy Lands and Resources Manager; Robert Palmer, Deputy City Attorney; Michele Elfers, Chief Landscape Architect

Assembly members: Debbie White, Assembly Liaison to the Planning Commission

II. APPROVAL OF MINUTES

- a. January 10, 2017 Draft Minutes – Regular Planning Commission Meeting
- b. January 24, 2017 Draft Minutes – Regular Planning Commission Meeting

MOTION: *by Mr. LeVine, to approve the January 10, 2017 and the January 24, 2017 Planning Commission regular meeting minutes with any minor changes by staff or Commission member.*

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Juneau resident Mike Allen expressed his concern to the Planning Commission about the over 70 new trees which have been planted in the Statter Harbor parking area. He said the Littleleaf

Linden trees planted in the area are not native to this community and that the view from the road and from the small commercial Auke Bay area including the Squires Rest will be compromised due to the trees blocking the view. Mr. Allen said this is a parking lot, not a park. Mr. Allen showed the Commission pictures indicating how the trees will block the view from the Auke Bay area. Mr. Allen said he was told the trees were required in the Statter Harbor plan or it would not be approved by the Planning Commission. He said this was difficult for him to understand. He said it would be nice if the trees planted along the sea walk from the boat launch to the creek could be moved to restore optimal views for the area.

IV. PLANNING COMMISSION LIASON REPORT

Assembly Liaison to the Planning Commission Debbie White reported that at last night's Assembly Committee of the Whole (COW) meeting that there were two items which will be coming before the Planning Commission. A drainage easement will be requested between the Johnson Youth Center and the Sleepy Spruce Apartments. The Johnson Youth Center site is leased from the City and Borough of Juneau, she noted.

Also coming before the Commission is the possible downtown transfer of City Star Hill property to a private owner so that they can install retaining walls on their property, said Ms. White.

Of interest to the Commission is information on Senate Bill 14 which has to do with network transportation companies such as Uber and Lyft, said Ms. White. There is concern that this bill would take away local control, and those vehicles are not identified as commercial passenger vehicles, she said. In the past the Planning Commission has provided input on commercial traffic vehicle rules, said Ms. White.

The Assembly also held joint meetings with the school board and the Eaglecrest board, said Ms. White. On February 13, (2017) the Assembly heard the introduction of the ordinance which addresses the Land Use Code and the parking waivers, she said. Those items should be before the Assembly on March 6, (2017) she said.

At the February 13, (2017) meeting the Assembly also adopted their decisions on the Olmo and Meek appeals, upholding the Planning Commission decisions on both issues, she said.

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

A. SMP2016 0002 A Preliminary Plat for Phase 1 Pederson Hill Subdivision resulting in 86 Residential lots and 5 lots for preservation/park purposes.

B. CSP2016 0006 A City consistency review of Preliminary Plat Phase I Pederson Hill Subdivision resulting in 86 residential lots and five lots for preservation/park purposes.

Vice Chairman Voelckers asked Mr. Steedle to explain the differences between the two items on the same project that were before the Commission.

Mr. Steedle said the Commission has two questions to address: does this City capital project comport with adopted plans and the code, and does this subdivision as proposed meet the requirements of Title 49.15 for a preliminary plat. He said in the past these types of items have been split into two separate staff reports. He said for simplicity he felt this should be combined into one report for the Commission.

Mr. LeVine asked Mr. Steedle if there was any direction he could give to the Commission to assist with evaluating the first issue in terms of the proposed project consistency with the adopted plans. He asked how specific the Commission needs to be regarding this particular plat proposal and subdivision when making its determination about whether the proposed project and City expenditure are consistent with the plans.

Mr. Steedle said he felt the relevant question is whether there is any conflict between this item and the Comprehensive Plan and its subordinate plans. He said recently the Commission has recommended the adoption of the Housing Action Plan. The foundation for this plan is based upon studies performed over the years on Juneau's housing shortage, he added. The Assembly did adopt the Housing Action Plan by resolution, but it was not incorporated into the Comprehensive Plan, said Mr. Steedle. The Juneau Economic Development Plan as well has pointed to a lack of housing in Juneau as a key factor contributing to the constriction of economic growth within the community, he said. Mr. Steedle said he did not feel the Commission needed to get to the level of detail in the Housing Action Plan and the Economic Development Plan and the other housing action plans which have been before the Commission in the past.

Mr. LeVine said his question pertained to the specifics of the actual plat before the Commission. When making its determination, said Mr. LeVine, how specific does the Commission need to be regarding the proposed plat itself, or should it take a broader view as to how the City is using its funds to encourage development on Pederson Hill.

Mr. Steedle said the Commission should separate it from the design of Phase 1 of the subdivision.

Staff Report

Mr. Feldt told the Commission the staff's findings lists all of the findings listed under the preliminary plat section of the Land Use Code in quite extensive detail. He said his verbal report will not go into that level of detail but that he was prepared to answer any questions the Commission may have.

The Commission has two cases for one project, said Mr. Feldt. SMP 2016 0002 is a preliminary plat approval and CSP 2016 0006 is a City consistency review, he said. At the end of the presentation the Commission would have two separate motions for the two separate items on the agenda for the one project, he said.

Pederson Hill is a large vacant area that is covered by multiple properties, said Mr. Feldt. The 120 acre City property is surrounded to the north by vacant University of Alaska land, south by vacant land and Sherwood Lane, to the east by vacant University of Alaska land and to the west by a church and Glacier Highway. The proposed development encompasses about 20 acres of property.

The 1999 CBJ Land Management Plan designated the CBJ land on Pederson Hill to be considered for disposal for development once sewer was provided and a subdivision feasibility study was complete. There is now available sewer at the subject site, noted Mr. Feldt. The current proposal before the Commission is for 10 single-family units per acre, said Mr. Feldt. The subject property was rezoned in 2014 from D-1 / D-5 to a mix of D-10 and D-10 SF, said Mr. Feldt. The D-10 zoning is intended to primarily accommodate multi-family development at 10 units per acre; D-10 SF (Single Family) is intended to primarily accommodate single family residential development also at a density of 10 units per acre, said Mr. Feldt. The smaller lot sizes resulting from the rezone make it possible to achieve lower housing costs, he said. Recently a land swap has transpired between the City and a church in the area making it possible to connect the large CBJ parcel to Glacier Highway, said Mr. Feldt.

Mr. Feldt showed the Commission maps indicating the three phases of development. The D-10 SF piece would be the first to be developed, he said. Phases two and three are concepts to be developed at some point in the future, he said. Multi-family development is offered for consideration as the next phase of development with another connection to Glacier Highway, said Mr. Feldt.

Mr. Voelckers asked if the road proposed for the second phase of development was on land already acquired, or would it be a future acquisition.

Mr. Feldt said that when Mr. Chaney, the Lands and Resources Manager spoke, that he could address that question.

A public meeting on the proposed development was held in early February with Mr. Chaney and a local architect present, noted Mr. Feldt. A very detailed explanation was given regarding the development as well as conceptual drawings of what it might look like provided by the local architect, noted Mr. Feldt.

The project was also sent out for review to various City, State and federal agencies, said Mr. Feldt. The project was reviewed by:

- 🏠 CBJ Engineering
- 🏠 Wetland Review Board
 - Feels the project reduces impact on the wetlands because it proposes higher density and a smaller area which minimizes the total acreage affected and provides - the board emphasized the importance of preserving stream quality while developing the area conservation of highly valued wetlands
- 🏠 US Army Corps of Engineers
 - Involved because the applicant (City) had submitted a wetland fill permit
- 🏠 Alaska Department of Environmental Conservation
 - Involved for habitat purposes -
- 🏠 Alaska Department of Fish and Game
 - Involved because of the fill in the wetlands and the construction plan located near an anadromous stream – there were several salmon in the Pederson Hill Creek
- 🏠 Affordable Housing Commission
 - Supports the project
- 🏠 CBJ Capital City Fire and Rescue
 - That access is provided for emergency vehicles

Mr. Feldt said the first critical step involved in the development of a major subdivision requires Planning Commission review and approval of the preliminary plat. As the project progresses it moves forward to construction drawings prepared by a private engineering company, and then circulated to the various agencies to assure that all of the proposed construction meets local codes, said Mr. Feldt. The infrastructure is then constructed or bonded. These construction improvements consist of the development of roads and utilities, added Mr. Feldt. The project would then come back to the Planning Commission for final plat approval. The subdivision plat itself can then be deemed acceptable to be recorded by the State, he said.

There are three main preliminary plat requirements, said Mr. Feldt:

1. The Platting Standards: the plat itself must be adequately prepared including surveys indicating the lot lines, the monumentation and the technical aspects of the plat itself
2. Public Improvements: must show the layout of the roads, utility lines, etc.
3. Additional Reports or Maps Addressing Unique Aspects of the Site: such as drainage, traffic, flood map, etc.

The plat would address Phase 1 which includes 86 single-family residential lots with access to Glacier Highway, said Mr. Feldt. This includes pedestrian paths and an equestrian trail, said Mr. Feldt. The equestrian trail has been relocated along Karl Reishus Boulevard, said Mr. Feldt. The equestrian trail would be located on the east side of the new street, said Mr. Feldt, showing the Commission a map. Mr. Feldt indicated on the map land allocated for a second access for emergency fire and rescue, which is required, he said, by the International Fire Code. The trail would be essentially a driveway with restricted use for emergency vehicles only, he said. At some point in the future the pedestrian trail would be connected to the trail which leads along the Mendenhall River, said Mr. Feldt.

The average lot size is about 5,000 square feet, said Mr. Feldt. The yard setbacks for the D-10 SF district are 20 feet along the front, a 10-foot rear setback and a 3-foot setback along both side lot lines, he explained. The properties abutting the east side of this subdivision are zoned D-1, said Mr. Feldt. In this situation, he said, the property which holds the greater setback applies, he noted. The project as it moves forward in the future would carry the requirement of two on-site parking spaces, he said.

The unique street names required for the subdivision are:

-  Karl Reishus Boulevard, named after a police officer who died while serving the force. This is the widest street proposed for the development, and would be a collector for the other streets.
-  Yan Street (Hemlock trees)
-  Guwakaan Street (Black Tail deer)
-  Kwalx Street (Fiddlehead ferns)
-  Keishish Lane (Alders)

The interior streets will all be designed the same, with a 50-foot-wide right-of-way, five feet sidewalks on both sides, including two 12.5 feet wide driving lanes, explained Mr. Feldt. The non-motorized pathways including the equestrian trail and pedestrian walk (Wild Rose Walk) will be 10 feet wide, but where the equestrian trail needs to accommodate emergency vehicles it will be expanded to at least 20 feet in width, he said.

The US Army Corps of Engineers has provided approval to fill approximately nine acres of forested wetlands to allow for the construction of the future streets and pedestrian ways, and some buildable lots, said Mr. Feldt.

The portion of Pederson Hill Creek which has been found to be a home to spawning salmon requires a 50-foot setback on each side of the stream, said Mr. Feldt. The stream terminates in one of the preservation lots, he added. With the approval of the sale of certain portions of the wetlands there will be lots set aside in which no development will be allowed, he said. The long, narrow lot will be undeveloped for habitat purposes and to act as a buffer between the privately owned southern lot and the other adjacent development, said Mr. Feldt. City utilities will not be extended to the public use lots as they are not identified for development, said Mr. Feldt. The Land Use Code allows lots to be provided without City services, but they have to be held as public use lots, and noted on the plats, he explained.

The applicant provided a preliminary assessment and map, noted Mr. Feldt. The project is located on a hill and one side slopes toward Glacier Highway he added. The applicant proposes to allow an insignificant amount of that drainage to continue to channel along Karl Reishus Boulevard. The majority of the drainage will be connected to curb and gutter underground, said Mr. Feldt. It would then be directed along the north side of the equestrian trail and to a vacant City property, he said. The applicant has already initiated a request for an easement from the University of Alaska to cross a very small part of its property for access for the trail itself, he noted, and for the drainage as well.

Commission Comments and Questions

Mr. LeVine asked if the drainage plan changed with the relocation of the equestrian trail.

Mr. Feldt said the change to the equestrian trail has happened very recently and that he would like to let Mr. Chaney answer that question.

Staff Report

The land use code requires a fairly extensive analysis to be done regarding drainage. There are still several items on the drainage plan requirement that have not yet been submitted, noted Mr. Feldt. In past major subdivision projects those elements had also not yet been submitted and were a condition of approval, said Mr. Feldt. A detailed drainage plan addressing that section of the code must be provided at the construction drawing step, he said. When the Engineering Department reviews the storm water and drainage plan they will be looking at a complete detailed analysis for their review, said Mr. Feldt.

Commission Comments and Questions

Mr. Voelckers asked if this is the conventional process or if this is a case where it should have already been submitted with the original application.

Mr. Feldt said the situation contains a little bit of both of those aspects: the staff has accepted a partial submitted analysis knowing that there is the condition that the remainder will be submitted when it is needed at the construction drawing review.

Staff Report

Due to the high number of lots proposed a Traffic Impact Analysis (TIA) was submitted. It indicated that there was acceptable intersection volume, and it did not recommend that any traffic mitigation was necessary, said Mr. Feldt.

This portion of the report involves the City consistency review, noted Mr. Feldt. This project would dispose lots to the private market, said Mr. Feldt. The 2016 Housing Action Plan calls for housing types and sizes to accommodate present and future housing needs for all economic groups, said Mr. Feldt. It also calls for preserving natural areas that possess important recreational and scenic fish and wildlife and other environmental qualities, he added. This would be a development that young families or older families wanting to downsize would be attracted to, noted Mr. Feldt. The 2016 Land Action Plan indicates which CBJ parcels should be disposed of to the general market for future development opportunities, he said.

The 2015 Juneau Economic Development Plan has an initiative to promote housing affordability and availability. Juneau's current housing stock and possible future development include the development of access roads, the installation of utilities and plat subdivision land for about 200 lots, he said. That would include phases one through three of the Pederson Hill subdivision, he said. The 2009 Non-Motorized Transportation Plan indicates a 10-foot-wide separated path across the Pederson Hill subdivision which would connect Auke Lake to the pedestrian bridge at Dimond Park, said Mr. Feldt. This will be realized later on as phases two and three of the development are constructed, he said.

There is currently a new bike path along the north side of Glacier Highway that provides a more indirect connection from Auke Lake and along Riverside Drive to the Dimond Park location, he said. The 2001 Area Wide Transportation Plan recommends support for the development of off-street pedestrian or bicycle pathways in the Mendenhall Valley area that connects to existing main pathway systems, said Mr. Feldt. The east bound pedestrian trail would eventually connect to Dimond Park, said Mr. Feldt.

Regarding the City consistency review, the staff finds that phase 1 of the Pederson Hill subdivision with the conditions and recommendations of SMP2016 0002 complies with the provisions of Title 49, the Comprehensive Plan and the CIP as required by the City and Borough of Juneau land acquisitions, disposals and projects, and the City project review, said Mr. Feldt.

The staff recommends that the Planning Commission accept the Director's analysis and findings and approve the preliminary plat for phase 1 of Pederson Hill subdivision with six conditions. The necessary elements can be met by conditions 3, (Prior to construction plan, the applicant

shall submit an updated lot closure report) 4, (prior to construction plan approval the applicant shall submit another subdivision plat to ensure labels and naming are consistent throughout the plat sheets) 5, (remove labels “Preservation Lot ” and “Park Lot ” and replace with new plat note as shown below and 6, (prior to final plat approval, the applicant shall submit another draft plat with the identified plat notes on the subdivision plat), said Mr. Feldt.

The second findings shall be met with conditions 1, (prior to construction plan approval, the applicant shall submit detailed data for future utilities per 49.15.411 (F) (7) 9, (prior to construction plan approval, the applicant shall submit a design showing a minimum 10 foot wide walking surface within the Wild Rose walk right-of-way per 49.35.610 (a), 10, (prior to construction plan approval, the applicant shall submit a lighting plan meeting applicable CBJ standards) and 11, (prior to construction plan approval, the applicant shall submit documentation ensuring compliance with section D107.1.1 of the International Fire Code), said Mr. Feldt.

The applicant will also meet conditions 2, (prior to construction plan approval, the applicant shall submit required documentation meeting 49.15.411 (6) and 8, (prior to construction plan approval, the applicant shall submit a design showing a drainage infrastructure that would allow for fish passage to the equestrian trail east of Karl Reishus Boulevard), said Mr. Feldt.

Mr. Feldt said the second motion would forward the subject proposal to the Assembly with the recommendation of approval with the conditions associated with the SMP case. This means that if the Planning Commission approves the SMP case and approves the CSP case then the conditions of the SMP will also relate to the CSP, said Mr. Feldt.

Commission Comments and Questions

Mr. LeVine asked how carefully the Commission needs to consider all 11 conditions outlined in the staff report when deciding how consistent this plan is with the Comprehensive Plan.

Mr. Feldt said the consistency review asks if this is consistent with the adopted City plan. The other part has to do with consistency with Title 49, he said.

Mr. Voelckers said at this point he felt it was appropriate to ask for clarification from the Deputy City Attorney. He said he felt that several Commissioners were concerned about several important distinctions between the items. Mr. Voelckers said, similar to Mr. LeVine, that he was under the impression the general consistency review was far broader in scope and did not address particular items such as conforming lighting.

Mr. Miller said that Mr. Feldt had made a statement that if the Commission approved the SMP with the accompanying conditions, that the CSP would also be approved. Mr. Miller said he did not necessarily agree that this would be the proper order. Mr. Miller said he felt the list of conditions could certainly satisfy the CSP because it is a broader review based upon its

adherence to City plans and codes. Mr. Miller said a preliminary plat is very specific with Title 49 design elements and a very specific listing of things that are required in a preliminary plat. Perhaps the conditions would not satisfy those elements, he said. Mr. Miller said he felt that perhaps consistency should be evaluated before the preliminary plat.

Mr. Palmer said he felt that this case presented one of the most unique opportunities the Commission has had at this juncture to deal with the new subdivision amendments. The CSP review and Title 49.15.580 was drafted with the intent to cover projects that do not have another permit associated with it. This is the first permit which has come before the Planning Commission for a City project that falls cleanly within another permit process that Title 49 provides, said Mr. Palmer.

One way to address this is as described by Mr. Miller, said Mr. Palmer. Another way is to actually look at the more technical aspects of the subdivision permit, review it, and within that same review the CSP process would also be satisfied, he said, because they would be doing the technical review and adherence to Title 49 as they would with any other subdivision project. When the City develops a subdivision it needs to be treated just like any other land owner who is developing a subdivision, said Mr. Palmer. The CSP process was created as a review when there is no other review process in place, said Mr. Palmer.

Mr. Voelckers said the consistency review also covers things like the capital improvement project, and then it is also up to the Planning Commission to see that the project is adequate for the community and that the City is doing the right thing for the population. He said he feels there are situations where there are projects with a permit in place in which the Commission is still asked to review the project on an overview level.

Mr. Palmer said this can certainly be done if the Commission wants to delve into that level of detail. Title 49.15.280 (a) only requires that the Commission reviews City projects for consistency with this Title when it is performing a subdivision review, he added.

Ms. McKibben said the staff recommendation is that if the preliminary plat meets requirements of Title 49 then it meets the consistency review regarding its compliance with Title 49 and in this recommendation staff has said that the preliminary plat requires conditions in order to meet the requirements of Title 49. The other piece of the consistency review is conformance with the plans which the staff has evaluated and found to be consistent with the policies of the plan. She added that there is the third piece which is the CIP (Capital Improvement Projects) under which this project is already listed in various formats.

Mr. LeVine said he understands that the Commission needs to review the plat and its consistency with Title 49 under which there are numerous conditions which must be met. He said from listening to Mr. Palmer and Ms. McKibben that if the Commission finds that the findings and conditions meet Title 49 then they had found consistency with the Plan. He said he

wonders if a subdivision could be concocted by the City which meets Title 49 but which is demonstrably inconsistent with the Housing Action Plan or the Comprehensive Plan, for example. Mr. LeVine said in his opinion he did not think a condition about a lighting plan has anything to do with consistency with the broad policies of the Housing Action Plan, for example.

Ms. McKibben said that goes back to Title 49.10.170 which requires the Planning Commission to review the City projects for consistency with the plans. Ms. McKibben said that perhaps Mr. LeVine was co-mingling the items a bit more than she was. She said to her lighting is part of the preliminary plat review for consistency with Title 49, not necessarily for consistency with the plan.

Mr. LeVine said if they were to approve this they would need two motions: one which would state they would approve the preliminary plat subject to 11 conditions, and another motion stating that the Commission found this proposal consistent with plans.

Applicant

Mr. Chaney said this process has taken over 10 years. The installation of the sewer line in this area was a huge investment by the City making this development possible, said Mr. Chaney. The lots currently up for review are now zoned D-10 SF with the other two phases of the project also zoned D-10SF, said Mr. Chaney. The rest of the region is zoned D-10 for multi-family development. That rezone was approved in 2014, he noted. He said they felt the community needed more small affordable single family homes, and that development within the community has been fairly strong over the last few years with the building of multi-housing developments. The land trade with the church was also critical for this project as it provides access between the project and Glacier Highway, said Mr. Chaney. They are also asked to look for partners, because this is an expensive project, he said. Tlingit and Haida Regional Housing Corporation has expressed interest in partnering with the City on this project, said Mr. Chaney. The City will be seeking other partners as well, he noted.

This is a neighborhood layout, said Mr. Chaney, with sidewalks on both sides of the streets. They have already received an Army Corps of Engineers fill permit, said Mr. Chaney. They are still discussing how they would put the project out to bid; whether to put the lots out for bid in bite-size chunks rather than all at once, said Mr. Chaney. Park Place is a similar type of development in the Mendenhall Valley next to Rotary Park that is zoned D-18, said Mr. Chaney. Those are single-family attached homes with a much denser zoning than the proposed development, he said. Another example of similar density is the lots in Chelsea Court which are closer in size to the proposed Pederson Hill development, said Mr. Chaney.

Mr. Chaney said a 728 square foot starter home with one bedroom and one bathroom could be built for an estimated cost of about \$146,000 for the house itself, excluding the land. The lot would be valued at about \$100,000, said Mr. Chaney. With the cost of land included, there could be a starter home built for \$250,000, said Mr. Chaney. With the cost of a master

bedroom and bath addition the cost for the home itself would climb to about \$211,000, said Mr. Chaney. A third bedroom would put the cost at about \$268,000 he said. So a three bedroom, two bath home with the garage would come to over \$400,000, he said.

It is up to the Assembly to decide how the lots would be released, said Mr. Chaney. They could have some lots open for sealed competitive bids and some blocks of lots open for contractors, or a fair market value lottery, said Mr. Chaney. There are a variety of ways these lots could be released to a variety of groups, said Mr. Chaney.

If the Auke Bay Bypass ever came to fruition, it may nick a corner of the development but probably not, noted Mr. Chaney. If this item is approved tonight it will next go before the Assembly at its March 13, (2017) meeting, said Mr. Chaney. Assuming approval in the spring, detailed engineering for the project would begin, he said. The bid opening would happen sometime in the fall, said Mr. Chaney.

Commission Comments and Questions

Replying to a note from the staff, Mr. Chaney stated that this project is consistent with the Land Management Plan which was adopted in 2016.

Mr. LeVine asked if the plans for drainage have changed with the relocation of the equestrian trail.

The plans have changed somewhat, said Mr. Chaney. They would probably have to construct a berm to direct the drainage to the desired area, said Mr. Chaney.

Mr. Miller asked how far along the plans were when they were reviewed by the Wetlands Review Board in the summer. Mr. Miller noted that the Wetlands Review Board had favorably commented on the open channel streamflow which he does not see in the existing plans. He said he wondered if the wetlands review board was aware that the majority of the drainage would be underground.

Mr. Chaney said the designs were pretty far along when reviewed by the Wetlands Review Board. He said this is a hybrid drainage plan with some sculpting of the landscape to preserve the existing natural drainage on the property. There will also be a fish passage structure, he said. The drainage coming off of the roads will come down, go through an oil water separator, then go to a berm area with a swale in the bottom, he added. There simply is not enough room to have open ditches and sidewalks in a neighborhood with this size of lots, he said.

Mr. Dye asked if the open swale near the equestrian trail would be running perpendicular to the stream.

Mr. Chaney said it will have to be designed to have water running underneath and a swale constructed above. There will be an actual drainage ditch constructed over the stream, said Mr. Chaney.

Mr. Miller asked how the 50-foot setback from the stream could be met with an 80-foot-wide lot.

That lot is set aside as a conservation area and it will not be built upon, said Mr. Chaney.

Mr. Voelckers said he thought the 50-foot buffer ended at lot 12 and then becomes unregulated.

Mr. Hickok asked about how snow storage would be handled.

Mr. Chaney pointed on a map to the areas where snow could be stored. The snow will not need to be trucked out, said Mr. Chaney.

Mr. Hickok asked if parking would be allowed on the streets.

Parking would not be allowed when there was snow which Public Works needed to plow, commented Mr. Chaney.

Mr. LeVine said he wondered with the subsequent phases if there had been analysis on the cumulative impacts on the wetlands.

Mr. Chaney said the vast majority of the property in this area owned by the City is not being developed. With development of the subsequent phases more decisions would need to be made, said Mr. Chaney.

Mr. Miller said he has lived in a subdivision with the sidewalk only on one side and that there was room at the end of the road for snow removal. However, he said the snow would not all be able to accumulate at the end of the road and that it would end up on the sides of the road as well, which would put snow over both sidewalks in some places.

Mr. Chaney said there will certainly be years of very heavy snowfall when it could be backed up onto the sidewalks, but that they are designing the development for a typical year.

In answer to Mr. Dye's question about the equestrian trail, Mr. Chaney said when it goes along the sidewalk along the main road it may be as narrow as five feet.

Mr. Voelckers asked if the City currently has reasonably accurate construction cost estimates. He asked how those numbers aggregate for this development.

This is basically a road project, said Mr. Chaney. He added that you never really know until the bids are opened. They currently have rough numbers, he said. The last time they did a subdivision the bid came in 70 percent below the engineer's estimate, he said. The current estimate is for about \$8 million for full construction costs. They hope to bring this project in for less than the fair market value of the lot, he said.

Mr. Miller said other preliminary plats he has seen or been involved with had drainage easements, especially in a tight neighborhood like this. He said every single lot is going to be a challenge. Usually in the preliminary plat phase drainage is required to be shown, he said.

Mr. Chaney said it is their intent to plat drainage easements along property lines. They had a pretty refined plan for this development and then with the subsequent adoption of the new subdivision ordinance they have had to adjust their plans, said Mr. Chaney. He said drainage easements could have been included in this plat and he is sorry that they are not included. The requirements for a preliminary plat are now much more detailed, he said.

Mr. Chaney said if he were in the private sector and required to do this thorough level of detail for the roads and the drainage, it would be extremely unfortunate if it were then denied. Preliminary plats can be denied, said Mr. Chaney. If he were a private developer, said Mr. Chaney, and he put all of this money into developing the plat and that was denied, he would be extremely disappointed. With the final plat, said Mr. Chaney, individuals are investing money in something that they know they will get a return on.

Public Comment

Juneau resident Jeremy Sidney said that his parents own Swampy Acres, land contiguous to the proposed Pederson Hill development. Mr. Sidney asked what the cost was for the City to acquire the Pederson Hill property. He also asked what the property would go for if it was sold on the open market. Mr. Sidney also complained that all of the residents along Glacier Highway in that area had to help pay for the sewer lines which were installed which the City was then going to use for the Pederson Hill development. He said he did not think this was fair.

He asked if the lots in the proposed subdivision would be filled and ready to build. He said after the lots are purchased it will cost \$25,000 - \$35,000 to fill in each lot. He said he felt the City was becoming housing developers for the private sector. He said he felt this was a really big mistake which the City should not have done. He said he did not feel it was the City's role as a government to be in the land developing business.

Carl Koch, wildlife biologist for the Alaska Department of Fish and Game, said there is about 400 acres surrounding that area between the Auke Lake and the Brotherhood Bridge trail. That area is used by black bears, wolves, coyotes and deer, he said. It is a very important travel corridor and most of the animals passed through the proposed subdivision, he said. He said

they recommend some sort of buffers such as around the equestrian trail or the bottom half of the hill.

Commission Comments and Questions

Mr. LeVine said they have notes from Fish and Game regarding the anadromous stream but they have no information on the wildlife in their packet from Fish and Game. He asked if this was just reviewed by the fish portion of Fish and Game and not the wildlife portion.

Mr. Koch said he felt this went through the Habitat Division and it frequently focuses on fish. He said this issue was only brought to his attention today when one of his colleagues asked him to come and speak before the Commission.

Juneau resident Bobbi Epperly said she found the timing of the Pederson Hill subdivision to be poor judgment on the City's part. She said the current economic outlook for Alaska is bleak with the loss of jobs, revenue, and people moving out of the state. She said spending 4 ½ million dollars and asking investors for the balance is fiscally irresponsible during a time of recession. She said CBJ is basing this project upon a housing shortage and demand which was prevalent in the community 10 years ago. Juneau's population has been dropping and in 2016 she said Juneau has lost 600 people from its population. She said the microscopic lots are overpriced and that homes will not sell at a low enough price to be of benefit to individuals with lower incomes.

Dr. Eric Olsen said he is the owner of the Family Practice building which is located across Glacier Highway in close proximity to the proposed development. He asked the Commission to consider the safety of the intersection in this area which would then be a four-way intersection. He said Family Practice must be included as an element when considering the safety concerns on the road. He said that Family Practice alone probably generates 60 trips per hour during certain times of the day in addition to the 86 trips per hour estimated to be engendered by the proposed Pederson Hill development. He said they prepared their lot for construction in 1984 and the cost of clearing out the lot and preparing it was \$100,000 at that time.

Juneau resident Zachary Stetson said he is 23 years old and that he moved to Juneau several years ago. He said he has found the housing market in Juneau to be extremely difficult. He said he purchased a condominium about one year ago. He said, with a degree in accounting, that he cannot afford a house, and there are many other people in Juneau with lower incomes who would also not be able to afford a home. He said he is in full support of more housing in Juneau.

Former Commission member and Juneau resident Dennis Watson said he was in support of this development. He said he has been an employer in Juneau until just a few years ago and that it is very difficult to recruit people to move to Juneau once they discover how much housing costs in the community. In this case the Borough is taking up a lot of the responsibility of the

development of the subdivision providing paved streets and sidewalks on both sides and utilities. Mr. Watson said one concern he has is that although Swampy Acres is currently a farm site, at some point in the future that could be developed into a commercial property. He suggested that potential property buyers in the Pederson Hill development be made aware of that future possibility of commercial development in their area. He said he feels this project is in compliance with the code and that he felt it would be a disservice to the community if the City did not move forward with the development.

Juneau resident and former Chancellor of the University of Alaska Southeast John Pugh spoke in favor of the Pederson Hill subdivision. He said he has been a resident of the “flats” in Juneau for 37 years. Their area is constructed upon small lots with tight housing and he said they have never been bothered by a lack of privacy. He said that he knows his neighbors really well and that they have developed into a neighborhood that takes care of each other because of how close they live together. He said there are real opportunities to develop a tight neighborhood where friends can be made and neighbors can help take care of one another. He said he felt the Pederson Hill neighborhood would provide many advantages for employers such as the University of Alaska employees which would benefit from that housing.

Applicant

The CSP is a recommendation to the Assembly, said Mr. Chaney. The approval or denial of the plat is for the subdivision development, said Mr. Chaney.

The City’s lot preparation will be minimal, said Mr. Chaney. He said he would not be surprised if it did not cost a fair amount to develop the lots prior to construction. The City has spent about \$200,000 on the project to date which is for design, said Mr. Chaney. The amount of money the residents were assessed for the extension of the sewer line was less than half the amount of the cost of that project, said Mr. Chaney. The City pays more than half of those costs, he said. The purpose of extending the sewer was so they could increase the density in the area, he said. The City acquired the property from the State of Alaska, he said. The City’s cash outlay for the project is therefore very low, he said. Providing a buffer for the wildlife is a problem if you only look within the proposed subdivision boundary, said Mr. Chaney. They are leaving a lot of this area outside of the proposed subdivision undeveloped, he noted, which will be available for animal crossings. They do not need to release the lots if the market is flooded and the community is in a recession, said Mr. Chaney.

Commission Comments and Questions

Mr. Miller noted there has been some comment by private developers in the community that they were being held to a different standard than the City in terms of the development process. Mr. Miller said in reviewing the documents he felt there may be some of this transpiring with this project. He said he knew the standard was different for City road construction than those for developers building their own roads, for example. He said he did not feel that the 50-foot stream setback was addressed clearly with this development at the preliminary plat stage. He

said typically in every situation he has been involved in this would have had to have been done at this stage. He said perhaps with the enactment of the new subdivision rules that plat requirements have changed. Mr. Miller said he has never been involved in a situation where a plat note could come before the Planning Commission before it was finalized. He asked Mr. Chaney for his input on any discrepancies between City and private development procedures.

Mr. Chaney said that all subdivisions are different from each other. He said a private developer would have probably kept that lot and simply put a 50-foot setback from the stream. For this development they have actually set aside the lot for conservation purposes rather than for just the provision of a setback. 50' setbacks are rarely shown on the plat because they actually move with the stream and as the stream changes course so will the setback, said Mr. Chaney. They submitted their design about 10 months ago and so far had about five rounds with the reviewing agent for the City involving many corrections. There has been no intent at any point in the review process for the standards for this project to be held any lower than what a private developer would experience, said Mr. Chaney.

Mr. Steedle said the review for this development has been treated the same as the previous subdivision which went through the new subdivision ordinance requirements. They have tightened up the requirement for a preliminary plat, noted Mr. Steedle; maybe they are too tight, he said.

Mr. Frisby asked about the solicitation process for comment from agencies. He said he was referring to Fish and Game which initially just commented on the anadromous stream.

Mr. Feldt said when comments are solicited from other agencies they have one point of contact with that agency.

Ms. Shelton-Walker asked Mr. Chaney if he had any comment on the remarks made by Dr. Olsen, the owner of Family Practice, about traffic intersections in the area.

Mr. Chaney said the traffic engineer reviewed the intersection and determined that putting that intersection in would be acceptable. He said he knows there is an attempt to improve the area around Wild Meadow Lane. That might change the traffic flow in that area as well, he said.

Mr. LeVine said he was troubled on a few levels regarding the lack of proper contact with Fish and Game on this project. He said he felt this reflected a certain lack of communication within its own agency on the part of Fish and Game. He said also he felt it was their job to try to prevent interaction between bears and people. He asked how it would affect the development process to provide a decent buffer for the travel of wildlife in the area. Mr. LeVine said he felt this was an important consideration.

Mr. Chaney said he guessed they would lose about 20 lots because the development is already pushing up the hillside and cannot really proceed any further up the hill. There is already a large portion of land set aside for wildlife habitat which cannot be built on, said Mr. Chaney.

Mr. Voelckers asked if there have been studies done on the travel patterns of the animals in the area as far as where they are coming from and where they are going to.

Mr. Chaney said he knew that wildlife likes to spend the winters on the Mendenhall Peninsula because it is warmer in general. He added there definitely is passage of wildlife in this area. He said he was not aware of the exact corridors that they use for passage.

Mr. Voelckers said there were two motions to be made by the Commission and that perhaps it made the most sense to do the broad consistency review prior to the plat itself.

Mr. Voelckers said they were going to bring Mr. Palmer forward for more commentary on whether the Commission needed to make one motion or two motions regarding the Pederson Hill subdivision.

The first question asked by Mr. LeVine is how deep of a review on this subdivision the commission needs to Perform at this point, said Mr. Palmer. When the subdivision ordinance was amended in 2015 and 49.15.580 (a) was specifically amended to clarify that when a City project is before the Commission the only thing the Commission has to do is to look for consistency with Title 49. This is different than it was in the past, said Mr. Palmer. Mr. Palmer recommended that the Commission look at 49.15.580. He said if the Commission wants to do both a CSP and a subdivision review it can do so. But the code only requires the Commission to do a subdivision review, he said. Part of that logic is that the Planning Commission is the platting authority for major subdivisions, said Mr. Palmer. If the CSP is done there is nothing the Assembly can do because the subdivision determination by the Planning Commission is the final authority on the subdivision.

Mr. Voelckers said based upon the information just provided by Mr. Palmer that the Commission will be reviewing SMP2016 0002.

MOTION: *by Mr. Miller, to approve SMP2016 0002 with staff's findings, analysis and conditions.*

Speaking in favor of his motion, Mr. Miller said this project has been a long time in development and that in the previous nine years he served on the Planning Commission he recalled that a lot of work was done trying to make housing more affordable for the community. He said there is no single action which can accomplish this, and 10 years ago this is one of the few pieces of CBJ property identified as developable. Due to the small size of the lots there will definitely be some issues in their development and that lots of preparation will

certainly be expensive. There is the possibility that smaller homes may be built and there is the possibility that they may provide less expensive homes for members of the community to purchase, said Mr. Miller.

Ms. Shelton-Walker said she does have some concerns about an adequate habitat buffer for the development. She said she does support the motion and she does not want to hold up the development of but that she would like to see attention paid to the wildlife corridor as this project moves forward.

Mr. LeVine said he shared the concerns just expressed by Ms. Shelton-Walker. He said he wanted to encourage the City to think carefully as it moved forward in its development and in future phases of the project. He added that he felt it was not the best process to be approving a project with items placed as conditions when they are items which could have already been addressed prior to coming before the Planning Commission. These items should not be coming before the Planning Commission with items such as this listed as conditions, said Mr. LeVine. He added they should be resolved prior to coming before the Planning Commission. He said he encouraged the Community Development Department to see that these items are addressed before they come to the Commission in the future. He said he did approve of the project and that no variances would be required.

Mr. Hickok said he had lots of concerns about this project. He said he kind of agreed with Mr. Sidney and that perhaps the City should not be involved in the development of land. He said he did not know if chopping up a piece of property would make it affordable. He said he felt indifferent about the project but that he has often heard the need expressed for affordable housing. He said he would vote in favor of the motion.

Mr. Dye spoke in favor of the motion, saying that the Commission's role was to ascertain if this project was consistent with Title 49, not if the City should be in the development business or not.

Mr. Greene said he was in support of the motion.

Mr. LeVine said he did want to go on the record and say he felt this project was consistent with the codes and plans that it must abide by.

Mr. Frisby said he did have some concerns about the wildlife and that he did think that some studies on that topic have been completed in that area. He requested that the staff explore and see if it could identify studies done on the wildlife in that area. He said he felt a buffer was very important for the wildlife which migrates through that area.

Roll Call Vote:

Yeas: Mr. Hickok, Mr. Miller, Mr. LeVine, Mr. Frisby, Mr. Greene, Ms. Shelton-Walker, Mr. Dye
Mr. Voelckers

The motion passed by unanimous vote.

X. **BOARD OF ADJUSTMENT** - None

XI. **OTHER BUSINESS**

Recycle Works Presentation: The slide show detailing the information provided by Ms. Elfers can be accessed at Juneau recycling.com.

Ms. Elfers said she has been making this presentation to various groups and agencies within Juneau. They will be making this presentation to the Assembly Committee of the Whole in March, she said. A lot of the talk in Juneau is in regard to the cost of bringing goods into the community. But also the disposal of goods needs to be considered, said Ms. Elfers. They either need to be shipped out or dealt with locally, she said.

The Environmental Protection Agency (EPA) states that it should be possible to recycle 60% to 70% of our trash, she said. Juneau currently recycles about 10% of its waste, she said. of cardboard a year.

The landfill is owned by a private company called Waste Management, said Ms. Elfers. This is a worldwide company, she said. Arrow Refuse, a private company, collects the garbage, said Ms. Elfers. The City at this point cannot legally collect garbage, she said. The City could obtain a certificate so that it could collect the garbage but the costs were too high when this was explored several years ago, she said. Therefore, the City cannot control where the garbage goes or what happens to it, she added. The City can collect recycling, she said.

In 20 years the landfill will be full, she said. It is difficult to identify a location for a new landfill, she said. There is really not flat, accessible land for that site, she said. Regulatory requirements for landfills are very high, she said. Another option is to ship garbage to the lower 48, she said. That will probably happen unless other options are identified within the next 20 years, she said. The cost for an incinerator is prohibitive, she said.

Mr. Frisby asked for a distinction between the recycling which is collected by the trucks and the recycling which is dropped off at the recycling center.

The recycle works program has been focusing its efforts recently on maximizing diversion of waste from the landfill for beneficial reuse. They also have a hazardous waste facility located at

Lemon Creek which has been a popular program, she said. They also have a junk metal recycling program, she said, in which they collect junk cars. Through a contractor they take noncommercial vehicles for free, she said.

For recycling the City has a drop off program at the CBJ landfill, said Ms. Elfers. Arrow Refuse runs the recycling program picked up by its trucks, she said. Within the last year the City has installed recycling drop boxes throughout the community which it takes back to the recycling center, she said. This program has been wildly successful, she said. They have five more drop box containers arriving within the next few weeks, she said.

Commission Comments and Questions

Mr. Hickok said he owns a liquor store. He said he did not feel it was necessary for Alaskan Brewery to deliver their product to the local liquor stores in large cardboard containers.

Ms. Elfers said she thought that was a great idea and that going to the source to reduce waste is a popular component of recycling.

Ms. Elfers said they were surprised when the curbside recycling program began, that the drop-off recycling at the CBJ site still remains strong.

Mr. LeVine asked how Arrow can make money shipping recycling down south and not the City doing the same thing.

Ms. Elfers said mixed recycling such as Arrow does is for ease of use. It sends the recycling to a recycling center where the items which do have value are salvaged and the items which cannot be recycled are put in the landfill. There is no recycling market at this time for plastic other than the type that the CBJ accepts for recycling, said Ms. Elfers.

Composting is a way the community can recycle locally and not have to ship items out of the community, said Ms. Elfers.

Mr. Voelckers commented that extending the longevity of the landfill through recycling must have value for the community.

It is a difficult calculation to make, said Ms. Elfers, since they cannot foresee what shipping costs will be in the future.

Mr. LeVine said there has been a lot of interest in the community on composting. He said it is a shame that items such as lawn waste are placed into the landfill.

There is not currently a composting pilot program, said Ms. Elfers. They have been identifying pilot programs for review. Mr. Frisby asked what the recycling rates were between Arrow and CBJ recycling. Ms. Elfers said she was not sure what the rates were at this time.

Mr. Voelckers asked what the relationship was like between Arrow Refuse and the City. He asked if Arrow was amenable to working more closely together with the City.

They do not collaborate with each other, said Ms. Elfers. She said she feels that is a good direction in which to move.

Mr. LeVine asked if the study has been done on the costs and benefits of recycling, and of some form of mandatory recycling.

Ms. Elfers said she thinks the direction the City needs to head in is partnering with the other waste entities in town which is Waste Management and Arrow Refuse.

Ms. Shelton-Walker said she felt it was very important that the community recycle as much as it could with recycling that can remain within the community.

Ms. Elfers said she is not aware of at this time of any waste technology programs which would be economically feasible for the community.

DIRECTOR'S REPORT

The APOC filing is due by March 15, (2017) for Commission members, said Mr. Steedle.

Ms. McKibben reported that there is a Title 49 Committee meeting on March 8, (2017) at 3:15 pm.

XII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Wetlands Review Board

Mr. Miller reported that there was a Wetlands Review Board meeting on January 19, (2017). They did a Juneau Wetlands Management Plan update. WESPAK (Wetland Ecosystem Services Protocol for Southeast Alaska (WESPAK-SE) is the new means of determining wetlands. There was a pretty extensive peer review that WESPAK underwent and it appears to be a successful venture and ready to function, said Mr. Miller.

XIII. PLANNING COMMISSION COMMENTS AND QUESTIONS – None

XIV. ADJOURNMENT

The meeting was adjourned at 10:34 p.m.

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers
7:00pm
Meeting Date: March 28, 2017

1. USE2017 0003:

- a. Public Comment from Harriet Milks, received March 15, 2017
- b. Public Comment from Bill Shattenberg, dated March 20, 2017
- c. Public Comment from Ben & Leanne Ng, dated March 24, 2017

2. VAR2016 0011:

- a. Email from Fred Hiltner confirming the withdrawal of VAR2016 0011, received March 28, 2017

From: Harriet <milkmail@aol.com>
Sent: Wednesday, March 15, 2017 10:52 AM
To: Christine Steadman
Cc: Christopher Peterson
Subject: Conditional use permit: 5321 Commercial Blvd

Dear Ms. Steadman:

Please accept this in support of the application for a Sec. 49.15.330 conditional use permit for the Petersons' Pretzels establishment at 5321 Commercial Blvd.

My family are among the many residents of Juneau who make a weekly pilgrimage to Costco, Home Depot, the brewery and recycling facilities. We think Petersons' Pretzels is a much needed -- and colorful -- addition to the sparse food venues in the area, and we wholeheartedly support their application for a conditional use permit.

More specifically, we believe the proposed conditional use will:

- enhance neighborhood harmony,
- enhance neighboring property values,
- contribute to Juneau's economy by providing additional offerings for locals and visitors, • provide jobs for locals, and it will not • not create any unusual noise or traffic or parking problems, nor endanger sensitive habitats.

For all of these reasons, we urge you to grant Petersons' Pretzels' application for a conditional use permit.

Thank you for your consideration.

Harriet Milks
9581 Whitewater Court
Juneau. AK. 99801
(907)209-7269

Sent from my iPhone



5362 Commercial Blvd. Packet Page 27 of 204
Juneau, AK 99801
(907) 780-3690
(907) 780-3692 fax
General Contractors License
24506

MPTR Rentals

3-20-17

Anchor Electric

To; Christine Steadman

Re; Petersons Pretzels locating to 5321 Commercial Blvd.

This letter is to voice our support of Peterson's Pretzels locating their business at 5321 Commercial Blvd. Their Pretzel business will be a welcome addition. Vacant lots turn into dump sites. Lemmon Creek needs more retail business.

Owner

MPTR Building

Anchor Electric

A handwritten signature in blue ink, appearing to read 'Bill Shattenberg', is written over the printed name.

Bill Shattenberg

Christine Steadman
Juneau Planning Commission
155 S Seward Street
Juneau, AK 99801

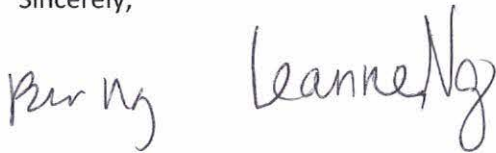
March 24, 2017

Hello!

We received a post card in the mail from the City in regards to a hearing to be held for a conditional use permit to for Peterson's Pretzels to operate a food truck in the Industrial zoning district where we own property at. We are located at 5322 Commercial Blvd, which is "kitty corner" to the proposed location.

We don't object to having this business in this location as long as the lot is kept clean and the garbage is kept secure from the winds and the birds. It will be convenient in having another option for food in this area.

Sincerely,

Handwritten signatures of Ben and Leanne Ng in cursive script.

Ben and Leanne Ng
5322 Commercial Blvd.
Juneau, AK 99801

Subject: FW: Hiltner Variance App

From: CindaFred StanekHiltner [<mailto:svsongline@me.com>]

Sent: Tuesday, March 28, 2017 2:44 PM

To: Allison Eddins

Subject: Hiltner Variance App

3-28-17

Hi Allison,

As we discussed earlier, I would like to pull my variance application from the Adjustment Committee tonight and review and correct some of the information to make it more accurate.

Thank you for your attention with this request.

Sincerely,

Fred Hiltner



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/cdd

155 S. Seward Street • Juneau, Alaska 99801

DATE: March 2, 2017

TO: Planning Commission

FROM: Chrissy Steadman, Planner II 
Community Development Department

FILE NO.: CSP2017 0001

PROPOSAL: Review of City project to replace the water system along Douglas Highway from the Juneau-Douglas roundabout to David Street.

GENERAL INFORMATION

Applicant: City & Borough of Juneau

Property Owner: State of Alaska Department of Transportation & Public Facilities

Parcel Code No.: 0

Comprehensive Plan Future Land Use Designation: Urban Low Density Residential (ULDR)

Zoning: D-5 single family/duplex & D-18 multifamily

Utilities: CBJ water & sewer

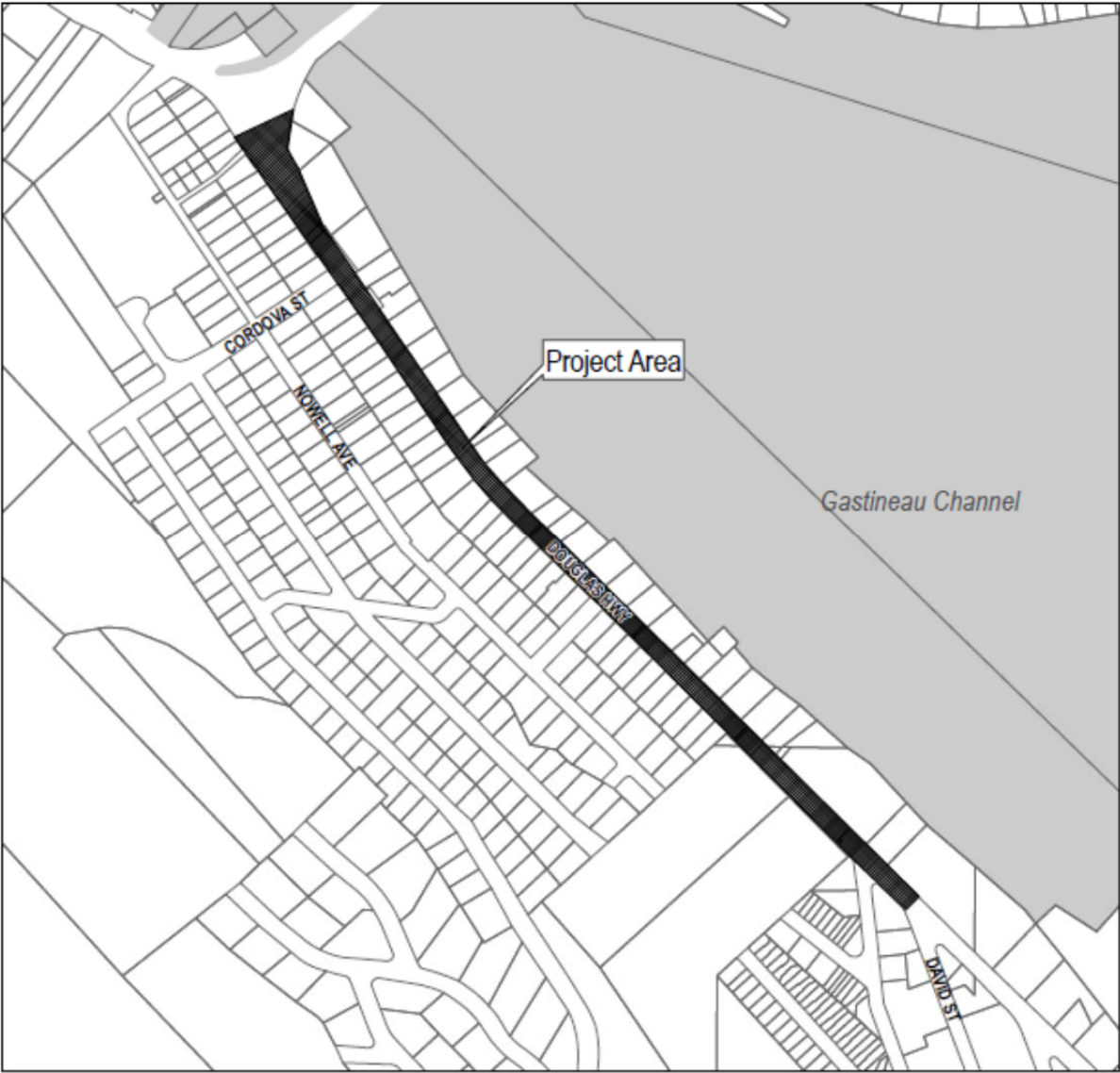
Access: Douglas Highway

Existing Land Use: Public Right of Way

Surrounding Land Use:

North	-	D-5 single family/duplex
South	-	D-18 multifamily
East	-	D-5 single family/duplex
West	-	D-5 single family/duplex

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ATTACHMENTS

Attachment A: Project Application

PROPOSAL

The proposed project is a water utility improvement project which will replace the public water main from the Juneau Douglas roundabout to the intersection of David Street and Douglas Highway. The project is listed in the FY17 Capital Improvement Program list and has been given priority in advance of Alaska Department of Transportation and Public Facilities (AKDOT&PF) resurfacing of Douglas Highway. The project is expected to go out for bid in late March and construction to begin in June 2017.

BACKGROUND

Douglas Highway has two parallel water mains running from the Juneau-Douglas Bridge to David Street. The 10 inch cast iron water main along the channel side of Douglas Highway was installed in the 1970's and is in need of replacement. The 10 inch ductile iron water main on the uphill side of Douglas Highway was installed in 1981. This line is considered to be in poor condition having had breaks and leaking valves. The remaining water line running from David Street to Savikko Road does not need to be repaired.

This project will replace both 10 inch water mains with a single 16 inch High-Density Polyethylene (HDPE) pipe. Along with replacement of the water main all individual water services will be replaced from the new water main to the property line. Property owners will have the option of having their personal services replaced at the same time.

The project requires additional permits from both the Alaska Department of Environmental Conservation (ADEC) and the AKDOT&PF. The project is in advance of the AKDOT&PF resurfacing Douglas Highway from the Juneau-Douglas Bridge to Savikko Road scheduled to begin in 2018.

ANALYSIS

Douglas Highway is classified as a minor arterial by the CBJ and a major collector by AKDOT&PF. The road classification distinction does not affect this project. According to the AKDOT&PF traffic station located near David Street, this section of Douglas Highway has 8,014 average daily trips.

The CBJ Engineering Department held a public meeting about the project on February 22nd at Gastineau Elementary School. Five members of the public attended along with representatives from the engineering firm PDC Engineers and CBJ project manager Paul Beck.

Hours of operation for the project will be from 9 a.m. to 3 p.m. While limited, these hours will ensure limited disruption of traffic during peak periods in the morning and evening. Installation

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of the new water main will require temporarily shifting the traffic lanes and disallowing on-street parking in sections. Residents will be notified when the parking will be displaced. While uncertain at this time, AKDOT&PF may require any trenching across Douglas Highway to occur overnight in order to reduce impacts to traffic. Residents will be notified if overnight work is required. The project will run through September 2017. Patching of Douglas Highway must occur prior to the closure of the hot asphalt plant in October 2017.

Brief water outages and temporary water services will be required for installation of the new water main and services. Residents will be given advance notice of all water service interruptions. The contractor is required to maintain access for emergency vehicles, garbage pickup, postal and fuel deliveries for the duration of the project.

Conformity with Adopted Plans

This project was reviewed for conformance with Title 49, the Land Use Code and the 2013 Comprehensive Plan.

Title 49, CBJ Land Use Code

This portion of Douglas Highway conforms to all public improvement standards for minor arterials. CBJ 49.35.310 *water systems* establishes standards for new water systems associated with new development. This is a water line replacement of an existing service and therefore outside the scope of Title 49. CBJ standards for construction of public water systems are found in Title 75.

2013 Comprehensive Plan

The replacement of public infrastructure is not specifically addressed in the 2013 Comprehensive Plan. However, staff finds the project to be in general conformity with the Plan due to its nexus with related policies and standard operating procedures found in Chapter 12 Public and Private Utilities and Facilities;

Policy 12.1. To plan for the timely and efficient provision of an appropriate level of public facilities and services in all developed and developing areas within the urban service area.

12.1 – SOP2 Utilize the six-year Capital Improvement Program (CIP) that includes a list of projects to be funded during the coming fiscal year as well as those recommended for consideration during the subsequent five years. Annually review all previously unfunded projects and new projects for relevance and consistency with this Plan and extend the CIP an additional year.

The replacement of the water main from the Juneau Douglas roundabout to David Street was part of the FY17CIP list.

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Habitat

No habitat regulated by Title 49 will be affected by this proposal.

FINDINGS

Staff finds the proposed Douglas Highway water line replacement to be consistent with CBJ adopted plans, Title 49 and the adopted Capital Improvement Program, and that the project will maintain and improve essential public infrastructure.

RECOMMENDATION

Staff recommends that the Planning Commission find CSP2017 0001 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 replacement of the water system along Douglas Highway from the Juneau-Douglas roundabout to David Street.

DEVELOPMENT PERMIT APPLICATION

Project Number CSP 2017 0001	CITY and BOROUGH of JUNEAU	Date Received: 08/08/2017
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description Douglas Hwy Water Main Replacement		
	PROPERTY LOCATION		
	Street Address Douglas Highway		City/Zip
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)		
	Assessor's Parcel Number(s)		
	LANDOWNER/ LESSEE		
	Property Owner's Name		Contact Person: Work Phone:
	Mailing Address		Home Phone: Fax Number:
	E-mail Address		Other Contact Phone Number(s):
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application. X _____ 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 Paul Beck		Contact Person: Work Phone: 596 0882	
Mailing Address 155 S. Seward St.		Home Phone: Fax Number:	
E-mail Address Paul.Beck@juneau.org		Other Contact Phone Number(s): (907) 209 8833	
X _____ Applicant's Signature		2/8/17 Date of Application	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE				
	☒	Permit Type	***SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
	☒	City State Project Review and City Land Action			CSP20170001
		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 JKL

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Project Number	Project Name (15 characters) <u>Douglas Hwy Water Main Replacement</u>	Case Number <u>CSP20170001</u>	Date Received
----------------	---	-----------------------------------	---------------

TYPE OF PROJECT REVIEW:

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

DESCRIPTION OF PROJECT

Replacement of the easterly water main along Douglas Highway from the Bridge to David Street Interchange including services, crossings to the westerly water main within the R/W
Some night work will be required for crossings.

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):

State Right of Way

PROPOSED USE OF LAND OR BUILDING(S):

N/A

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

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

Capital Improvement Program # (CIP) W75-054

Local Improvement District # (LID) N/A

State Project # N/A

ESTIMATED PROJECT COST: \$ 2,000,000.00

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

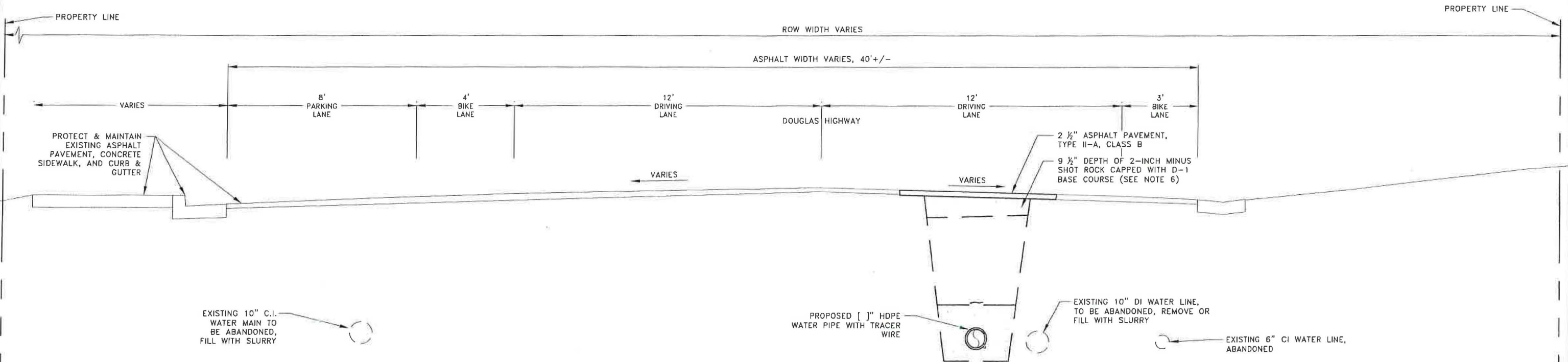
	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>0</u>	_____	_____	_____
Total Fee	\$ <u>0</u>	_____	_____	_____

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

Attachment A

TO BE COMPLETED BY THE APPLICANT



TYPICAL SECTION NOTES

- SIDE SLOPES, WIDTHS AND GRADES MAY VARY AT SOME LOCATIONS.
- UNDERGROUND SEWER AND WATER SERVICES NOT SHOWN FOR CLARITY, SEE PLAN VIEW SHEETS FOR APPROXIMATE LOCATIONS.
- ADDITIONAL EXCAVATION BELOW THE NEATLINE SUBCUT LEVEL MAY BE REQUIRED BY THE ENGINEER IF ORGANIC OR OTHER UNSUITABLE MATERIALS ARE FOUND AT OR NEAR THE PLANNED SUBCUT LEVEL. USABLE MATERIAL FROM EXCAVATION SHALL BE USED TO BACKFILL THE ADDITIONAL AREAS OF EXCAVATION. BACKFILLING WITH USABLE MATERIAL FROM EXCAVATION WILL BE CONSIDERED INCIDENTAL TO OTHER WORK.
- REMOVE AND DISPOSE OF EXISTING STORM DRAIN, SANITARY SEWER, AND WATER PIPES THAT ARE BEING REPLACED, UNLESS NOTED OTHERWISE.
- DRIVEWAYS DISTURBED DURING CONSTRUCTION SHALL BE RECONSTRUCTED TO EQUAL OR BETTER CONDITION WITH SUBGRADE REPLACED IN LAYERS TO MATCH THOSE REMOVED, EXCEPT:
 - EXISTING ASPHALT PAVED DRIVEWAYS DISTURBED DURING CONSTRUCTION SHALL BE SUBCUT TO 8-INCHES BELOW FINISH GRADE AND REPLACED WITH 6-INCHES OF 2" MINUS SHOT ROCK W/ BASE COURSE, GRADING D-1 AND 2-INCHES OF ASPHALT PAVEMENT, TYPE II-A, CLASS B.
 - CONCRETE DRIVEWAYS SHALL BE SUBCUT TO 12-INCHES BELOW FINISH GRADE AND REPLACED WITH 6-INCHES OF 2" MINUS SHOT ROCK W/ BASE COURSE, GRADING D-1 AND 6-INCHES OF CONCRETE.
 - EXISTING GRAVEL DRIVEWAYS DISTURBED DURING CONSTRUCTION SHALL BE SUBCUT TO 4-INCHES BELOW FINISH GRADE AND REPLACED WITH 4-INCHES OF BASE COURSE, GRADING D-1.
 - ORGANICS, ROOTS, WOOD OR OTHER DELETERIOUS MATERIALS ENCOUNTERED IN THE DRIVEWAYS DURING EXCAVATION OPERATIONS SHALL BE REMOVED AS DIRECTED BY THE ENGINEER AND DISPOSED OF AT AN APPROVED OFFSITE DISPOSAL SITE. BACKFILL VOIDS BELOW THE REQUIRED SUBCUT LAYER WITH USABLE EXCAVATION.
- THE BASE COURSE LAYER SHALL BE 7 1/2" TO 8 1/2" OF 2-INCH MINUS SHOT ROCK WITH 1" TO 2" TOP LAYER OF BASE COURSE, GRADING D-1 FOR A TOTAL COMPACTED THICKNESS OF 9 1/2". THE 2-INCH MINUS SHOT ROCK SHALL BE WELL COMPACTED PRIOR TO PLACING BASE COURSE, GRADING D-1. THIS APPLIES TO ALL TYPICAL ROADWAY SECTIONS FOR THIS PROJECT.
- GRADE TOP OF CURB AT 2% TOWARDS GUTTER.
- TOP OF PAVEMENT GRADES GIVEN ON THE PLANS ARE ACTUAL FINISHED PAVEMENT SURFACE ELEVATIONS. TOP OF A.C. PAVEMENT ALONG NEW CONCRETE GUTTERS SHALL BE FINISHED 1/4-INCH ABOVE THE LIP OF GUTTER, EXCEPT SPILL CURBS SHALL BE FLUSH.
- THE LIMITS OF USABLE MATERIAL AND TOPSOIL OUTSIDE THE ROADWAY SECTION WILL VARY IN DISTANCE FROM RIGHT-OF-WAY LINES. PLACE AND GRADE THESE MATERIALS TO PROVIDE A SMOOTH, WELL-DRAINED TRANSITION TO EXISTING GRADES OR AS DIRECTED BY THE ENGINEER.

RECEIVED

FEB 08 2017

PERMIT CENTER/CDD

CSP20170001

PAVING SEQUENCE REQUIREMENTS

- LAYDOWN OPERATIONS SHALL BE CONDUCTED IN A MANNER WHICH ENSURES THAT THE MINIMUM TEMPERATURE ALONG THE CENTERLINE EDGE OF THE FIRST PAVED LANE DOES NOT FALL BELOW 150°F BEFORE THE SECOND LANE IS PAVED.
- THE CONTRACTOR SHALL MONITOR THE TEMPERATURE OF THE CENTERLINE EDGE OF THE FIRST PAVED LANE AND MOVE THE LAYDOWN OPERATIONS TO THE SECOND LANE ALLOWING SUFFICIENT TIME FOR THE PAVEMENT OF THE SECOND LANE TO COVER THE CENTERLINE EDGE OF THE FIRST LANE PRIOR TO COOLING TO LESS THAN 150°F.

DESIGN JMP/KAP
DRAWN JAG/KAP
CHECK JMP
APPROVED JMP
FILE:

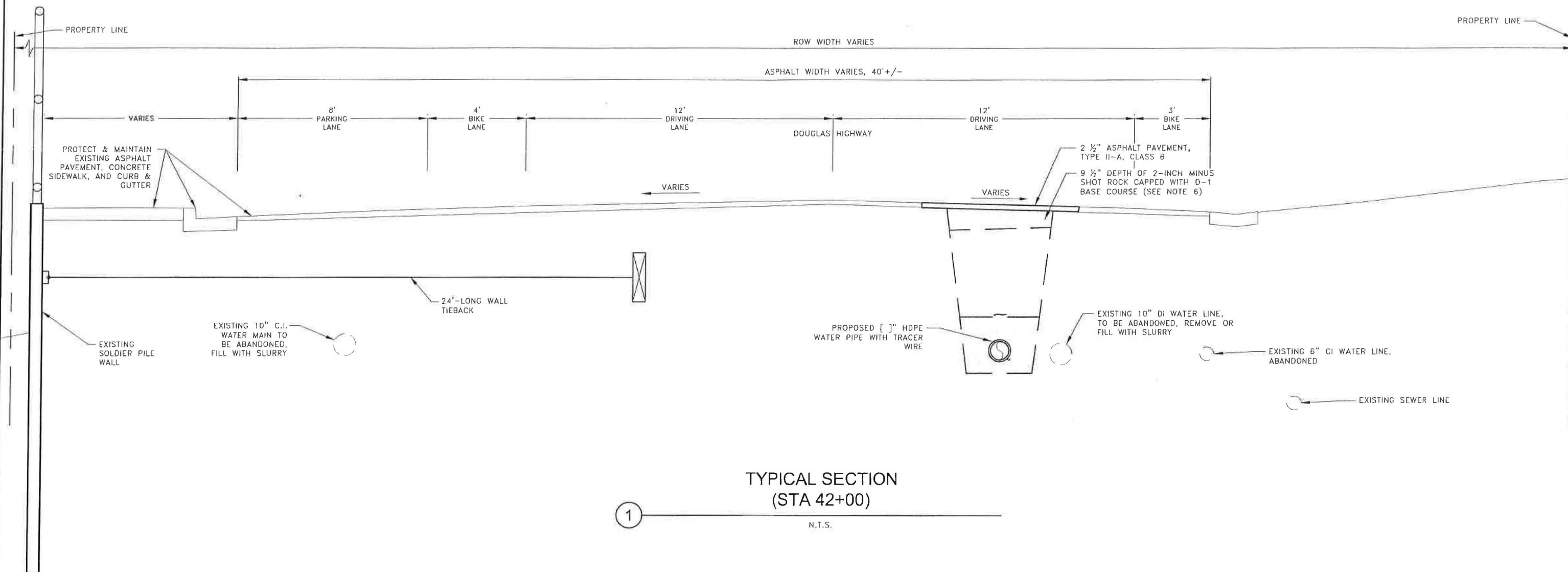
No.	DATE	REVISION	BY	APRVD.

TYPICAL SECTIONS



DOUGLAS HIGHWAY WATER
SYSTEM REPLACEMENT
CBJ CONTRACT No. BE17-
CITY & BOROUGH OF JUNEAU, ALASKA

DATE: JANUARY 25, 2017
R & M NO. 16452JN
SHEET C100



DESIGN	JMP/KAP
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CHECK	JMP
APPROVED	JMP
FILE:	

No.	DATE	REVISION	BY	APRVD.

TYPICAL SECTIONS



PDC
ENGINEERS

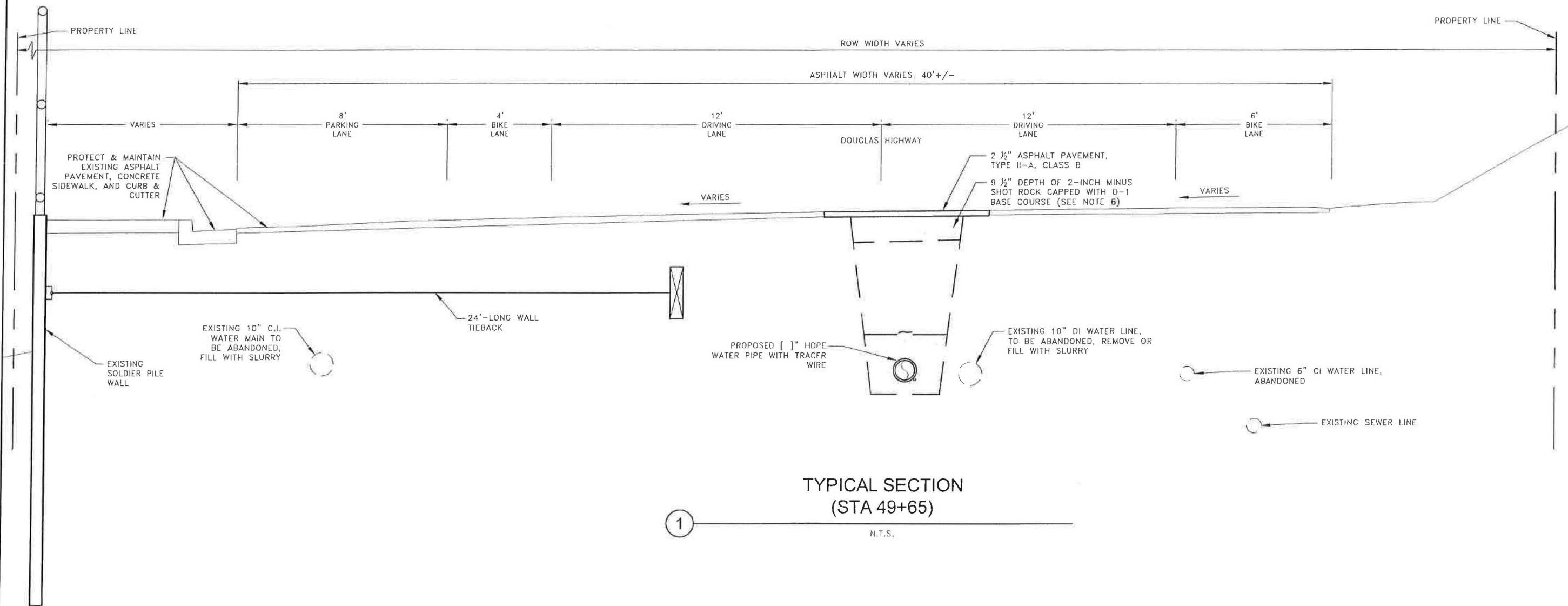
PLAN • DESIGN • CONSTRUCT

6205 Glacier Highway, Juneau, Alaska 99801
907.780.6060 | AECC605

DOUGLAS HIGHWAY WATER
SYSTEM REPLACEMENT
CBJ CONTRACT No. BE17-
CITY & BOROUGH OF JUNEAU, ALASKA

DATE: JANUARY 25, 2017
R & M NO. 16452JN

SHEET
C101



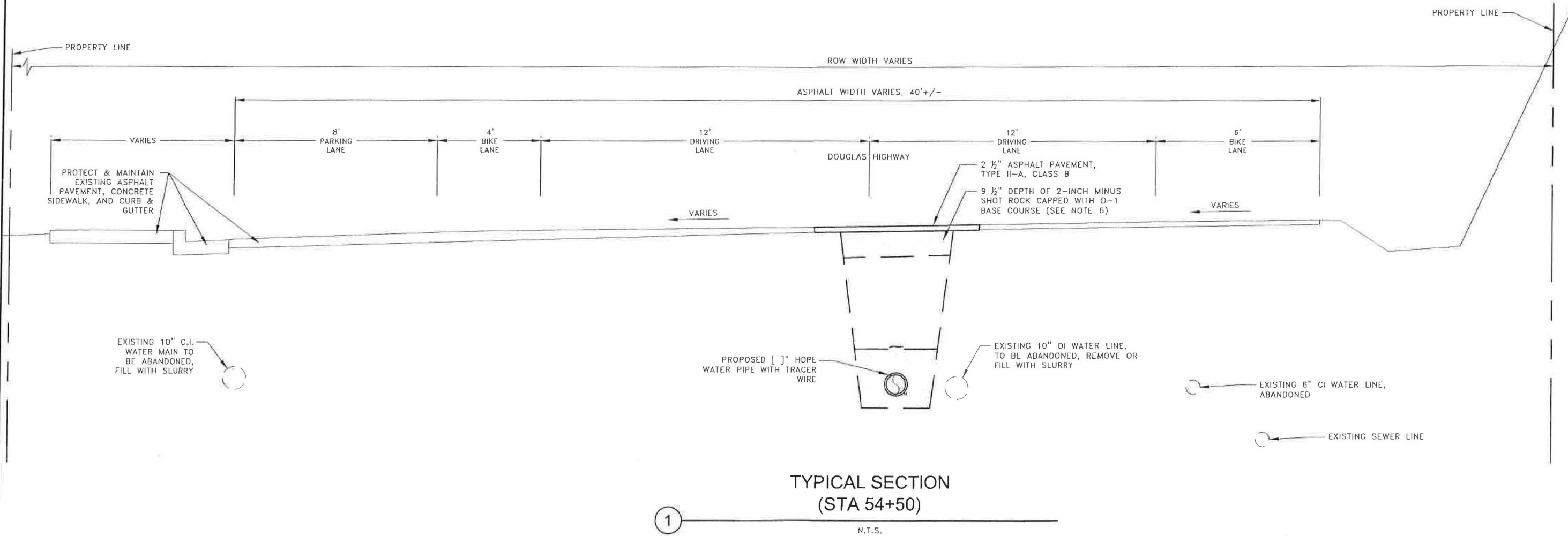
TYPICAL SECTIONS



DOUGLAS HIGHWAY WATER
SYSTEM REPLACEMENT
CBJ CONTRACT No. BE17-
CITY & BOROUGH OF JUNEAU, ALASKA

DATE: JANUARY 25, 2017
R & M NO. 16452JN
SHEET C102

DESIGN	JMP/KAP			
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APPROVED	JMP			
FILE:				
No.	DATE	REVISION	BY	APRVD.



TYPICAL SECTIONS



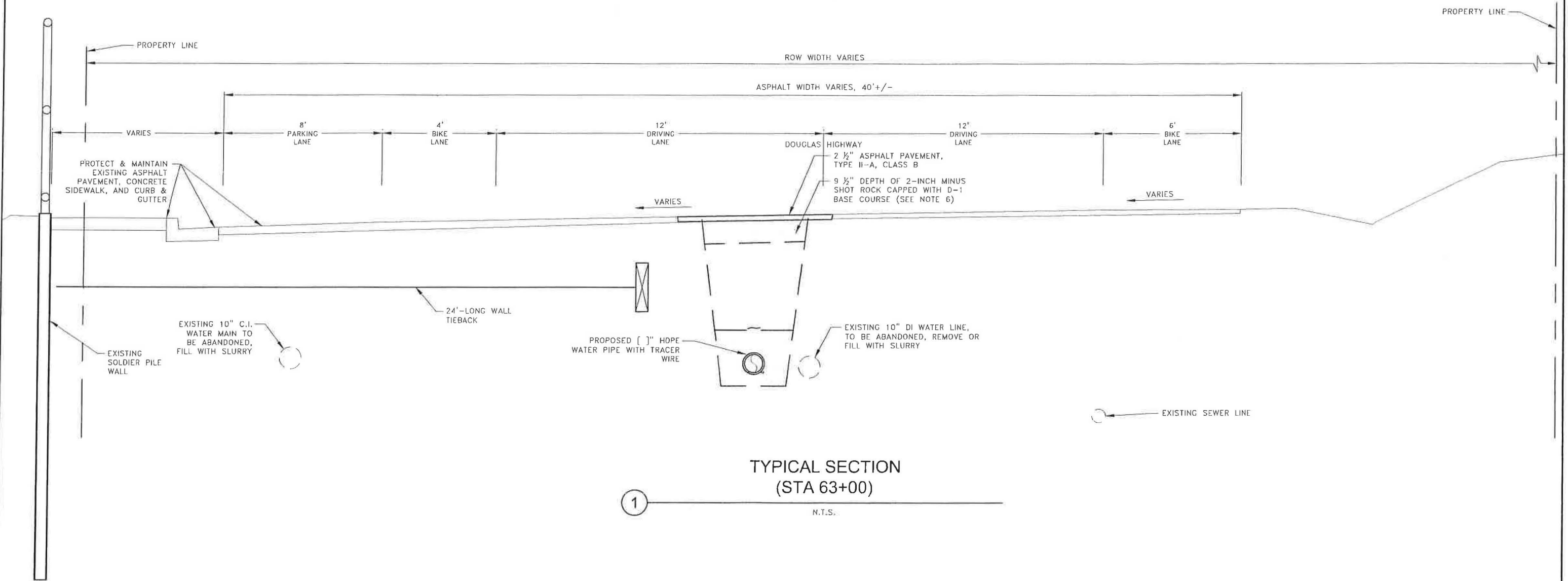
Attachment A



DOUGLAS HIGHWAY WATER
SYSTEM REPLACEMENT
CBJ CONTRACT No. BE17-
CITY & BOROUGH OF JUNEAU, ALASKA

DATE: JANUARY 25, 2017
R & M NO. 16452JN
SHEET C103

DESIGN	JMP/KAP				
DRAWN	JAG/KAP				
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FILE:					
No.	DATE	REVISION	BY	APRVD.	



TYPICAL SECTIONS



PDC
ENGINEERS

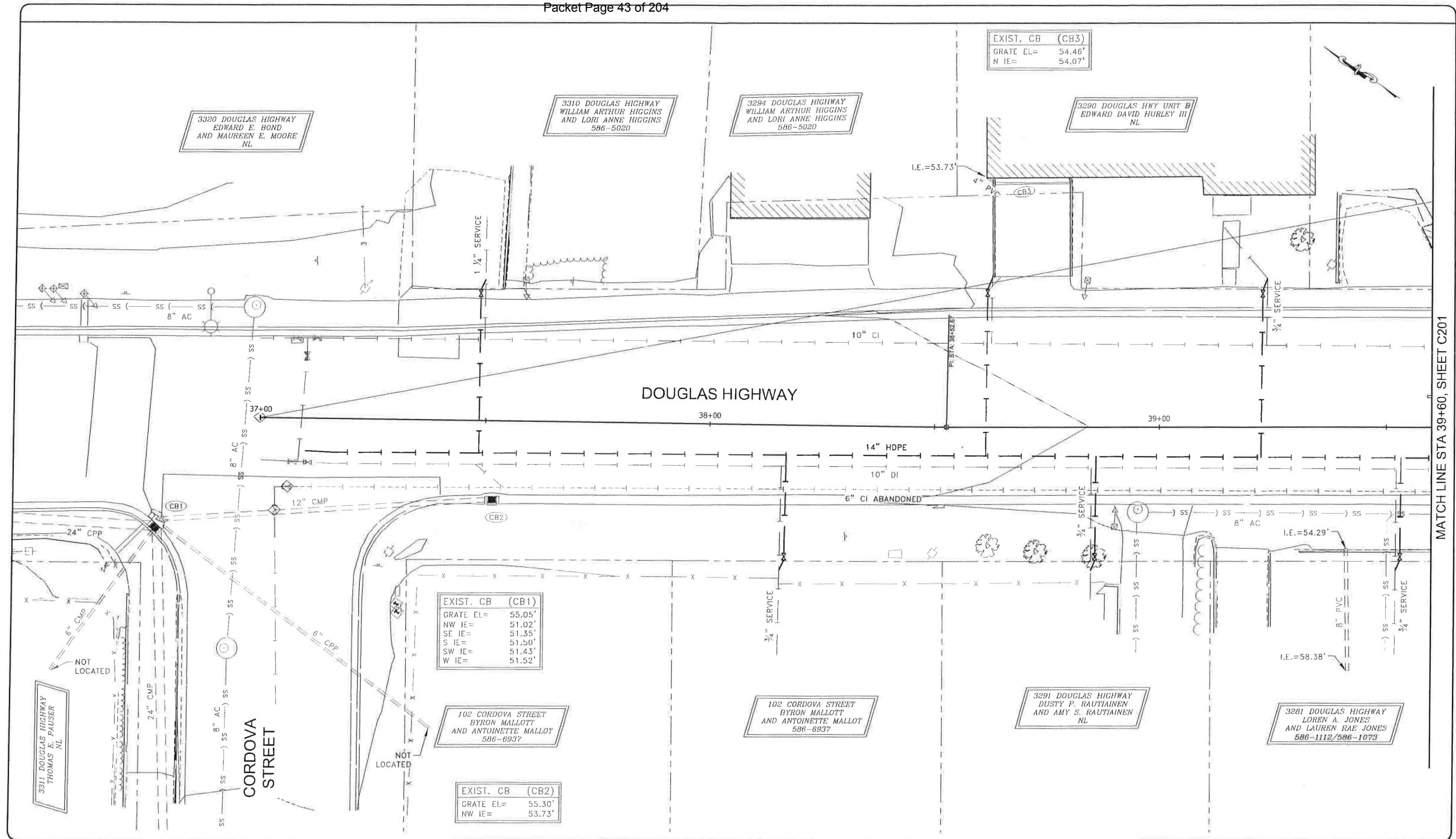
PLAN • DESIGN • CONSTRUCT

6205 Glacier Highway, Juneau, Alaska 99801
907.780.6060 | AECC605

DOUGLAS HIGHWAY WATER
SYSTEM REPLACEMENT
CBJ CONTRACT No. BE17-
CITY & BOROUGH OF JUNEAU, ALASKA

DATE: JANUARY 25, 2017
R & M NO. 16452JN
SHEET C104

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APPROVED	JMP					
FILE:						
No.	DATE	REVISION			BY	APRVD.



DESIGN JMP/KAP
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CHECK JMP
APPROVED JMP
FILE:

No.	DATE	REVISION	BY	APPRD.
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PLAN VIEW
STA 37+00 to STA 39+60



Attachment A

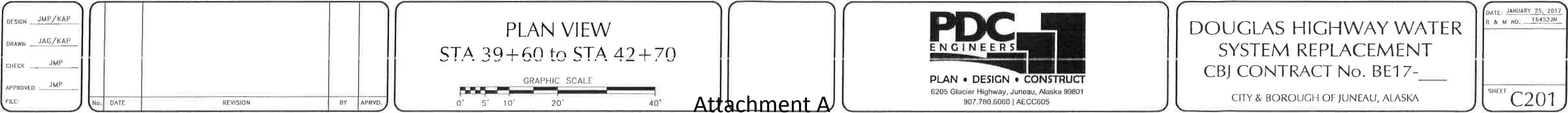


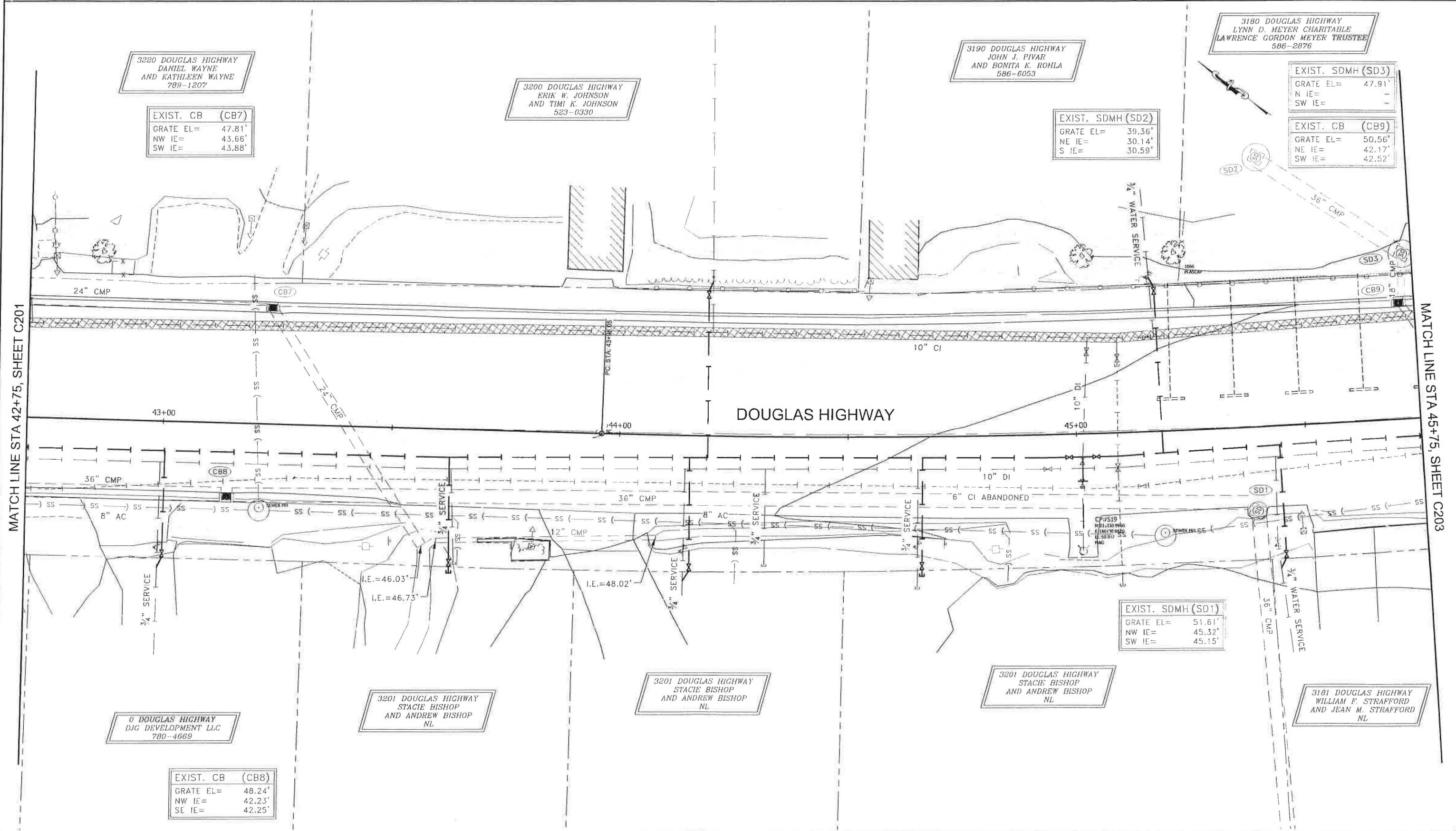
DOUGLAS HIGHWAY WATER
SYSTEM REPLACEMENT
CBJ CONTRACT No. BE17-

CITY & BOROUGH OF JUNEAU, ALASKA

DATE: JANUARY 25, 2017
& M NO. 16452JN

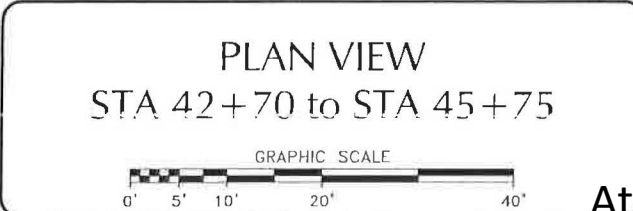
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No.	DATE	REVISION	BY	APRD.



Attachment A

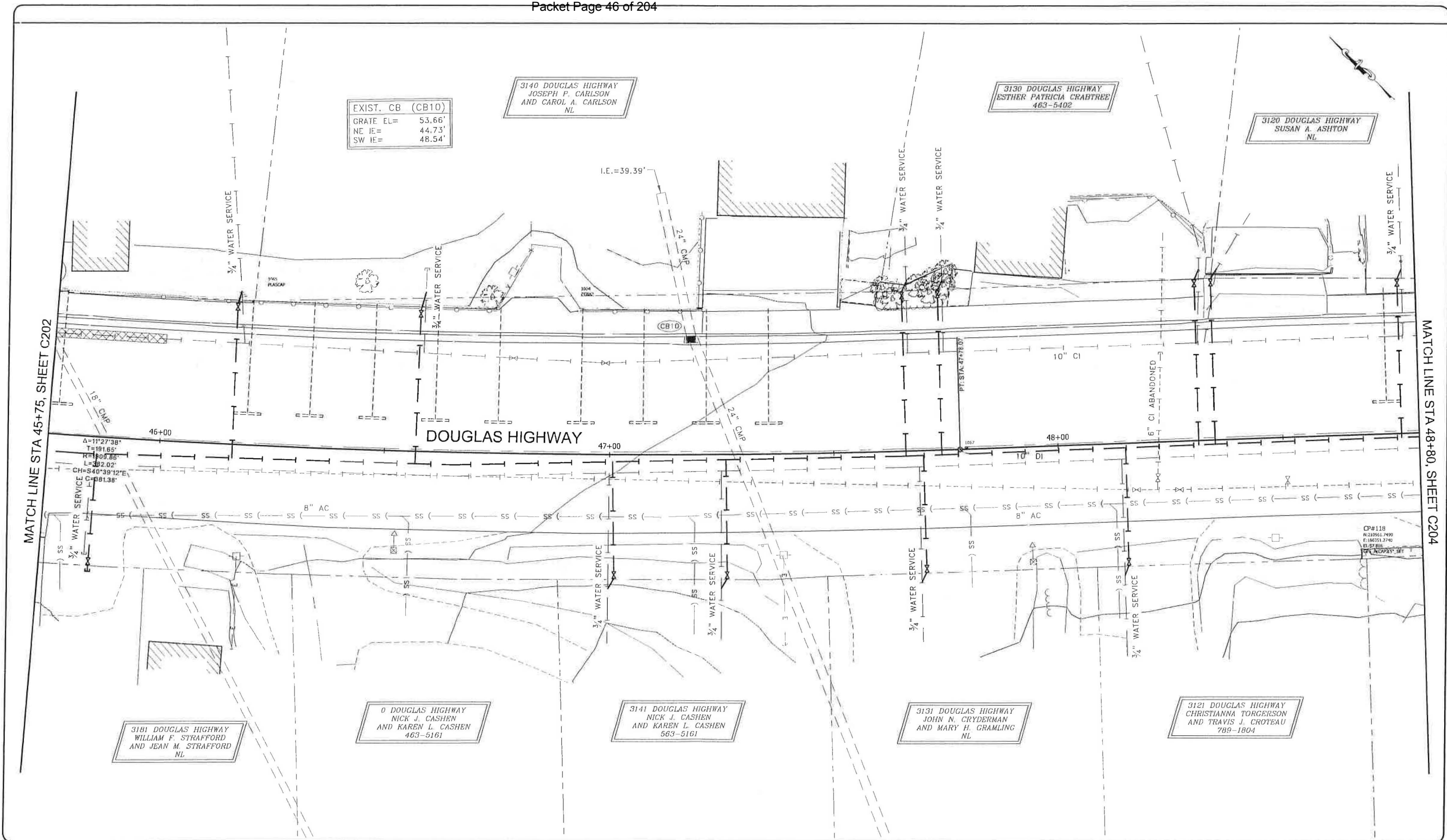
PDC
ENGINEERS

PLAN • DESIGN • CONSTRUCT

6205 Glacier Highway, Juneau, Alaska 99801
907.780.6060 | AECC605

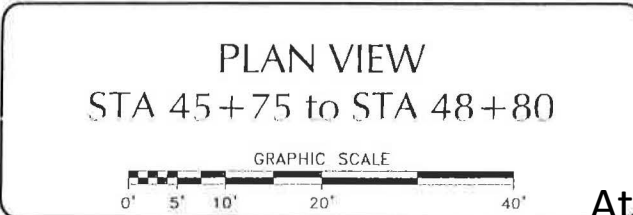
DOUGLAS HIGHWAY WATER
SYSTEM REPLACEMENT
CBJ CONTRACT No. BE17-
CITY & BOROUGH OF JUNEAU, ALASKA

DATE	JANUARY 25, 2017
R & M NO.	18452JN
SHEET	C202



DESIGN	JMP/KAP
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APPROVED	JMP
FILED	

No.	DATE	REVISION	BY	APRVD.



Attachment A



PDC ENGINEERS

PLAN • DESIGN • CONSTRUCT

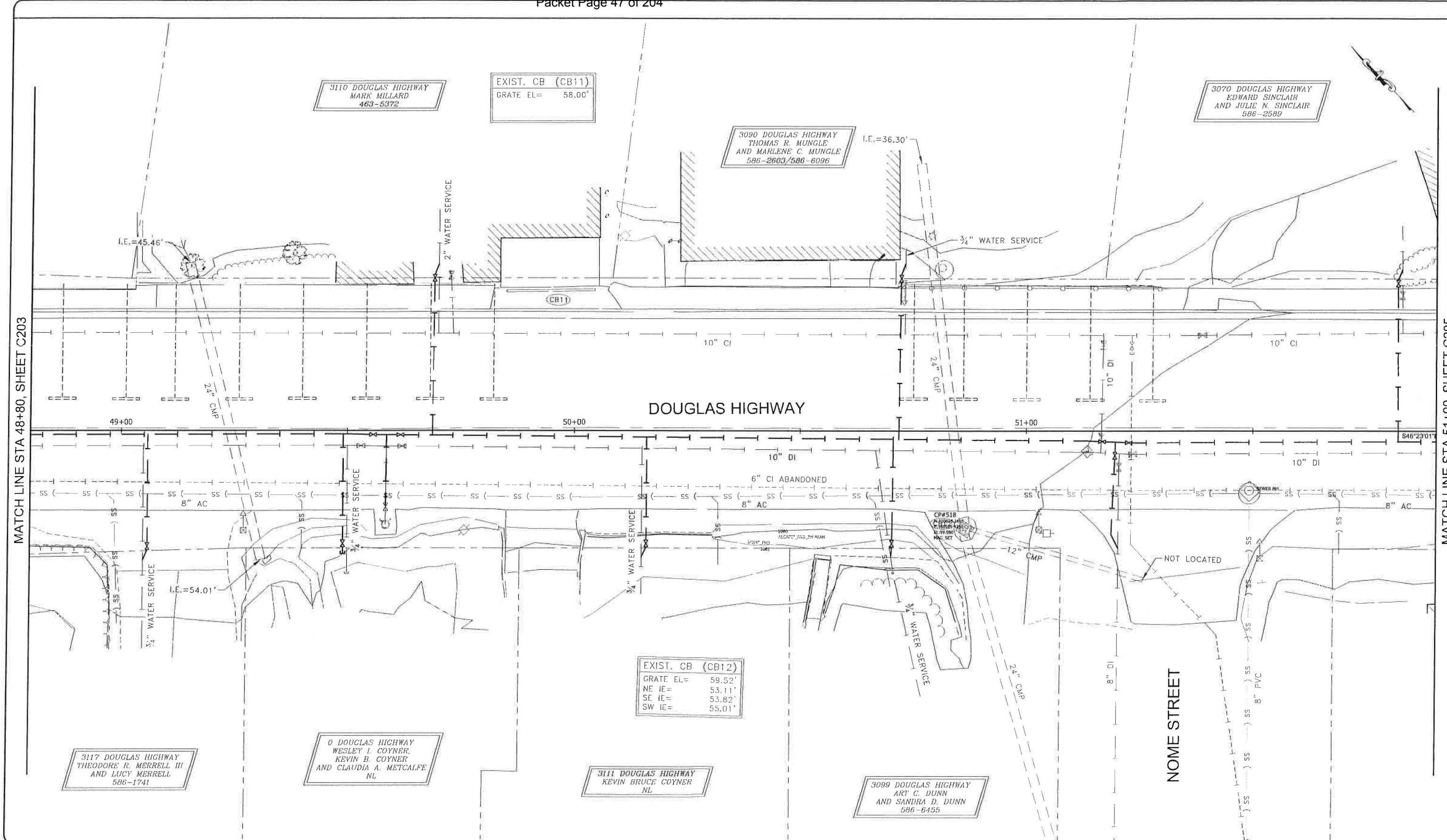
6205 Glacier Highway, Juneau, Alaska 99801
907.780.6060 | AECC605

**DOUGLAS HIGHWAY WATER
SYSTEM REPLACEMENT**

CBJ CONTRACT No. BE17-___

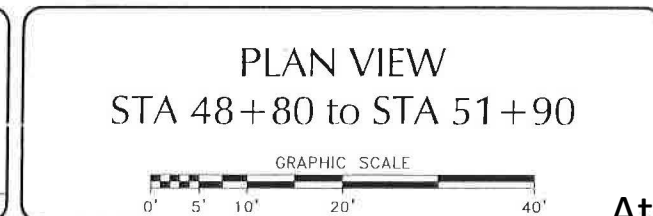
CITY & BOROUGH OF JUNEAU, ALASKA

DATE: JANUARY 25, 2017
R & M NO. 18452JN
SHEET
C203



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APPROVED	JMP				
FILE					

No.	DATE	REVISION	BY	APRVD.



Attachment A

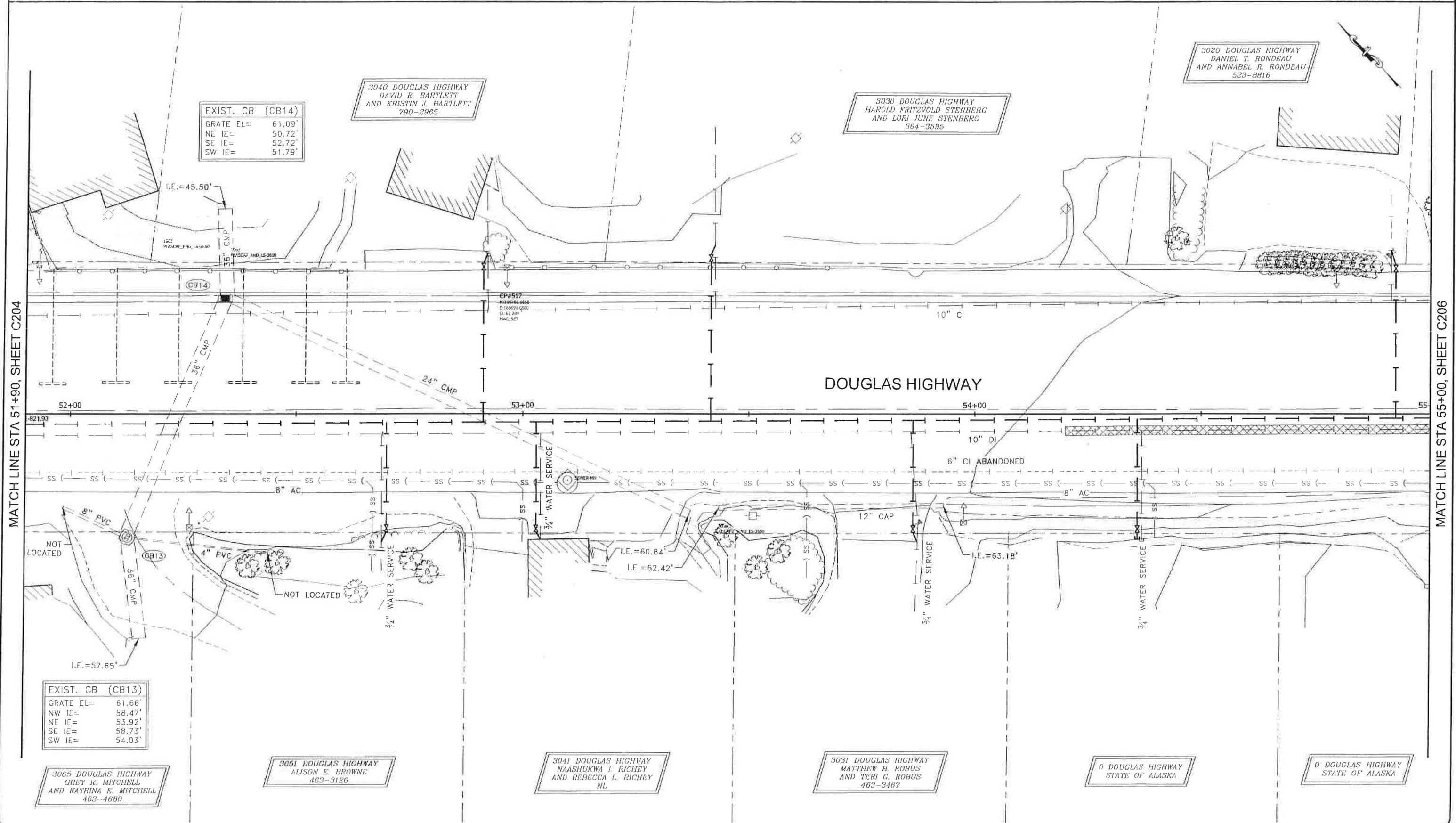
PDC
ENGINEERS

PLAN • DESIGN • CONSTRUCT

6205 Glacier Highway, Juneau, Alaska 99801
907.780.6060 | AECC605

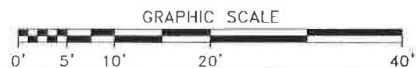
DOUGLAS HIGHWAY WATER
SYSTEM REPLACEMENT
CBJ CONTRACT No. BE17-
CITY & BOROUGH OF JUNEAU, ALASKA

DATE: JANUARY 25, 2017
R & M NO. 16452JN
SHEET C204



DESIGN	JMP/KAP			
DRAWN	JAG/KAP			
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APPROVED	JMP			
FILE:				

PLAN VIEW
STA 51+90 to STA 55+00



Attachment A

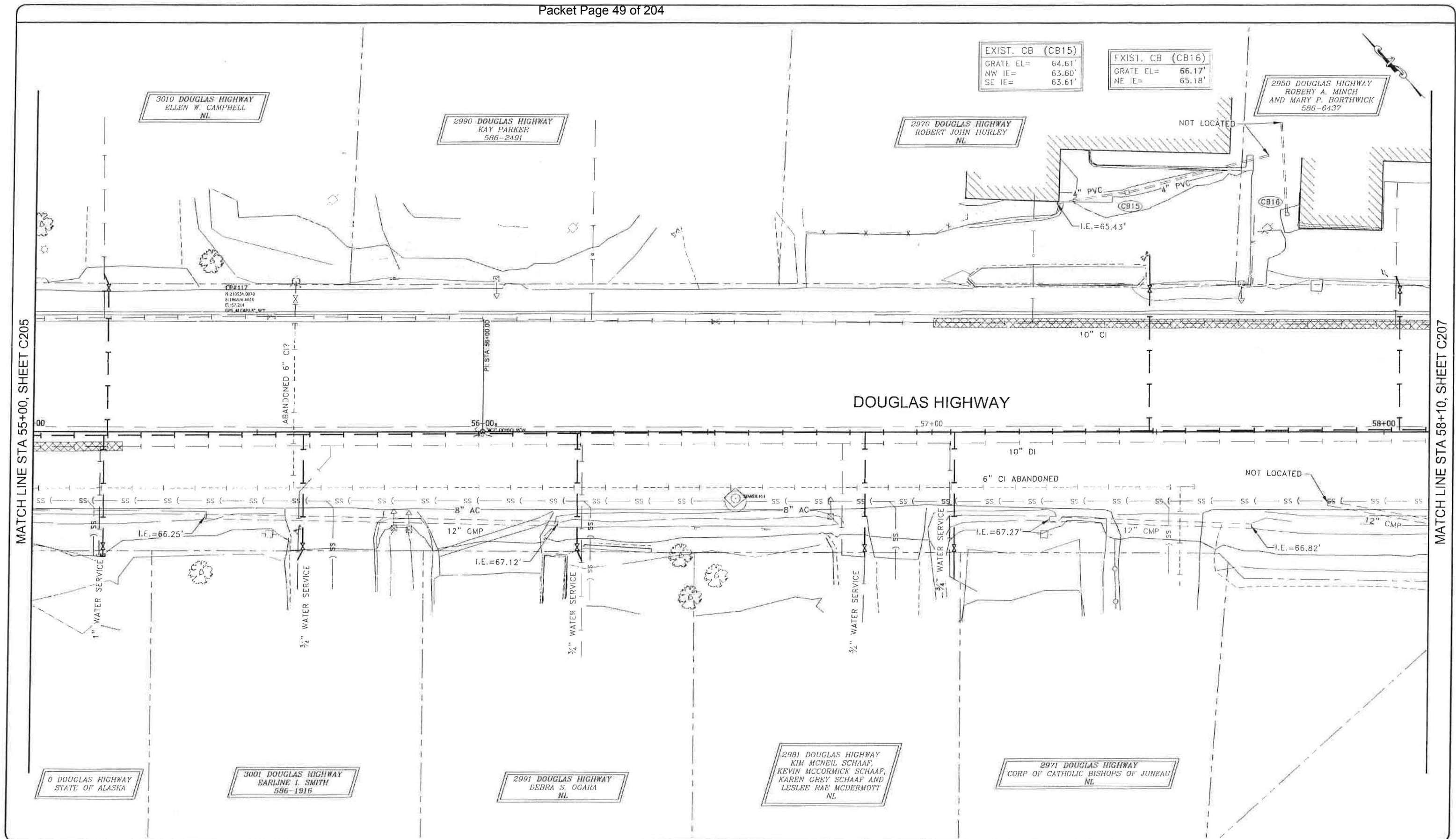


DOUGLAS HIGHWAY WATER
SYSTEM REPLACEMENT
CBJ CONTRACT No. BE17-_____

CITY & BOROUGH OF JUNEAU, ALASKA

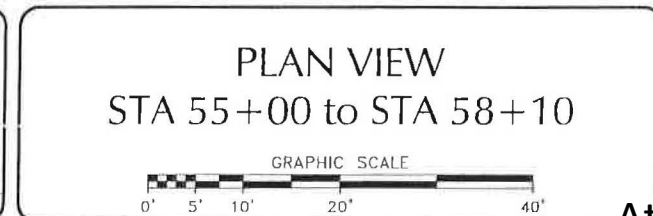
DATE: JANUARY 25, 2017
& M NO. 16452JN

HEET C205



DESIGN	JMP/KAP
DRAWN	JAG/KAP
CHECK	JMP
APPROVED	JMP
FILE:	

No.	DATE	REVISION	BY	APPROV.



Attachment A

PDC
ENGINEERS

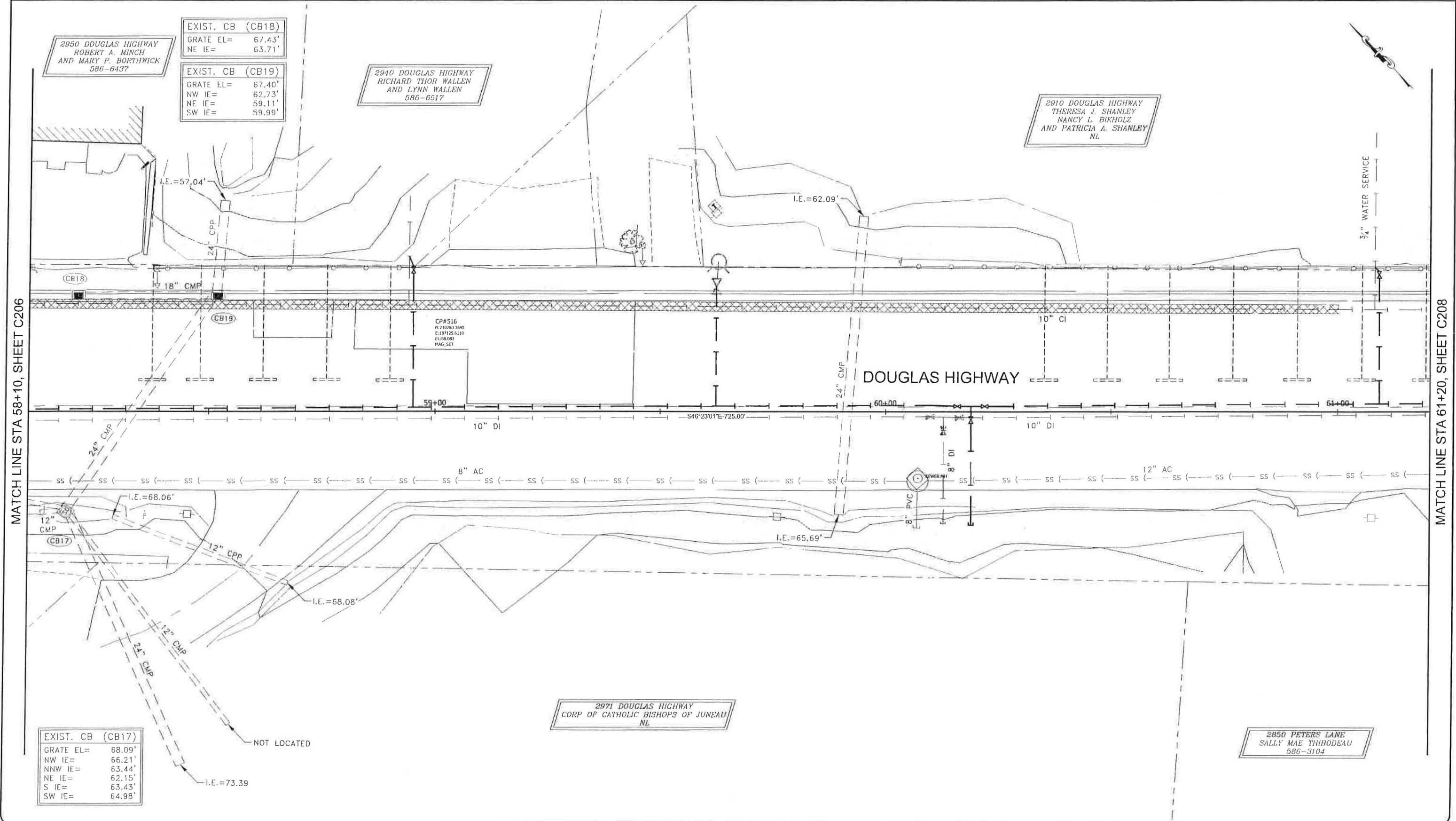
PLAN • DESIGN • CONSTRUCT

6205 Glacier Highway, Juneau, Alaska 99801
907.780.6060 | AECC605

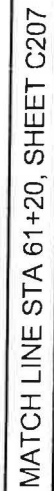
DOUGLAS HIGHWAY WATER
SYSTEM REPLACEMENT
CBJ CONTRACT No. BE17-
CITY & BOROUGH OF JUNEAU, ALASKA

DATE: JANUARY 25, 2017
R & M NO. 16452JN

SHEET
C206



2850 DOUGLAS HIGHWAY
CAROL DAPCEVICH
586-2173



MAICH LINE SIA 64+30, SHEET C209

DOUGLAS HIGHWAY

JOHN STREET

2850 PETERS LANE
SALLY MAE THIBODEAU
586-3104

2810/2012 JOHN STREET
SANA P. EFIRD
AND FRANKLIN D. EFIRD
NL

No.	DATE	REVISION	BY	APRVD.
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PLAN VIEW
STA 61+20 to STA 64+30



Attachment A

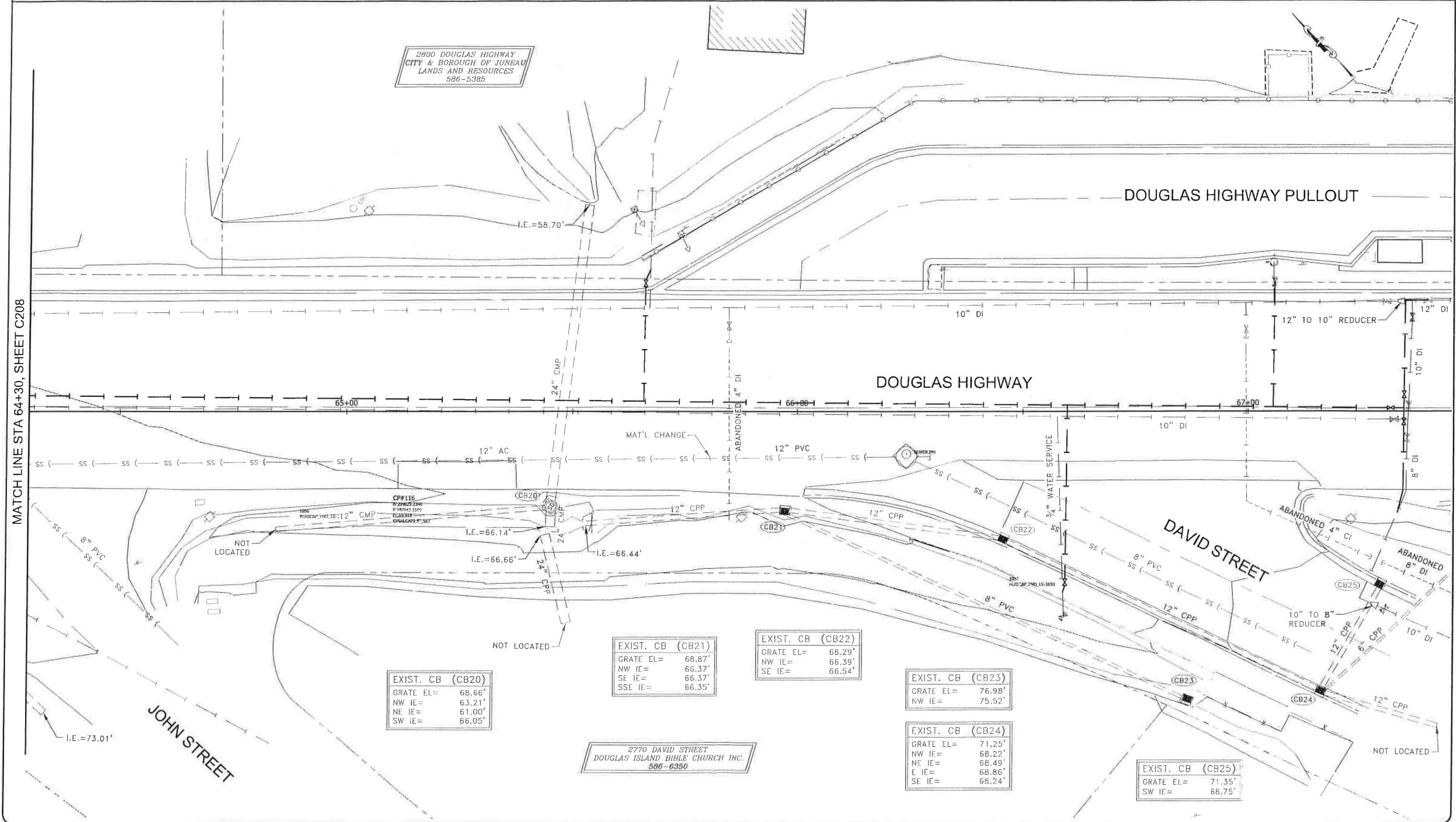


DOUGLAS HIGHWAY WATER
SYSTEM REPLACEMENT
CBJ CONTRACT No. BE17-

CITY & BOROUGH OF JUNEAU, ALASKA

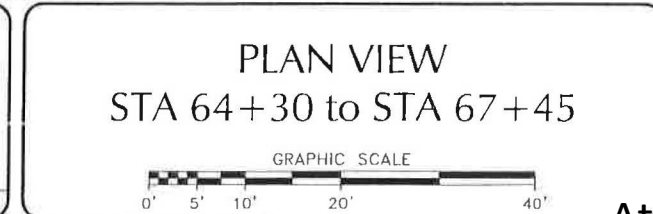
DATE: JANUARY 25, 2017
& M NO. 16452JN

SHEET C208



DESIGN	JMP/KAP
DRAWN	JAG/KAP
CHECK	JMP
APPROVED	JMP
FILE:	

No.	DATE	REVISION	BY	APRVD.



Attachment A

PDC ENGINEERS

PLAN • DESIGN • CONSTRUCT

6205 Glacier Highway, Juneau, Alaska 99801
907.780.6060 | AECC605

**DOUGLAS HIGHWAY WATER
SYSTEM REPLACEMENT
CBJ CONTRACT No. BE17-**

CITY & BOROUGH OF JUNEAU, ALASKA

DATE: JANUARY 25, 2017
R & M NO. 16452JN

SHEET **C209**

CSP2017 0001 – Waterline replacement along Douglas Highway

March 28, 2017



CSP17-01

PROJECT AREA



- Approximately 3,500 feet of new 16" High Density Polyethylene pipe
- Project is in advance of AKDOT resurfacing project
- Project currently out to bid
- Project duration anticipated to run June to September
- Hours of operation: 9 a.m. to 3 p.m.
- Residents will be notified of any parking restrictions and service interruptions



Staff recommends that the Planning Commission find CSP2017 0001 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 replacement of the water system along Douglas Highway from the Juneau Douglas roundabout to David Street.

CSP17-01

QUESTIONS?





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: March 30, 2017

File No.: CSP2017 0001

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

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding a city project to replace the water system along Douglas Highway from the Juneau-Douglas roundabout to David Street.

Property Address: N/A

Legal Description
or ROW name: Douglas Highway

Parcel Code No.: 0

Hearing Date: March 28, 2017

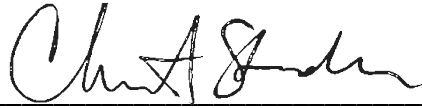
The Planning Commission, at its regular public meeting on March 28, 2017, adopted the analysis and findings listed in the attached memorandum dated March 2, 2017 and recommended that the City Manager direct CBJ staff to design and build the project in accordance with the following recommendations:

Attachments: March 2, 2017 memorandum from Chrissy Steadman, Community Development, to the CBJ Planning Commission regarding CSP2017 0001.

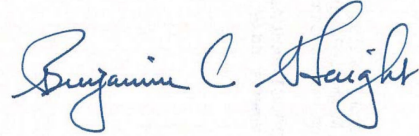
This Notice of Recommendation constitutes a recommendation of the CBJ Planning Commission to the City and Borough Assembly. Decisions to recommend an action are not appealable, even if the recommendation is procedurally required as a prerequisite to some other decision, according to the provisions of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

City and Borough of Juneau
Assembly Members
File No.: CSP2017 0001
March 30, 2017
Page 2 of 2

Project Planner:



Chrissy Steadman, Planner II
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

April 4, 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: March 14, 2017

TO: Planning Commission

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

FILE NO.: USE2017 0002

PROPOSAL: Conditional Use Permit for a marijuana cultivation facility in the Industrial zone.

GENERAL INFORMATION:

Applicant: Green Elephant LLC

Property Owner: Alaska Print Group LLC

Property Address: 8420 Airport Blvd.

Legal Description: Tract B Block J Valley Centre

Parcel Code Number: 5-B15-0-101-003-0

Site Size: 43,562 square feet (1 acre)

Comprehensive Plan Future Land Use Designation: Light Industrial

Zoning: Industrial

Utilities: City water and sewer

Access: Airport Boulevard

Existing Land Use: AK Litho print shop/Juneau Dance Studio/commercial office space/vacant warehouse space

Surrounding Land Use:

- North - General Commercial (Juneau Vet Clinic/Second Wind Sporting Goods)
- South - Industrial (Plumbing & Heating Shop/Welding Shop/Fireweed Factory Cultivation Facility)
- East - General Commercial (Aspen Suites)
- West - Industrial (NC Machinery)

Planning Commission
File No.: USE 2017 0002
March 14, 2017
Page 2 of 11

Vicinity Map



Planning Commission
File No.: USE 2017 0002
March 14, 2017
Page 3 of 11

ATTACHMENTS

Attachment A – Development and Conditional Use Permit Application
Attachment B – Site Plan
Attachment C – Project Narrative and Floor Plan
Attachment D – Public Notice

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a 6,000 square foot marijuana cultivation facility in a vacant warehouse space located at 8420 Airport Boulevard in an Industrial zoned district. The proposed facility would be for growing, processing and packaging cannabis for distribution and sale. The applicant intends to use this building solely for cultivation.

BACKGROUND

The subject lot was platted in 1974 as part of a re-subdivision of Block J of Valley Centre Subdivision (Plat 74-31). The lot is one acre in size and has two buildings located on the site. The building to be used for the proposed marijuana cultivation business is a metal warehouse space that was constructed in 1984 (BLD-1053001) and was used by Douglas Trucking Warehouse until 2005. The warehouse is approximately 6,000 square feet. Alaska Print Group, LLC purchased the lot and the warehouse in 2005 and constructed a second building on the site (BLD2006-00221). The applicant, Green Elephant, LLC, is leasing the warehouse space from Alaska Print Group, LLC. The newer building is used as a commercial print shop for Alaska Litho, office space for K&L Distributors and Faulkner Banfield, PC, and a studio space for Juneau Dance Theatre.

In 2006, Alaska Print Group, LLC received an Allowable Use Permit to operate a commercial print shop in an Industrial zoning district (USE2006-0038) and a Conditional Use Permit for the office space (USE2006-0039).

The applicant has submitted an application with the State of Alaska Marijuana Control Board and will obtain a CBJ Marijuana License if both the state license and this Conditional Use Permit application are both approved. The inspection required for the CBJ Marijuana License will ensure that the applicant is held to the plans submitted, special use requirements in CBJ 49.65.1200 and any other conditions that may be required with this permit. If this conditional use permit is approved this will be the second cultivation facility for Green Elephant, LLC. Green Elephant, LLC has an approved conditional use permits and licenses to operate a marijuana cultivation facility and a marijuana retail facility on Mill Street. The product that is produced at the Airport Boulevard location will be transported and sold at the Mill Street location.

In addition to the regular materials that an applicant must submit for a Conditional Use Permit application, CBJ 49.65.1245 requires all marijuana cultivation facilities to also submit the

Planning Commission
 File No.: USE 2017 0002
 March 14, 2017
 Page 4 of 11

following items: a security plan, a waste disposal plan, a screening plan, and a ventilation and filtration plan. These plans will be discussed later in the staff report.

According to CBJ 49.65.1245(e), an approved Conditional Use Permit for marijuana establishments is subject to review by the Planning Commission every five years from the date of issuance. If this permit is approved, the first review by the Commission would be March 28, 2022.

ANALYSIS

Title 49 requires a Conditional Use Permit for all marijuana establishments. This particular permit request is for a marijuana cultivation facility that will have more than 500 square feet under cultivation (*CBJ 49.25.300 Table of Permissible Uses 14.240*) in an Industrial zoning district.

CBJ 49.65.1200 Marijuana Establishments

49.65.1205 License required

(a) No person may operate a marijuana establishment within the City and Borough without a conditional use permit, a valid license issued by the City and Borough, and a valid license issued by the State of Alaska. The following types of licenses may be issued under this article:

(2) Marijuana cultivation facility license;

49.80.120 Definitions – Marijuana cultivation facility means an entity that cultivates, prepares, and packages marijuana and sells marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

Project Site – The subject lot was platted 1974 and is 43,562 square feet. The minimum lot size in the industrial district is 2,000 square feet. The lot is approximately 115 feet wide and has an average depth of 380 feet. The minimum lot width in the industrial district is 20 feet and the minimum depth is 60 feet. There is an un-developed, un-named right of way that abuts the northern property line of the subject lot making the northern property line subject to a street side setback. Setbacks in the industrial zone are 10 feet for the front and street side and zero feet for the side yards. The subject lot abuts a General Commercial zoning district along the eastern side property line. When a lot is adjacent to a different zoning district the stricter setback requirement applies. Side yard setbacks in the General Commercial zoning district are 10 feet. Both of the existing structures on the lot meet the required setbacks.

The subject lot, at 8420 Airport Blvd, is located on the north side of Airport Blvd between Old Dairy Road and Crest Street. The site is east of NC Machinery Co., west of the Aspen Suites Hotel (General Commercial zoning district), north of The Plumbing & Heating Shop with a caretakers unit, and south of Second Wind Sporting Goods store and Juneau Veterinary Clinic.

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In 2016, the Planning Commission approved a Conditional Use Permit for a marijuana cultivation facility at 8415 Airport Blvd. This location is southwest of the subject lot.

All marijuana facilities must be located more than 500 feet from school grounds, recreation or youth centers, buildings which regularly conduct religious services, and correctional facilities. The Raven Correspondence Homeschool is located at 8391 Airport Blvd. State Marijuana Ordinance 3 AAC 306.010 states that the distance must be measured by the shortest pedestrian route from the public entrance of the building in which the licensed premises would be located to the outer boundary of the school ground. Staff measured the distance according to the state requirements. That measurement came to 568 feet from the school property line to the door of the cultivation facility.



The Juneau Dance Theatre does not meet the State of Alaska’s definition of a “recreation or youth center”, as the facility is not run or created by a local government or state agency and is for persons of all ages.

3 AAC 306.990. Definitions.

(35) “recreation or youth center” means a building, structure, athletic playing field, or playground

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(A) run or created by a local government or the state to provide athletic, recreational, or leisure activities for persons under 21 years of age; or

(B) operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age;

Project Design – The building that will be used for cultivation is approximately 6,000 square feet and roughly 20 feet in height. As mentioned above the building is currently vacant warehouse space. The owner of the building, Alaska Print Group, LLC, has plans for exterior and interior renovations to the building in order to accommodate the proposed marijuana cultivation and to ensure compliance with state and local marijuana regulations. The building has two windows - one on the east side of the building and one on the north side. The window on the east side of the building is currently secured with metal screening and will be removed during the renovations. The window on the north side of the building is a clerestory window approximately 15 feet above grade and will remain in place.

The building currently has three exterior doors, one at the southeast corner, one at the south west corner and one at the northwest corner. The door at the southwest corner will be removed. There are two garage doors on the south side of the building. One of the garage doors will be removed. Once all exterior renovations are complete the building will have three exterior entrances, two person doors and one garage door. All entrances will be secured with cameras, alarms and restricted access signs.

The cultivation will take place in a large open area inside the building. The applicant has stated that soft sided tents may be erected around the cultivation site inside the warehouse. The applicant intends to construct two separate rooms inside the building for curing, trimming and packaging their product. A secured room will be constructed inside the building to hold a safe for storing product and for surveillance hardware. A separate room inside the building will be constructed for the storage of tools, chemical supplies, and other electrical equipment. The warehouse space already has a small front office. The applicants plan to use this office space for administrative activities related to the cultivation business (attachment C).

The applicant plans to install four exterior security cameras at each corner of the building and eight exterior security lights. The interior of the building will have 12 security cameras (attachment C).

CBJ 49.65.1245 contains additional requirements for marijuana establishments. Those requirements are addressed below.

Ventilation & Filtration/Odor – The applicant plans to use carbon filters and fans to remove any noxious odor from the air before exhausting it out of the building. The design of the ventilation and filtration system will be very similar to that used at the applicant's Mill Street location. The applicant has stated that they may introduce an ozone generator into the exhaust line after the air has flowed through the carbon filter. The ventilation and odor filtration system will be included for review during the building permit process.

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The applicant intends to use CO₂ (carbon dioxide) to enrich the plants. The emission of CO₂ will be electronically monitored. There will be CO₂ detectors that will monitor the level of gas in the air. An alarm will sound if gas levels reach 5,000 ppm (part per million) and a master control valve will automatically shut off the gas. The proposed CO₂ usage is in compliance with state and local regulations and is subject to review and inspection by the CBJ Fire Marshal.

Fungicides & Pesticides – The applicant plans to use natural pesticides for pest control on all of their plants. A list of the pesticides that will be used is provided on page 4 of the applicant's narrative (attachment C). The applicant's list of pesticides is consistent with the approved pesticides allowed to be used on marijuana plants, per the Alaska Department of Environmental Conservation.

Security – According to CBJ 49.65.1245 (a) (2), applicants are required to submit a security plan that indicates how they will comply with state regulations. State regulations require exterior lighting, alarm systems, video surveillance and commercial grade door locks. The site plan identifies the required security requirements (attachment B).

The building will have eight exterior lights installed, two on each side of the building. Each light will illuminate a 20 foot radius and will provide sufficient lighting for the four exterior surveillance cameras. There will be ambient light from the surrounding buildings that will provide further illumination. A secured room will be constructed inside the building that will house the surveillance hardware and a safe. There will be 12 surveillance cameras inside the building – one in the office, one in the secured room, one in curing room, one in the trimming and packaging room, one in the storage room, one at each entrance and five in the open cultivation area. The surveillance system will be inspected as part of the State and local license inspections.

Access will be restricted to the entire facility, excluding the front office. All visitors will be required to show a photo ID proving they are over 21 years of age. Each visitor will sign in a log book noting their name, age, date, and time of arrival and departure. Each visitor will be issued a visitor ID badge by a manager or owner. No more than five visitors will be admitted per marijuana handler certified employee. All logs will be secured within the security room. Only the owners and one trusted employee will have access to the security room.

Both exterior doors and the garage door will be alarmed with a vibration sensor. Motion detections alarms will be installed throughout the interior of the facility. The alarm system will be activated when the facility is closed.

Waste disposal – The applicant will log all marijuana waste material into the METRC System (the marijuana inventory tracking system) and will store the material for 72 hours. The material will then be recycled and used as fertilizer for future plants. Any marijuana waste material that is not recycled will be ground up and mixed with other organic material. This will render the material unusable as required by state regulations. Staff recommends as a condition of approval that all waste material containing marijuana products be stored in a secured enclosure until transport to the CBJ landfill.

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Screening – CBJ 49.65.1245(a)(4) prohibits marijuana product from being visible from a public right of way. As stated in the Project Design section of this report, the applicant plans to remove the existing window on the east side of the building. The only other window in the building is a clerestory window which is approximately 15 feet above grade. This window will remain and will not be screened.

CBJ 49.15.330(g) identifies the general items that staff reviews for all Conditional Use Permits. Those items are addressed below.

Traffic – Traffic to and from the site will consist of owners, employees, and supply deliveries. The applicant anticipates hiring two employees with the possibility of three additional employees once the business is established. Supply deliveries such as CO₂ will occur infrequently on a weekly or bi-weekly basis. Packaged product will be transported to the applicant's licensed retail facility at 101 Mill Street. Marijuana is harvested cyclically and once packaged a large amount can be transported in a single trip. A small amount of product will be transported for testing.

CBJ 49.40.300 states that a traffic impact analysis is NOT required when a development is projected to generate less than 250 average daily trips. The expected traffic generated by the Green Elephant cultivation facility is no more than expected from other surrounding uses. Surrounding uses include a hotel, a dance studio, offices, and a commercial print shop.

Parking and Circulation – According to CBJ 49.40.210 the total number of parking spaces required for the proposed cultivation facility is

Use	Parking Requirement by use	Size of Use	Parking Requirement
Marijuana Cultivation	1 per 1,000 sf.	6,000 sf.	6
Office	1 per 300 sf.	132 sf.	1
Total			7

CBJ 49.40.120(b)(3) requires that when 1 to 25 parking spaces are needed, one space must be ADA accessible. Regular parking spaces are required to be 8.5' by 17' and ADA spaces are required to be 13' by 17'. The site already has the required number of parking spaces and the ADA space is striped per CBJ 49.40.210(b)(1) & (b)(3)(c) (attachment B).

CBJ 49.40.210 also requires one loading space be provided that is 30 feet deep by 12 feet wide with a clearance of 14.5 feet. The applicants will have access to a loading space on site (attachment B).

Noise – All marijuana and associated activities will take place inside the existing warehouse. Minimal noise is expected to be emitted from the facility. The site is within the Industrial zoning district and surrounding uses include Aspen Suites, Juneau Dance Theatre, NC Machinery, a plumbing and heating business, and another cultivation facility. The noise level that will be

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generated by the proposed facility is not expected to be higher than the noise level from surrounding uses.

Public Health or Safety – Several aspects of public health and safety were addressed in previous sections of this report including the use and storage of CO₂, the use of pesticides, odor management and security. The use and storage of CO₂ is governed by the requirements found in the International Fire Code and the CBJ Building Code and will be inspected by the CBJ Fire Marshal.

The applicant has indicated that they plan to use non-toxic fertilizers and pesticides. Therefore, any risk of toxic substances being transferred to a consumer or employee is minimal. Carbon filters will be used in the ventilation and filtration system to manage any odor.

The applicant's proposal meets all the state and local requirements for security including an alarm system, surveillance cameras, exterior lighting, commercial grade door locks, CO₂ level detection alarms, and the appropriate signage. Proposed modifications to the warehouse will be reviewed through the building permit process.

Vegetative Cover – CBJ 49.50.300 requires that five percent of the site be maintained with live vegetative coverage. For this site, 2,178 square feet must be covered with live vegetation. Staff has confirmed that the current vegetative coverage on this site meets the code requirement.

Habitat – No habitat regulated by CBJ Title 49 is affected by this proposal.

Property Value or Neighborhood Harmony – The area is zoned Industrial and the proposed activity is in keeping with existing activities in this zoning district and the surrounding uses. As mentioned previously in this report, the proposed use is not expected to generate more noise or traffic than the surrounding uses. At the time this staff report was due, no public comment in opposition to this project had been received. With the applicant's plans for security, screening, and odor control there is no evidence to suggest this project would have a negative impact or be out of harmony with the surrounding neighborhood.

Conformity with Adopted Plans – The proposed development is located in subarea 4 (East Mendenhall Valley) of the 2013 Comprehensive Plan's land use maps and has a land use designation of Light Industrial (LI). The 2013 Comprehensive Plan defines Light Industrial as follows:

Light Industrial (LI) - Land to be developed for heavy commercial or light industrial uses such as small to medium scale food processing, printing, and other business services, wholesale trade, research and development laboratories, light manufacturing processes, metal fabrication, warehousing, trucking, animal kennels, crematoria, indoor and outdoor storage, car, boat and heavy equipment sales, and repair and maintenance activities.

Staff further reviewed the 2013 Comprehensive Plan for policies that may be relevant to the proposal:

Green Elephant's proposed marijuana cultivation facility has been found to be consistent with the 2013 Juneau Comprehensive Plan, specifically Chapter 5 Economic Development.

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POLICY 5.1. TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY, PROVIDING OPPORTUNITIES FOR EMPLOYMENT FOR ALL RESIDENTS.

POLICY 5.18. TO ENCOURAGE AND SUPPORT ENTREPRENEURSHIP AND INNOVATION IN THE ECONOMY OF JUNEAU AND SOUTHEAST ALASKA.

The proposed development would help to diversify the economy and is a new business as encouraged by these policies. Green Elephant's proposed marijuana cultivation facility is consistent with the 2013 Comprehensive Plan.

FINDINGS

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

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

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

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

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

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

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

Yes. Staff finds the application contains the information necessary to conduct full review of the proposed operations. The application submitted 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?

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Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 14.240 (Marijuana Cultivation over 500 square feet) for the Industrial zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the March 17th and March 27th issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way. Further, the proposal, with conditions, has been found to meet the requirements of CBJ 49.65.1245 related to marijuana cultivation.

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

No. The applicant's plans for surveillance and security, odor control and waste disposal all meet the requirements of state and local regulations.

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

No. As discussed above, surrounding uses have similar or more intense off-site impacts such as noise and traffic. This marijuana cultivation business is not expected to decrease property values or be out of harmony with the surrounding neighborhood.

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

Yes. The proposed facility is in conformity with the CBJ Land Use Plan and the 2013 Comprehensive Plan. The Light Industrial land use designation supports this type of use.

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

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

N/A.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a 6,000 square foot marijuana cultivation facility in the Industrial zoning district.

The approval is subject to the following conditions:

1. All waste material containing marijuana products shall be stored in a secured enclosure until transport to the CBJ landfill.

DEVELOPMENT PERMIT APPLICATION

Project Number <u>USE 2017 0002</u>	CITY and BOROUGH of JUNEAU	Date Received: <u>2/8/17</u>
Project Name (City Staff to Assign Name)		

INFORMATION PROJECT / APPLICANT	Project Description <u>Marijuana cultivation</u>		
	PROPERTY LOCATION		
	Street Address <u>8420 Airport Blvd.</u>	City/Zip <u>Juneau 99801</u>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>Valley Centre BL J TR B</u>		
	Assessor's Parcel Number(s) <u>5B15D101030</u>		
	LANDOWNER/ LESSEE		
	Property Owner's Name <u>APG LLC</u>	Contact Person: <u>Rich Stone</u>	Work Phone: <u>907 723 2221</u>
	Mailing Address <u>8420 Airport Blvd.</u>	Home Phone:	Fax Number:
	E-mail Address <u>stone.rich@gmail.com</u>	Other Contact Phone Number(s):	
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u>Jennifer Canfield</u> Landowner/Lessee Signature		<u>2/7/17</u> 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 <u>Green Elephant LLC</u>		Contact Person: <u>Jennifer Canfield</u>	
Mailing Address <u>PO Box 21315 Juneau 99802</u>		Home Phone:	
E-mail Address <u>green elephant alaska@gmail.com</u>		Work Phone: <u>209-7663</u>	
X <u>Jennifer Canfield</u> Applicant's Signature		<u>2/7/17</u> 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)		<u>2/8/17</u>	<u>USE 2017 0002</u>
		Variance Case (De Minimis and all other Variance case types)			
		Wetlands Permits			
		Zone Change Application			
		Other (Describe)			
	***Public Notice Sign Form filled out and in the file.				
	Comments:				Permit Intake Initials <u>JKL</u>

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number <u>USE 20170002</u>	Date Received <u>Feb 8 17</u>																																			
TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED ☐ Accessory Apartment*** (AAP) ☐ Driveway in Right-of-Way (ADW) ☒ Use Listed in §49.25.300 (USE) (Table of Permissible Uses) Please list the Table of Permissible Uses Category: <u>14,240</u> ***An Accessory Apartment Application will also be required.																																						
DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. <u>Marijuana cultivation for Green Elephant LLC.</u>																																						
IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☒ NO ☐ YES – Case # _____																																						
CURRENT USE OF LAND OR BUILDING(S): <u>None</u>																																						
PROPOSED USE OF LAND OR BUILDING(S): <u>Marijuana cultivation</u>																																						
UTILITIES PROPOSED: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site																																						
SITE AND BUILDING SPECIFICS: Total Area of Lot <u>43,562</u> square feet Total Area of Proposed Structure(s) <u>6,000</u> square feet Total Area of Existing Structure(s) <u>6,000</u> square feet																																						
EXTERNAL LIGHTING: Existing to remain ☐ No ☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures Proposed ☐ No ☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures																																						
PROJECT NARRATIVE AND SUBMITTAL CHECKLIST: ☒ Site Plan ☒ Floor Plan of proposed buildings ☒ Elevation view of existing and proposed buildings ☒ Proposed Vegetative Cover ☒ Existing and proposed parking areas (including dimensions) and proposed traffic circulation ☒ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)																																						
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">ALLOWABLE/CONDITIONAL USE FEES</th> <th style="text-align: center;">Fees</th> <th style="text-align: center;">Check No.</th> <th style="text-align: center;">Receipt</th> <th style="text-align: center;">Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td style="text-align: right;">\$ <u>350</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Admin. of Guarantee</td> <td style="text-align: right;">\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Adjustment</td> <td style="text-align: right;">\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td style="text-align: right;">\$ <u>50</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td style="text-align: right;">\$ <u>100</u></td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td style="text-align: right;">\$ <u>500</u></td> <td style="text-align: center;"><u>VISA</u></td> <td style="text-align: center;"><u>8948</u></td> <td style="text-align: center;"><u>2-8-17</u></td> </tr> </tbody> </table>			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>VISA</u>	<u>8948</u>	<u>2-8-17</u>
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TO BE COMPLETED BY THE APPLICANT

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Attachment B

COVERED OIL TANK

LOADING
12'x30'

loading
Green
Elephant
parking

ADJACENT
6,000 S.F.
STORAGE
BUILDING
(Parcel # 5B1501010030)

N0°21'W
347.60

BLD 2010-00166
Parcel # 5B1501010020
Tract C, Block J,
Valley Centre Subdivision

LANDSCAPING: 174 S.F.

LANDSCAPING: 554 S.F.

LANDSCAPING: 1,270 S.F.

LANDSCAPING: 1,272 S.F.

30' LOADING
SPACE

30' LOADING
SPACE

DUMPSTER YARD
12' x 16'
CONC. PAD

LANDSCAPING: 1,205 S.F.

VAN

(2) 8'-6" SPACES
(1) 8'-0" VAN SPACE
33'-0"

(3) 8'-6" SPACES
(1) 8'-0" VAN SPACE
33'-0"

(3) 8'-6" SPACES
42'-6"

(7) 8'-6" SPACES
59'-6"

(4) 8'-6" SPACES
34'-0"

LIGHT POLE MATCH
CAMPUS FIXTURE
21'-10"

LIGHT POLE MATCH
CAMPUS FIXTURE
SET POLE ON CONC.
BASE 30' A.F.F. - TYP.

4-19-10
3 FT. MINIMUM: (49.25, 430-44)

2 FT. MINIMUM: (49.25, 430-44)

125'-0"

REMOVE EXISTING
STORAGE BUILDING

PARKING NOTE:

MAIN PARKING LOT:

Site Plan and Location Narrative

Green Elephant LLC
Owners Richard Dudas and Jennifer Canfield
8420 Airport Boulevard, Building B
Juneau, AK 99801
VALLEY CENTRE BL J TR B
Parcel #5B1501010030
Industrial Zoning

Scope: We plan to operate a marijuana cultivation facility in a warehouse on Airport Boulevard. We do not plan to do extractions at this time.

Area: Our building is zoned Industrial and its use code is Commercial Miscellaneous. We are located adjacent to the Aspen Suites Hotel and behind a building that houses offices and a commercial print shop. Our operation will not increase the level of noise in the area.

Existing physical features: We are not aware of any hazard, drainage or or habitat areas on this property.

Construction: A mezzanine (approx. 39'x30') will be constructed. Rooms for electrical, storage, trimming and packaging will be constructed beneath the mezzanine. A security room will also be constructed next to the existing front office.

Hours of operation: The cultivation facility will be operational 24 hours a day, with most work done during regular business hours.

Sign: Aside from those required by law, this facility will not be designated with a sign.

Odor management: The facility will utilize carbon filters and fans before exhausting air from the garden. If necessary, we may introduce an ozone generator into the exhaust line after the carbon filters.

Waste management: Cannabis plant waste will be logged into the Metrc system and stored for 72 hours before being ground and added to a compost tea solution or a compost pile for use in the garden. Used soil will be re-amended for further use in the garden. Wastewater will be used to water outdoor landscaping and the compost pile.

Any cannabis waste that cannot be recycled (we expect little to none) will be securely transported to the local dump.

Security: Exterior security lighting will be installed to illuminate a 20 foot radius around each exterior door to provide sufficient lighting for surveillance cameras. Because we are located in an industrial area, ambient lighting from other buildings will allow for surveillance cameras to have sufficient lighting beyond the prescribed 20 foot radius.

The alarm system will be activated on all exterior doors when the licensed premises is closed for business. Motion detection alarms will be installed throughout interior of the facility. These alarms will notify the security monitoring company, law enforcement and the owners if any intruders are detected during non-business hours. Exterior doors will have contact sensors that are activated when the facility is closed for the night.

Security cameras will also be accessible for off-site monitoring via the internet.

In the event of a breach of security during non-business hours, a designated manager or owner will assist the local law enforcement agency and provide access to security footage requested. In the event of an incident while the facility is open, employees will attempt to evacuate any visitors and themselves and alert authorities. All security breaches will be logged with an incident report.

Cameras will be placed at each entrance throughout the building, inside the secured room and throughout the grow area. Cameras will also be placed outside the building adjacent to building lights to ensure any activity within 20 feet of the building is captured.

Official logs and records will be kept in a secured cabinet within the security room. Only owners and one trusted employee will be able to access the security room and secured cabinet. These people are the only ones authorized to escort law enforcement or an agent of the board to the secured cabinet for inspection. The cabinet will be made of metal and will have a secure lock.

No loitering signs, and other signs as required by law, will be posted near each entrance. Employees will be trained to recognize and disperse loiterers.

All visitors must show ID, proving that they're 21 or older. Each guest will sign in on a log noting the date, their age, time of arrival and time of departure. Each visitor will be issued a visitor identification badge upon approval by a manager or owner.

No more than five visitors will be admitted per marijuana handler certified employee. All logs will be secured within the security room for safekeeping.

Visitors to the facility will be subject to approval by an owner or manager. No one will be allowed into the facility without owner or manager approval, a valid identification and they must be accompanied by an approved, permitted employee.

Diversion prevention: Our business will use Metrc by Franwell as required by the State of Alaska. The system will track cannabis from “seed to sale” with RFID tags. This system is fully accessible to state officials at any time.

Securable and lockable containers will be required for any employee or affiliate to transfer marijuana product from the facility. These containers must be concealed during transit. A certified marijuana handler must accompany the packages at all times.

The transport of marijuana from the facility to another licensed facility will require either the sole presence of the licensee or two employees at a time. All products will be stored and transported securely and in accordance with state and local laws.

Security cameras will monitor all indoor work spaces and storage areas. Employees will be subject to search if suspected of theft or diversion of product. Green Elephant will have a zero tolerance policy for theft and employees guilty of such will be terminated immediately. Criminal charges may be filed.

Signs stating “Persons under 21 are not allowed on premises” will be posted at all outside access points. Employees will be trained on how to spot fake or illegitimate identification cards. Details from each visitor’s ID will be logged and stored with other archival records.

Employees/Traffic: To start, only the owners and two employees will work in the facility. When the facility is at capacity we expect to hire 2-3 more employees.

Parking: We have 6 parking spots (1 per 1,000 sq. ft.) as part of our lease. Additional parking on the backside of the hotel is also available.

Carbon dioxide: Our facility will use carbon dioxide to enrich the plants. The emission of CO2 gas will be electronically monitored to control ppm throughout the garden to keep it within ideal and safe levels. Our CO2 use will be in compliance with all applicable regulations.

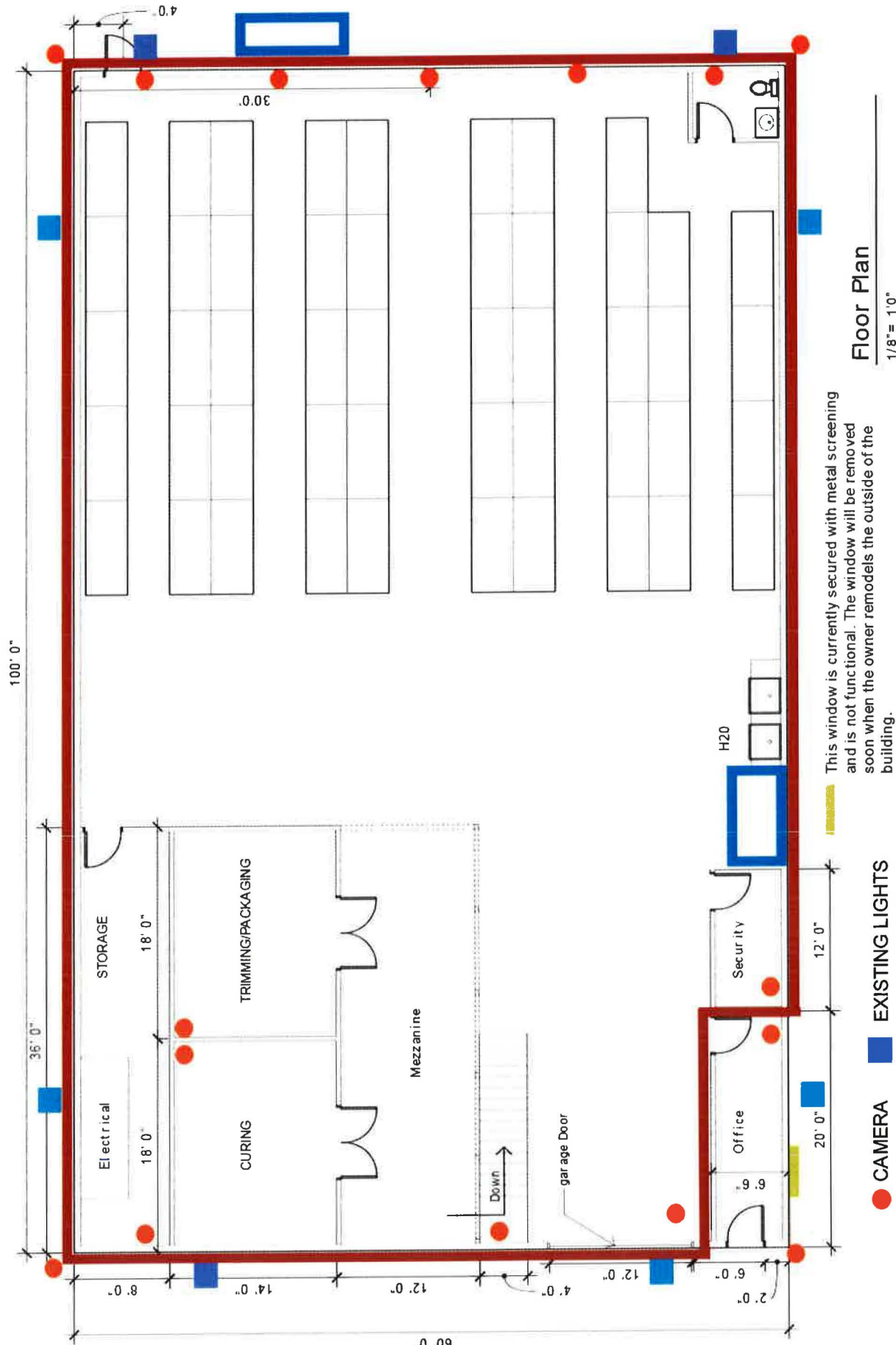
We will utilize CO2 in tanks, and may transition to a CO2 generator in the future. There will be CO2 detectors set to alarm at 5,000 ppm in each area utilizing the gas and a master control valve to shut off the gas at the source. This system will comply fully with the Fire Marshal’s recommendations.

Chemicals, pesticides and fertilizers: Cleaning supplies to be used include the following: bleach, hydrogen peroxide, vinegar, alcohol, and Simple Green.

Nutrients and fertilizers include the following: nitrogen, phosphorus, potassium, calcium, sulfur, magnesium, silicon, boron, chlorine, manganese, iron, zinc, copper, molybdenum, nickel, selenium, sodium, molasses, citric acid, ascorbic acid, maltodextrin, salt, plant-based extracts, guano, composted manure, blood meal, worm castings, mycorrhizae, compost tea, compost, kelp meal.

Pest management: plant-based extracts and plant-based pesticides including neem oil, Dawn dish soap, natural extract, pyrethrin.

Etc: rooting hormone, cinnamon



Attachment C

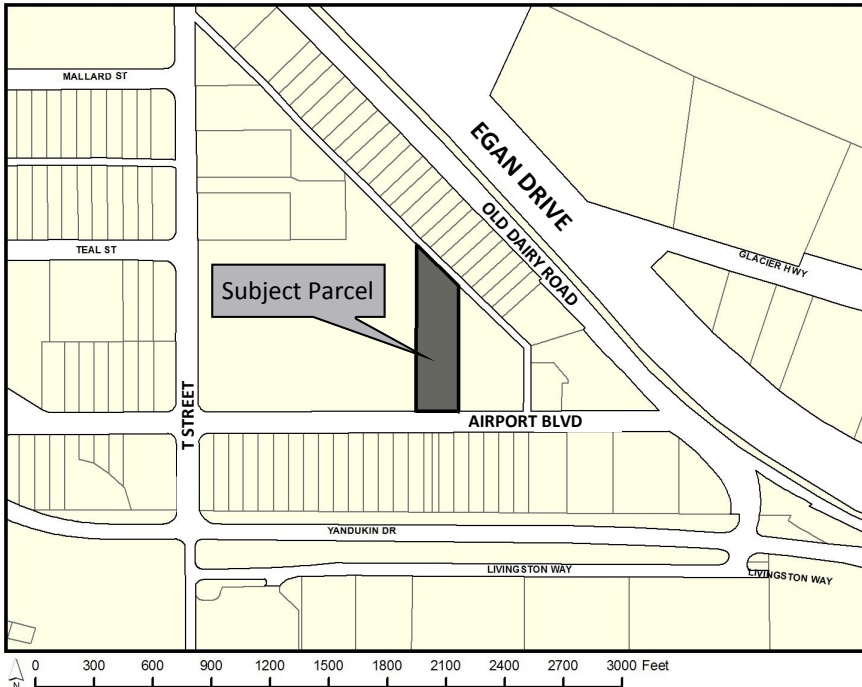
RESTRICTED ACCESS AREA

SECURE WASTE STORAGE/COMPOST TEA

Floor Plan

1/8" = 1'0"

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

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

SHIP TO:



PROPOSAL: A Conditional Use Permit for a Marijuana Cultivation facility in an Industrial zone

File No:	USE2017 0002	Applicant:	Green Elephant LLC
To:	Adjacent Property Owners	Property PCN:	5-B15-0-101-003-0
Hearing Date:	March 28, 2017	Owner:	Alaska Print Group LLC
Hearing Time:	7:00 PM	Lot Size:	43,562 square feet
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	I (Industrial)
		Site Address:	8420 Airport Blvd
		Accessed Via:	Airport Blvd

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 Allison Eddins at allison.eddins@juneau.org or (907) 586-0758.

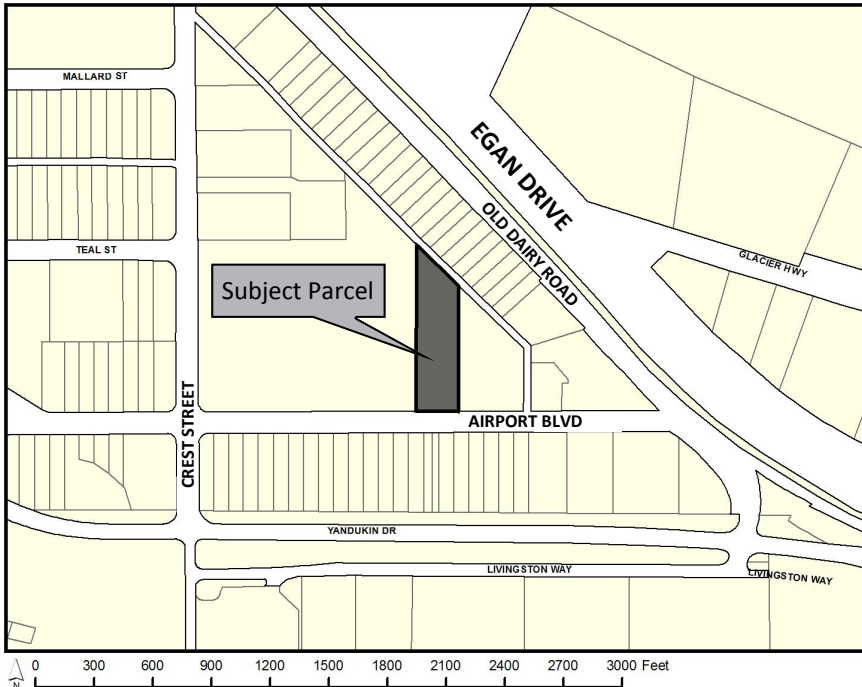


Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at
<http://www.juneau.org/assembly/novus.php>

Attachment D

Date notice was printed: February 24, 2017

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

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

SHIP TO:



PROPOSAL: A Conditional Use Permit for a Marijuana Cultivation facility in an Industrial zone

File No:	USE2017 0002	Applicant:	Green Elephant LLC
To:	Adjacent Property Owners	Property PCN:	5-B15-0-101-003-0
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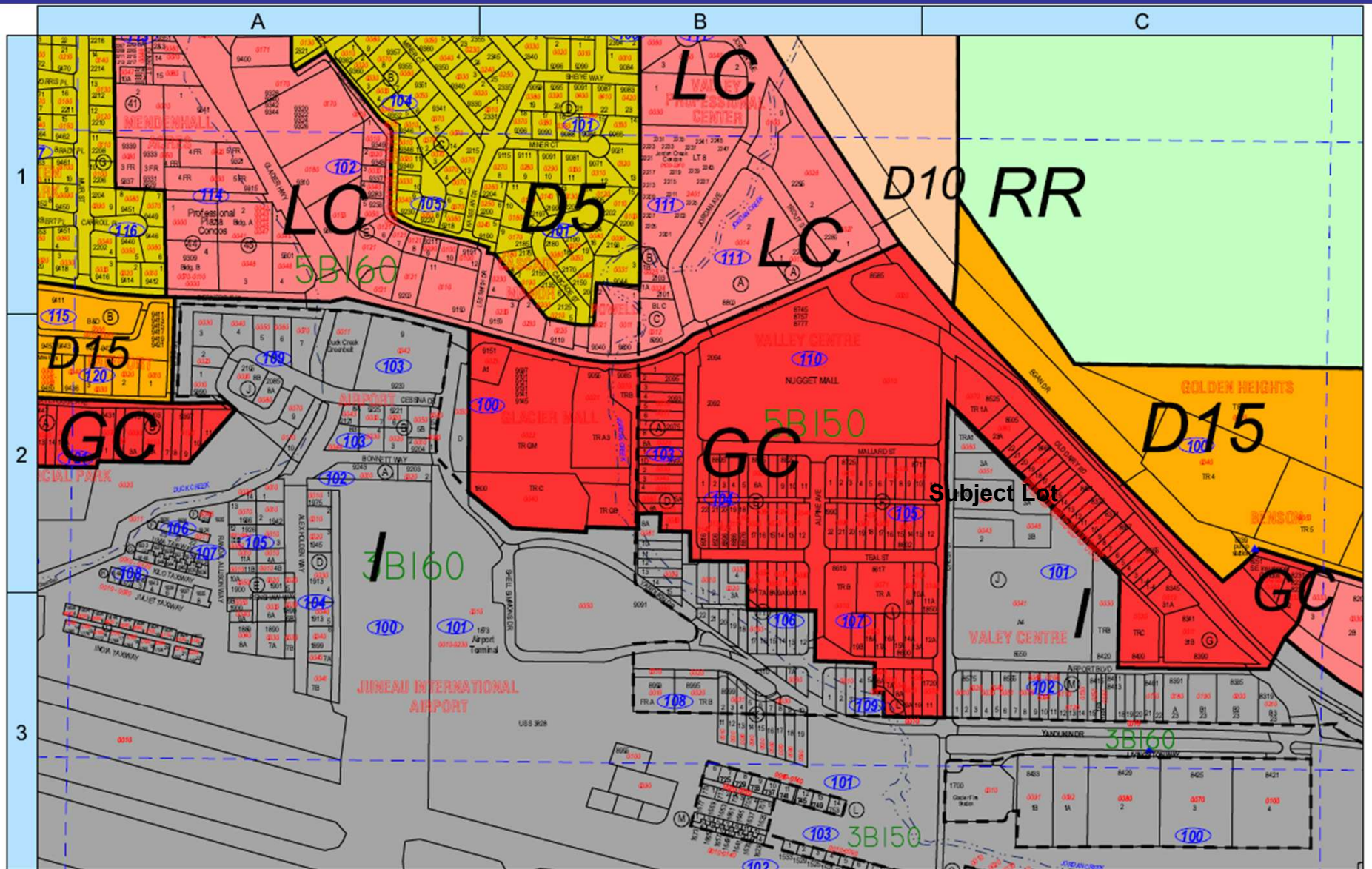
**USE2017 0002 Conditional Use Permit to
allow a 6,000 square foot marijuana
cultivation in the Industrial zoning district.**

Regular Planning Commission Hearing

March 28, 2017



Applicant	Green Elephant, LLC
Property Owner:	Alaska Print Group, LLC
Property Address:	8420 Airport Blvd.
Legal Description:	Tract B Block J Valley Centre
Site Size:	43,562 Square Feet
Comprehensive Plan Future Land Use Designation:	Light Industrial
Zoning:	Industrial
Utilities:	City water & sewer
Access:	Airport Blvd.
Existing Land Use:	Vacant warehouse



Assessor Tax Number Code

6D090	102	0030
Panel Code Prefix	Lot Number	Block Number

Industrial zone

2,000 sf minimum lot size

10' front/rear yard setbacks

Zero side yard setback

No height limit

No maximum lot coverage

USE17-02



Analysis

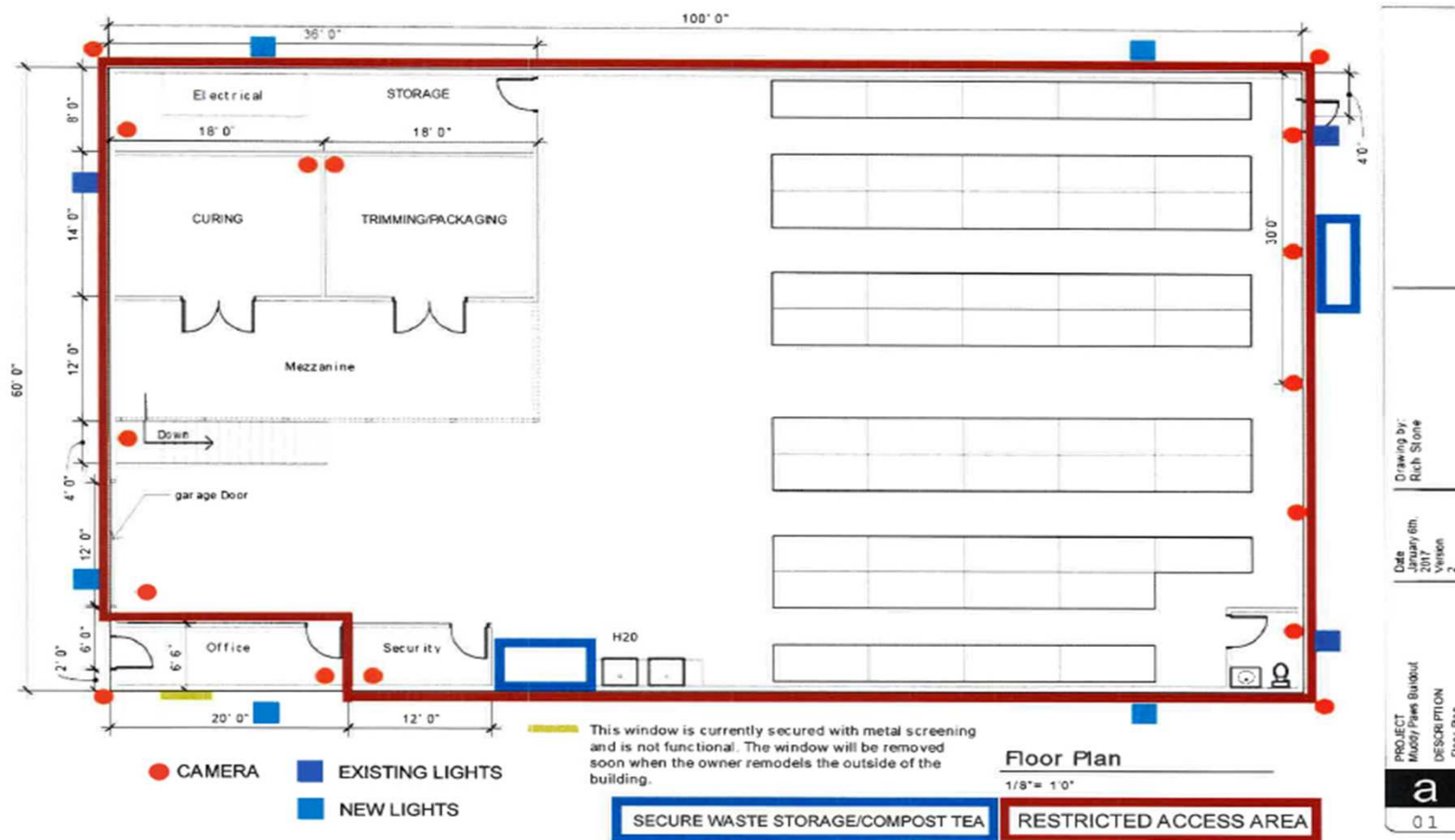
Marijuana Facility review criteria

- Security Plan
- Waste Disposal Plan
- Ventilation & Filtration Plan
- Screening Plan

Floor Plan

USE17-02

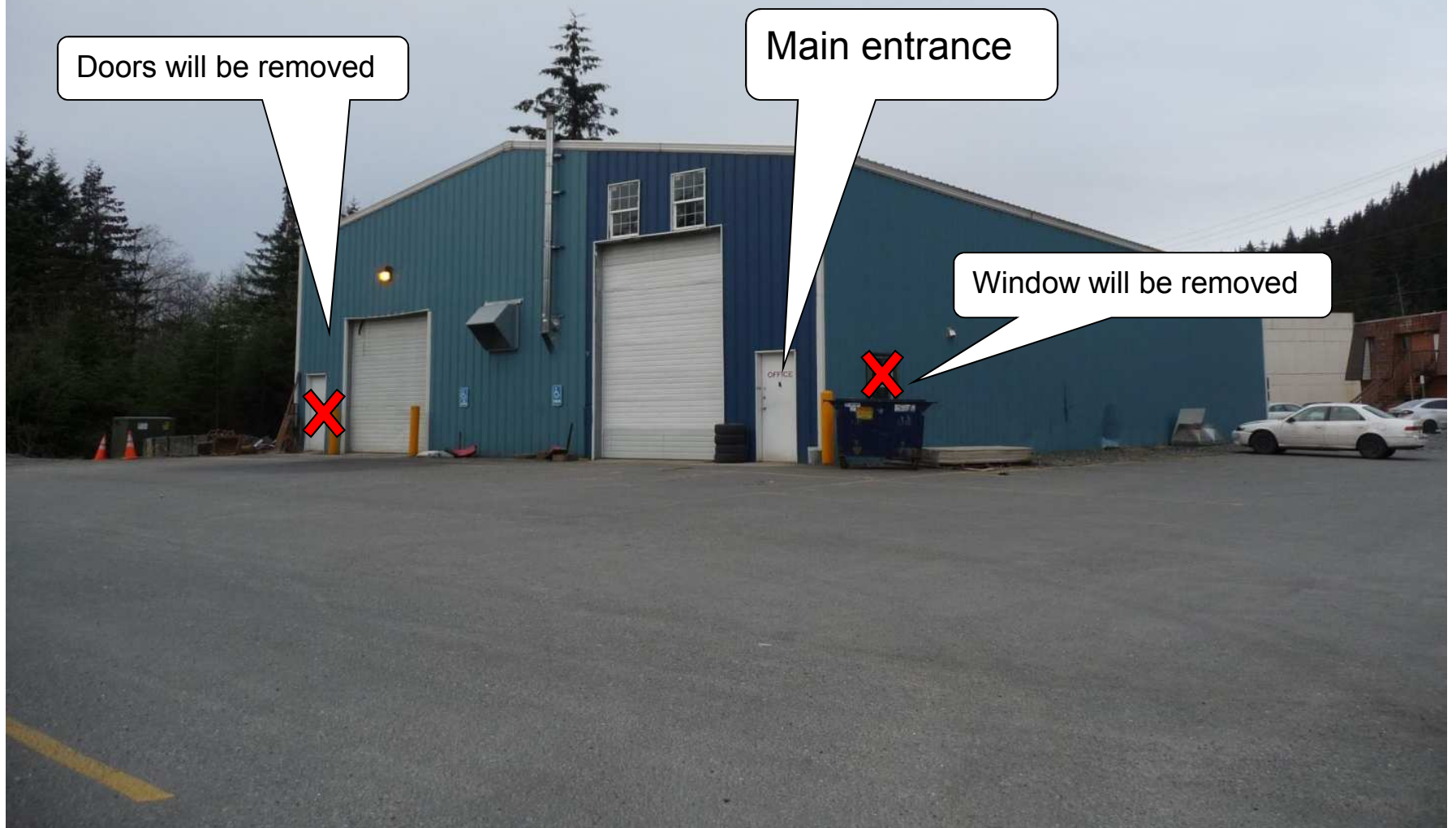
CBJ 49.65.1242(a)(2) requires to submit a security plan demonstrating compliance with State regulations.



Doors will be removed

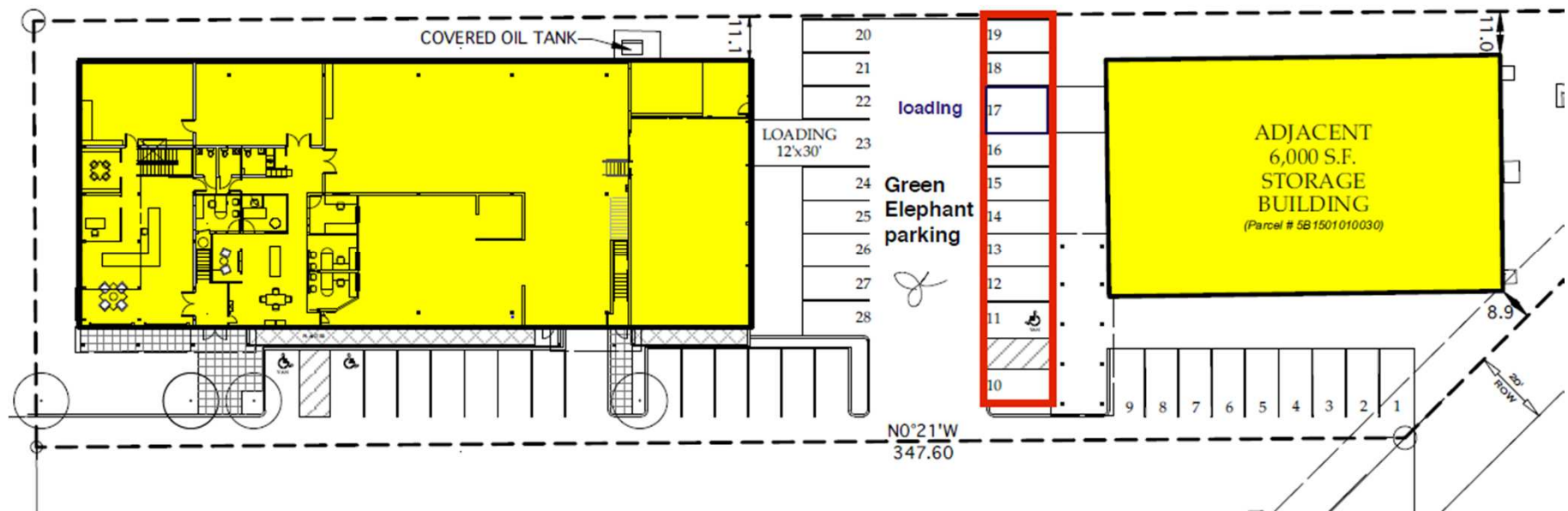
Main entrance

Window will be removed



Site Plan and Parking

USE17-02



CBJ 49.40.210 (d)(1)

- 7 parking spaces required, including one ADA space
- One loading space
- 9 parking spaces will be provided, one ADA space and one loading space

Analysis

Standard CUP review criteria

- Parking and circulation
- Traffic
- Noise
- Lighting
- Public health and safety
- Property value and neighborhood harmony
- Conformity with Comprehensive Plan

Land Use Designation: Light Industrial (LI)

**POLICY 5.1 TO DEVELOP AND SUSTAIN A DIVERSE ECONOMY,
PROVIDING OPPORTUNITIES FOR EMPLOYMENT OF ALL RESIDENTS.**

**POLICY 5.18. TO ENCOURAGE AND SUPPORT ENTREPRENEURSHIP
AND INNOVATION IN THE ECONOMY OF JUNEAU AND SOUTHEAST
ALASKA.**

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

Yes.

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

Yes.

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

Yes.

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

No.

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

No.

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

Yes.

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **grant** the requested Conditional Use permit, USE2017 0002.

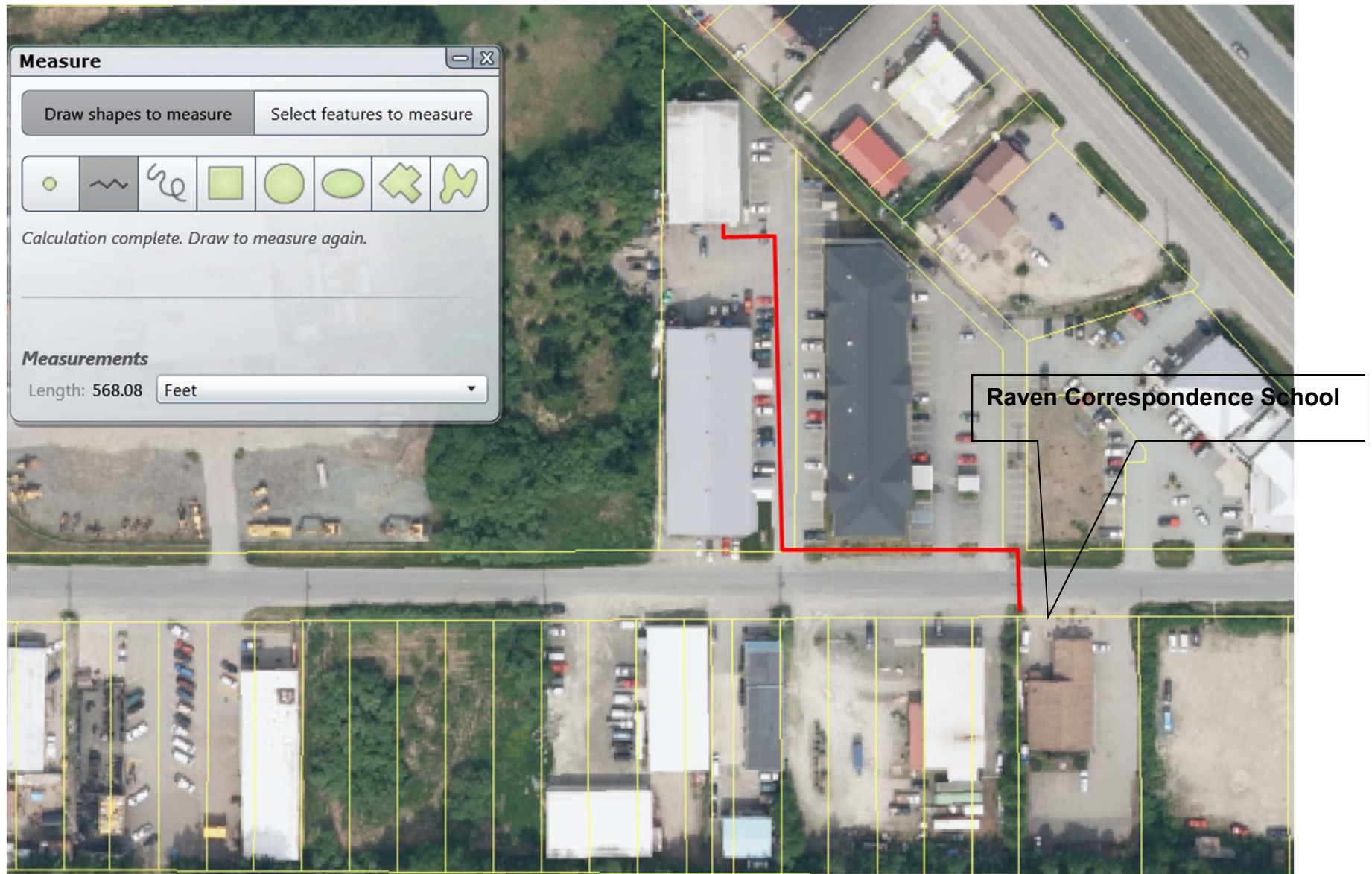
The permit would allow for the development of a 6,000 square foot marijuana cultivation facility in the Industrial zoning district.

The approval is subject to the following conditions:

- 1.All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

QUESTIONS?

USE17-02





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: March 30, 2017
File No.: USE2017 0002

Green Elephant LLC
ATTN: Jennifer Canfield
PO Box 21315
Juneau, AK 99802

Proposal: Conditional Use Permit for a marijuana cultivation facility in the Industrial Zone.

Property Address: 8420 Airport Blvd.

Legal Description: Tract B Block J Valley Centre

Parcel Code No.: 5-B15-0-101-003-0

Hearing Date: March 28, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 14, 2017 and **APPROVED** the Conditional Use Permit for a 6,000 square foot marijuana cultivation facility in an Industrial Zone to be conducted as described in the project description and project drawings submitted with the application and with the following condition:

1. All waste material containing marijuana products shall be stored in a secured enclosure until transport to the CBJ landfill.

Attachments: March 14, 2017 memorandum from Allison Eddins, Community Development, to the CBJ Planning Commission regarding USE2017 0002.

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

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).

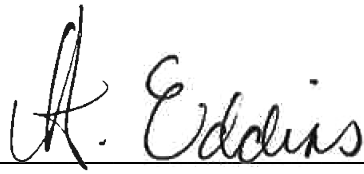
Green Elephant LLC
 File No.: USE2017 0002
 March 30, 2017
 Page 2 of 2

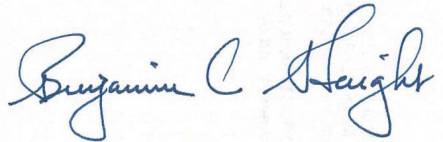
Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ 49.20.120).

Effective Date: The permit is effective upon approval by the Commission, March 28, 2017.

Expiration Date: The permit will expire 18 months after the effective date, or September 28, 2018, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Conditional use permits issued to marijuana establishments under CBJ chapter 49.65.1245(e) shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission may only amend or add conditions if necessary to ensure compliance with this title.

Project Planner: 
 Allison Eddins, Planner
 Community Development Department


 Benjamin Haight, Chair
 Planning Commission


 Filed With City Clerk

April 4, 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: March 17, 2017

TO: Planning Commission

FROM: Chrissy Steadman, Planner II
Community Development Department

FILE NO.: USE2017 0003

PROPOSAL: A Conditional Use Permit to operate a food truck in the Industrial zoning district.

A handwritten signature in black ink, appearing to read 'Chrissy Steadman', is positioned to the right of the 'TO' and 'FROM' fields.

GENERAL INFORMATION

Applicant: Peterson's Pretzels LLC

Property Owner: Esmail Peirovi

Property Address: 5321 Commercial Blvd

Legal Description: SSG V Lot 4

Parcel Code Number: 5-B12-0-145-004-0

Site Size: 15,272 square feet

Comprehensive Plan Future Land Use Designation: Light Industrial (LI)

Zoning: I (Industrial)

Utilities: City water & sewer

Access: Commercial Boulevard

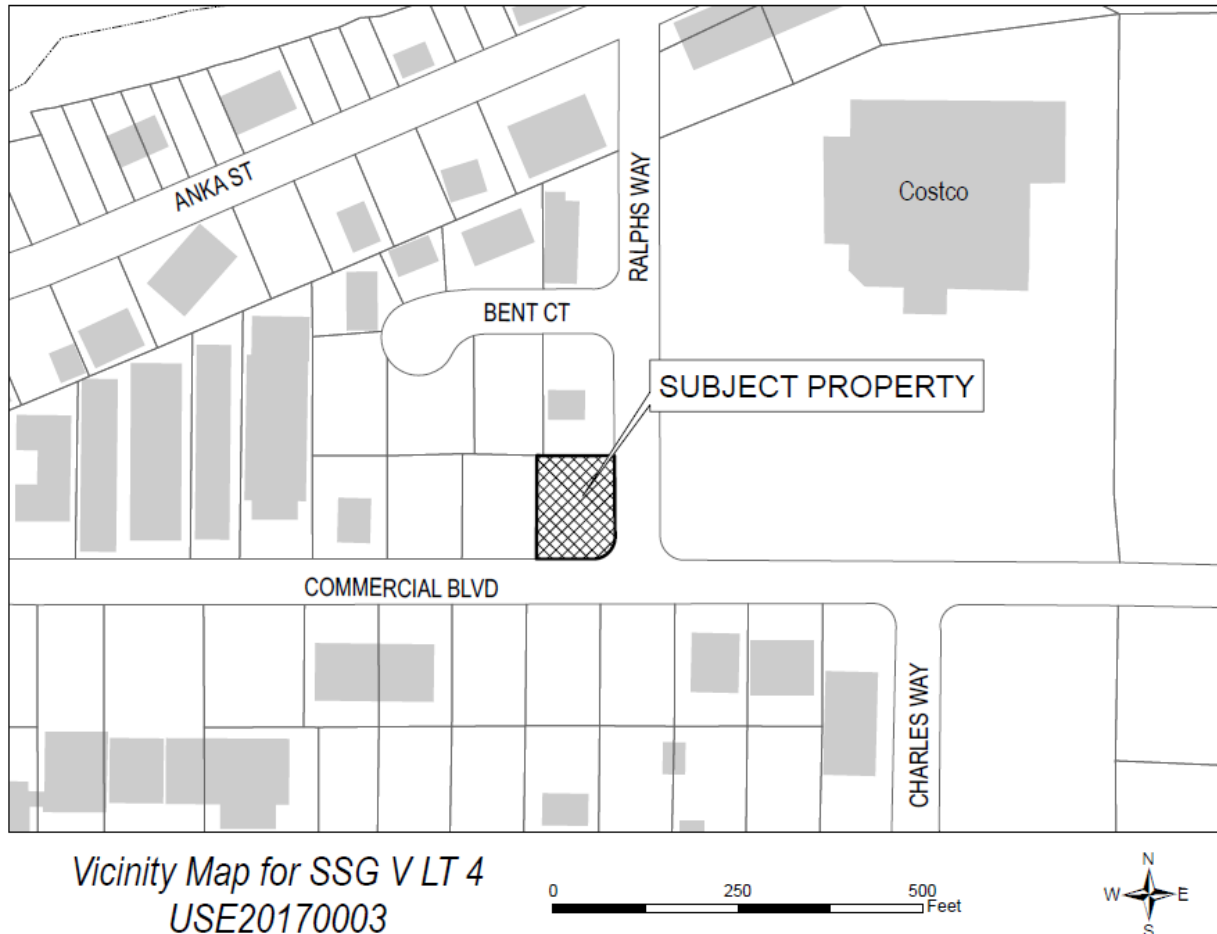
Existing Land Use: Vacant

Surrounding Land Use:

North	-	Industrial – Car wash
South	-	Industrial - Vacant
East	-	Industrial - Costco
West	-	Industrial – car storage

Planning Commission
 File No.: USE 2017 0003
 March 17, 2017
 Page 2 of 7

VICINITY MAP



ATTACHMENTS

- Attachment A: Conditional Use Permit Application
- Attachment B: Site plan
- Attachment C: Public comment
- Attachment D: Public notice

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the permanent placement of a food truck at 5321 Commercial Boulevard located in the Industrial zone. A permanently placed food truck is considered a restaurant based on the definition found in CBJ 49.80 120:

Planning Commission
File No.: USE 2017 0003
March 17, 2017
Page 3 of 7

Restaurant means a retail establishment selling food, drink, or both for consumption on the premises, including lunch counters and refreshments stands selling prepared foods and drinks for immediate consumption.

According to CBJ 49.25.300 Table of Permissible Uses section 8.050, *small restaurants, less than 1,000 sf without drive through service* are allowed in the Industrial zone with an approved Conditional Use Permit.

BACKGROUND

The applicant has been operating a food trailer at the subject location since September 2016. The applicant sought a building permit to hook up to electricity instead of using a generator at which time he was informed that a Conditional Use Permit was required to operate on the subject site. There are no other uses on the site.

ANALYSIS

Project Site – The project site is a 15,272 square foot parcel located to the west of Costco in the Industrial zoning district. The minimum lot size in the Industrial zoning district is 2,000 square feet. Setbacks in the Industrial zoning district are 10 feet in the front, rear and street side yards and zero feet on the side yards. The site plan provided with the application shows the food trailer to be approximately 5 feet from the side lot line (Attachment B).



Figure 1: Subject parcel facing south toward Commercial Blvd.

Planning Commission
File No.: USE 2017 0003
March 17, 2017
Page 4 of 7

The adjacent parcel to the west contains used cars and two vacant structures. The subject property and the parcel to the west were previously the site of Affordable Auto car sales. The property adjacent to the north contains Rainy Day Car Wash, a use allowed outright in the Industrial zoning district. The property directly to the south across Commercial Boulevard contains used and derelict vehicles. The property to the southwest contains a 15,330 square foot building consisting of miscellaneous retail and professional offices in addition to light industrial uses. Retail and offices both require a Conditional Use Permit in the Industrial zoning district, and these were approved for that site by permit CU-14-96. Costco wholesale is located to the west of the subject property. This retailer acquired two approved Conditional Use Permits, CU93-10 and USE2006-00062, for an expansion. To the west of Costco is the Home Depot store which received a Conditional Use Permit, USE2005-00056, for retail in the Industrial zone.

Project Design – The business operates out of a 20-foot by 8-foot trailer outfitted with cooking facilities. The business specializes in soft pretzel production. According to the site plan provided with the application, the food trailer will be located in the southwest corner of the property. The applicant intends to operate six days a week from 10 am to 5 pm March through October and 10 am to 3:30 pm November through February.

Traffic – The most similar use listed in the Institute of Transportation Engineers' *Trip Generation Manual, 9th Edition* is a Bread/Donut/Bagel Shop without drive-through service. There is an average of 49 trips during weekend morning peak hours per 1,000 square feet of gross floor area. The proposed food trailer is 160 square feet. Proportionally, the proposed food trailer would have 8 average trips during weekend morning peak hours. A traffic impact analysis is not required by Title 49 when less than 250 trips are generated per day.

Commercial Boulevard is the access point for Costco, a major Juneau retailer, as well as several other busy retailers. Traffic generated by the food trailer is unlikely to impact an already busy area.

Parking and Circulation – According to CBJ 49.40.210, the proposed food trailer requires 1 parking space. Additionally, CBJ 49.40.210(b)(3) requires that for 1 to 25 parking spaces, one space must be ADA accessible. Accessible spaces are required to be 13 feet by 17 feet, including an access aisle that measures 5 feet by 17 feet. The site plan shows two parking spaces, one of which is ADA accessible.

The food trailer will occupy 160 square feet of an otherwise flat, clear, and vacant 15,272 square foot parcel. The placement of the food trailer in the southwest corner of the lot allows for more than adequate parking and circulation.

Noise – The development is surrounded on all sides by industrial-zoned land. The development

Planning Commission
File No.: USE 2017 0003
March 17, 2017
Page 5 of 7

is not expected to generate noise beyond that of uses allowed outright in the Industrial zoning district. The approval of this Conditional Use Permit will allow the applicant to hook up to the electrical grid instead of using a generator to power the trailer, further reducing any noise impact.

Public Health or Safety – No evidence indicates that there are any public health or safety impacts from the proposed development. The applicant has received an Alaska Department of Environmental Conservation permit for food preparation which serves to protect the quality and sanitation of the food served.

Habitat – No habitat protected by Title 49 is affected by this proposal.

Property Value or Neighborhood Harmony – The development is surrounded by industrial-zoned land consisting of vacant parcels, junk car storage and a mix of retail, offices and light commercial uses. The food trailer operation is a low-impact use. The number of Conditional Use Permits approved in the area for retail has made the neighborhood commercial in nature. Restaurants are allowed outright in commercial zoning districts.

At the time this report was due, staff had received fourteen letters in support of the proposal (Attachment C). While generally in support of the use, the owners and operators of the Pet Nanny requested the applicant sign an agreement that they understand the impacts that industrial uses can have on commercial uses. There is no requirement in Title 49 for such an agreement therefore staff does not support this request.

CONFORMITY WITH ADOPTED PLANS

The subject property has a Comprehensive Land Use designation of Light Commercial (LI). The LI land use designation is defined as follows:

Land to be developed for heavy commercial or light industrial uses such as small to medium scale food processing; printing and other business services; wholesale trade; research and development laboratories; light manufacturing process; metal fabrication; warehousing, trucking; animal kennels; crematoria; indoor and outdoor storage; car, boat and heavy equipment sales; and repair and maintenance activities...

While restaurants do not conform to the LI definition, there are policies within the 2013 Comprehensive Plan that support the development. Specifically policy 5.11:

To encourage the location and growth of locally-based sector industries that provide year-round, full-time employment and provide tax revenues that support public services.

Planning Commission
 File No.: USE 2017 0003
 March 17, 2017
 Page 6 of 7

The proposed development is a small scale business with growth potential which supports the intent of this policy.

FINDINGS

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

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

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

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

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

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

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

Yes. Staff finds the application contains the information necessary to conduct a 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 8.050 for the Industrial zoning district.

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

Planning Commission
File No.: USE 2017 0003
March 17, 2017
Page 7 of 7

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the March 17, 2017 and March 27, 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.

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

No. As discussed in the above analysis, the proposal is located in the Industrial zone on a large lot with adequate room for parking and circulation. No evidence indicates that the proposed development will materially endanger public health or safety.

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

No. As discussed in the above analysis, the proposal is located in the Industrial zone and is surrounded by storage, vacant parcels and several commercial and retail uses. No evidence indicates that the proposed development will substantially decrease the value of or be out of harmony with property in the neighboring area.

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

Yes. The development is in general conformity with Title 49, the Land Use Plan and the 2013 CBJ Comprehensive Plan, specifically policy 5.11 regarding local business.

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

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

Not applicable. The project does not affect any sensitive habitat.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of a food trailer at 5321 Commercial Boulevard, located in the Industrial zone.

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 2-14-17
Project Name (City Staff to Assign Name)		

Project Description	Install electrical power for food truck operation
---------------------	---

PROPERTY LOCATION	
Street Address 5321 Commercial Blvd.	City/Zip JUNEAU, 99801
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) 5B120145004D	55G V LT4
Assessor's Parcel Number(s)	

LANDOWNER/ LESSEE		
Property Owner's Name	Contact Person:	Work Phone:
Chris Peterson (Lessees)	Chris Peterson	
Mailing Address	Home Phone:	Fax Number:
4430 Glacier Hwy	907 321 4304	
E-mail Address	Other Contact Phone Number(s):	
petersonspretzels@gmail.com		

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

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

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

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

X Chris Peterson 2/13/17
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 <i>SAME</i>	Contact Person:	Work Phone:
Mailing Address	Home Phone:	Fax Number:
E-mail Address	Other Contact Phone Number(s):	

X Chris Peterse 2/13/17
Applicant's Signature Date of Application

OFFICE USE ONLY BELOW THIS LINE.

✓	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit			
	City/State Project Review and City Land Action			
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)			
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		7-14-17	USE20170003
✓	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 jmm
-----------	-------------------------------

Project Number	Project Name (15 characters)	Case Number	Date Received	
		USE20170003	2-14-17	
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: 8.200 Restaurant or coffestand with drive through				
***An Accessory Apartment Application will also be required.				
DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED.				
We are a small business that would like to park our food trailer on a vacant lot in Lemon Creek zoned industrial. We have recieved permission of the property owner for this purpose.				
IS THIS A MODIFICATION OF AN EXISTING APPROVAL? ☒ NO ☐ YES - Case #				
CURRENT USE OF LAND OR BUILDING(S): vacant land				
PROPOSED USE OF LAND OR BUILDING(S): Park a 20' food trailer for the purpose of selling freshly baked soft pretzels and soft drinks. \$6				
UTILITIES PROPOSED: WATER: ☐ Public ☐ On Site SEWER: ☐ Public ☐ On Site				
SITE AND BUILDING SPECIFICS:				
Total Area of Lot 15272 square feet Total Area of Existing Structure(s) 0 square feet				
Total Area of Proposed Structure(s) 160 square feet				
EXTERNAL LIGHTING:				
Existing to remain ☐ No ☐ Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures				
Proposed ☒ No ☐ Yes - Provide fixture information, cutoff sheets, and location of lighting fixtures				
PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:				
☒ Site Plan ☐ Floor Plan of proposed buildings Food Trailer ☐ Elevation view of existing and proposed buildings (NA) ☒ Existing and proposed parking areas (including dimensions) and proposed traffic circulation ☒ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.) NA				
☒ Proposed Vegetative Cover 50% or more				
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.				
If you need any assistance filling out this form, please contact the Permit Center at 586-0770.				
ALLOWABLE/CONDITIONAL USE FEES				
	Fees	Check No.	Receipt	Date
Application Fees	\$ 500	1164	8960	2-14-17
Admin. of Guarantee	\$			
Adjustment	\$			
Pub. Not. Sign Fee	\$ 50			
Pub. Not. Sign Deposit	\$ 100			
Total Fee	\$ 650			

Attachment A: Application

Dear Planning Commission:

We began operation of our soft pretzel company by leasing a commercial kitchen from the Holy Trinity Church for two summers(2015 and 2016) and constructing our own collapsible pretzel cart(s) which we located in the downtown commercial shopping district during the summer tourist season. During that time we've developed a significant local customer base who eagerly await our opening every summer. Near the end of our second summer(2016), we purchased a 20 foot long food trailer we specifically designed for the purpose of making and baking fresh soft pretzels.

With our success comes the desire to continue to grow and offer our product to the general public on a full time basis. Since we do not yet have the capital for a brick and mortar location, we've contacted the owner of the property in question, 5321 Commercial Blvd.

We have obtained his permission to park our food trailer on his property and operate from there on weekends which we have done sporadically since September of 2016. We are now seeking conditional use permit so we can continue to serve our product from that location as well as to install electrical power. Installing power will allow us to remain open for longer than only 6 hours(the running time of our generator).

We are not making any substantial alterations to the property in question. Merely installing a power source from which we can connect our trailer to obtain power. At this time, we do not plan on leaving our trailer overnight but rather returning it to our home nightly. We will do this out of our concern that vandals may choose to unplug our trailer which could result in lost product as there are items that are both refrigerated as well as frozen in our trailer.

Peterson's Pretzels Food Trailer: Our trailer is 20 feet long by 8 feet wide. It contains a convection oven(LP) as well as a six burner cooktop(LP). It also has two refrigerators and one freezer. In addition, it has a DEC required triple sink for sanitary dish cleaning. All pretzels are produced in our trailer. It has been approved by the local fire marshall as well as other local governing agencies.

1. Zoning: Zoned Industrial. Use Code 8.200, Restaurant or Coffee Stand with drive through is allowed.

2. Setbacks: We will park our trailer along the west boundary of the property in close proximity to the power source which will be installed. All other setbacks will easily be met.

3. Height: No limit

4. Parking: We will provide one ADA/van accessible parking space with appropriate signage. Space will be 13X17 feet with an adjacent aisle of 8 ft. All other parking will be at customer discretion. There is ample space on the lot for upwards of 12 vehicles. Since we are not a dine in restaurant and most customers buy and then leave, 12 spaces has been an adequate number of spaces.

proximity to the trailer As money permits, expanding to include planters around the perimeter of the lot.

6. Lighting: Our hours of operation will not necessitate the need for night time lighting. During the months of March through October, we will be open 10AM-5 PM. During the months of November-February, we will decrease our hours of operation from 10 AM-3:30 PM. We plan on opening Tuesday-Sunday.

7. Trash: We will provide on sight trash containers which will be removed daily. No garbage will be stored on premises overnight.

8. Signs: We will provide one sign that measures 3X5 feet. The sign is essentially a banner affixed to a wood frame that is removable daily.

9. Building: N/A

10. Fire District: N/A

11: The property is located on an existing thoroughfare that has significant traffic due to the other commercial entities such as Costco and Home Depot. The property has an existing driveway from which vehicles may enter and exit the location onto Commercial Blvd. much as they did when Affordable Auto occupied the location. Traffic may turn into the location and locate a parking space that is available. All parking spaces are adequately far enough away from the entrance so as not to inhibit entrance or exiting from the driveway onto Commercial Blvd.

12: Engineering: N/A

13. Noice: Our operation will result in no additional noise.

14. Drainage: No grading of existing lot is planned.

15. Utilities: We wish to install electrical power only. All waste-water will be stored in our holding tank until pumped into a 300 gallon holding tank. Upon filling, the 300 gallon holding tank will be properly disposed of at an approved CBJ disposal facility. All fresh water will be acquired from our residence water supply.

16. Wetlands: N/A

17. Habitat: NA

18: Hazard/Mass wasting/avalanche/hillside endorsement: NA

19: Flood: NA

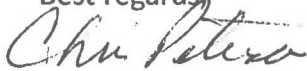
20: Plat or covenant restrictions: NA

21: Other agency Reviews: We have operated as Peterson's pretzels going on our second year under DEC permit number 113010946.(see attached)

Snow removal: During winter months when snow is a possibility, plowed snow will be placed in NW corner of lot. There is ample space on the lot for the piling of unwanted snow.

Benefits of our enterprise: Permitting us to operate from this location is heavily supported both by establishments/businesses in the immediate vicinity as well as the Juneau community at large. We offer a unique food item that has not been available in Juneau for no less than 22 years. We provide employment to local high school students, working parents, as well as professionals. We contribute to the tax base as well as make contributions to local high school and community youth organizations. We want to continue to grow our business so we can both offer others in need of employment that opportunity as well as continue to provide much needed contributions to our local youth organizations and school programs.

Best regards

A handwritten signature in cursive script, appearing to read "Chris Peterson".

Chris and Carol Peterson
Peterson's Pretzels

No less than 5% vegetative
cover





Alaska Food Code
2017 Establishment Permit
Division of Environmental Health
Food Safety & Sanitation

Permit Number: 113010946
Issued to: Peterson's Pretzel LLC
For: Peterson's Pretzels
For Operation of: FN-2 Mobile Food Serv-not self contained
Located at: 4430 Glacier Highway, Juneau; 99801

This permit, issued under the provisions of 18 AAC 31, is valid until the noted expiration date unless suspended or revoked by the department.

This permit is not transferable for change of ownership, facility location, or type of operation. It must be posted in plain view in the establishment and is the property of the State of Alaska.

Expiration Date:
December 31, 2017

Program Manager:
Kimberly S. Oviatt

If you have questions or concerns regarding
safe food handling practices call toll free:

1-87-SAFE-FOOD
(In Anchorage call 334-2560)



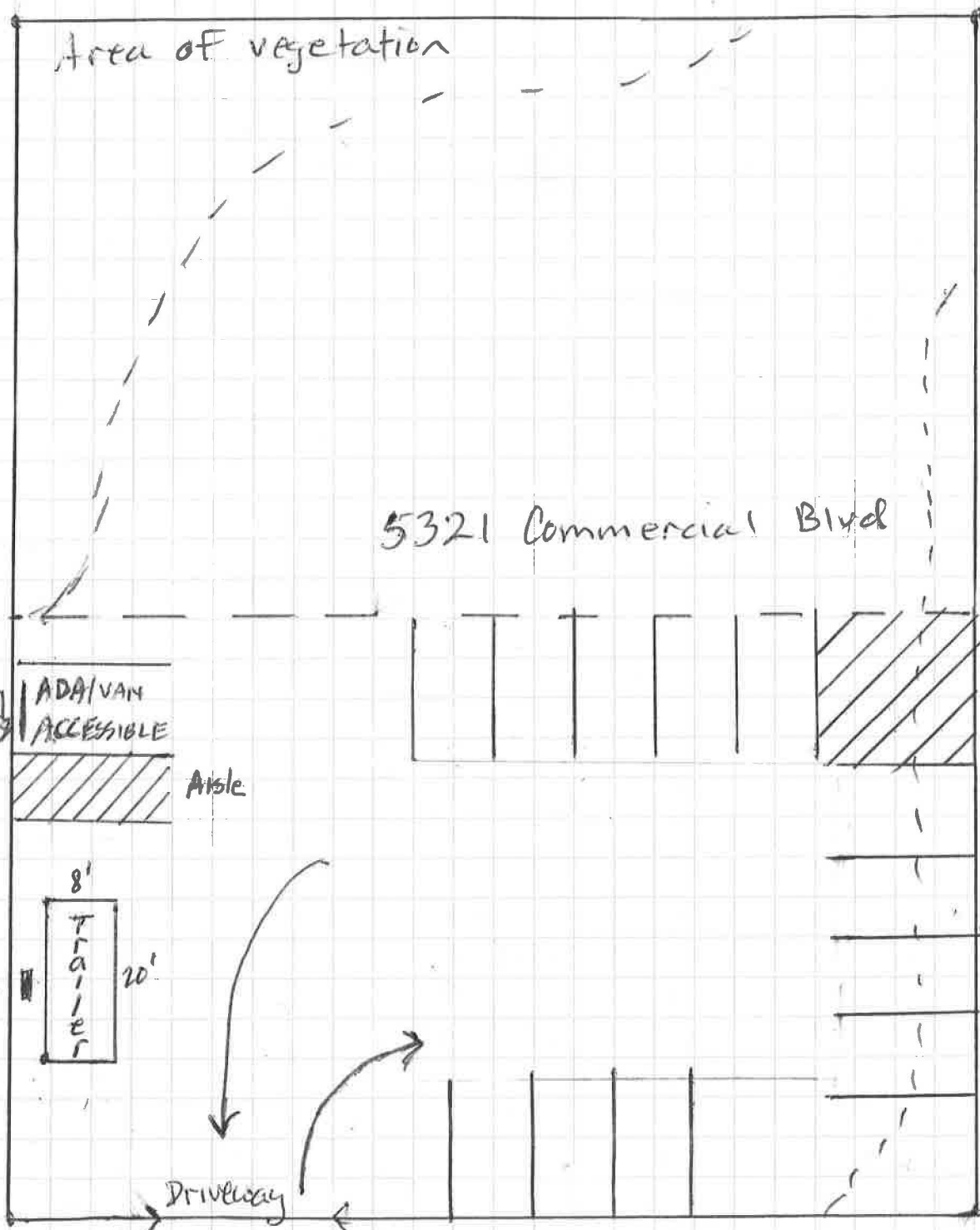
REVISED

2/10/17

1 block = 5'

Conditional Use in Zoned
Industrial

5321 Commercial Blvd



Attachment B: Site Plan

From: Kristina Paulick
To: [Christine Steadman](#)
Subject: Letter of Support- Peterson's Pretzels
Date: Tuesday, February 28, 2017 10:25:20 AM

Good morning,

I would like to voice my support for Peterson's Pretzels' conditional use permit for their 5321 Commercial Blvd location in Lemon Creek. Peterson's Pretzels has become a mainstay for Juneau through its food carts and delicious fare. They are constantly giving back to the community and can be seen at many functions around town, from the Woosh Kinaadeiyi Grand Slam in October to selling pretzels in Marine Park for the Fourth of July midnight fireworks. The people behind Peterson's Pretzels are kind, hard-working individuals who strive for a quality product and excellent customer service.

Beyond these reasons, it should be noted that the pretzels are also very highly coveted by all who frequent their stands. I remember seeing them at the Juneau Public Market this year and seeing them bring in cart after cart of fresh pretzels, only to sell out within minutes of arrival. I was happy to stand in line for ten minutes to get my hands on one for myself, something I can rarely say for food or even other products here in Juneau. With this permit, they will be able to draw in even more customers and work towards delivering even more of their delicious fare to the city.

Thank you for your consideration,

-Kristina Paulick
 rose2blueeyes@gmail.com
 (907) 209-7798

From: Ashley Bolyard
To: [Christine Steadman](#)
Subject: Peterson Pretzel 99801
Date: Tuesday, February 28, 2017 7:34:54 PM

Hello there,

It would be very much appreciated if Peterson Pretzel could sell from the Lemon Creek location. The reason why I like this location is because the alternative of downtown is not easily accessible to locals of our community. The Lemon Creek is a great location because it is in between downtown and the valley. This also adds a low cost variety to the area besides Costco hotdogs and Breeze-In begals. It is great for a mid-day snack. Not only that, but the pretzels itself are delicious with their variety of flavors to choose from. If downtown is the only option for Peterson Pretzel, I will not go. But if this business was available at the Lemon Creek location, I would go out of way to get one of their amazing pretzel.

Sincerely,
 Ashley

From: Mary McKerney
To: [Christine Steadman](#)
Cc: [Dan's gmail](#)
Subject: Peterson's Pretzels Conditional Use Permit
Date: Wednesday, March 01, 2017 1:35:11 PM

Hello,

We own the commercial building at 5468 Bent Court next to the Pet Nanny. We received a letter of request for support from Chris Peterson regarding obtaining a Conditional Use Permit to operate Peterson's Pretzels at 5321 Commercial Blvd.. We do not object to either the location or type of business he wishes to operate. We wish him all the best for success.

Mary Kate McKerney
Dan LaForce
Tee Harbor Construction

From: Jerrod Andrews
To: [Christine Steadman](#)
Subject: Petersons pretzels
Date: Tuesday, February 28, 2017 5:32:55 PM

Good morning! I am a friendly patron of the little Peterson's pretzel stand and would like to help them out by letting you know that I'm supporting them. It's great to see local stuff like this succeed and expand. The whole open for more hours thing sounds pretty dang good to me when I get the craving for an awesome pretzel. Thanks for your consideration on their permit!!

Jerrod Andrews

From: B Webster
To: [Christine Steadman](#)
Subject: Peterson's Pretzels
Date: Tuesday, February 28, 2017 10:32:06 AM

Good morning, my name is Bonnie Webster and I'm writing to let you know of my support of Peterson's Pretzels to be located at Lemon Creek by Costco. Their pretzels are amazing and they have a lot to offer the community, especially during those long summer days.

Thank you!!
 Bonnie

From: Rachel Gearhart
To: [Christine Steadman](#)
Subject: Support for Conditional Use Permit for Peterson's Pretzels
Date: Tuesday, March 07, 2017 8:19:52 PM

Please consider this as a letter in support of Peterson's Pretzel's having a conditional use permit. They're a great local business and pretty unique as far as food trucks in this area go. Having a great food option by Costco is also a huge plus!

Rachel Gearhart
 Juneau
 907-401-0139

From: Kristina Moore-Jager
To: [Christine Steadman](#)
Subject: Peterson's Pretzels!
Date: Tuesday, February 28, 2017 6:08:12 AM

Hello, I'd like to put my word in to ask that the city allow Peterson's Pretzels to obtain the conditional use permit that they need to operate from the lot by Costco. Not only do they serve yummy pretzels and have great customer service, it has been a relief to see that lot actually in use for a good business!!

Thank you!

Kristina Jager
 908-830-1936

From: Alexis Howard
To: [Christine Steadman](#)
Subject: Petersons Pretzels
Date: Tuesday, February 28, 2017 12:29:07 PM

I am writing to support the conditional use permit that Petersons Pretzels needs in order to operate at 5321 Commercial Blvd. This is a great addition to our community and a wonderful product.

Thanks

Alexis Howard

Have an awesome day. Sent from my iPhone

From: p non
To: [Christine Steadman](#)
Subject: Peterson's pretzel food cart
Date: Saturday, March 04, 2017 2:46:24 PM

Hello Ms. Steadman,

We received a letter from Chris Peterson requesting support for their pretzel food cart operation located at 5321 Commercial Blvd near Costco.

We have a few concerns. An excerpt from their letter reads as follows, *"We have found this location is well suited for our purpose and we would like to continue making and selling our pretzels on a regular basis. However, the area is zoned for "industrial" purposes."*

Our concerns address the erosion of the industrial area zoning giving way to commercial uses by attrition. It is stated in their letter that they have found the "location well suited for their purpose" yet there are clear reasons commercial areas and industrial zones are separate. We have experienced that when conditional uses are granted, we notice an increase of complaints about uses which are only allowed (without an conditional use permit) in our industrial area. Examples are, high density neighborhoods built adjacent to industrial zoned areas that express upset about rock extraction, industrial residential units (caretakers quarters) complaining about noise, public alarm over high caliber weapons training from the prison, commercial clientele complaining about odors from brewery processes and landfill. These were never meant to mix, hence the need for our industrial areas. Yet, we have more and more requests for commercial/residential conditional uses that assume these standards are appropriate in an industrial zone.

Prospective permittees should be prepared to consider some of the following: What level will commercial clients be affected when prison weapon training commences? Is a product going to be influenced by heavy equipment/rock crusher vibrations? Will customers find the summer landfill odor in the air un-appetizing? Will traffic from heavy equipment intimidate our guests? It is only fair that permittees be informed pre-permit to realize nature of the area and decide if their business/clients can endure or fit in.

We want to insure that future permit applicants are well aware of the nature of an industrial area and not hold the area to commercial (or other) zoning standards. We propose a signed document or statement in which conditional permit applicants understand and accept doing business in an area that was NOT intended first and foremost for their usage. Applicants must be aware of the inherent attributes of an industrial area and that co-existing with industrial uses may not be conducive to their operation. An industrial area is the only place conducive to ours.

We would readily support these types of endeavors if there was a signed statement in the permitting record outlining the attributes of an Industrial Zone, so applicants willingly accept doing business or residing in an area that was not designed either purpose.

With that being understood and implemented, we hope to be among the first to extend their commercial endeavor a warm Industrial Zone welcome, and wish them a prosperous pretzel venture.

Sincerely,
 L & S Else Living Trustees and Owners of Pet Nanny's Place

From: Mike and Nancy Norton
To: [Christine Steadman](#)
Subject: Peterson's Pretzels
Date: Tuesday, February 28, 2017 11:45:55 AM

Had Peterson's Pretzels for the first time on Sunday and must say, they just might be a new favorite snack. My husband and I ordered the Italian and a couple Regular and sat in the parking lot while we ate, watching the cars come and go. I can't tell you how surprised, pleased, and excited my 8 year old granddaughter was to get the Regular pretzel, still slightly warm. Very good. Very good. Thank you!

Nancy Norton

From: Rehfield, Hilary
To: [Christine Steadman](#)
Subject: Peterson's Pretzles
Date: Tuesday, February 28, 2017 11:27:59 AM

Hello Christine,
 I am writing to let you know that my family and I LOVE Peterson's Pretzles, and we fully support their need for a conditional use permit.

Hilary

--

Hilary Rehfield-Green
 IEP Admin Assistant
 796-5681 OR 209-0623

From: Will Judy
To: [Christine Steadman](#)
Subject: Support for Peterson's Pretzels
Date: Tuesday, February 28, 2017 10:41:26 AM

Ms. Steadman,

This email is to show support for Peterson's Pretzels and their application for a conditional use permit to operating in the Lemon Creek area. They are a valuable small business here in Juneau and I appreciate their services very much. Please approve their conditional use permit for continued and expanded operations. I have no business or personal connection with them other than being a continued satisfied customer. If you have any questions please feel free to contact me at 907-723-8625.

Thank you,

William Judy
 3250 Foster Ave
 Juneau, AK 99801

From: McCutcheon
To: [Christine Steadman](#)
Subject: peterson's pretzels
Date: Wednesday, March 01, 2017 7:31:40 PM

Hello,

I hear Peterson's Pretzels is looking for support to get a conditional use permit to continue operating on the lot near Costco.

Yes! Please let them continue.

I am officially voicing my support for this.

Thanks!

Bobbi McCutcheon

Bobbi McCutcheon
Graphic Artist / Author
907-789-8408
907-209-2974
fmccutch@gci.net

From: Howerter, Mary A (DOC)
To: [Christine Steadman](#)
Subject: Alaska Auto Towing
Date: Wednesday, March 08, 2017 9:24:26 AM

Hello,

This is a brief email to support Chris Peterson of Peterson's Pretzel's. Sid Howerter the owner of Alaska Auto Towing has given his go ahead to the request for a Pretzel wagon or cart. No problem at all. Sid's direct number is 957-2134.

Mary Anne Howerter

From: Harriet
To: [Christine Steadman](#)
Cc: [Christopher Peterson](#)
Subject: Conditional use permit: 5321 Commercial Blvd
Date: Wednesday, March 15, 2017 10:52:08 AM

Dear Ms. Steadman:

Please accept this in support of the application for a Sec. 49.15.330 conditional use permit for the Petersons' Pretzels establishment at 5321 Commercial Blvd.

My family are among the many residents of Juneau who make a weekly pilgrimage to Costco, Home Depot, the brewery and recycling facilities. We think Petersons' Pretzels is a much needed -- and colorful -- addition to the sparse food venues in the area, and we wholeheartedly support their application for a conditional use permit.

More specifically, we believe the proposed conditional use will:

- enhance neighborhood harmony
 - enhance neighboring property values
 - contribute to Juneau's economy by providing additional offerings for locals and visitors
 - provide jobs for locals
- and it will not
- not create any unusual noise or traffic or parking problems, nor endanger sensitive habitats

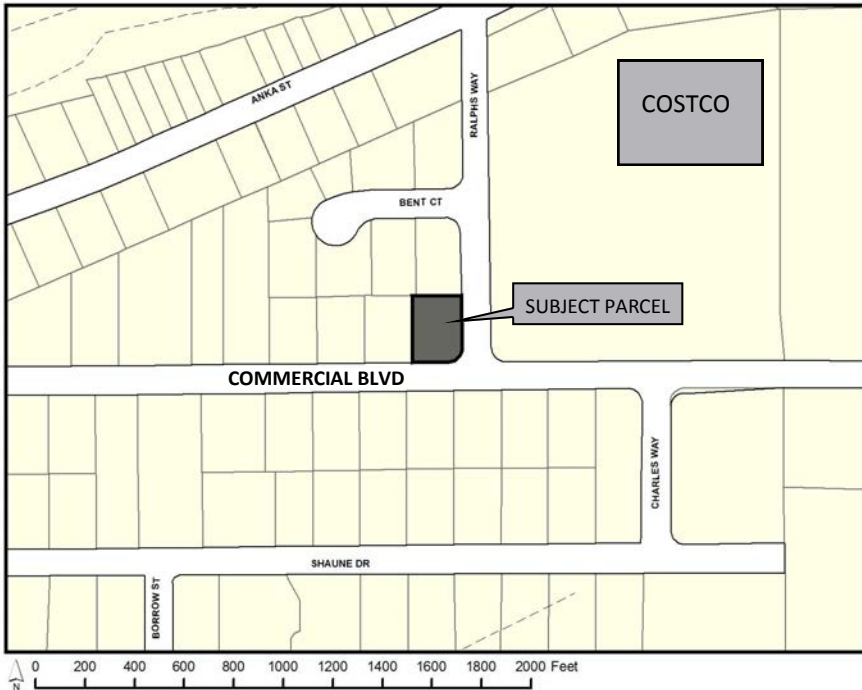
For all of these reasons, we urge you to grant Petersons' Pretzels' application for a conditional use permit.

Thank you for your consideration.

Harriet Milks
 9581 Whitewater Court
 Juneau, AK. 99801
 (907)209-7269

Sent from my iPhone

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

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

SHIP TO:



PROPOSAL: A Conditional Use Permit to operate a food truck in the Industrial zoning district.

File No:	USE2017 0003	Applicant:	Peterson's Pretzels LLC
To:	Adjacent Property Owners	Property PCN:	5-B12-0-145-004-0
Hearing Date:	March 28, 2017	Owner:	Esmail Peirovi
Hearing Time:	7:00 PM	Lot Size:	15,272 square feet
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	I (Industrial)
		Site Address:	5321 Commercial Blvd
		Accessed Via:	Commercial Blvd / Ralphs Way

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.

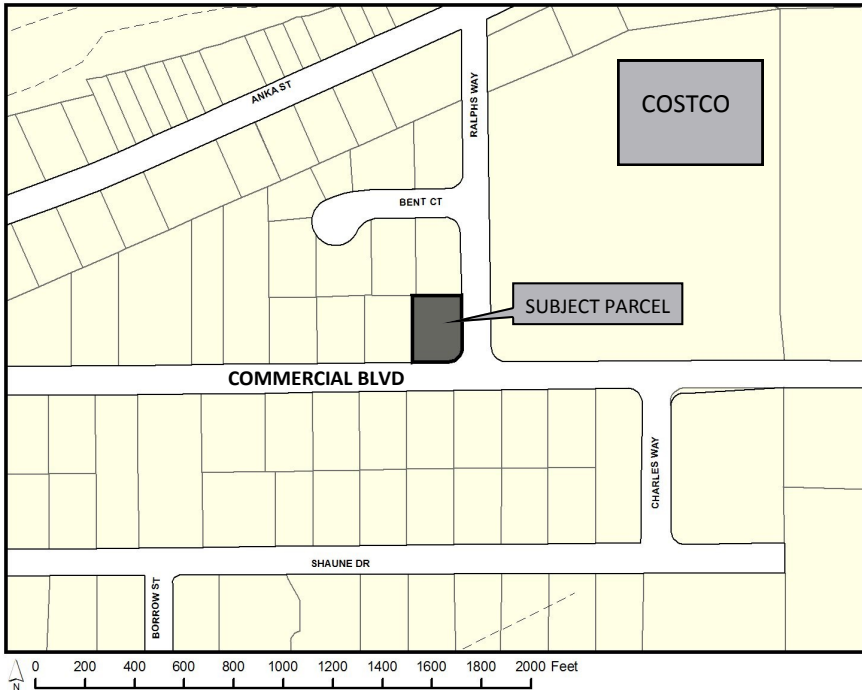


Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

Date notice was printed: February 24, 2017

Attachment D: Public Notice

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

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

SHIP TO:



PROPOSAL: A Conditional Use Permit to operate a food truck in the Industrial zoning district.

File No:	USE2017 0003	Applicant:	Peterson's Pretzels LLC
To:	Adjacent Property Owners	Property PCN:	5-B12-0-145-004-0
Hearing Date:	March 28, 2017	Owner:	Esmail Peirovi
Hearing Time:	7:00 PM	Lot Size:	15,272 square feet
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	I (Industrial)
		Site Address:	5321 Commercial Blvd
		Accessed Via:	Commercial Blvd / Ralphs Way

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

Date notice was printed: February 24, 2017

USE2017 0003

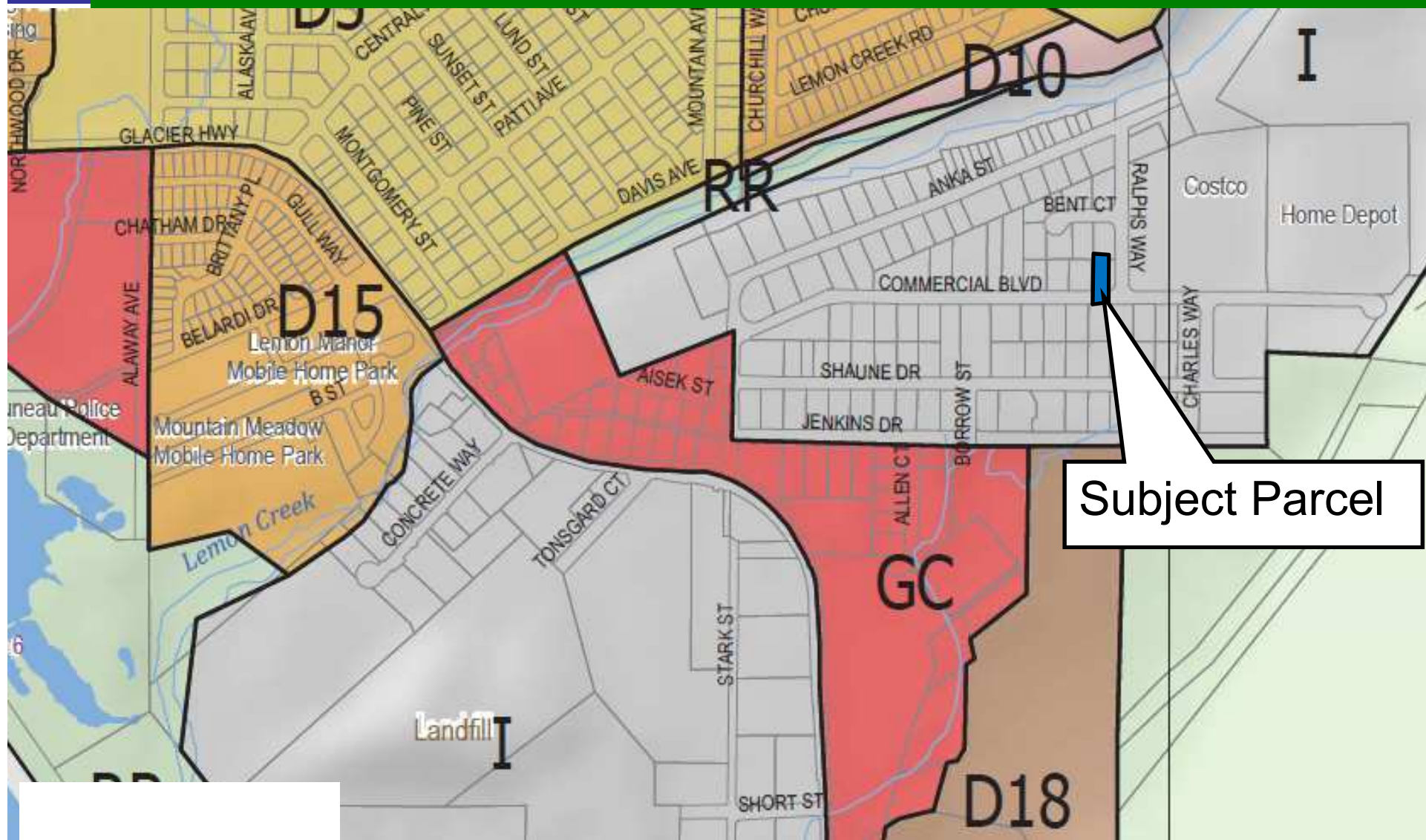
Conditional Use Permit for a restaurant in the Industrial zoning district

CBJ Planning Commission
March 28, 2017

CBJ49.25.300 *Table of Permissible Uses*

8.050 - Allows for small restaurants less than 1,000 sf without drive through service with a Conditional Use Permit in the Industrial zoning district.

USE17-03



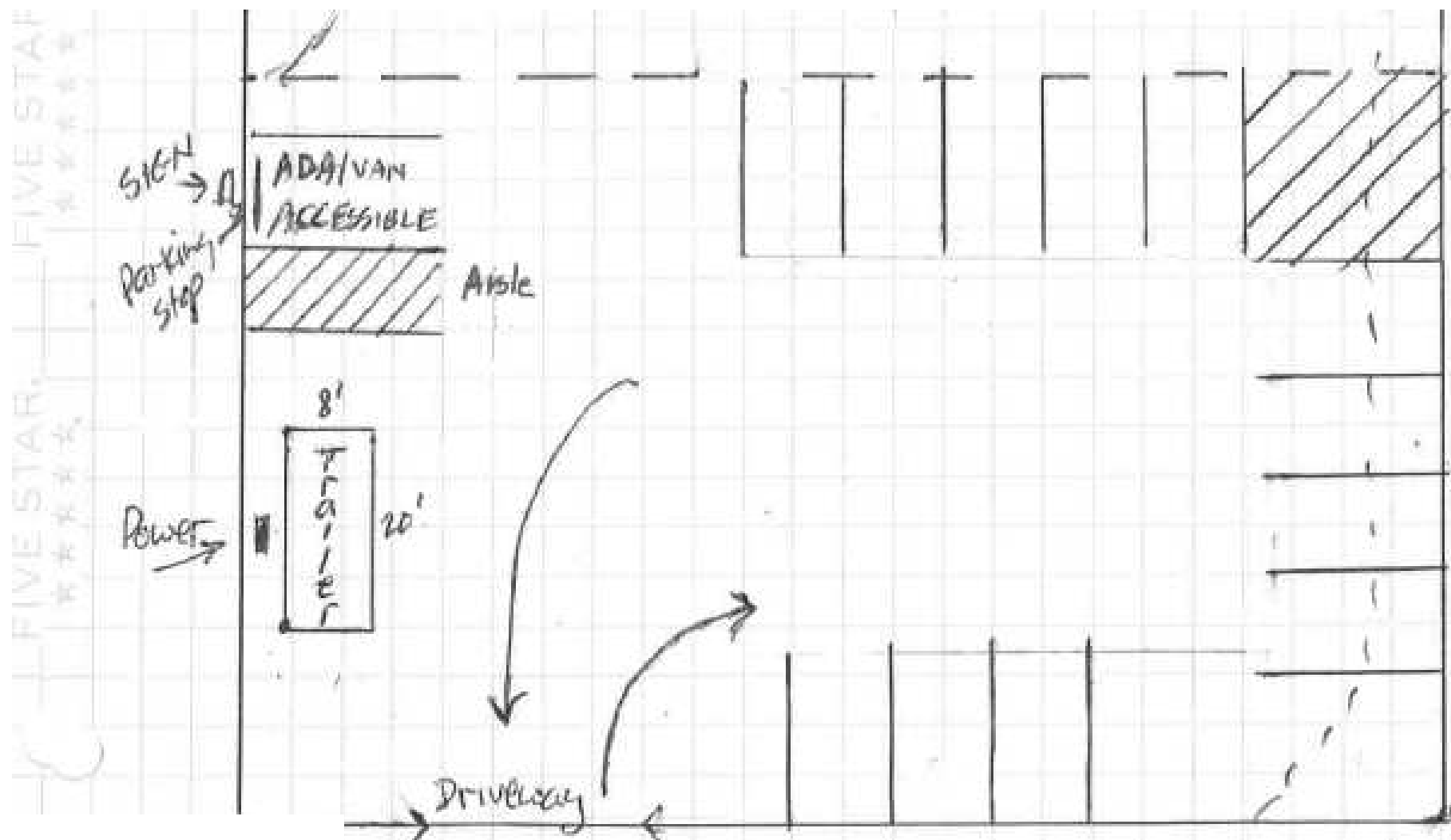
USE17-03



USE17-03

Access and Parking





Attachment B: Site Plan

2013 Comprehensive Plan Chapter 5 (p 58):

“To encourage the location and growth of local-based sector industries that provide year-round, full-time employment and provide tax revenues that support public services.”

1. The application is complete.
2. Appropriate according to Table of Permissible Uses.
3. Complies with public notice requirements.
4. Does not materially endanger the public health or safety.
5. Does not substantially decrease or is out of harmony with property in the neighboring area.
6. Is in general conformity with the land use plan.

It is recommended that the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit, USE2017 0003.

The permit would allow the development of food trailer at 5321 Commercial Boulevard, located in the Industrial zoning district.



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: March 30, 2017
File No.: USE2017 0003

Chris Peterson
4430 Glacier Highway
Juneau, AK 99801

Proposal: A Conditional Use Permit to operate a food truck in the Industrial zoning district.

Property Address: 5321 Commercial Blvd

Legal Description: SSG V Lot 4

Parcel Code No.: 5-B12-0-145-004-0

Hearing Date: March 28, 2017

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 17, 2017 and approved the development of a food trailer at 5321 Commercial Boulevard located in the Industrial zone to be conducted as described in the project description and project drawings submitted with the application.

Attachments: March 17, 2017 memorandum from Chrissy Steadman, Community Development, to the CBJ Planning Commission regarding USE2017 0003.

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

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

Effective Date: The permit is effective upon approval by the Commission, March 28, 2017.

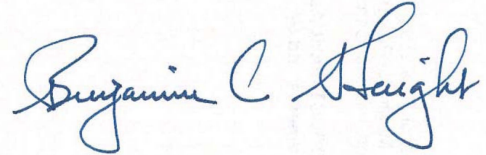
Chris Peterson
File No.: USE2017 0003
March 30, 2017
Page 2 of 2

Expiration Date: The permit will expire 18 months after the effective date, or September 28, 2018, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:



Chrissy Steadman, Planner II
Community Development Department



Benjamin Haight, Chair
Planning Commission



Filed With City Clerk

April 4, 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: March 15, 2017

TO: Planning Commission

FROM: Beth McKibben, AICP, Planning Manager
Community Development Department

FILE NO.: CSP2017 0003

PROPOSAL: Planning Commission review of Fiscal Year 2018 Capital Improvement Program.

ATTACHMENTS

Attachment A – FY2018 through 2023 Preliminary Capital Improvement Program
Attachment B – December 14, 2016 Memorandum re: Fiscal Year 2018-2023 Capital Improvement Program

INTRODUCTION

The City and Borough of Juneau prepares a revised Six-Year Capital Improvement Program (CIP) each year. The CIP guides the investment of public funds for maintenance, repair, construction, and acquisition of public infrastructure, facilities and equipment. The CIP is presented to the Assembly in April, along with the draft fiscal year budget, and includes the City Manager recommended project priorities for Fiscal Year (FY) 2018.

The Land Use Code establishes the role of the Planning Commission in the CIP process under CBJ 49.10.170 which states:

49.10.170(b) Review of the Capital Improvements Program. Upon adequate notice which shall be provided by the director, the commission shall review annually the capital improvements program of the City and Borough and submit its recommendations to the Assembly.

Planning Commission
File No.: CSP2017 0003
March 15, 2017
Page 2 of 15

The purpose of the Planning Commission review is to ensure the CIP is consistent with the goals of the Comprehensive Plan.

In October 2016 staff approached the Planning Commission and asked for projects they would like to see included in the CIP. The Planning Commission created a subcommittee which, with the Director of Community Development, met with the CBJ Manager, and then subsequently made recommendations to the full Commission, who ultimately, made the recommendations found in attachment B.

The Planning Commission review has been structured to ensure that the CIP is consistent with general programmatic topics that fall under the Planning Commission's purview, rather than focus on detailed project line items. It is intended that the Planning Commission's annual review will follow the general format established at that time, allowing subsequent reviews to track progress on these programmatic goals as a way to help foster consistency and achieve results. The Planning Commission identified four broad categories of potential capital improvements that are relevant to its review authority: Housing, Community Vitality, Transportation, and Sustainability.

ORGANIZATION OF THE CIP

The CIP list offers important information for the various capital improvement projects recommended for funding in FY2018, and planned for future years through FY2023. The CIP list consists of sections addressing FY2018 recommendations, funding sources, the six-year improvement plan, and project descriptions.

The City Manager recommends CIP priorities to the Assembly according to the following criteria:

Support. Are the projects a high priority of the Department or Committee proposing it, as well as the general public?

Consistency. Are the projects consistent with applicable CBJ plans or policies?

Health and Safety. Will the improvement address an imminent or expected threat or danger to users or occupants?

Maintenance or Repair of Existing Property. Will the projects prevent further deterioration or damage to property?

Local Match for Federal/State Grants. Are funds required to match federal or state capital project funds?

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Maintenance Impact. Will the improvement or projects increase efficiency and reduce on-going operating costs?

Economic Development Stimulus. Will the improvement directly or indirectly stimulate beneficial economic development in the community?

Anticipated Need. Will the projects enhance or expand an existing facility or service to accommodate increased public use?

Recreational. Will the projects establish, enhance or expand a facility or service to accommodate new or increase public use?

Funding Alternatives. Will there be funding alternatives explored for each project?

The report is organized into sections that are summarized below.

City Manager Recommended Priorities: The priorities for FY2018 are organized by funding source.

FY2018 General Sales Tax Improvements: Includes projects that were funded under a five year, voter-approved, 1% temporary sales tax. Funds must be split 1% for police, fire, street maintenance, snow removal, EMT/ambulance services, parks and recreation, libraries and other general purposes; 1% for roads, drainage, retaining walls, sidewalks, stairs, and other capital projects; and 1% for water and sewer system extensions, an emergency budget reserve, youth activities, and other general public services.

FY2018 Area Wide Sales Tax Improvements: The table lists the specific projects recommended for funding under area wide sales tax and the amount of funding provided to each improvement in FY2017.

Temporary 1% Sales Tax Improvements: A voter approved temporary 1% sales tax, effective October 1, 2013 through September 30, 2018. This section of the CIP lists the capital improvements that the Manager is recommending to be funded under this temporary tax in FY2018.

FY2018 Marine Passenger Fees: Includes the projects funded by the voter-approved \$5 per passenger tax for cruise ship passengers. The charges are appropriated to address the impacts caused by the marine passenger ship industry. This section of the CIP lists the capital improvements that the Manager is recommending to be funded by this tax and the amount of funding provided to each improvement in FY2018.

FY2018 State Marine Passenger Fees: Five dollars per passenger comes from Alaska's cruise ship passenger fee, passed by a citizens' initiative in 2008 and revised in 2010. This section

of the CIP lists the capital improvements that the Manager is recommending to be funded by this program and the amount of funding provided to each improvement in FY2018.

FY2018 Water Enterprise Fund: This fund was established to account for the CBJ's water utility operations. The CBJ's water utility provides potable water for the majority of the City and Borough residents residing within the roaded service area. The water utility is largely self-supported through user service fees. This section of the CIP lists the capital improvements recommended by the City Manager to be funded by the Water Enterprise Fund and the amount of funding provided to each improvement in FY2018.

FY2018 Wastewater Enterprise Fund: This fund was established to account for the activities of the CBJ's wastewater treatment operations. The sewer utility provides for wastewater treatment facilities for most of the populated roaded areas. The sewer utility fund is largely supported through user services fees. This section of the CIP lists the capital improvements recommended by the City Manager to be funded by the Sewer Enterprise Fund and the amount of funding provided to each improvement in FY2018.

FY 2018 Docks & Harbors Enterprise Fund: This fund was established to account for the activities of CBJ's Docks and Harbors. The Docks and Harbors Department exists to plan, develop, and manage, CBJ's marine-related property and facilities. To this end, the Board develops and provides services to promote and accommodate marine related commerce, industry, fisheries, recreation, and visitors. The Docks and Harbors enterprise fund is financially supported through user services fees. This section of the CIP lists the capital improvements recommended by the City Manager to be funded by the Docks and Harbors Enterprise Fund and the amount of funding provided to each improvement in FY2018.

FY2018 Lands Fund: Land Fund into which most of the revenues from the sale or lease of land are to be deposited (except for properties of enterprise funds such as the Airport or Docks and Harbors). The Lands Fund is intended to provide revenue required for the subdivision, development, and disposal of CBJ lands as well as other costs of managing CBJ property. Additionally, the Land Fund is the source of money used to acquire properties needed for public purposes which are not funded by an enterprise account or CIP account. This section of the CIP identifies the capital improvement recommend by the City Manager to be funded by the Lands Fund and the amount of funding in FY2018.

Furthermore, there are three categories of "unscheduled" funding. Unscheduled requests are either appropriations from enterprise entities (water, sewer, Bartlett Hospital, Airport etc.) that do not happen as part of the CIP but are planned to be appropriated as part of the fiscal year (such as grants and loans) or are a legislative request.

Six-Year Department Improvement Plans: Outlines the Six-Year Departmental Improvement Plans of each department for FY2018 through FY2023. The table is organized by department and lists the project name, priority ranking, estimated expenditures for each fiscal year, and the type of activity of the project.

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THE COMPREHENSIVE PLAN

The CIP fulfills several purposes. It is a planning document that organizes and schedules projects and activities. It is a statement of budgetary policy that directs funds toward priorities. It is an investment guide that portrays the physical infrastructure and other improvements that support commerce and community.

The Comprehensive Plan addresses capital improvements in Chapter 18, *Implementation and Administration*. Standard Operating Procedure 18.1 SOP1 states:

“Evaluate all ordinances, plans, capital improvement and public programs to ensure their consistency with the Comprehensive Plan. For specific land use or permit applications, require the applicant, whether a public agency or a private property owner, to demonstrate compliance to each applicable policy or provide evidence why an exception to a policy is warranted. Incorporate statements regarding compliance/non-compliance with Policies into findings of fact that provide the legal basis for determining approval or disapproval of a development application.” (Emphasis added.)

Policy 18.6 states:

“To develop a six-year capital improvement program to implement the Comprehensive Plan by coordinating urban services, land use decisions, and financial resources and to provide adequate funding for capital improvements to ensure the policies, standard operating procedures, development guidelines, implementing actions and subarea guidelines of the Comprehensive Plan are implemented.”

Further Implementing Actions:

18.6 SOP1 states:

“Prepare an annual Six-year Capital Improvement Program. Request that CBJ departments, the public, and policy bodies nominate potential capital improvement projects from a variety of sources including the Comprehensive Plan and suggestions of resident and special interest groups, CBJ officials, advisory commissions and others.”

18.6.SOP2 states:

“CDD staff will analyze each CIP project list for conformity with the Comprehensive Plan.”

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It is this last implementing action that is the focus of this review. The purpose is to determine if the proposed projects of the FY2018-FY2023 CIP support the policies and implementing actions of the Comprehensive Plan.

Comprehensive Plan policies and Implementing Actions that support the FY2018-2019 CIP list are:

Policy 2.1 Sustainability

“To build a sustainable community that endures over generations, and is sufficiently farseeing and flexible to maintain the vital and robust nature of its economic, social, and environmental support systems.”

Policy 2.2 Sustainability

“To model sustainability through its operations, practices, and projects.”

Policy 4.1 Housing

“To facilitate the provision and maintenance of safe, sanitary and affordable housing for its residents.”

Policy 4.5 Provision of Public Facilities

“To plan for the timely and efficient provision of an appropriate level of public facilities and services in all developed and developing areas of the CBJ.”

Policy 5.1 Economic Development

“To develop and sustain a diverse economy, providing opportunities for employment for all residents.”

Policy 5.2 Downtown Juneau

“Through a cooperative effort with the State of Alaska, to plan for and support development of an attractive setting, facilities, and other services to enhance the State Capitol, and strive to provide an atmosphere conducive to good leadership in the State, accessible to and supportive of all people of the State of Alaska.”

Policy 5.3 Downtown Juneau

“To maintain and strengthen downtown Juneau as a safe, dynamic and pleasant center for government and legislative activities, public gatherings, cultural and entertainment events, and residential and commercial activities in a manner that complements its rich historic character and building forms.”

Implementing Action 5.3.IA3 (in part): “Facilitate the pedestrian usage of Downtown physical improvements, Land Use Code amendments or other programs or initiatives which could include: B. Extend the waterfront seawalk.”

Policy 5.6 Tourism and Visitors

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

Implementing Action 5.6IA3: “Work with representatives from the cruise line industry, private developers, Juneau Convention and Visitors Bureau, and other tourism-related businesses to plan and develop additional or improved moorage and berthing facilities, including additional lightering and short-term moorage facilities.”

Standard Operating Procedure 5.6.SOP4: “Support Eaglecrest as a regional recreation and tourist facility.”

Policy 5.9 Port Facilities

“To facilitate availability of sufficient and suitable water-based facilities and associated land-based acreage to support water-dependent uses, and to work closely with the public and private sectors to facilitate sustainable marine commerce recreation, public access to the shoreline and enjoyment of the waterfront through development of well-designed port facilities.”

Policy 5.14 Seafood Industry and Commercial Fishing

“To support the development and expansion of the seafood industry and of services and facilities that benefit commercial fishing activity and to attract and retain harvesters, processors, and sustainable aquaculture activities in Juneau.”

Policy 6.4

“To provide cost-effective and energy efficient facilities, systems and infrastructure that strengthens Juneau’s role as the State Capital.”

Policy 6.5 Energy Efficiency

“To incorporate technologies and operating practices that will promote efficient and cost effective energy use into all of its new and existing buildings and energy-using projects.”

Standard Operating Procedure 6.5SOP1: “Replace inefficient street lighting and lighting in CBJ buildings and facilities upon replacement cycle.”

Implementing Action 6.5-IA5: “Continue to incorporate LEED-Juneau principles and standards when designing public structures and facilities, with appropriate fuel cost sensitivity analyses over the long term life of the Project.”

Implementing Action 6.5-IA6: “When designing new facilities or major renovation of CBJ-owned facilities, analyze life-cycle costs of energy applications, and use that analysis to guide future development.”

Implementing Action 6.5-IA7: “Analyze the workings of the CBJ water and wastewater facilities and incorporate energy saving methods and technologies where appropriate.”

Policy 6.10 Energy Efficient Buildings

“To encourage cost effective, energy efficient building and remodeling practices.”

Policy 6.11 Energy Use

“To encourage industrial and commercial users to be as efficient as possible in their use of energy; to use renewable energy sources and to make energy by-products available for use elsewhere in the community.”

Policy 7.3 Riparian Habitat

“To protect riparian habitat, including stream corridors and lake shorelines, from adverse effects of development and to provide a higher level of protection for non-urban shorelines in public ownership.”

Policy 7.7. Water Quality

“To protect, maintain and improve surface water, groundwater and marine water quality in its jurisdiction so that all waters are in compliance with federal and state water quality standards and continue to allow aquatic life to thrive.”

Policy 7.9 Air Quality

“To continue educational programs, capital improvement projects, and regulatory measures to protect and improve air quality.”

Policy 7.16 Gravel Resources

“To conserve and protect known gravel deposits and to protect them from conflicting land uses.”

Policy 8.1 Airport

“To promote and support aviation safety; to develop and maintain airport facilities meeting the aviation transportation needs for the CBJ, 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.”

Policy 8.3 Marine Transport

“To promote and facilitate marine transport systems and to provide facilities to transport cargo, vehicles, and passenger transportation, commercial fishing industries, and recreational water travel.”

Policy 8.4 Regional Transportation System

“To support the improvement of transportation facilities and systems that reinforce Juneau’s role as the capital city of Alaska, and a regional transportation and service center.”

Policy 8.5 Local Transportation System

“To promote a balanced, well-integrated local multi-modal surface transportation system that provides safe, convenient and energy-efficient access and transport for people and commodities.”

Standard Operating Procedure 8.5-SOP1: “Provide a safe, convenient, reliable and low-cost public transit and rapid transit system within the Urban Service Area to ensure that within that area, everyone has the ability to access work, school, services, shopping and leisure activities by public transit, with stops located so as to be within ½ mile of each other along routes.”

Implementing Action 8.5 – IA6: “To reduce the demand for land-consuming parking spaces, reduce use of fossil fuels, and encourage the use of public transit, the CBJ government and community should urge downtown federal, state, and local government agencies, as well as private-sector employees to participate in a Coordinated Downtown Transportation Management Program managed by CBJ staff or a third party. The program could include, but would not be limited to, the following features:

“D. Convenient and free parking for car- and van-pool vehicles, preferential parking for car-sharing, electric, hybrid and other alternate fuel-powered or multiple-user vehicles;

“E. Instituting residential parking programs to discourage commuting motorists from long-term on-street parking in residential neighborhoods;

“F. Satellite parking within shuttle distance to major destinations in downtown Juneau.

“G. Working with the State of Alaska to allow off-hour parking in state employee parking facilities and lots to ease evening and wee-end event parking congestion;

“H. Increasing parking enforcement, as nearly all of these parking-related actions require enforcement or they will be of minimal utility;”

Policy 8.6 Alternative Transportation

“To promote and facilitate transportation alternatives to private vehicles as a means of reducing congestion and air pollution and the consumption of fossil fuels, and to provide safe, and healthy means of transportation to all people.”

Development Guideline 8.6.DG1: “Require sidewalks and bicycle paths or lanes along existing or newly constructed arterial and collector streets where appropriate, and provide or work with DOT to provide such amenities along existing roads to provide safe and healthy means of transportation to all people.”

Policy 9.1 Parks and Recreation

“To provide quality dispersed outdoor recreational opportunities; and to acquire and develop sufficient local parks and recreational facilities in locations convenient to all areas of the CBJ. Places given priority for new facilities include rapidly developing areas and currently developed areas which lack adequate parks and recreation facilities.”

Standard Operating Procedure 9.1SOP3: “Pursue funding for acquisition and development of parks and recreation facilities through traditional funding mechanisms such as the CBJ Capital Improvements Program, State Legislative process, and Federal funding opportunities; maximize the use of federal and state matching funds; investigate creative and innovative funding mechanisms for the acquisition and development of parks, facilities, trails, and programs; explore cooperative management agreements, joint ventures, private/public partnerships or other protocols to facilitate progress.”

Policy 9.2 Parks and Recreation

“To develop and maintain an interconnected non-motorized trail system that is complementary with, and may be contiguous with, unfragmented fish and wildlife corridors along anadromous fish streams within the roaded area that provides fish and wildlife and human access to the sea from the uplands.”

Policy 12.1 Public Facilities

“To plan for the timely and efficient provision of an appropriate level of public facilities and services in all developed and developing areas within the urban service area.”

Policy 12.2 Public Facilities

“To extend public water, sewer and storm drainage, and earth retention facilities to all areas within the urban service area.”

Policy 12.4 Public Facilities

“To facilitate the reduction of waste materials generated and disposed by households and businesses through promotion of an aggressive solid waste diversion and program including activities facilitating waste prevention, reuse and recycling.”

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Policy 12.5 Public Facilities

“To promote efficient, safe, convenient, cost-effective and environmentally sound methods for the disposal of solid and hazardous waste.”

Policy 13.1 Police Protection

“To provide adequate and efficient police protection for the community.”

Policy 13.2 Fire Protection and Emergency Services

“To provide adequate and efficient fire protection and field emergency medical care for all. It is further the policy of the CBJ to maintain an incident response organization to effectively respond to large scale events and disasters.”

Policy 13.3 Medical Services

“To promote quality medical and social services in the CBJ to ensure the safety, health, well-being and self-sufficiency of its residents.”

Policy 14.1 Schools

“To provide a strong system of high quality public education to enable all students to become well educated, informed residents who understand and appreciate diverse cultures and who are equipped to pursue further education and compete successfully in the work force.”

The projects in the CIP can be linked to policies in the Comprehensive Plan, and the CIP can be characterized as a tool that aids in implementing the plan. The table below only evaluates projects that have funding established for FY2018. This year a fifth column was added with the purpose of showing which of the board categories established by the Commission the project fits.

Department	Division	Priority	Project	Consistency with Comp Plan	Category
Administration	Manager's Office	1	Infor/Lawson & Other MIS Software Updates	N/A	N/A
		2	Vehicle & Equipment Wash Bays Planning and Design	N/A	N/A
		3	Capitol Plaza Planning	Policy 5.2	Community Vitality
		4	Bonded Debt Service	N/A	N/A
		5	Budget Reserve	Policy 2.1, 2.2	Community Vitality

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Airport	1	SERF Match	Policy 8.1	Transportation
	2	RSA (Ph 12) Construct Aprons, Fencing	Policy 8.1	Transportation
	3	Design Taxiway A and E-1 Rehab	Policy 8.1	Transportation
	4	Float Pond Improvements So Rd/Inlet Valve/Bank Stabilization	Policy 8.1	Transportation
	5	Passenger Boarding Bridge Gate 2	Policy 8.1	Transportation
	6	Terminal Camera Surveillance System Design & Install	Policy 8.1	Transportation
	7	Exit Lane Improvements Design & Install	Policy 8.1	Transportation
	8	26 MALSR	Policy 8.1	Transportation
	9	Space Reconfig (old dining rm/kit) Tenants & Admin	Policy 8.1	Transportation
	10	First Floor Men's Restroom Reno	Policy 8.1	Transportation
	11	Terminal East End Doors/Vestibule		Transportation

Bartlett Regional Hospital	1	Child & Adolescent Mental Health Facility	Policy 13.3	Community Vitality
	2	Operating Room Renovation	Policy 13.3	Community Vitality
	3	Information Services Facility with Generator	Policy 13.3	Community Vitality
	4	Maintenance Building for Equipment	Policy 13.3	Community Vitality
	5	RRC and BOPS Replacement	Policy 13.3	Community Vitality
	6	Parking		Community Vitality
	7	Remodel Laboratory	Policy 13.3	Community Vitality
	8	Oxygen Tank (Bulk) Storage	Policy 13.3	Community Vitality
	9	Relocate & remodel Biomed, Dietary, Laundry, Mat'l's Mgmt	Policy 13.3	Community Vitality
	10	Pharmacy Remodel	Policy 13.3	Community Vitality
	11	Roof for Medical Art Building		
Docks & Harbors	1	Visitor Information Kiosk Replacement - Design	Policy 8.3; 5.6	Community Vitality
	2	Cruise Ship Uplands Staging Area	Policy 8.3; 5.6	Transportation
	3	Downtown Restrooms – partial funding to locate/design	Policy 8.3	Community Vitality
	4	Statter Harbor Breakwater Safety Improvements	Policy 8.3	Community Vitality
	5	Taku Harbor Deferred Maintenance		Transportation
	6	ADFG Grant – Amalga Harbor Fish Cleaning Float		Transportation

Eaglecrest	1	Deferred Maintenance-Lift/Mountain Operations Improvements	Policies 5.6, 9.1,	Community Vitality
Finance	1	Auke Bay Passenger for Hire Facility	Policy 5.3	Community Vitality

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Fire & JPD	1	Downtown Fire Station Roof Replacement	Policy 13.2	Community Vitality
Lands & Resources	1	Stabler Quarry Infrastructure and Expansion	Policy 12.2	Community Vitality

Parks & Rec.	Bldg Maintenance	1	Deferred Building Maintenance	Policy 9.1, 6.10	Community Vitality
	Rec Buildings	1	Treadwell Arena Parking Lot Lighting	Policy 9.1, 6.10	Community Vitality
	Parks/Rec Areas	1	Park & Playground Deferred Maintenance & Repairs	Policy 9.1,	Community Vitality
		2	Sports Field Resurfacing & Repairs	Policy 9.1	Community Vitality
		3	Hut to Hut	Policy 9.1; 5.6	Community Vitality
		4	Twin Lake Park and ADA Repairs	Policy 9.1	Community Vitality
		4	Zach Gordon & Augustus Brown Improvements	Policy 9.1	Community Vitality
	Trail Maintenance	1	Kax Trail Bridge River Bank Stabilization	Policy 9.2	Community Vitality

Public Works and Engineering Department					
	Capital Transit	1	Bus Shelters/Interim Valley Transit Center Improvements	Policy 8.4, 8.5, 8.6	Transportation
		2	Valley Public Transit Transfer Center	Policy 8.4, 8.5, 8.6	Transportation
	Engineering	1	Stephan Richards/Riverside Intersection DOT Match	Policy 8.5	Transportation
		2	Downtown Street Improvements	Policy 5.6; 8.5,	Transportation
		3	Waterfront Seawalk	Policy 5.3 IA3	Transportation
	Streets	1	Pavement Management	Policy 7.9, 12.1	Transportation
		2	Sidewalk & Stairway Repairs	Policy 12.1	Transportation
		3	McGinnis Subdivision Improvements Ph 3	Policy 12.1,	Transportation
		4	Downtown Street Improvements Front & Franklin Ph 1	Policy 5.6; 12.1	Transportation
		5	Shaune Drive Improvements-Anka to Barrow	Policy 12.1	Transportation
		6	Birch Lane Improvements Mendenhall to Julep Ph 1	Policy 12.1	Transportation
		7	Calhoun Ave Improvements – Main to Gold Ck (Design)	Policy 12.2	Transportation
		8	Areawide Drainage Improvements	Policy 12.2	Transportation
		9	Douglas Side Streets (D and E Streets)	Policy 12.2	Transportation
	Wastewater Utility	1	MWWTP Belt Filer Press Replacement	Policy 6.4, 6.5, 7.7	Community Vitality
		2	MWWTP Odor Control	Policy 6.4, 6.5, 7.7	Community Vitality
		3	MWWTP SBR/WS/TS Pump Replacements	Policy 6.4, 6.5, 7.7	Community Vitality
		4	MWWTP Roof Repair	Policy 12.1	Community Vitality
		5	Calhoun (8 th to Gold Creek) Sewer Replacement	Policy 12.1, 12.2	Community Vitality

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	6	Pavement Management Utility Adjustments	Policy 12.1	Community Vitality
	7	McGinnis Subdivision, Ph 3 Utility Adjustments	Policy 12.1, 12.2	Community Vitality
	8	SCADA	Policy 12.1, 12.2	Community Vitality
	9	Birch Lane Sewer Replacement	Policy 12.1	Community Vitality
	10	Douglas Side Streets 2017 (D & E Streets)	Policy 12.1, 12.2	Community Vitality
	11	Downtown Street Improvements First Street Sewer	Policy 12.1, 12.2	Community Vitality
	12	Shaune Drive Sewer Improvements	Policy 12.1	Community Vitality
	13	Retime Cruise Ship Wastewater Discharge Monitoring	Policy 12.1, 12.2; 5.6; 7.2	Community Vitality
Water Utility	1	Douglas Highway Water	Policy 12.1	Community Vitality
	2	Calhoun (8 th to Gold Creek) Water Replacement	Policy 12.1,	Community Vitality
	3	SCADA	Policy 12.1	Community Vitality
	4	McGinnis Subdivision, Ph 3 Utility Adjustments	Policy 12.1	Community Vitality
	5	Pavement Management Utility Adjustments	Policy 12.1	Community Vitality
	6	Shaune Drive –Anka to Barrow-Utility Adjustments	Policy 12.1	Community Vitality
Schools				
	1	School District Deferred Maintenance	Policy 14.1	Community Vitality

FINDINGS

Do the CIP projects listed for funding in the FY2018 conform to the policies of the Juneau Comprehensive Plan?

Projects proposed for funding in FY2018 conform to the policies of the Comprehensive Plan.

RECOMMENDATION

It is recommended that the Planning Commission report to the Assembly that the CIP projects recommended for funding in FY2018 conform to the policies of the Juneau Comprehensive Plan.

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	7	McGinnis Subdivision, Ph 3 Utility Adjustments	Policy 12.1, 12.2	Community Vitality
	8	SCADA	Policy 12.1, 12.2	Community Vitality
	9	Birch Lane Sewer Replacement	Policy 12.1	Community Vitality
	10	Douglas Side Streets 2017 (D & E Streets)	Policy 12.1, 12.2	Community Vitality
	11	Downtown Street Improvements First Street Sewer	Policy 12.1, 12.2	Community Vitality
	12	Shaune Drive Sewer Improvements	Policy 12.1	Community Vitality
	13	Retime Cruise Ship Wastewater Discharge Monitoring	Policy 12.1, 12.2; 5.6; 7.2	Community Vitality
Water Utility	1	Douglas Highway Water	Policy 12.1	Community Vitality
	2	Calhoun (8 th to Gold Creek) Water Replacement	Policy 12.1,	Community Vitality
	3	SCADA	Policy 12.1	Community Vitality
	4	McGinnis Subdivision, Ph 3 Utility Adjustments	Policy 12.1	Community Vitality
	5	Pavement Management Utility Adjustments	Policy 12.1	Community Vitality
	6	Shaune Drive –Anka to Barrow-Utility Adjustments	Policy 12.1	Community Vitality
Schools				
	1	School District Deferred Maintenance	Policy 14.1	Community Vitality



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

December 14, 2016

To: Ms. Mary Becker, Chair, Public Works and Facilities Committee

From: Ben Haight, Chair, Planning Commission

Subject: Planning Commission Capital Improvement Program Recommendations, 2017-2023

Background: Each year, the Planning Commission is tasked with reviewing and recommending to the Assembly whether to approve the Borough's six-year Capital Improvement Program (CIP). The Commission understands that this review is intended to ensure that the CIP is consistent with the Comprehensive Plan and other City and Borough plans, such as the Land Use Master Plan, Juneau Economic Development Plan, and Climate Action and Implementation Plan.

In addition to reviewing the complete CIP, the Planning Commission reviews the draft document early in development, allowing recommendations for use by the Manager's Office and Borough Assembly as the CIP list is finalized. At the direction of the City Manager and Community Development Department Director, this initial Planning Commission review has been moved earlier in the process to allow for more thorough consideration of the Planning Commission's recommendations.

Recommendations: After subcommittee work on this topic, and following suggestions from the City Manager and CDD Director on this process, Planning Commission review has been structured to ensure that the CIP is consistent with *general* programmatic topics that fall under the Planning Commission's purview, rather than focus on detailed project line items. These comments are offered to help ensure that the Borough's broad development and planning goals are met.

It is intended that the Planning Commission's annual review will follow the general format established here, allowing subsequent reviews to track progress on these programmatic goals as a way to help foster consistency and achieve results.

The Planning Commission has identified four broad categories of potential capital improvements that are relevant to its review authority: *Housing, Community Vitality, Transportation, and Sustainability*. The following recommendations for the 2017-2023 CIP are consistent with those priorities, and reflect City and Borough accepted plans:

Public Works at Facilities Committee
CIP Recommendations, 217-2023
December 21, 2016
Page 2 of 2

Housing:

1. Initiate a new mass wasting study across the downtown area. A new study will have several benefits, including potentially increasing the inventory of developable land, and removing financing barriers, such as long-term financing, affecting housing development.
2. Develop specific incentive programs to promote housing development. Such programs could be derived from the Housing Action Plan, and should focus on Downtown, which is felt by the commission to be under-served by CBJ efforts to improve and increase housing borough-wide.
3. Identify priority projects and propose public/private partnerships to develop new housing inventory. It is hoped that such partnerships could facilitate effective development of under-utilized facilities in the Downtown core, with renovated buildings increasing the housing stock and residential options.

Community Vitality:

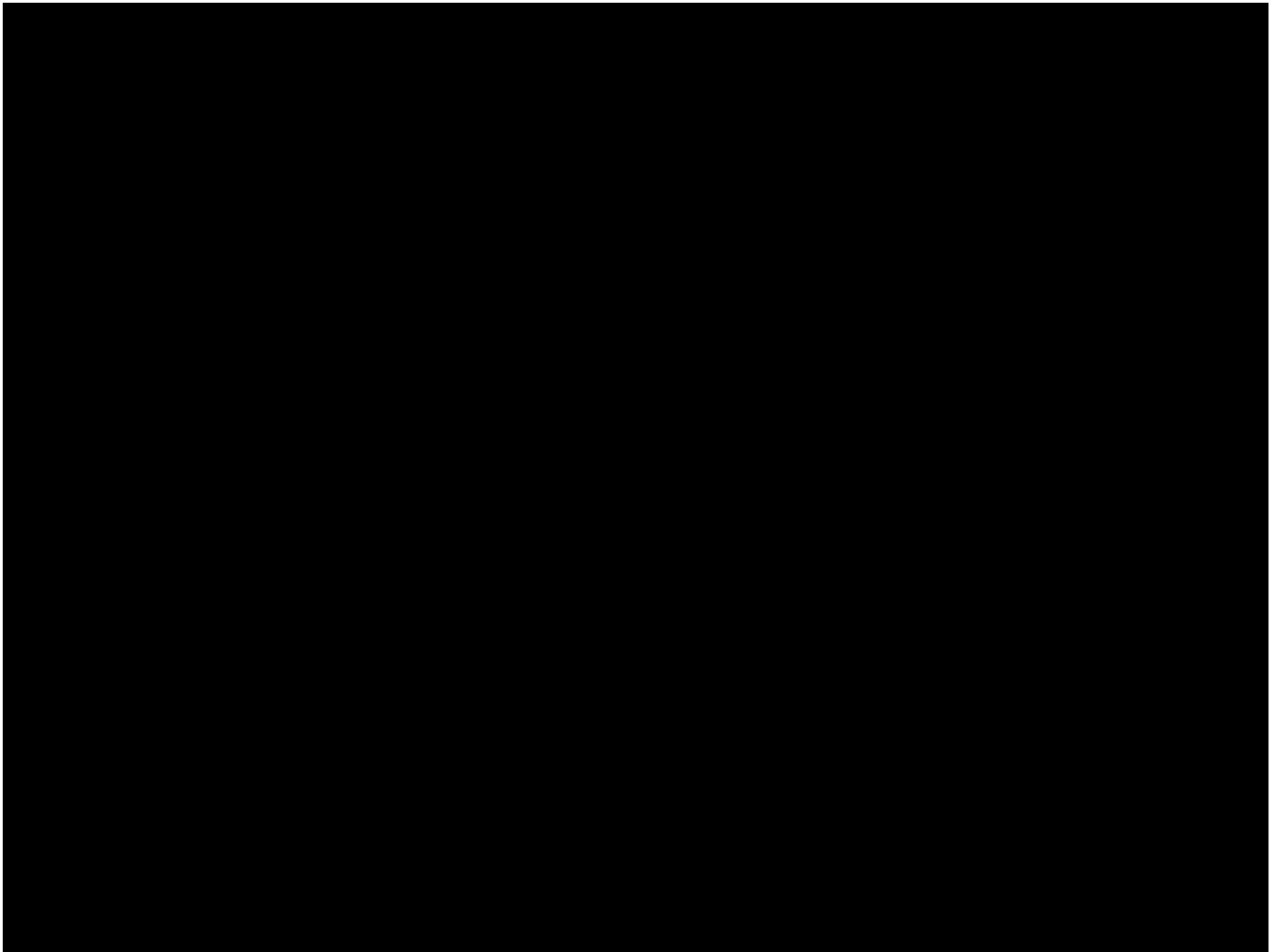
1. Focus on a solution for the Willoughby District parking deficit, likely a shared facility with the State of Alaska. This would have numerous benefits, including freeing up surface parking space needed for the proposed Willoughby Arts Complex, and other Willoughby District needs including State employee parking.
2. Identify parcels for CBJ acquisition through the Land Management Plan, and prioritize parcels relative to CBJ needs, including housing and recreation.
3. Emphasize general public improvements in the Lemon Creek area. This neighborhood carries a disproportionate share of overall community industrial and service needs, including the landfill and resource extraction, and has a deficit of public amenities like bike paths, parks, pedestrian links, or community facilities such as libraries.

Transportation:

1. Facilitate a study of marine shipping in and out of Juneau, with an eye toward regaining competitive shipping rates. Current rates are creating a difficult strain on already high development costs.
2. Develop and implement a seasonal downtown circulator, with simple on/off transit nodes that link primary pedestrian areas, including a new emphasis on the Willoughby District.

Sustainability:

1. Prioritize implementation of recommendations and provisions from the Climate Action and Implementation Plan, and Juneau Commission on Sustainability annual report. One outcome should be establishing energy performance goals across all CBJ projects and a mechanism for monitoring such performance across departments.
2. Prioritize landfill diversion strategies, such as organic waste composting, and work toward waste volume reduction while long-term waste solutions are studied.



CSP2017 0003

FY18 Capital Improvement Program Recommendations

Planning Commission
March 28, 2017



FY2018 – 2023 Capital Improvement Program

- **CBJ Revises CIP Each Year.**
- **CIP Guides Investment of Public Funds.**
- **CIP Presented to Assembly in February.**
- **Planning Commission Input prior to adoption.**

Purpose

- **Assess Long-Term Capital Project Requirements of the CBJ.**
- **Funding for High-Priority Projects.**
- **Expenditure of Public Funds.**
- **Efficient Public Services.**
- **Capital project planning for future.**

Priorities for Funding

Criteria:

- Support
- Consistency
- Health and Safety
- Maintenance or Repair of Existing Property
- Local Match for Federal/State Grants
- Maintenance Impact
- Economic Development Stimulus
- Anticipated Need
- Recreational
- Funding Alternatives

Planning Commission CIP Categories

- Housing
- Community Vitality
- Transportation
- Sustainability

Consistency with CBJ Plans

- 2013 Comprehensive Plan
 - Policy 18.1 Standard Operating Procedure 1:
Evaluate CIP for consistency with the Comp Plan
 - Policy 18.6
TO DEVELOP A SIX-YEAR CAPITAL IMPROVEMENT
PROGRAM TO IMPLEMENT THE COMPREHENSIVE PLAN..

FY2018 CIP Process

- Engineering and Public Works solicits project proposals
 - Due November 14 (PC Public Hearing November 8)
- Manager's Projects to PWFC – January, 2017
- Assembly Finance Committee Review – February – April 2017
 - Planning Commission Review (we are here)
- April 5 - Charter requires Manager to present budget including CIP to Assembly
- FY 2018 Budget Effective – July 1, 2017

Planning Commission Priorities from 2016

- Willoughby Parking Structure (#9 Future Funding)
- New Landslide/Avalanche Study (#10 Future Funding)
- Composting Feasibility Study (#11 Future Funding)
- Pedestrian Crossings to Harbor in Auke Bay
- UAS/Back Loop Road Pedestrian Crossing Improvements
- Pedestrian Friendly Lighting on Sidewalks within Auke Bay Center
- Wayfinding and Gateway Signage in Auke Bay (#12 Future Funding)

Planning Commission Priorities from 2017

- Initiate a new mass wasting study across the downtown area.
- Develop specific incentive programs to promote housing development
- Identify priority projects and propose public/private partnerships to develop new housing inventory (FY19 Pederson Hill)
- Focus on a solution for the Willoughby District parking deficit
- Identify parcels for CBJ acquisition through the Land Management Plan, and prioritize parcels relative to CBJ needs, including housing and recreation (FY19)
- Emphasize general public improvements in the Lemon Creek area
- Facilitate a study of marine shipping in and out of Juneau
- Develop and implement a seasonal downtown circulator (private)
- Prioritize implementation of recommendations and provisions from the Climate Action and Implementation Plan, and Juneau Commission on Sustainability annual report
- Prioritize landfill diversion strategies



Community Development

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155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: March 30, 2017

File No.: CSP2017 0003

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

Proposal: Planning Commission Recommendation to the City and Borough Assembly regarding Fiscal Year 2018 Capital Improvement Program (CIP).

The Planning Commission, at its regular public meeting on March 28, 2017, adopted the analysis and findings listed in the attached memorandum dated March 15, 2017. The Commission found that the CIP projects recommended for funding in FY2018 conform to the policies of the Juneau Comprehensive Plan.

Attachments: March 15, 2017 memorandum from Beth McKibben, AICP, Planning Manager, Community Development, to the CBJ Planning Commission regarding CSP2017 0003.

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:

Beth McKibben, Planning Manager, AICP
Community Development Department

Benjamin Haight, Chair
Planning Commission

City and Borough of Juneau
CBJ Assembly
File No.: CSP2017 0003
March 30, 2017
Page 2 of 2



Filed With City Clerk

April 4, 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
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155 S. Seward Street • Juneau, AK 99801

DATE: March 17, 2017

TO: Board of Adjustment

FROM: Allison Eddins, Planner
Community Development Department

A handwritten signature in black ink, appearing to read 'A. Eddins', is positioned to the right of the 'TO' and 'FROM' fields.

FILE NO.: VAR2016 0011

PROPOSAL: A Variance Request to reduce the side yard setback requirement from 15 feet to 5 feet for the construction of additional living space and storage.

GENERAL INFORMATION

Applicant: Fred Hiltner

Property Owners: Fred Hiltner and Cinda Stanek

Property Address: 9601 North Douglas Highway

Legal Description: Blue Sky Lot 3

Parcel Code Number: 6-D11-0-101-010-3

Site Size: 56,441 square feet (1.3 acres)

**Comprehensive Plan Future
Land Use Designation:** (RDR) Rural Dispersed Residential

Zoning: D1

Utilities: City water & on-site wastewater

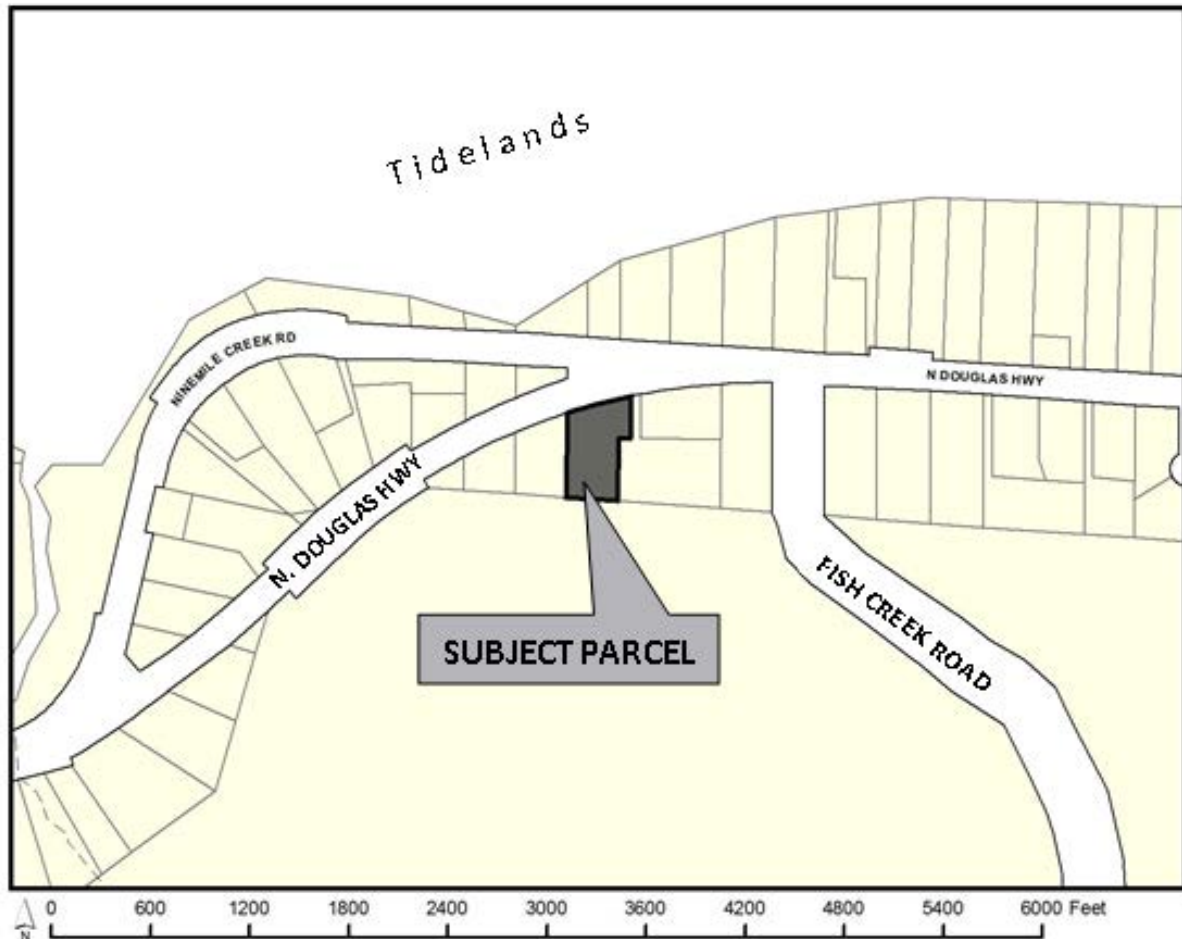
Access: North Douglas Highway

Existing Land Use: Residential

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File No.: VAR2016 0011
March 17, 2017
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Surrounding Land Use: North - D1/Single family residential
 South - RR/CBJ vacant land
 East - D1/Single family residential
 West - D1/Single family residential

VICINITY MAP

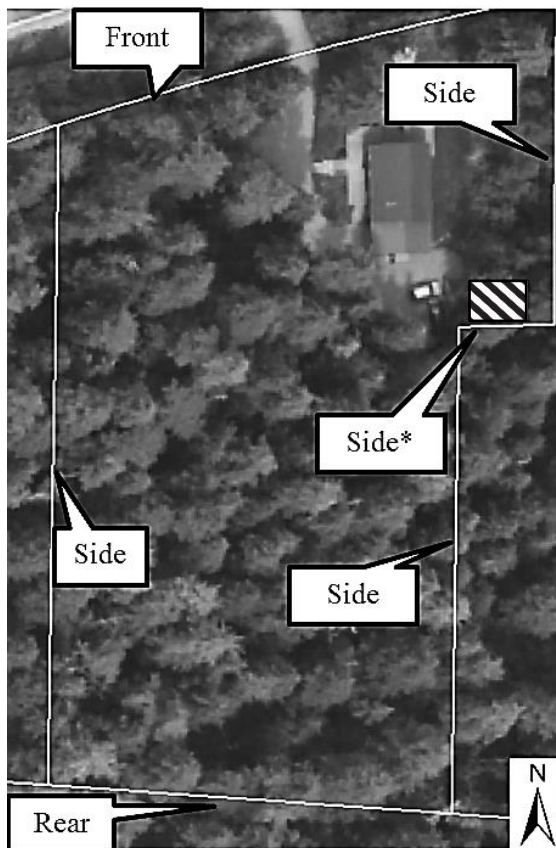


ATTACHMENTS

- Attachment A – Variance Application
- Attachment B – Site Plan and Project Narrative
- Attachment C – Physical Features Map
- Attachment D – Construction cost Estimate
- Attachment E – Public Comment
- Attachment F – Public Notice

PROJECT DESCRIPTION

The applicant is seeking a reduction of the required 15 foot side yard setback to 5 feet. The applicant wishes to build a 384 square foot (16 feet by 24 feet) detached guestroom and storage space. The guestroom does not include a kitchen and is not considered an additional dwelling unit.



The applicant would like to place the new structure on the building pad that was established for the construction of the primary structure in 2003. (The proposed building location is indicated with the striped square). As currently proposed, 240 square feet of the 384 square foot structure would encroach 10 feet into the 15 foot southern side yard setback. (The southern side property line is labeled with an asterisk.)

BACKGROUND

The lot is zoned D1 and is 56,441 square feet, or 1.3 acres. The minimum lot size for the D1 zoning district is 36,000 square feet. The lot was originally platted as Lot 210 of USS 3545 sometime prior to 1971. The exact year the survey was recorded is not clear. When the lot was originally platted, it was 51,440 square feet. In 2012, the lot was part of the Blue Sky Subdivision and became legally described as Blue Sky Lot 3. In 2012 this subdivision increased the lot's size from 51,440 square feet to its current size of 56,441 square feet.

The existing single family home and attached garage were constructed in 2003 (BLD2003-00249) and are situated in the northeastern corner of the lot. The home has a footprint of 588 square feet and the garage is 252 square feet. The existing home has a first story deck that wraps around the northern and western sides of the home and is approximately 450 square feet. All existing structures on the lot (the home, garage and deck) are well within the required setbacks for a D1 lot.

In 2016, the applicant submitted a building permit for an unheated shed. CBJ 49.25.430(C)(iii) allows up to 65 square feet of an unheated, detached storage shed to encroach into the side yard setbacks. The applicant placed the foundation footings for this structure into the side yard setback. However, further review of the site plan indicated that the encroachment exceeded the allowed 65 square feet. Furthermore, the applicant's plans for the structure had changed,

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and it could no longer be considered an unheated shed. This change meant that the structure was no longer eligible to encroach up to 65 square feet into the setback. The applicant withdrew his application and stopped work. Subsequently, the plans for the detached structure were revised resulting in the variance application under consideration. As stated previously, the intended use of the structure is primarily as a guestroom and for storage.

ANALYSIS

The 1.3 acre lot exceeds the minimum lot size of 36,000 square feet for the D1 zoning district. The maximum lot coverage in D1 is 10 percent. The existing single family home, garage and deck cover 2 percent of the lot. The addition of the guestroom and storage space would increase the lot coverage to 3 percent, well below the 10 percent maximum. Setbacks for D1 lots are 25 feet for front and rear yards and 15 feet for side yards. All existing structures currently on the lot meet the setbacks requirements.

The lot is relatively flat with a grade of 8.2 percent from the front lot line to the rear lot line. A large portion of the lot is classified as forested wetland (Attachment C). In 2003, the applicant received a permit from the Army Corps of Engineers (ACOE) to fill wetlands and received a grading permit from CBJ. Combined, these permits allowed the applicant to remove 50 cubic yards of top soil and bring in 188 cubic yards of gravel in order to construct a building pad for the home and garage. The applicant intends to use the remaining space on the existing building pad for the detached structure. The applicant has indicated that building within the required setbacks would require bringing in additional fill to expand the building pad northward. Since most of the lot is forested wetlands, expanding the building pad would require a new fill permit from the ACOE. The added expense of purchasing and hauling fill material to the lot would increase the cost of the project (Attachment D). Another added cost would be relocating the

foundation footings that are already in place for the additional living space.



The adjacent lot is a panhandle lot. The applicant wishes to build his guestroom 5 feet away from the neighbor's front property line. The proposed location for the new building is approximately 200 feet from the nearest existing structure, which is the single family residence on the panhandle lot.

At the time this report was due, staff had received four letters of support for

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this project from neighbors including the owners of the adjacent panhandle lot (Attachment E). No further public comment has been received. Staff solicited review and comments from the ACOE, the CBJ Engineering Department, CBJ Building Department and Capital City Fire and Rescue. There were no issues or concerns with the proposed project.

VARIANCE REQUIREMENTS

Under CBJ 49.20.250, 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 thereon rendering it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49.

According to adopted maps in the Juneau Coastal Management Plan, much of the subject lot is within a catalogued forested wetland (Attachment C). The CBJ values wetlands and seeks to mitigate disturbance to wetlands through policies and standards stated in the *2013 Comprehensive Plan*, the *Juneau Coastal Management Plan*, the *Juneau Wetlands Management Plan* and CBJ 49.70 Article X, Wetlands Management. However, a forested wetland is not unique in the general area where the subject lot is located and is not an extraordinary situation affecting only this parcel of land (Attachment C).

A Variance may vary any requirement or regulation of Title 49 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:

- 1. That the relaxation applied for or a lesser relaxation specified by the Board of Adjustment would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.***

The requested relaxation to reduce the side-yard setback would give substantial relief to the applicant in that he would be spared the cost of removing the foundation footings that have already been placed. Furthermore he would be spared the cost of expanding the existing building pad which would require a new ACOE permit as well as excavating and bringing in fill. The applicant provided staff with a cost estimate from a local contractor. The estimated cost of expanding the building pad is between \$8,000 and \$10,000 (Attachment D).

Granting the variance would give financial relief to the applicant, however this would not be consistent with justice to other property owners. Since 1987, there have been five variances granted within a half mile radius of the subject lot. Only two of those variances were for reductions in the 15 foot side yard setback requirement (VDM15-04 and VAR98-14). One of the two variances was a de minimis variance. A de minimis variance provides relief for minor

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infractions of up to 25%. The 15 foot side yard setback has been successfully applied to the majority of other D1 lots in the area and most of the lots in the area are also within the forested wetland.

No. This criterion has not been met.

2. That relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare be preserved.

The purpose and intent of Title 49 is defined in CBJ 49.05.100:

- 1) To achieve the goals and objectives, and implement the policies, of the Juneau comprehensive plan, and coastal management program;*
- 2) To ensure that future growth and development in the City and Borough is in accord with the values of its residents;*
- 3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;*
- 4) To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;*
- 5) To provide adequate open space for light and air; and*
- 6) To recognize the economic value of land and encourage its proper and beneficial use.*

No evidence has been presented indicating that the requested variance will have a negative impact on public safety and welfare. The public comment that has been received regarding this variance request has been in favor of the project. The applicant has indicated that complying with the required side yard setback would require bringing in additional fill to expand the building pad, therefore eliminating additional wetlands. Limiting wetland fill helps to minimize the negative impacts of development. However, forested wetlands are not a unique feature of this lot, and with the proposed structure the lot coverage would only be 3 percent, where maximum lot coverage is 10 percent.

The requested Variance would place the proposed structure 5 feet away from the adjacent lot's front property line, which has a setback requirement of 25 feet in the D1 district. Title 49 does allow certain accessory structures like unheated sheds, decks, and porches to encroach into a front yard setback without requiring a Variance. There is the potential that the adjacent property could have a structure closer than 25 feet from the front property line. At this time, the proposed location is approximately 200 feet from the nearest existing structure and 100 feet from the North Douglas right of way.

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Part of the intent of Title 49 is to ensure that future growth is of the appropriate type, design and location... and to provide adequate open space for light and air. In a D1 neighborhood, this has been translated into minimum dimensional standards and setbacks that help create a rural character and way of life. Varying these standards and setbacks has the potential to change that character.

No. This criterion has not been met.

3. That the authorization of the Variance will not injure nearby property.

No evidence has been presented to suggest that the authorization of this variance would injure nearby property owners. There have been no concerns raised by any of the neighbors and the applicant has received four letters of support including one from the owner of the adjacent panhandle lot (Attachment E). The structure would be approximately 200 feet from the nearest house and 100 feet from the North Douglas right of way.

CBJ Building division, CBJ General Engineering division and Capital City Fire and Rescue have no issues with the proposal.

Yes. This criterion is met.

4. That the Variance does not authorize uses not allowed in the district involved.

The lot is zoned D1, and the proposed structure will be used as a detached guestroom and storage space. The proposed guestroom and storage space are considered accessory uses to the principle use which is single family residential. The use is allowed within this district, per CBJ 49.25.300 *Table of Permissible Uses*, section 1.110. The accessory structure and the proposed use for which this variance is requested are appropriate to the district.

Yes. This criterion is met.

5. That compliance with the existing standards would:

(A) Unreasonably prevent the owner from using the property for a permissible principle use;

The principle use on the property is single family residential. Compliance with the 15 foot side yard setback requirement for an accessory structure would not prevent the owner from continuing to use the property for a permissible principle use.

No. This sub-criterion is not met.

(B) 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 of the subject property;

The subject lot is 56,441 square feet (1.3 acres) and maximum lot coverage in a D1 district is 10 percent, or 5,644 square feet. The footprint of the existing home, deck and attached garage is approximately 1,200 square feet and the proposed building's footprint is 384 square feet for total lot coverage of 3 percent. The scale, use and appearance of the proposed building are consistent with existing development in the area. However, the lot is large enough to accommodate the proposed accessory structure in compliance with the required setbacks.

As stated earlier, there has been only two side yard setback variances granted within a half mile radius of the subject lot since 1987. The 15 foot side yard setback has been successfully applied to the majority of other D1 lots in the area and most of the lots in the area also contain forested wetlands.

No. This sub-criterion is not met.

(C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;

A large portion of the subject lot is classified as forested wetlands. As discussed previously, forested wetlands are not unique to this property. In order to build the proposed structure in compliance with the setbacks, the existing building pad would have to be expanded. This would require the applicant to have his original ACOE permit modified or receive a new ACOE permit. The cost of an individual ACOE permit is minimal (\$10-\$100) and is typically issued within 45 days of an application being received. The applicant has stated that current construction costs for the proposed building are estimated to be approximately \$20,000 (this does not include the cost of removing and relocating the existing footings should the Variance be denied). The applicant provided an estimate from a local contractor for expanding the building pad that would increase the cost by \$8,000 to \$10,000 (Attachment D). This would increase construction costs by 50 percent. Compliance with the required setbacks would significantly increase the construction costs. However, this is not due to a unique physical feature of the lot. Forested wetlands are common in the area (Attachment C).

No. This sub-criterion is not met.

(D) Because of preexisting nonconforming conditions on the subject parcel the grant of the Variance would not result in a net decrease in overall compliance with the Land Use Code, CBJ Title 49, or the building code, CBJ Title 19, or both.

Board of Adjustment
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 March 17, 2017
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There are no pre-existing non-conforming conditions on the lot.

This sub-criterion is not applicable.

No. This criterion is not met because sub-criterion A, B and C are not met.

6. That a grant of the Variance would result in more benefits than detriments to the neighborhood.

The applicant has indicated the benefit to the neighborhood is that allowing the Variance would mean no additional fill would be needed, thus minimizing the negative impacts of development within the forested wetlands on the lot. However, the amount of fill required for the proposed structure would be minimal. The primary benefit of the Variance is to the applicant.

As discussed above, the site is 1.5 times the minimum lot size for the D1 zoning district. Maximum lot coverage is 10 percent. Currently 2 percent of the subject lot is covered by structures. Maintaining the minimal setback requirements helps to ensure that the rural character of the neighborhood remains intact.

No. This criterion is not met.

FINDINGS

1. Is the application for the requested Variance 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.

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

2. Will the proposed development comply with the Juneau Coastal Management Programs?

Yes. The proposed development does comply with the Juneau Coastal Management Programs. The development would also be required to follow the Storm Water Best Management Practices manual.

3. Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?

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No. Based on the analysis above, staff has determined that the applicant has not presented an argument that justifies the grounds for this variance. The applicant has not shown that hardship and practical difficulties result from an extraordinary situation or a unique physical feature affecting only a specific parcel of property.

Criterion 1, 2, 5 and 6 are not met.

RECOMMENDATION

The requested variance does not meet the variance criteria; therefore, staff recommends the Board of Adjustment adopt the Director's analysis and findings and **DENY** the requested variance permit, VAR2016 0011.

If approved, the variance would allow the 15 foot side yard setback to be reduced to 5 feet for the construction of a detached guestroom with a covered deck for storage.

VARIANCE APPLICATION

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Project Number VAR2016 0011	Project Name (15 characters) 2016 Hiltner/Stanek variance	Case Number	Date Received 12/19/16
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TYPE OF VARIANCE REQUESTED:

☐ Variance to the Sign Standard (VSG)

☐ Variance to Dimensional Standards (VDS)

☒ Variance to Setback Requirements (VSB)

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:
 We would like to build an additional room next to our house.

Previous Variance Applications? ☐ YES ☒ NO Date of Filing: _____

Previous Case Number(s): _____

Was the Variance Granted? ☐ YES ☐ NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): _____

Please see attached information.

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

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
 Please see attached information.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
 Please see attached information.

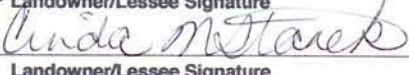
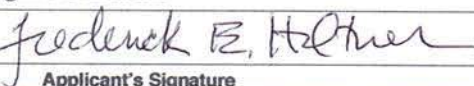
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	<table style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="5" style="text-align: left; padding: 5px;">VARIANCE FEES</th> </tr> <tr> <th style="width: 40%;"></th> <th style="width: 10%;">Fees</th> <th style="width: 15%;">Check No.</th> <th style="width: 15%;">Receipt</th> <th style="width: 20%;">Date</th> </tr> <tr> <td>Application Fees</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Adjustment</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Fee</td> <td>\$ _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </table>	VARIANCE FEES						Fees	Check No.	Receipt	Date	Application Fees	\$ _____	_____	_____	_____	Adjustment	\$ _____	_____	_____	_____	Total Fee	\$ _____	_____	_____	_____
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NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

DEVELOPMENT PERMIT APPLICATION

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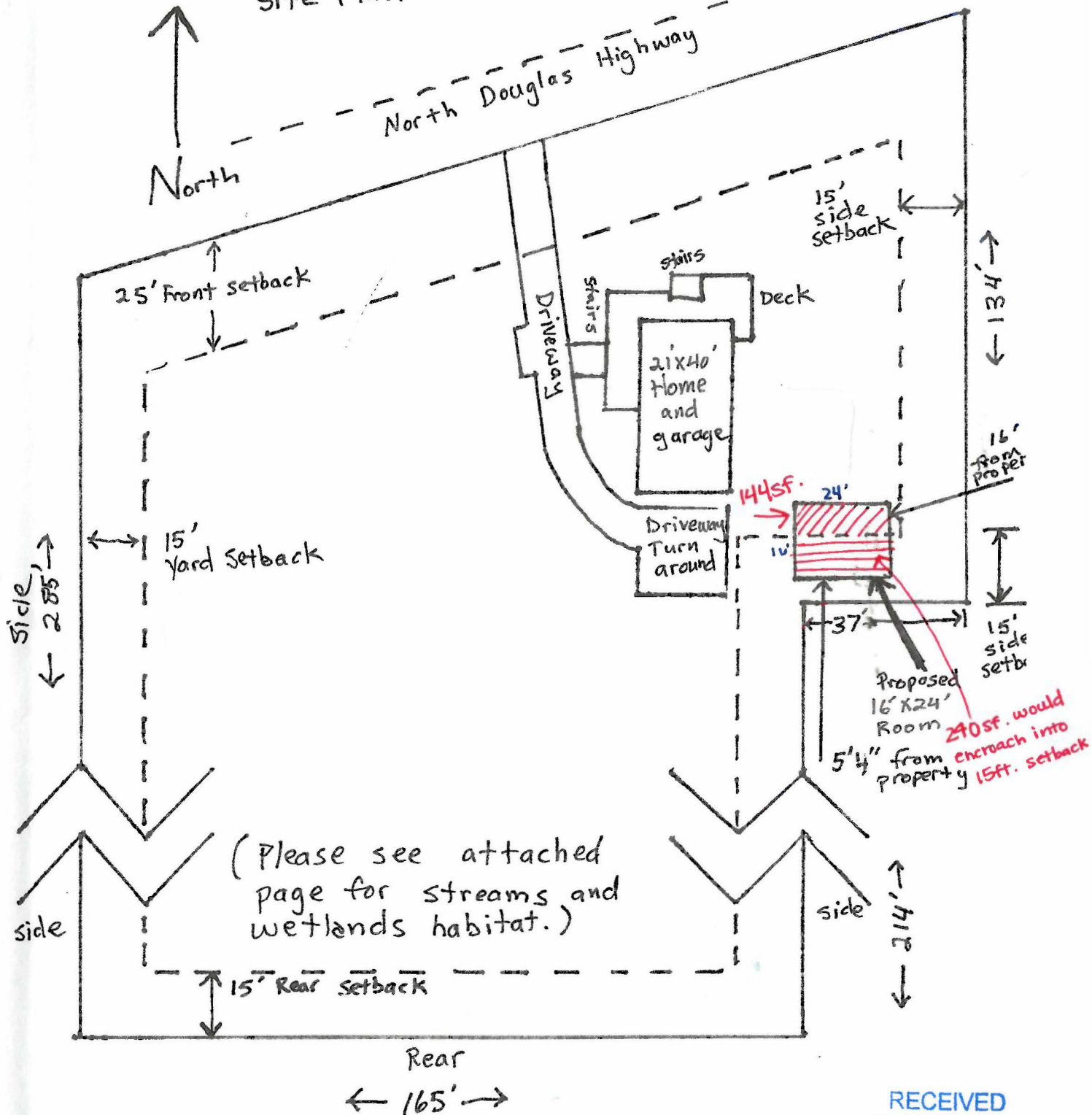
Project Number VAR2016 0011	CITY and BOROUGH of JUNEAU	Date Received: 12/19/16
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description Build an extra room next to our house to be used for additional living space, guest room, storage, or other uses. Variance to reduce side yard setback		
	PROPERTY LOCATION		
	Street Address 9601 N. Douglas Hwy.		City/Zip 99801
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Lot 210 USS 3545 North Douglas Hwy Blue Sky LT 3		
	Assessor's Parcel Number(s) Lot 3 6-D11-0-101-010-3		
	LANDOWNER/ LESSEE		
	Property Owner's Name Fred Hiltner and Cinda Stanek		Contact Person: Fred Hiltner
	Mailing Address P.O. Box 21994 Juneau, AK 99802		Work Phone: 907 957 8306
	E-mail Address svsongline@me.com		Home Phone: 907 523 0306
			Fax Number: same
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		12-18-16
		Landowner/Lessee Signature	Date
	X		12-18-16
		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 Fred Hiltner		Contact Person: Fred Hiltner	
Mailing Address P.O. Box 21994 Juneau, AK 99802		Work Phone: 907 957 8306	
E-mail Address svsongline@me.com		Home Phone: 907 523 0306	
		Fax Number: same	
		Other Contact Phone Number(s): 907 957 8502	
X		12-18-16	
	Applicant's Signature	Date of Application	

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS	☒	Permit Type	***SIGN	Date Received	Application Number(s)	
		Building/Grading Permit				
		City/State Project Review and City Land Action				
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)				
		Mining Case (Small, Large, Rural, Extraction, Exploration)				
		Sign Approval (If more than one, fill in all applicable permit #'s)				
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)				
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)				
	X	Variance Case (De Minimis and all other Variance case types)		12/19/16	VAR2016 0011	
		Wetlands Permits				
		Zone Change Application				
		Other (Describe)				
	***Public Notice Sign Form filled out and in the file.					
	Comments:					Permit Intake Initials EF

Fred Hiltner/Cinda Stanek Site Plan



Scale: 1" = 30' Lot 210
9601 North Douglas Highway

RECEIVED
Jan 17 2017

PERMIT CENTER/CDD

**To: Juneau Board of Adjustments
Variance Application
From: Fred Hiltner and Cinda Stanek
9160 North Douglas Highway USS 3345
Lot 210**

Introduction

Fifteen years ago my wife and I bought property on North Douglas Highway, walked in from the highway armed with chainsaws, and began to build a small 588 square foot home by ourselves. There were several significant constraints to selecting a home construction site. What charmed us about the lot is that it is crisscrossed with streams and high value forested wetlands. Unfortunately, these unique physical features severely restricted the potential location for building construction.

We built our small home and driveway on the only practical and available house site on the property. After living in this small space for fourteen years, we have come to the conclusion that we need an additional room that could be used for storage, occasional guest room, and other uses.

Our small house was not designed to accommodate an addition and the driveway is located alongside our house on the only “high and dry” site on our property. Relocating our driveway would require filling wetlands. These constraints forced us to design the addition to our house as a separate building on the last available small site still adequate for building.

2016 Fred Hiltner Variance Application

Because of close wetland bogs and streams to the north, our proposed site would require a relaxation of the property line setback near the neighboring property. We have contacted our neighbors and they have submitted letters stating that they support the site we have selected (please see attached).

We thank you in advance for considering the merits of our variance application, which follows this page.

To: Juneau Board of Adjustments
From: Fred Hiltner, variance applicant

Response to Questions on Application Form

1. DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

We need to build an additional room for our small house. Because of existing construction and the very unique nature of our lot, the only available site is on the east side of our driveway and parking area next to our house. Streams and high value wetlands cover the majority of our property. Therefore, we are requesting that a small section of the side yard setback be relaxed to 5 feet so we can build this room addition.

2. UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S)

1. Our lot is crisscrossed with streams (both above ground and underground) and high value wetlands. While there are other forested wetland areas in Juneau, ***our lot is unique in that it is almost entirely covered with forested (Class B-the second highest value) wetlands.*** We built our home in the only available building site that would avoid building it over or through a stream or high value wetland area. After twelve years in our tiny home (588 square feet) we need to build an additional room that could be used for additional storage or possibly a temporary living space when guests visit.

2016 Fred Hiltner Variance Application

We are required under federal regulations (Clean Water Act section 404), to avoid building on wetlands if at all possible. Section 230.10 (a) states: **No discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.** Granting this variance will allow us to meet these federal regulations.

2) Another unique feature of our land is that our east side lot-line is not straight. The Zoning Code was designed with the assumption that side lot lines are relatively straight. Our proposal ***more than meets the side lot setback of fifteen feet on the east of the lot-line and only requires a relaxation to five feet along a twenty-four foot section*** where our lot line turns to the west for thirty-five feet before heading south again. The wetland bogs to the immediate north of the proposed building site makes this setback relaxation necessary.

3. WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?

Our proposed site is the only reasonable site for building an additional room without building it on wetlands or filling or bridging across a stream.

Respectfully, the intent of Title 49 (the Land Use Code) is to give predictable development patterns in a neighborhood so that land owners have rights to develop their property in a way that allows distance and a buffer between neighboring property owners that will not encroach on their privacy. This

site will not negatively impact our neighbor's light, privacy, or air quality.

Also, the Zoning Code is designed on the assumption that one can build anywhere on their lot. While that is generally a reasonable assumption, because of our property's unique physical (wet) land features we have only one reasonable place to put this small addition.

4. WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

1. FINANCIAL: To build on any other site on our property would create a financial hardship because it would require the high cost of digging down through wetland bogs to bearing ground, buying fill, transporting it to our property, and filling high-value wetlands and /or bridging over streams. Approval of this variance would give us substantial financial relief and also be consistent with other property owners in our neighborhood. (See attached photos.)

We were asked by Ms. Eddins, from the Community Development Department, to estimate what the increased cost would be if we had to fit this project inside the side setback. We asked a local contractor for an estimate and he estimated an additional \$8,000 to \$10,000 because of the additional challenges of digging and filling to bearing ground in a boggy wetland site (see attached). We have estimated a \$20,000 cost to build this room addition. Filling in the wetland area would increase the overall building cost by 50%.

2. Environmental: To build the room at any other sites would cause permanent damage to streams and high value

wetlands because it would require filling or building bridges over streams and/or high value wetlands that would be avoided if the variance were granted.

Regarding 49.20.250 “Grounds for Variances”

1. (RE: GIVING SUBSTANTIAL RELIEF TO LAND OWNER)
Granting this variance will give us substantial relief (please see previous section 4) as it is the only reasonable site available for building a small additional room. It is consistent with justice to other property owners. Outbuildings are common in our neighborhood. Also, there are several nearby properties with buildings inside the current setback requirements (Please see attached photos).

Also, granting of the variance will give us substantial relief in a more unusual way. When I originally went in to the Community Development Department to obtain a building permit for this room addition, early in the process I was directed to install the building foundation and authorized to put the building inside the side setback by ten feet. I was directed to do this before the final building (and site) application was approved.

I did install the foundation and was later told, even though it had been earlier approved by CDD staff, that the building site must be moved outside the side setback. This decision was made even after CDD staff acknowledged that mistakes of timing and site placement had been made by their staff. I was told that the only way the original site can now be used is through approval of a variance by the Juneau Board of Adjustments.

Removing and re-installing the foundation will create a huge financial and time burden for us. We hope that you will keep this in mind as you consider our variance request.

2. (RE: PRESERVING PUBLIC SAFETY AND WELFARE) Approving our variance application will preserve public safety and welfare as there are no dangers or encroachment that would impact the view, privacy, air, or safety of neighbors.

3. (RE: NOT INJURING NEARBY PROPERTY) The authorization of the variance will not injure or disturb nearby property because it will not be easily visible (nearest house is two hundred feet away through dense forest) and nothing will overlap onto neighboring properties.

4. (RE: ONLY AUTHORIZED USE IN THE DISTRICT) Our small additional room will not be used for any unauthorized uses in the district involved. Its intended use is for storage, additional living space, or an occasional guest room.

5. (RE: EFFECTS OF COMPLIANCE WITH THE EXISTING STANDARDS)

A. Because our lot is crisscrossed with several streams and wetland areas, compliance with the existing standards would prevent us from constructing this small room addition because it is the only reasonable site for new construction without filling high-value wetlands, or filling or building bridges across streams.

2016 Fred Hiltner Variance Application

B. Because of the site placement, the small size of our room addition (16 'x24'), and the distance from our neighbors' home (200') approval this building site would be consistent with scale, amenities, appearance, and features with existing neighborhood properties. (Please see attached.)

C. As stated above, a different site would require a great deal more expense (more than a 50% increase in cost) because it would require filling wetlands, building a bridge and/or road over streams, or constructing a new road through a high-value wetlands area.

D. There are no preexisting nonconforming conditions on the subject parcel, and so there would be no net decrease in overall compliance with the land use code, title 49, or the building code, title 19.

6. (REGARDING PROVIDING MORE BENEFITS THAN DETRIMENTS TO THE NEIGHBORHOOD)

Building our addition at our proposed site will benefit our neighborhood in three ways:

First, this variance will allow us to save an area of fast disappearing wetlands. The EPA states that, besides containing a disproportionately high number of plant and animal species compared to other land forms, wetlands serve a variety of ecological services including feeding downstream waters, trapping floodwaters, recharging groundwater supplies, removing pollution and providing fish and wildlife habitat. Wetlands, especially forested wetlands, are extremely important to our Juneau and Alaska environment.

2016 Fred Hiltner Variance Application

Second, a building on our proposed site will be nearly invisible from neighbors as well as passersby. It will be behind trees on the front of our lot, painted a dark brown to match our home, and with a dark green matching roof. This will support the natural, undisturbed forest view that many neighbors enjoy as well as many visitors to the natural beauties of North Douglas Island get pleasure from.

Third is a safety issue. Because we live on the inside of a long curve on North Douglas Highway, it is dangerous to ourselves and to others if we back out onto the highway when leaving our residence. Because of the close proximity to a stream, we have barely enough driveway behind our house to turn our vehicles around so that we can enter the highway going forward which allows us a safe exit. Granting this variance will mean more benefits than detriments in the neighborhood.

ADDITIONAL INFORMATION:

1. I have attached images that show the location of our proposed site and locations of our streams and wetlands.
2. Our immediate neighbors' home is two hundred feet from this proposed building site. I have included letters from neighbors that they support the site we have selected. (Please see attached.)

Conclusion

Cinda and I thank you and appreciate your consideration of our request for this variance that will enable us to add additional square feet to our home in a spot that takes into consideration the constraints of building on our lot.

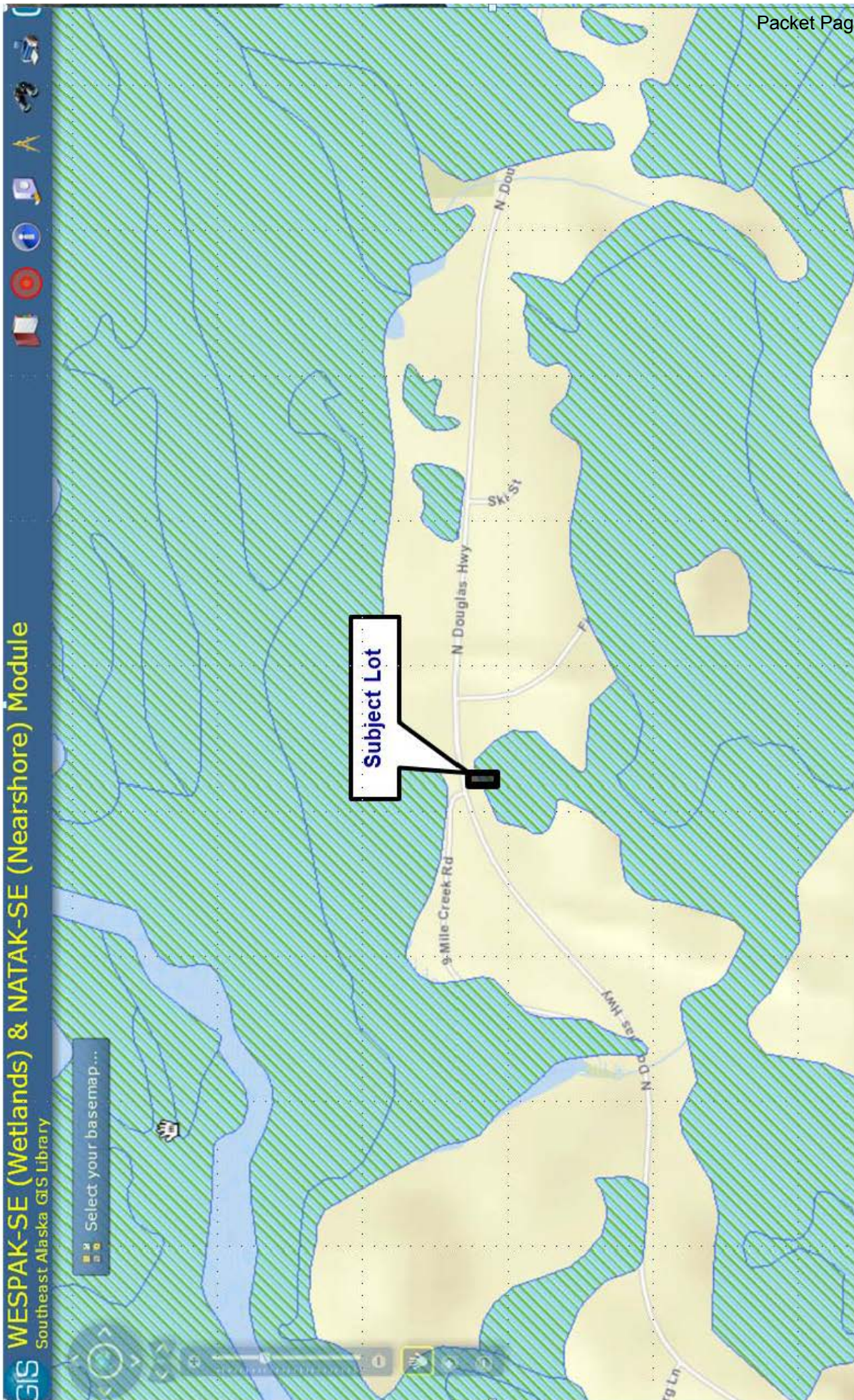
2016 Fred Hiltner Variance Application

We believe that we have carefully researched, addressed and meet the CBJ criteria for a variance approval and hope that you find it so.

If you have any questions or concerns or would like further clarification on any parts of our application, please let me know and I will do my very best to answer them.

Again, thank you,

Fred Hiltner
(907) 957-8306
9601 North Douglas Highway
Juneau, AK 99802



Attachment C: Physical Features Maps



Attachment C: Physical Features Maps

Paul Zahasky
Little Z Construction
Address
321-5471
February 12, 2017

Dear Fred,

Thank you for your recent inquiry regarding a cost estimate for preparing a site for additional building in the site near your house. As you know, this is a very wet muskeg area with bogs showing, which takes extra time and materials in order to remove the wet organics all the way down to solid bearing ground before backfilling it with shot rock and gravel.

To prepare your 16'x25' site for building, and considering the area is muskeg, I factor in \$400 per linear foot to prepare a site for a 16' wide pad. Calculating \$400/foot x 25 feet comes to \$10,000. I would estimate the cost to be between \$8,000 and \$10,000.

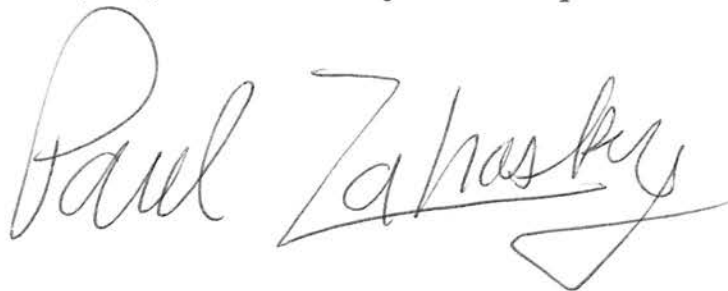
This will include excavation of the existing organic materials, trucking fill material to your site, backfilling the excavation zone, and leveling the site for building.

This estimate is assuming the excavating depth to solid bearing ground would be between three and seven feet deep, though it may easily be more.

I can be reached at (907) 321-5471 if you have questions.

Thank you,

Paul Zahasky

A handwritten signature in cursive script that reads "Paul Zahasky". The signature is written in dark ink and is positioned to the right of the printed name "Paul Zahasky".

12-10-2016

Dear Juneau Board of Adjustments

This letter is to encourage you to grant the variance application for Fred Hiltner on lot 210, North

Douglas. I am his neighbor directly across the street and I support this application and feel that it would be just and reasonable to grant this variance. I cannot see how the neighborhood would in any way be affected adversely.

Thank you for your consideration.

Tom Daugherty



9640 North Douglas Hwy.

Juneau, Alaska

City and Borough of Juneau
Board of Adjustment

December 13, 2016

Re: Fred Hiltner and Cinda Stanek, 9601 North Douglas Highway, request for variance

Dear Board of Adjustment Members:

We are writing to give support to the request for a variance of setback requirements for the construction of a shed on our neighbor's property (see names and address above). The addition of the shed to the property as proposed will have little or no impact on the neighboring property.

We strongly recommend approval of a variance to build this modest building.

Sincerely,

Tim Blust & Jeannie Monk
9560 N. Douglas Highway
tjmaxa@gmail.com
[\(907\)209-0442](tel:(907)209-0442)




To: Juneau Board of Adjustments
From: Ken Huse 9700 N. Douglas Hwy. Juneau, AK 99801 cell #: 957-4490

To Whom it may Concern,

I am compelled to recommend support for and passage of the Conditional Use permit being applied for by Fred Hiltner of Lot 210 of U.S.S 3545, in North Douglas, just beyond the Eaglecrest Road.

Having built a house of my own (lot 213, tract B, U.S.S 3545) in their neighborhood I can attest to the difficulties of building in and around streams and muskeg. In my opinion it is only fair and just that Fred be permitted to build where stated on the C.U. application due in large part to the difficulties entailed in building elsewhere on his lot.

I urge you to grant this variance.

Sincerely, Ken Huse



LAW OFFICE OF
VANCE A. SANDERS LLC
636 Harris Street
Juneau, Alaska 99801

Telephone
(907) 586-1648

E-Mail: vasanderslaw@gmail.com

Facsimile
(907) 586-6329

18 December 2016

CBJ Planning Commission
230 South Franklin Street
4th Floor – Marine View Bldg.
155 S. Seward St.
Juneau, AK 99801

Re: Fred Hilter's and Cinda Stanek's Setback Variance Request

Dear CBJ Planning Commission:

My wife Rachel Sanders and I have owned property at either 9547 or 9549 North Douglas Hwy. (presently Blue Sky Subdivision Lot 2) since 1986 or 1987. (We previously owned lots 204, 206 and 208 of U.S. Survey 3545, but subdivided lots 206 and 208 some years ago and still own Blue Sky Subdivision Lot 2.)

Fred Hiltner and Cinda Stanek have been our adjoining landowners and neighbors for several years.

We understand Fred and Cinda are requesting a set back variance to build a shed next to their house (on Lot 210, U.S. Survey 3545). We are fully supportive of their request. A shed in the requested area is wholly consistent with the character of our North Douglas community, and would be welcomed by us.

If you have any questions about any aspect of this letter, please let us know. In advance, thanks much.

Sincerely,

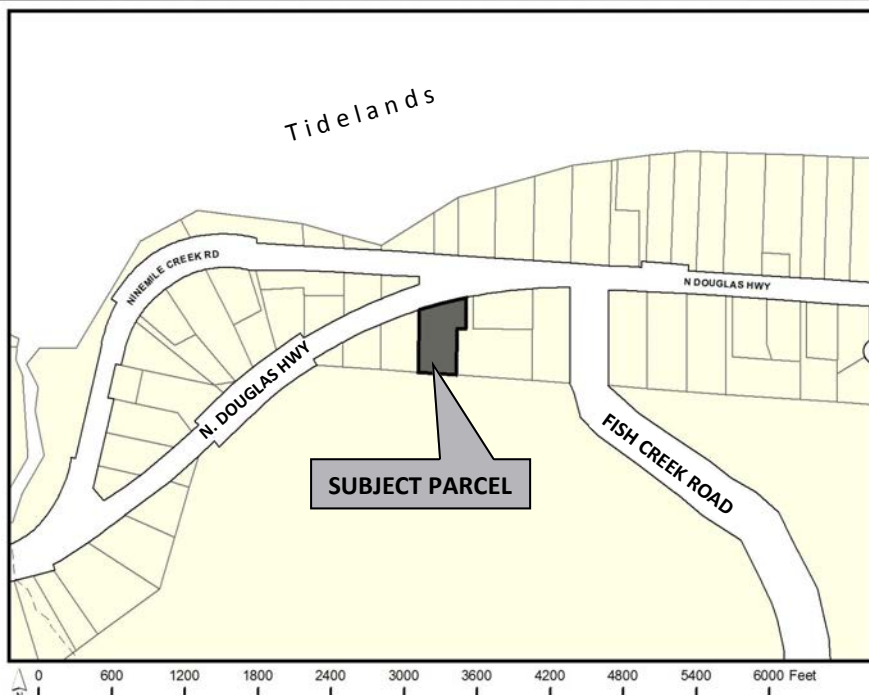


Vance A. Sanders



Rachel L. Sanders

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

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

SHIP TO:



PROPOSAL: Variance request to reduce the side yard setback requirement from 15 feet to 5 feet for the construction of additional living space and storage.

File No:	VAR2016 0011	Applicant:	Fred Hiltner
To:	Adjacent Property Owners	Property PCN:	6-D11-0-101-010-3
Hearing Date:	March 28, 2017	Owner:	Fred Hiltner & Cinda Stanek
Hearing Time:	7:00 PM	Lot Size:	56,441 square feet (1.3 acres)
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	D1
		Site Address:	9601 N. Douglas Hwy
		Accessed Via:	North Douglas Hwy

PROPERTY OWNERS PLEASE NOTE:

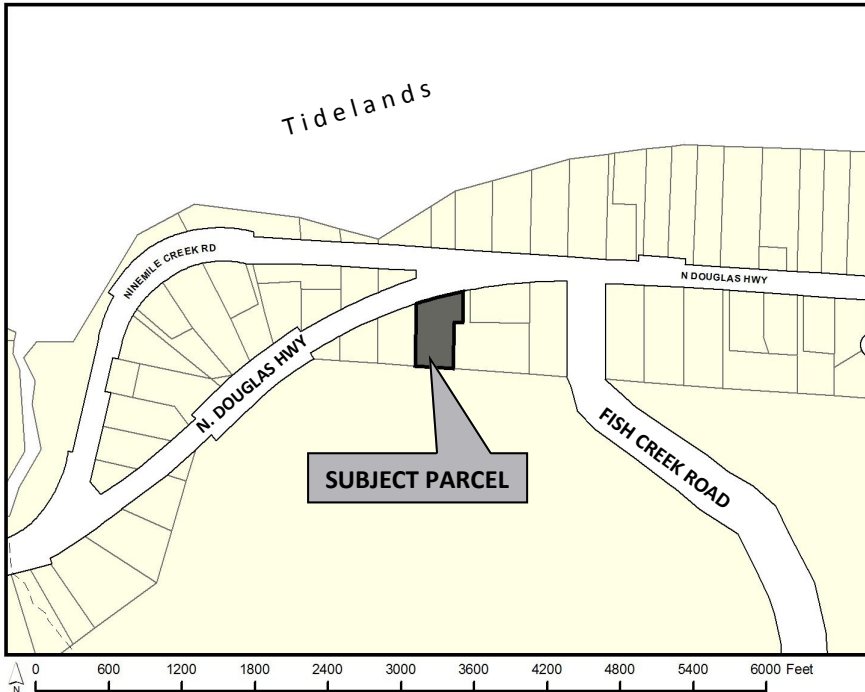
You are invited to attend this Public Hearing and present oral testimony. The Planning Commission will also consider written testimony. You are encouraged to submit written material to the Community Development Department 14 days prior to the Public Hearing. Materials received by this deadline are included 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 Allison Eddins at allison.eddins@juneau.org or (907) 586-0758.

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:



PROPOSAL: Variance request to reduce the side yard setback requirement from 15 feet to 5 feet for the construction of additional living space and storage.

File No:	VAR2016 0011	Applicant:	Fred Hiltner
To:	Adjacent Property Owners	Property PCN:	6-D11-0-101-010-3
Hearing Date:	March 28, 2017	Owner:	Fred Hiltner & Cinda Stanek
Hearing Time:	7:00 PM	Lot Size:	56,441 square feet (1.3 acres)
Place:	Assembly Chambers	Zoned:	D1
	Municipal Building	Site Address:	9601 N. Douglas Hwy
	155 South Seward Street	Accessed Via:	North Douglas Hwy
	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.



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

DATE: March 2, 2017

TO: CBJ Assembly Human Resources Committee and CBJ Planning Commission

FROM: Teri Camery, Senior Planner
 Community Development Department

SUBJECT: Wetlands Review Board Annual Report 2016

BACKGROUND

The City and Borough of Juneau Wetlands Review Board was established in 1992 to implement the Juneau Wetlands Management Plan (JWMP). The Board also acts as a technical advisory body to the Assembly, the Planning Commission, and CBJ's Community Development Department on a variety of wetland and riparian area issues, including commenting on U.S. Army Corp of Engineers' wetlands fill permits, Comprehensive Plan updates, and federal, state, and local projects and land disposals that affect wetlands, streamside areas, and other sensitive habitats.

2016 BOARD MEETINGS AND MEMBERSHIP

During 2016 the Board held four regular meetings and three special meetings. Planning Commission members on the Board were Percy Frisby and Ben Haight. Ben Haight switched to a different committee mid-year and was replaced by Commissioner Kirsten Shelton-Walker. (In early 2017, Commissioner Kirsten Shelton-Walker left the Board and was replaced by Commissioner Dan Miller.) Irene Gallion was appointed to the Board in February. Andrew Campbell served as Board Chair throughout the year while Brenda Wright served as Vice-Chair. No board member terms expired in 2016.

Following is a list of 2016 members with their area of expertise:

Kirsten Shelton-Walker, Economist, Planning Commission Member
 Percy Frisby, Energy Analyst, Planning Commission Member
 Dr. Lisa Hoferkamp, Chemistry Professor
 Brenda Wright, Fisheries Biologist
 Nina Horne, Hydrologist
 Andrew Campbell, Civil Engineer
 Dr. Hal Geiger, Fisheries Biologist

CBJ Assembly Human Resources Committee and CBJ Planning Commission
 Wetlands Review Board Annual Report 2016
 March 2, 2017
 Page 2

Amy Sumner, Marine Biologist
 Irene Gallion, Land Use Planner

Regarding Board membership, the Juneau Wetlands Management Plan states the following:

The Board is composed of seven members of the public at large and two representatives of the CBJ Planning Commission. Board members are appointed by the Assembly. When making appointments, the Assembly is required to consider obtaining the 'broadest possible representation from those technical fields with knowledge of the values, functions and uses of wetlands, such as fish or wildlife biology, geology, hydrology, land use planning, and engineering'.

As noted, Board members (except for Planning Commission representatives) are required to have technical expertise regarding wetlands in one of the fields listed above. Current Board representation in these fields includes the following:

Fish or Wildlife Biology	Represented by three biologists and one chemist
Geology	None represented
Hydrology	One represented
Land Use Planning	One represented
Engineering	One represented

During 2016, the Board lacked representation from a geologist and this continues to be true to date.

MAJOR BOARD REVIEWS FOR 2016

Project Reviews:

- Advisory review of the Peterson Creek Major Subdivision.
- Advisory review of the Hidden Valley (Upper Lemon Creek Creek) Gravel Extraction Conditional Use Permit.
- Advisory review of the Pederson Hill Creek Major Subdivision.
- Advisory review of the Ridgeview Major Subdivision.
- Advisory review of the West Douglas Road Extension.
- Advisory review of the Honsinger Pond Re-zone application.

Wetland Assessment Method and Juneau Wetlands Management Plan Update review:

- Full-day Saturday workshop for scientific review of WESPAK-SE wetland methodology used in the Draft Juneau Wetlands Management Plan. The methodology was also reviewed in a second special meeting and was an agenda item at two regular meetings, for a total of four meetings.
- Review of the final contract draft of the Juneau Wetlands Management Plan (see explanation below).

CBJ Assembly Human Resources Committee and CBJ Planning Commission
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COASTAL IMPACT ASSISTANCE PROGRAM MAPPING GRANT

The Habitat Mapping Project was a four-year project funded through the federal Coastal Impact Assistance Program (CIAP). This project, which required a draft rather than a final Juneau Wetlands Management Plan, was completed in June 2016. CBJ received \$1.6 million from the CIAP Program, through a 2010 state legislative authorization, for habitat mapping within the Borough. Federal CIAP funds were managed through cooperation with the State of Alaska Department of Commerce and Department of Natural Resources. No local match was required for the funds.

The CBJ Habitat Mapping Project had two components: 1) new accurate mapping of salmon streams through high-resolution aerial photography; and 2) a major update of the Juneau Wetlands Management Plan with updated and expanded wetland mapping and categorical analysis of wetland values through the use of aerial imagery and on-site “ground-truthing.” The project mapped salmon streams and wetlands with an emphasis on properties near proposed development and along the road system. New LiDAR data (which shows topography) and aerial imagery were acquired under contract in May-June 2013. The WESPAK-SE wetland assessment method was finalized and formally approved, with major revisions addressing Southeast Alaska conditions, in January 2014. The Wetlands Review Board played a critical role in analyzing the WESPAK-SE assessment method during the course of many meetings from 2013-2016. Specifically, in 2016 the Board held a series of special meetings to delve deeply into the details of the WESPAK-SE assessment method to ensure the scientific integrity of the method. After this extensive review, the Board concluded that their concerns had been alleviated and the method was sound.

The Juneau Wetlands Management Plan Update contract was awarded to Bosworth Botanical Consulting (BBC) in April 2014. The contract included a partnership with nationally recognized wetland scientist Dr. Paul Adamus. BBC completed a total of 360 wetland assessments in the 2014 and 2015 field seasons and completed the final draft of the Juneau Wetlands Management Plan in May 2016, according to contract requirements.

JUNEAU WETLANDS MANAGEMENT PLAN

Current Wetlands Plan

CBJ conducted wetland analysis and mapping in the mid-1980s, which resulted in adoption of the Juneau Wetlands Management Plan (JWMP) in 1992. The plan identified high value (Category A and B) and low value (Category C and D) wetlands within the developing areas of the borough at that time. The plan has been used continuously for over 20 years and identifies approximately 160 individual wetland units. (An additional 54 wetland units were identified in a small 2006 study.) Each wetland unit has a separate, detailed scientific analysis of wetland functions to support the high or low value wetland category. Until 2006, CBJ had permitting authority over low-value C and D wetlands through a special agreement with the U.S. Army Corps of Engineers, with an expedited review process to

CBJ Assembly Human Resources Committee and CBJ Planning Commission
Wetlands Review Board Annual Report 2016
March 2, 2017
Page 4

encourage development in these areas. State and federal agencies must also consider JWMP rankings and scientific analysis in their permit reviews, thus allowing for less restrictive development in low value areas.

Before implementation of the JWMP, scientific information on individual wetland areas was limited or unavailable and all wetlands were considered equal by permitting agencies. Adoption of the JWMP, among the first of its kind in the U.S., changed this approach by identifying wetland areas that are suitable for development. In the first ten years following adoption of the JWMP, the plan worked exactly as intended. Wetlands categorized as low value areas were quickly developed.

This great benefit of the JWMP is now diminished precisely because the vast majority of C and D wetlands have been filled. The scientific information supporting the JWMP is 25 years old, and CBJ has changed substantially in that time period due to development and natural factors such as glacial uplift. New development and infrastructure have also altered drainage patterns and changed wetland boundaries. As a result, the JWMP is inaccurate in many areas. The developing area of the CBJ has also expanded far beyond the boundaries of the original plan.

Wetlands Plan Update

The comprehensive update of the JWMP through the Habitat Mapping Project addressed these issues, with the intent to restore the JWMP as a scientifically-supported wetland management plan that both promotes development and provides wetland protection in critical areas.

A draft Juneau Wetlands Management Plan was finalized according to the grant and contract requirements in May 2016. The new plan primarily addresses large, vacant city properties due to the difficulty of getting landowner permission for wetland assessments on private properties. The CBJ Lands Division and CBJ Public Works and Engineering Department have used the wetland boundaries and wetland assessments provided in the plan to assess several projects, including the Renninger Major Subdivision, Pederson Hill Major Subdivision, and the West Douglas Pioneer Road.

Next Steps

The Wetlands Management Plan remains in draft form and needs to be substantially revised at the departmental level before staff takes the plan forward for formal approval by the Wetlands Review Board, the Planning Commission, and the Assembly. CDD does not have a timeline for plan approval at this time due to higher priority issues such as revision of the streamside setback ordinance. Though in draft form, the Plan has been useful for many CBJ agencies. The information has also been actively utilized by the approximately eight individual property owners who gave CDD permission to conduct wetland assessments on their properties.

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CDD staff for the Wetlands Review Board

Teri Camery, Senior Planner; teri.camery@juneau.org 586-0755

Information is also available on the Wetlands Review Board website at www.juneau.org/cddftp/WRB/

2016 Board Meeting Dates

Regular Meetings:

January 21

March 3

June 16

October 20

Special Meetings:

March 12 Saturday workshop

April 7

April 21

2016 Wetlands Review Board Attendance

	1/21	3/3	3/12	4/7	4/21	6/16	10/20			regular	regular
	Reg	Reg	Spec	Spec	Spec	Reg	Reg			missed	attended
Campbell	0	X	X	X	X	0	0			2	2
Wright	X	X	X	X	X	X	X			0	4
Sumner	X	X	X	X	X	0	0			2	2
Horne	X	X	X	X	0	X	X			0	4
Hofer-kamp	X	X	X	X	X	X	X			0	4
Haight	0	0	0	0	X	0	--			3	0
Gallion	X	X	X	X	X	X	X			0	4
Frisby	--	X	0	0	0	X	0			2	2
Shelton-Walker	--	--	--	--	--	--	0			1	0
Geiger	X	0	X	0	X	X	X			1	3

Meeting Minutes of the
City and Borough of Juneau
Title 49 Committee of the Planning Commission

Wednesday, March 8, 2017
Community Development Department, Large Conference Room
3:15 p.m.

Members Present (checked):

☒ Paul Voelckers, Chair	☒ Carl Greene	☐ Dan Hickok, Alternate - Absent
☒ Dan Miller, Vice Chair	☒ Kirsten Shelton-Walker	

Staff:

☒ Laura Boyce (CDD)	☒ Beth McKibben (CDD)
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- I. Call to Order
- II. Approval of Agenda
- III. Approval of Minutes: **NONE**
- IV. New Business

1. Proposed Variances Code Changes – Overview

CDD staff provided an overview of the proposed variance code changes work that the previous Title 49 Committee (pre-January 2017) had completed to date. Staff provided an overview of the following:

- *the types of variances applied for to date*
- *the approval rates*
- *which variance types are most often approved*
- *the code changes proposed by the variance data, such as parking waivers, potential rezones so that the zoning better fits existing development, amended eagle tree and streamside setback buffer requirements, minor changes to administrative variances*
- *proposed variance criteria changes*
- *difference between dimensional and design standard variances*

The Committee would like to revisit the variance criteria changes proposed to date. Additional changes might need to be made. The Committee would also like a representative from the Law Department to attend a future meeting to provide an overview of takings litigation.

- V. Committee Member Comments
- VI. Next Meeting – Wednesday, March 15th, 2017, 3:15 p.m., CDD Large Conference Room
- VII. Adjournment