Agenda

Planning Commission - Regular Meeting
City and Borough of Juneau
Mike Satre, Chairman

July 28, 2015
Assembly Chambers
7:00 PM

I. ROLL CALL

II. APPROVAL OF MINUTES

A. June 23, 2015 Regular Planning Commission Meeting Minutes

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

IV. PLANNING COMMISSION LIAISON REPORT

V. RECONSIDERATION OF THE FOLLOWING ITEMS

VI. CONSENT AGENDA

A. VAR2015 0016, A Variance request to allow for an access and utility easement to be within the 50' anadromous stream buffer for Andsoh Subdivision Lots 5, 7, 8 and 9.

B. VAR2015 0018, Variance request to the parking requirement for an existing single family dwelling.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

A. Amendment to Title 49 related to Marijuana uses.

XII. DIRECTOR'S REPORT

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

A. May 21, 2015 Wetlands Review Board Meeting Minutes

B. June 1, 2015 Lands Committee Meeting Minutes

C. June 22, 2015 Lands Committee Meeting Minutes

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XV. ADJOURNMENT

MINUTES

Regular Planning Commission Meeting
CITY AND BOROUGH OF JUNEAU
Mike Satre, Chairman

June 23, 2015

I. ROLL CALL

Mike Satre, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 pm.

- Swear in of new Planning Commission member Matthew Bell

Mr. Bell was sworn in to his seat on the Planning Commission to replace Gordon Jackson by Planning Commission Chairman Mike Satre.

Commissioners present: Mike Satre, Chairman; Dennis Watson, Vice Chairman; Bill Peters, Michael LeVine, Ben Haight, Nicole Grewe, Matthew Bell, Paul Voelckers, Dan Miller

Commissioners absent:

Staff present: Beth McKibben, Planning Manager; Laura Boyce, Senior Planner; Chrissy McNally, Planner II

II. APPROVAL OF MINUTES

- April 28, 2015 Draft PC Regular Meeting Minutes
- May 12, 2015 Draft PC Regular Meeting Minutes

MOTION: *by Mr. Watson, to approve the minutes of the Regular Planning Commission meeting of April 28, (2015) and the Regular Planning Commission meeting of May 12, (2015) with the correction that on Page 9 of the May 12 minutes in the second paragraph that "Director" be changed to, "members of the Public Works Committee".*

The motion passed by unanimous consent.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

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IV. PLANNING COMMISSION LIAISON REPORT

Zoning Protests
Assembly Liaison Loren Jones reported that the Assembly held a special meeting on the three zoning protests. The decision of the Assembly at that meeting regarding the Light Commercial rezone on Glacier Highway was to have an ordinance drafted to a approve a rezone of D-18 only, for the entire property. That ordinance will move on to the Assembly for introduction and then on to a public hearing, said Mr. Jones.

The Industrial to Mixed Use zoning at the rock dump was denied, said Mr. Jones, upholding the decision of the Planning Commission. The CBJ rezone from Waterfront to Commercial was tabled by the Assembly after a lengthy discussion.

Tall Timbers Appeal
The Tall Timbers Association has appealed the Haven House decision to the Superior Court, said Mr. Jones.

Subdivision Ordinance
The subdivision ordinance was to be up for a public hearing on Monday, (June 29, 2015) reported Mr. Jones. However, at the Assembly Committee of the Whole meeting last night, the Committee ran out of time, so subsequently the public hearing on the subdivision ordinance will not be heard on Monday, he said. This issue is now on the agenda for the Assembly Committee of the Whole meeting slated for July 27, (2015) he said. Pending the outcome of that, said Mr. Jones, the public hearing would be on August 10, (2015).

Honsinger Pond Appeal
Hearing officer John Corso heard the Bicknell appeal on June 15, (2015) said Mr. Jones. He has 45 days to render a decision, and the parties are given five days to comment on the decision, he said. There is also a three day period to file a statement in support, he said. If there are no objections, it would be scheduled on the next Assembly's agenda, said Mr. Jones, which would be sometime in late July.

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

AME2015 0004:	Text amendment to Title 49 regarding the expansion of child care uses
Applicant:	City and Borough of Juneau
Location:	Borough-wide

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Staff Recommendation
Staff recommends that the Planning Commission forward the draft text amendment to the Assembly with a recommendation for approval.

Ms. McKibben reported that the Title 49 Committee conducted five meetings to discuss the text amendment. Members of the of public, the Assembly, representatives of the Association for the Education of Young Children (AYC) and the State of Alaska childcare program also participated in these meetings.

The current code allows for child care homes caring for eight or fewer children to be permitted directly in all zoning districts except for Waterfront Commercial, Waterfront Industrial, and Industrial zoned property, said Ms. McKibben. Childcare homes for nine to 12 children are allowed with an approved Conditional Use Permit in all zoning districts except for those mentioned above. Child care centers which are for more than 13 children are currently allowed with an approved Conditional Use Permit in D-10, D-15 and D-18 zoning districts, said Ms. McKibben.

The amendment ~~for the proposed ordinance states that~~proposed to the defintion: "Childcare center means a building or portion thereof, used for the purpose of providing for the paid care and supervision of 13 or more children under the age of 12 at any one time." Clarifying language was also added stating the "child care centers include preschools and nursery schools not associated or co-located with the elementary, middle, or high school", said Ms. McKibben.

The amendment defines a child care home as a building used for the purpose of providing for the paid care and supervision of no more than 12 children under the age of 12, said Ms. McKibben. The requirement that ~~A~~ child care home must be incidental and subordinate to a single family home has been removed, she said.

This ordinance proposes to make a new category in the Table of Permissible Uses (TPU) for child care homes caring for up to 12 children, which will be permitted in all zoning districts except for the ~~industrial~~ districts mentioned previously, she said. These childcare homes would be permitted outright through the building permit process, said Ms. McKibben. This change would compress the categories from ages zero to eight and ~~then~~ ages eight to 12 into one group, said Ms. McKibben. This means that group homes for eight to 12 children would no longer have to go through the Conditional Use Permit process, said Ms. McKibben. This would shorten the permit process and also help with costs to the applicant, she said.

Child care centers would be approved with a Conditional Use Permit in Rural Reserve (RR) D-1, D-3, D-5 and D-10 ~~single family~~SF zoning districts, in addition to the districts to which they are already allowed, said Ms. McKibben. This expands the districts in which childcare centers for 13 or more children could be permitted, said Ms. McKibben.

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Child care is differentiated from day care, said Ms. McKibben in keeping with Alaska state definitions. Day care is for the care of people age 13 years and older, and child care is for the care of children 12 and under, said Ms. McKibben.

There is also a new article created for child care homes and centers, said Ms. McKibben. The article establishes criteria for child care homes and centers which are not currently in code, said Ms. McKibben. Child care homes would be required to have an approved parking plan which requires one parking space per employee, as well as the required two parking spaces for the dwelling unit.

Child care centers, for 13 or more children, would not allow any parking or loading areas within any setback except for an approved driveway, said Ms. McKibben. This helps to preserve the residential feel for those centers that may be located in a residential neighborhood, she said. A minimum of one off-street parking space would be required for each on-shift employee of the child care center, plus one space per 10 children served, said Ms. McKibben.

For both child care homes and child care centers, any fencing required or used to delineate an outdoor play space would need to be constructed to be sight obscuring, unless the Director determines a substitute material is of a similar permanent nature and the fence is constructed to confine and protect children, said Ms. McKibben. State of Alaska licensing does not always require that child care homes and centers have fenced play areas, explained Ms. McKibben. The Title 49 Committee decided to leave fencing requirements up to the licensing agency, she said. If fencing is required, the Committee wants the fencing to be attractive and to blend with the neighborhood, said Ms. McKibben.

The proposed ordinance also amends 49.40.230(b) to allow stacked parking for child care homes in a residential district, said Ms. McKibben. Under the proposed amendment of this section, back-out parking would also be allowed when approved by the Director by over-the-counter permits or by the Commission ~~by~~ through a Conditional Use Permit, said Ms. McKibben.

This ordinance addresses policies in the Comprehensive Plan which address the need for quality child care, said Ms. McKibben. It also addresses the needs for affordable, high-quality child care addressed in the recently adopted Juneau Economic Development Plan, she added.

Commission Comments and Questions

Referring to the new article 49.65.1100(b), which specifies that a parcel with a variance would not be permitted to have a child care home; Mr. Miller said he did not understand the philosophy behind this amendment. He asked how he would know as a potential home buyer how the home he was considering buying might have had a variance at some point. He said homes exist with a de minimis (over a trivial matter) variance which would automatically put them out of contention for having a child care home.

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Ms. McKibben answered that the general idea is that a child care home increases the impact to a neighborhood. She said these impacts can be somewhat mitigated if the child care is in a home which meets the minimum lot size and setbacks and other basic requirements which do not require a variance. Ms. McKibben said she was not sure if anyone had thought about the situation of a de minimis variance.

Mr. LeVine commented that it was his understanding regarding TPU amendment 7.300 that the proposed ordinance would now allow adult day care facilities in places where they were not previously allowed, in addition to child care centers.

Ms. McKibben responded that adult day care centers are currently not allowed in RR (Rural Residential) D-1, D-3, D-5 and D-10 SF (Single Family).

Mr. LeVine said that he was not opposed to having adult day care centers, but that he did not understand the reasoning behind implementing the change at this time when there appeared to be no need for it.

Ms. McKibben said the City Attorney was very firm in her opinion that adult day care centers and child care centers should be treated the same.

Ms. Grewe said that she had read the opinion of the City Attorney on this matter and that she was highly uncomfortable with it. She said the opinion of the City Attorney stated that if child and adult day care centers were to be separated that there needed to be a legal reason. Ms. Grewe said she could recall no group consensus on the Title 49 Committee that these centers should be treated equally.

Mr. Voelckers said that he agreed with his fellow commissioners on this item, and that in the item just above on the TPU (1.530) that "child" and "adult" were distinguished from each other. He added that the implications of adult day care in the areas to which it has been added have not been considered. He said all of the talk was about child care issues.

On the topic of homes with a variance being exempted from child care, Mr. Watson said that he agreed with Mr. Miller. Mr. Watson asked the staff if an individual came to the Department requesting permission for a child care center, who had a variance on their home, if that issue would come before the Commission for consideration or not.

Ms. McKibben responded that the language in the proposed ordinance is very clear about a parcel that has received a variance being excluded from becoming a child care home.

Mr. Watson said he felt that language was more restrictive than what was needed.

Chairman Satre clarified that a variance could possibly be attained for parking because it was not listed as one of the items given a variance that would preclude a parcel from becoming a child care center.

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Mr. Voelckers clarified that new amendments regarding parking would be applied to new applications and not existing facilities.

Ms. McKibben said this was true, and that the proposed amendments were not retroactive applying to pre-existing facilities.

Mr. Voelckers asked about language the Committee had requested regarding clarification of unintended language precluding child care centers from collocating with churches.

Ms. McKibben said within the current definitions of Title 49 child care centers are not to be co-located with churches. Ms. McKibben said the amendment under consideration in this ordinance allowed an applicant to come forward and obtain a separate Conditional Use Permit to operate a child care in ~~that~~ the same building as a church if the zoning allowed for it.

Public Comment

Jessica Spurrier, childcare licensing specialist for the State of Alaska, said the vision of their child care program office is to see that child care is made available which is available and affordable for all families in Alaska. She said their office supports any action that would help to reduce the barriers to the operation of a state-licensed child care facility.

Nikki Love, with the Association for the Education of Young Children, spoke in support of the ordinance. She said the Association was in support of the changes allowing group homes to occur without going through the Conditional Use process, and the other changes proposed as well. She AYC was concerned about the terms applied to fencing. She said they objected to the term "site-obscuring" because that seemed to indicate a six foot high privacy fence which could be cost prohibitive and prevent the children from having a view beyond the fence.

Resident Steve Soenksen said he had just returned from Minneapolis where he had the opportunity to tour an intergenerational day care center facility. He said they were able to make the economic model work for the facility. He said this type of facility provided the opportunity for children, adults and senior citizens to interact with one another, which seemed to have a positive effect on the care for all of the residents. He said this may assist child care facilities to be financially stable. He added that he disagreed with the amendment which precluded properties with a variance from becoming child care facilities. He said he felt that the on-site parking requirement was an expensive luxury, considering the fact that many employees of day care centers would be taking a bus or riding a bike to work.

Commission Comments and Questions

Chairman Satre said that he would like to give Ms. Grewe, as Chairman of the Title 49 Committee, an opportunity to present the Committee's thoughts on any items raised this evening regarding the ordinance.

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Ms. Grewe said the Committee met five times with a lot of meaningful and constructive comment from various agencies and the public. She said the ordinance before the Commission this evening is similar to what the Committee approved at the last meeting with a few exceptions such as the adult child care addition. She said she did not recall the Committee discussing the exclusion of property with a variance in the ordinance.

Mr. LeVine commented that the single thing which was the most difficult to deal with as a subcommittee was combining the ~~child care homes with day care centers~~childcare homes into one category. The result of this is that there will be no opportunity for public input.

Ms. Grewe said what this means is that any application with 12 or less children is a right, and an application for more than 12 children requires a Conditional Use Permit. She said this means that in every single-family zoning district within the Borough a day care center will be allowed for 12 children or less. She said it was her personal opinion that this amendment precluded public comment for those facilities with 12 or less children.

Chairman Satre said he would first like to address the issue of adult day care centers being included with child ~~and day~~ care centers in the Table of Permissible Uses (7.300). He suggested the Commission may want to separate those two issues with a motion.

Mr. Miller commented that he did not have a problem with the 13 years and older portion of the ordinance amendment. They would all be Conditional Use permits until the higher zones were reached, he said, so these items would be coming before the Planning Commission for review.

Mr. LeVine said that prior to this ordinance amendment adult day care facilities were not allowed in the zones proposed in the amended TPU. Therefore this action would be a change allowing adult day care centers to be allowed in those zones. While not against the adult day care centers, Mr. Levine stated that the Committee had no information and had not discussed the adult day care centers. He said it did not make sense to him to make a change in adult child care facilities simply because they were working on child care facilities. He said he felt there needed to be an actual reason for making a change in adult day care facilities. Mr. LeVine said his preference was to separate the two issues and deal with the child care issue now and to deal with adult day care centers when there was a need for that action.

MOTION: *by Mr. Peters, that the child and day care centers be separated in the TPU, resulting in TPU 7.300 child and day care centers, and adding 7.310 which would be for ~~adult day~~child care centers. Rural Reserve D1, D3, D5 and D10 SF (Single-Family) would once again be blank on the TPU as they were previously for 7.300. The other zones would remain as they are listed in the TPU.*

The motion passed with no objection.

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Mr. LeVine stated that in response to Ms. Mead's memo on the topic, that the Commission's justification for bifurcating the child and adult facilities in the TPU was because there is a known need for child care facilities in the community, and that the Committee was not presented with any information indicating a need for adult care facilities at this time.

Mr. Voelckers asked for clarification on the parking portion of the ordinance, and the application for facilities located in town, noting that there were specific parking requirements.

Ms. McKibben replied that depending on the location of the child care center, there are a number of options. There are zones where reduced parking is allowed such as PD (Parking District)-1 and PD-2. She said she thought PD-1 allowed for a reduction of 60% and PD-2 may result in a 40% reduction. She said sometimes parking can also be divided up by a facility which has two different uses during different hours of operation, such as a child care center in a church if the church was only using the parking lot on the weekend. There is also the opportunity to apply for a variance for the parking requirements, she added.

Chairman Satre said that he wanted to review the language in the new article 49.65.1100 (b) which precludes property with a variance from becoming a child care home.

MOTION: *by Ms. Grewe, that provision 49.65.1100(b) is deleted from the ordinance.*

The motion passed with no objection.

In addition, the Commission voted unanimously to delete 49.65.1120(b) from the ordinance, which ~~stipulated the need for a variance for child care standards~~prohibited a property with a variance from becoming a childcare center.

In support of the above Commission action, Mr. Watson said he felt this was a good move because it would prevent a lot of protests coming before the Commission.

Commissioner Voelckers said that he would like to suggest language for a change to 49.65.1110(a) for Child Care Home Standards. He suggested this provision read: "Any fencing required or used to delineate outdoor play space shall be constructed to safely confine and protect children, and be in visual harmony with the neighborhood." Mr. Voelckers explained that this would remove the portion of the provision that mentioned "sight-obscuring" fencing.

Ms. McKibben commented that there is no language in the code to address the appearance of fencing. She said she would have to check and make sure that the suggested alternate language could be used.

Chairman Satre said that he would like the language just presented by Commissioner Voelckers to be presented to the Assembly. The Assembly could always refer this back to the Commission if the language was not adequate, he added.

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Mr. Miller commented that he felt that fencing was one area in the code where the words "visually harmonious with the neighborhood " were acceptable.

Ms. Grewe agreed with Mr. Miller and Mr. Voelckers, stating that she felt this was a good change to make to the provision.

Mr. LeVine said he felt that the word "permanent" was a good word to place in the provision because this would eliminate offensive neighborhood fencing such as snow fencing and chicken wire. He said he would like to present this as a friendly amendment to the language change by Mr. Voelckers for the provision.

Ms. McKibben pointed out that the proposed language amendment takes out any discretion of the Director to approve a different type of fencing.

Mr. Voelckers agreed to the amendment suggested by Mr. LeVine.

Ms. McKibben said she felt the existing proposed language was the best language that could be formulated within the confines of the code.

Chairman Satre suggested that the following language be added to the beginning of the language suggested by Mr. Voelckers: "Any fencing required or used to delineate an outdoor play space shall be determined by the Director to be constructed of materials of a permanent nature."

MOTION: *by Mr. Voelckers, including the friendly amendment by Mr. LeVine, that 49.65.1100(a)(1) be amended to read: "Any fencing required or used to delineate an outdoor play space shall be determined by the Director to be constructed of materials of a permanent nature, and shall be constructed to safely confine and protect children, and be in visual harmony with the neighborhood".*

The motion passed with no objection.

MOTION: *by Ms. Grewe, to change amendment 1.510 in the TPU to replace the "ones" with "threes" for the RR zones D-1, D-3, D-5, D-10 SF and D-10.*

The number "1" indicates that the use requires departmental approval, in conjunction with the issuance of a building permit. The use is allowed in the district but limited conditions may be attached to the approval. The number "3" indicates the use requires a Conditional Use Permit from the Planning Commission.

In support of her motion, Ms. Grewe said she was concerned that a child care home could be placed in a low density neighborhood without the opportunity for public comment.

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Mr. Peters spoke in favor of Ms. Grewe's motion, stating that that the opportunity for public comment is something the Commission should consider.

Mr. LeVine asked for the rationale for designating this use for lower density zones but not the higher density neighborhoods.

Ms. Grewe said while it could be argued that a lower density zone has the potential for hosting more children, that the RR zones tend to be quieter neighborhoods and more rural in nature. She added that she would like public comment allowed for those zones which are not used to much activity.

Stating that he had mixed sentiments on this issue, Mr. Voelckers said that he would be voting against the motion because the larger zones by definition have the potential for greater buffers and increased capacity to shield noise and impacts. He added that there would be natural market forces at play which would dictate that child and day care homes would be placed in areas logically where they could establish connections. He said he did not see a sharp enough distinction between the different densities to find it compelling.

Mr. LeVine said the public comment the committee received was distinctly in favor of the language as it is currently proposed for the TPU. He said that while he did find this a difficult choice, that ultimately he would vote against the motion.

Roll Call Vote:

Yeas: Peters, Grewe, Watson

Nays: LeVine, Haight, Voelckers, Bell, Miller, Satre

The motion failed.

Mr. Voelckers stated that he would like to make a few alterations to the language in 49.65.1100 "Purpose". He said he felt there was some language in the proposed provision which was not helpful. He said he would like to delete the language, "by simplifying the approval process and proscribing minimum standards". He said this is the function of the ordinance, it does not need to be overtly stated. He added he would like to remove the term "minimum standards" and replace that term with "identified standards". He said he found those standards aspirational or performance-based.

The altered sentence would read: "The intent of this article is to promote the public health, safety, and welfare for child care homes and centers." In addition, "minimum standards" within this provision would be replaced with "identified standards".

MOTION: *by Mr. Voelckers, to alter the language in 49.65.1100 "Purpose" to read, "The intent of this article is to promote the public health, safety, and welfare for childcare homes and*

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centers." In addition, the words "minimum standards" within this provision would be replaced with "identified standards".

The motion passed with no objection.

MAIN MOTION: by Ms. Grewe, to approve AME2015 0004 with the ordinance text as drafted by staff, with all of the changes approved by the Commission.

Ms. Grewe stated she would be voting against the motion because of the lack of public comment allowed for child care homes located in lower density areas.

Roll Call Vote:

Yeas: Miller, Voelckers, Peters, LeVine, Haight, Bell, Satre, Watson

Nays: Grewe

The motion passed.

AME2015 0007:	A transition rezone of three lots from D-1(T)D-10 to D-10
Applicant:	City and Borough of Juneau; William Cheney; Gail Cheney; James Franco; David Kunate
Location:	Glacier Highway

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the rezone of Lots USS 2386 Lot N, USS 2386 Lot J1 and USS 2386 Lot J2 from D-1(T)D-10.

The lots in question are on the uphill side of Glacier Highway as the road approaches Auke Lake from town. Ms. McNally explained that for lands within a transition zone the zoning would be upgraded to a higher density classification at the time the public water, sewer or other required improvements were implemented.

Public water has been available in the area for quite a while, said Ms. McNally, and public sewer for the lots was installed last summer. Rezoning requests have to be at least two acres or the expansion of an existing zone, said Ms. McNally. In addition, the rezone request must conform to the maps of the Comprehensive Plan.

The main issues brought up by the public regarding this rezone request involve traffic safety sight distance along this area of Glacier Highway, and noise which would accommodate potential development with a higher density, said Ms. McNally.

Commission Comments and Questions

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Mr. Voelckers asked if anyone on the staff is aware of why the Comprehensive Plan maps have the MDR designation and the ULDR designation draw through one of the lots. ~~a small needle of one of the parcels extends across Glacier Highway~~.

Ms. McNally responded that the reasoning behind this delineation is unclear.

Public Comment

Neighboring property owner Fred Thorsteinson stated that he was in opposition to the rezone of the property to D-10, primarily because of his concerns for traffic safety. He said that he was a retired DOT (Department of Transportation) engineer, and that he had been responsible for permitting accesses into the DOT right-of-way. Glacier Highway is a DOT arterial highway, said Mr. Thorsteinson. He said he had not been aware that the CBJ standard now prohibits new accesses to arterial road systems. If the lots under consideration for a rezone were to be subdivided, access to those lots would be from a secondary road. This alleviates his main concern about access to Glacier Highway, he said. The access to Glacier Highway on Pederson Hill involves very restricted sight distances, he said. The road is poorly maintained by DOT in the winter, with black ice and snow prevalent, he said. Mr. Thorsteinson said he felt it would be prudent to rezone these lots consistent with other lots in the area, which would be D-1 to D-3.

Neighboring resident Laurie Ferguson Craig said she agreed with the proposal of Mr. Thorsteinson to rezone the lots D-1 to D-3. She said her concerns involve the condition of the road, the blind curve, the speed of the traffic and the increased traffic. She said that she could not support zoning proposed which could allow for the construction of 40 units on the property. Ms. Craig said she felt that the rezone of the City-owned property should not be combined with the rezone of the privately owned property. She also recommended that the City request an accident history on that piece of road and perform a traffic study as well. She also thanked the City for changing the plat map which she said has been an inaccurate for a number of years.

Owner of one of the lots up for a transition rezone James Franco said they are the family requesting the construction of one additional house on their lot. He said they have no interest in D-10 zoning. They are only interested in constructing one other home on their property, explained Mr. Franco. He said they also had concerns about the 22 dwelling units which could be constructed on the City land, located behind them. Mr. Franco said he felt that D-3 zoning for their parcel would be more than sufficient for their needs.

Neighboring resident Dana Hanselman also expressed concerns about traffic on that piece of road. He said the trail improvements have caused a lot more traffic activities than there has been in the past. They had two separate car wrecks within one and one half hours the past week, he said.

Mr. Hanselman said one of the big discussions on the Auke Bay Steering Committee, of which he was a member, was that the Auke Bay area would have a core high density area, fanning out

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to areas with less density. He said a goal of the Committee was to not have patchwork zoning throughout the Auke Bay area, and that the proposed transition rezone would have that effect.

Commission Comments and Questions
Mr. Voelckers asked Ms. McNally if someone were to come in with a subdivision request for example, which would increase the density, if the road was evaluated for things like slickness and history of traffic accidents so the comprehensive impact could be evaluated.

Ms. McNally responded that typically the rezone process is a much broader, higher level tool for development. She said they receive very specific comments on proposed developments from DOT with any concerns or conditions that they may place on access points. She said that the number of potential dwelling units listed for a zone is the maximum number allowed, and that often there would be constraints on a lot reducing the number of dwellings which could be constructed from that maximum number.

Mr. Bell said that in light of the testimony heard this evening, that he would like to see more information to back up the decisions the Commission is about to make. He asked if it would be possible to gather data regarding the concerns raised by the residents this evening.

Chairman Satre responded that if the item were to be continued that they could ask for specific items to be brought back for their consideration.

Mr. Miller commented that the land parcels in question could be rezoned D-1 to D-10 or to D-3. He said testimony and evidence had been brought forward which indicated that D-3 zoning may be appropriate for the parcels. He said perhaps the hill on Glacier Highway which goes by the property and the sight distance should be the defining factors in the determination of the zone. Mr. Miller stated that he felt that he was leaning towards a D-3 zone, acknowledging the statement by staff that D-10 zoning did not necessarily mean that the maximum number of dwelling units could be constructed.

Mr. Miller asked if it was true that Wilma Drive could be an access point.

Ms. McNally responded that Wilma Drive could not be an access point.

Another alternative may be to up-zone the -property to D-10 and then rezone the private parcels to D-3, said Mr. Miller.

Ms. Grewe stated she felt that Ms. Ferguson-Craig raised a powerful argument that it was the neighbors which had initiated the zoning issue, and that it had been agreed that a D-3 zone would meet their needs. Ms. Grewe stated that a D-10 zone seemed too high considering the conditions of the road and the visibility.

Mr. LeVine asked why the report stated that any other zone would not be allowed due to the zoning requirements. He asked if it was fruitless for the Commission to consider a D-3 zone.

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Ms. McNally said she was referring to one of the single lots which was not eligible, but that the parcels as a group would be eligible.

Ms. McKibben explained that this is a transition zone, and that the Commission had the authority to rezone the land D-1 to D-10. If the Commission wanted to take an action other than D-10 zoning, it would have to take its recommendation to the Assembly.

Following up on the comment of Mr. Miller, Mr. LeVine asked what the potential would be for the City parcel to be rezoned D-10 and the private parcels D-3.

Chairman Satre said it appeared to him that due to lot size that that all parcels needed to be rezoned as a unit.

Mr. Haight asked if it would be allowable to change the recommendation that land be rezoned to Transition D-10 and instead make it D-3 zoning.

Chairman Satre clarified that would be for all the parcels, and that it would then go to the Assembly for approval.

MOTION: *by Mr. Haight, to recommend acceptance of AME2015 0007 transition of these properties to D-10, with the recommendation to the Assembly to make that transition to D-3 zoning, and with the findings that this substantially conforms to the land use maps.*

Speaking in support of the motion, Mr. Voelckers said that it appears that it is a fairly arbitrary transition and that they have heard a lot of testimony in favor of D-3 zoning. He said it does make him uncomfortable to come in and make small edits to the Comprehensive Plan, but that it appears this parcel of land may have been overlooked in the Plan.

Looking at the Comprehensive Plan map, Mr. Miller commented he felt it has enough ambiguity in this portion under discussion that some of the land within the parcels is under D-1 to D-3 zoning.

Chairman Satre said the motion would be stating that the parcel of land substantially conformed to the land use maps with D-1 to D-3 zoning.

At the request of Mr. Bell, the motion was read again, with the inclusion of conformation to the land use maps added to the motion.

Roll Call Vote:

Yeas: LeVine, Peters, Bell, Haight, Voelckers, Grewe, Miller,

Nays: Watson, Satre

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The motion passed.

The Commission was adjourned as the Planning Commission and reconvened as the Board of Adjustment.

X. BOARD OF ADJUSTMENT

VAR2015 0010:	A Variance to lot width for proposed Lot A
Applicant:	Steve Soenksen
Location:	263 S. Franklin Street

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Variance, VAR2015 0010. If approved, the Variance would allow for the reduction in lot width from 50 feet to 45.5 feet for proposed Lot A of a two-lot subdivision.

Ms. Boyce explained there is also a ~~use~~ Conditional Use case filed and a ~~major~~ Major ~~subdivision~~ Subdivision case for the two-lot subdivision. Because this parcel is in a mapped hazard zone, ~~-~~by C~~c~~ode there cannot be a minor subdivision filed; therefore, any subdivision must be reviewed as a Major Subdivision. ~~in a map hazard zone, said Ms. Boyce. It has to be a major subdivision, requiring a Conditional Use Permit.~~ If this variance is approved, then the above two items will come before the Commission at its July 14, (2015) regular meeting, she said.

The property is located in the Mixed Use (MU) zoning district, said Ms. Boyce. The property is located on South Franklin Street. The parcel lies within the severe landslide and avalanche hazard area, said Ms. Boyce. There is no maximum density, ~~required for the Mixed Use district,~~ height restrictions, ~~-~~or setback in the Mixed Use zone districts~~s~~, said Ms. Boyce.

The proposed Lot A is built out and cannot be expanded ~~above~~ more than the existing 45.5 feet in width, and the width requirement is 50 feet, said Ms. Boyce. It would meet the lot depth and area requirements, she said. The proposed Lot B would meet all of the requirements for the Mixed Use zone district, said Ms. Boyce. The adjacent parcel was part of the 1997 subdivision that created these two parcels. Ms. Boyce stated it is unclear to the staff how the ~~proposed~~ adjacent parcel was approved without a variance since it's width is also 45.5 feet. ~~Lot A did not meet the width requirements and yet did not receive a variance in the 1997 subdivision, said Ms. Boyce.~~

Criterion Five (Compliance With Existing Standards) and its sub criteria could not be met within the variance requirements for this lot, said Ms. Boyce. The 1997 subdivision which created this specific Tract B eliminated any of the parcel nonconforming conditions, so the City staff could

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not answer in the affirmative to that portion of the criterion, she added. There is however a history of nonconforming situations on the parent parcel, she noted.

Applicant
Applicant Steve Soenksen said that he disagreed with some of the findings in Criterion Five. He went on to explain how he felt each of the criteria for the variance have been met. He said he felt denial of this variance would unreasonably prevent the property from being developed to its fullest potential. He said for the owner to build anything else on the property they would have to use a stairway for access located at the back of the property. That is not reasonable, said Mr. Soenksen. He said even though it is stated that the applicant can currently build on the property, he said no financial institution would finance a building and additional construction unless subdivided into a separate legal description per structure.

As a practical matter, there is no physical access to the lot from Gastineau Avenue, said Mr. Soenksen. He said while the lot frontage is considered to be located on Gastineau Avenue, that there is a City barricade across the lot that would prevent access from Gastineau Avenue. He said the City Engineering Department has said they are not in favor of any breaks in that barrier due to the structural design of that barrier.

The tax assessor judges the lot as if all access were from Franklin Street, said Mr. Soenksen. More housing is needed in the downtown area, he said, and the lot carries with it some of the highest zoned potential within the Borough. Without the variance the property cannot be developed to its fullest potential and denies access to the property, he said. The back of the lot is also very steep, making it very difficult to build in that area, said Mr. Soenksen.

There are a number of instances of nonconforming code standards for property within the core town area, said Mr. Soenksen. The granting of this variance would result in great benefits to the neighborhood, he said, especially by providing much-needed multi-family housing within the town core area. He said Juneau needs somewhere in the area of 700 housing units to restore lost housing and to meet current documented needs. He added that he personally felt the number was much higher.

Commission Comments and Questions
Mr. Voelckers asked if access to Lot B was still planned from the back of the lot which would be via Gastineau Avenue.

Mr. Soenksen responded that physical access would most probably be from an adjacent lot.

Public Comment
Adjacent property owner ~~Carol~~ Karen Lechner said one reason she would oppose the variance is that it can be developed as it currently exists without a variance. She said she also has~~d~~ concerns about a large development in the area specifically because of where the parcel is located. The parcel is located within the area impacted by the landslide in 2009, she said. Ms. Lechner said that Gastineau Avenue is very congested, and is a single lane, dead-end street. Ms.

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Lechner said she did not feel a 20 unit development was appropriate for this limited-access area.

Adjacent property owner Danielle Evenson spoke against the variance request. She said they have concerns about the traffic, congestion and parking in the area. The parcel is located within a mapped landslide/avalanche zone, she said. Ms. Evenson said she had concerns about the development upsetting the retaining wall which protects their property. She said according to Ms. Boyce, compliance with the existing standards would not preclude the owner from using the property for its principle, permissible use. She also expressed worries about the public right-of-way on Bulger Way being compromised.

Applicant
Mr. Soenknsen said the idea of sustainability is one of their greatest concerns, and that part of the design is an integrated design which has many solutions including helping to alleviate the housing problem in downtown Juneau. He said they are very familiar with the engineering challenges offered by the hillside, and that they could build in a safe and conforming manner.

Commission Comments and Questions
Mr. LeVine asked what was actually preventing Mr. Soenksen from pursuing the building project.

They need legal access and economic access offered by financial institutions which require the project be on its own lot, said Mr. Soenksen.

MOTION: *by Mr. Miller, to approve the variance 2015 0010 with the changed findings on Number Five.*

Mr. Miller said he felt that he could reasonably approve items B and C under Number Five in the findings, and possibly D. Item B reads:

> *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;*

If this parcel was subdivided in 1997 as they are attempting to do now, said Mr. Miller, the lots would be exactly in scale in amenities as the other lots in the neighborhood. The lot on Franklin Street would be identical to the one next door to it, he said. The lot on Gastineau would be much bigger than the lots next to it, he added.

Items C reads:

> *Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive;*

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It occurred to him that the unused portion of the land in the back must be a tax burden, said Mr. Miller. In addition to the tax burden of the land is the financial reality in trying to develop it, he said. Mr. Miller said he could definitely identify with the inability to develop the land without a financial institution involved unless the parcel was separate.

The public testimony opposed to the variance involves valid concerns, said Mr. Miller, which he felt would be addressed on the next two applications on this matter which would be before the Commission on July 14, (2015) should this variance request be approved. There would be a time and a place for their testimony, said Mr. Miller.

Speaking in support of the motion, Mr. Voelckers said he felt they could also affirm D because this was a case of a pre-existing nonconforming condition on the frontage, leaving a large land-locked and unused parcel behind. Mr. Voelckers said he did not feel this contributed anything meaningful to the original intent. He said it was incumbent upon them as planning commissioners to identify the high value of that Mixed Use land and he thought it was very attractively located, and could contribute to downtown housing and vitality.

Acknowledging the comment from the adjoining land owners regarding their concerns on Gastineau, Mr. Voelckers said if this moved forward as a project they should be very conscious of pedestrian access, vehicular turning and mass wasting that are among the tricky issues which would need to be addressed.

Speaking in opposition to the motion, Mr. LeVine said that while he did not disagree with anything just stated by Mr. Miller or by Mr. Voelckers, that he agreed with the staff in its analysis that this project can be developed under existing conditions; it just can't be developed by the current owner. Mr. LeVine said he did not find this a reason to get to the findings on Number 5; B, C, or D. The division on the land would be more consistent with what was there before, said Mr. LeVine. He said he just did not read the rules as allowing the Commission to do it.

Roll Call Vote:

Yeas: Watson, Miller, Grewe, Voelckers, Haight, Bell, Peters

Nays: LeVine, Satre

The motion passed.

XI. OTHER BUSINESS - none

XII. DIRECTOR'S REPORT

Ms. McKibben reported that Housing Action Plan consultants will be in town June 30, through July 2, (2015). The CDD staff will set up meetings with any commissioners who would like to meet with the consultants in the CDD library, said Ms. McKibben. They will be meeting with the

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Affordable Housing Commission at 5: 15 p.m. on July 2, (2015) in the Tlingit and Haida conference room.

The Commission on Sustainability is continuing to meet with the consultants on the energy plan, said Ms. McKibben. They will be at a work session tomorrow night (June 24, 2015) at 5:30 in the Downtown Library large conference room.

They had discussed amendments to transitional housing at the last meeting, said Ms. McKibben. After the packet for this meeting was compiled the Title 49 Committee met on this issue. Proposed amendments to Title 49 in regard to transitional housing will be presented to the Commission at its next meeting, said Ms. McKibben.

Mr. Voelckers asked if there was anything in the TPU which prevented the combination of care facilities for children and elders. He said he thought that was a worthwhile goal as described by Mr. Soenksen earlier in the evening.

Ms. McKibben responded that if they were allowed in the same zoning district they would be allowed in the same building.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

- March 19, 2015 Wetlands Review Board Meeting Minutes
- April 13, 2015 Public Works and Facilities Committee Meeting Minutes

Public Works and Facilities Committee
Mr. Watson reported that the Public Works and Facilities Committee met on Monday. There was some discussion regarding the Gastineau apartment demolition, he said. The Engineering Department continues to work on the solid waste plan and it should be brought forward in the near future, he said. He said there is a proposal for a mini park fruiting forest located on Douglas, said Mr. Watson. He said this is basically a small plot of land on which fruit would be grown, he said.

The Lands Committee
The subject of mobile home down payment assistance was discussed, said Mr. Peters. The Gastineau apartment demolition was discussed, and a potential land trade for fisheries development, as well as negotiations with Pacific Coast Paving for an asphalt plant located near Costco, he said.

Subdivision Review Committee
Chairman Satre announced that since Mr. Bell has joined the Commission he is now the new Subdivision Review Committee member.

- April 9, 2015 Marijuana Committee Meeting Minutes
- May 7, 2015 Marijuana Committee Meeting Minutes

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XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Ms. Grewe said she attended the hearing on Honsinger Pond; the Bicknell appeal. She said it was interesting to hear the Commission's decision analyzed by the attorney representing the appellant. Under the taking issue raised by the appellant, the question was how doing nothing could result in a taking, said Ms. Grewe.

Chairman Satre said he could not underline enough the importance of building a record and establishing the reason for the vote on the record. Every word gets picked apart, he said. They really investigate the intent of the Commission, he said.

XV. ADJOURNMENT

The meeting was adjourned at 9:55 p.m.

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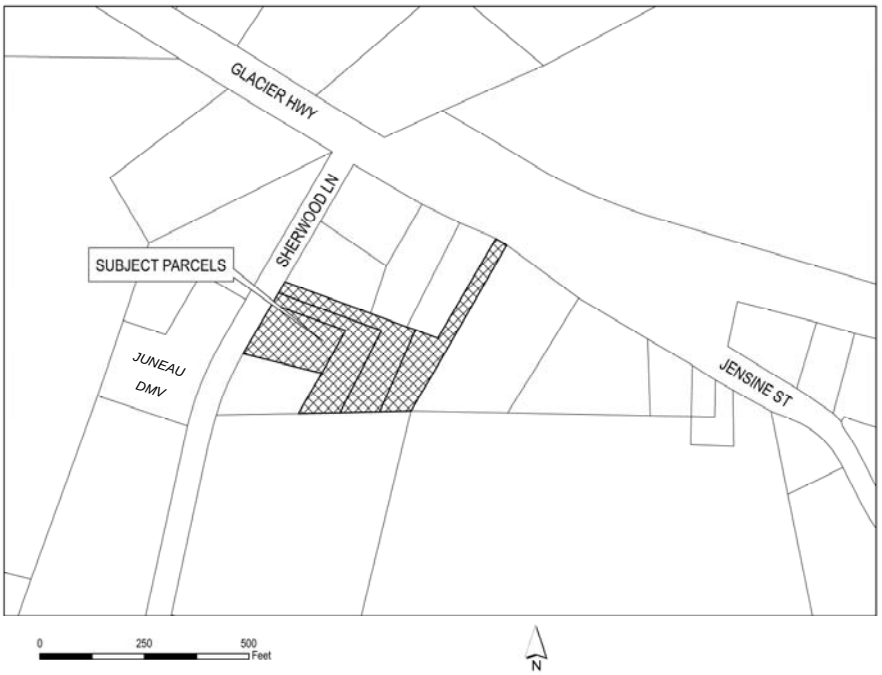
NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: **A Variance request to allow for an access and utility easement to be within the 50' anadromous stream buffer for Andsoh Subdivision Lots 5, 7, 8, and 9.**

** A Variance request could include the elimination of all dimensional standards.

File No:	**VAR2015 0016**	**Applicant:**	**Andsoh Associates, LLC.**
To:	**Adjacent Property Owners**	**Property PCN:**	4-B17-0-110-014-2; -014-3; 014-4; -014-9
Hearing Date:	**July 28, 2015**	**Owner:**	**Andsoh Associates, LLC.**
Hearing Time:	**7:00 PM**	**Total Lot Size:**	**~2.28 Acres**
Place:	**Assembly Chambers**	**Zoned:**	**I—Industrial**
	Municipal Building	**Site Address:**	**Sherwood Lane at Glacier Highway**
	155 South Seward Street	**Accessed Via:**	**Sherwood Lane**
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

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

If you have questions, please contact Jonathan Lange at Jonathan.Lange@juneau.org or 586-0218.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Date notice was printed: June 22, 2015

Community Development

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

DATE: July 14, 2015

TO: Board of Adjustment

FROM: Jonathan Lange, Planner
Community Development Department

FILE NO.: VAR2015 0016

PROPOSAL: A Variance request to allow for an access and utility easement to be within the 50' anadromous stream buffer for ANDSOH Subdivision Lots 5, 7, 8, and 9.

GENERAL INFORMATION

Applicant:	ANDSOH Associates, LLC
Property Owner:	ANDSOH Associates, LLC
Property Address:	Sherwood Lane and Glacier Highway
Legal Description:	ANDSOH Lots 5, 7, 8 and 9
Parcel Code Number:	4-B17-0-110-014-2; -014-3; -014-4; -014-9
Site Size:	4 Lots = 99,392 Square Feet or 2.28 Acres
Comprehensive Plan Future Land Use Designation:	HI - Heavy Industrial
Zoning:	I - Industrial
Utilities:	City Water and Sewer
Access:	Sherwood Lane
Existing Land Use:	Industrial
Surrounding Land Use:	North - Industrial, vacant

South - Industrial, Hagevig Regional Fire Training Center, CBJ Fire Station; Boat Condos under construction Lot 6
East - Industrial, Commercial Miscellaneous
West - Industrial, Commercial Offices/Dept. of Public Safety

Vicinity Map

ATTACHMENTS

Attachment A – Variance and Development Permit Applications and Project Narrative
Attachment B – Proposed Bioswale
Attachment C – Wetlands Review Board Minutes – March 20, 2014 and June 25, 2015
Attachment D – Agency and Internal Review Comments
Attachment E – Public Notice
Attachment F – Site Pictures

PROJECT DESCRIPTION

The applicant is requesting a variance to the anadromous stream 50 foot no development buffer to allow for an access and utility easement to be within approximately 35 feet of an anadromous stream, Pederson Hill/Casa del Sol Creek, which is an impaired waterbody (see Attachment A and B). The applicant has explained in their narrative that the current location of the access and utilities easement takes up a significant portion of the developable land of Lots 5, 7, 8, and 9; and that they want to continue to use the land that was previously filled and, therefore, have requested a variance.

BACKGROUND

The 9-lot ANDSOH Subdivision, at the southeast corner of Sherwood Lane and Glacier Highway, was created in December 2014 under Plat #2014-54, ANDSOH Subdivision. This was created from 3 lots platted in 1969 under Plat #537 for Sherwood Estates, a fraction of U.S. Survey No. 1041, 11 miles northwest of downtown Juneau, Alaska. The lots have been used throughout the years for various industrial uses, such as top soil screening and equipment storage.

On March 20th, 2014 the applicant came before the Wetlands Review Board, a scientific advisory board appointed by the Assembly, to review their Preliminary Major Subdivision for the 9-lot ANDSOH Subdivision at Sherwood Lane and Glacier Highway. The applicant stated that the lots were filled – with approval for fill by the Army Corps of Engineers – in 1984. At that time the applicant stated that the fill was at the edge of the 50 feet anadromous stream buffer for the southern access and utilities easement (see Attachment C – March 20th, 2014 Wetland Review Board minutes). The applicant has since had the lots and stream surveyed. The top of existing fill comes to within approximately 35 feet of the stream. The applicant would like to use the area of existing fill for the access and utility easement.

The major subdivision was approved on July 8th, 2014 and was later amended in February 2015, plat # 2015-4, SMF2015 0001. The plat amendment reduced the width of the access and utility easements from 30 feet to 20 feet, and removed the anadromous stream setbacks off the face of the plat, as they were referenced by the Anadromous Stream Note.

ANALYSIS

Wetlands- The subject area contains wetlands and portions that are designated as stream corridor wetlands.

Habitat- Pederson Hill/ Casa del Sol Creek is a cataloged anadromous water body and is classified as an impaired waterbody; development along the stream is subject to habitat buffers in CBJ Title 49.70.310(a) (4) and (b) (1), as well as at CBJ 49.70.950(f).

49.70.310 Habitat.

(a)Development in the following areas is prohibited:

(4)Within 50 feet of the banks of streams designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and

(b)In addition to the above requirements there shall be no disturbance in the following areas:

(1)Within 25 feet of stream designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and

Title 49.80.120 definition of Development includes grading, fill, and site work. The requested variance to allow the access and utilities easement within the 50 foot no development buffer to the stream would allow for work within 35 feet of the stream, such as installation of utilities and paving of a driveway.

At the time of plat recording the access easement for lots 7, 8, and 9 through lot 5 was setback 50 feet from the creek. Any upgrade, paving, or grading for lots 5, 7, 8, and 9 was required to meet the 50 foot no development buffer. The applicant is requesting a variance to the 50 foot no development buffer. If the Planning Commission acting as the Board of Adjustment approves the proposed variance the applicant will then have to amend the plat further to change the location of the access easement for Lots 5, 7, 8, and 9.

The "Easement Note" located on the ANDSOH Subdivision Plat (Attachment A) would then need to be modified to read "Easement Note: The location of the access and utility easement in favor of Lots 7, 8, and 9 is to be 35 feet southerly of the thread of the existing drainage/stream traversing said lots along with Lot 5. This easement is for use as a shared and common drive for said lots."

Wetlands Review Board –

The Wetlands Review Board reviewed the proposed variance at their June 25, 2015 regular meeting (see Attachment C). The board discussed the proposal and the previous meeting where the ANDSOH subdivision was reviewed. The Board stated that it was unfortunate that the proposal had to come back before them and for the discrepancy in measuring where the fill was located on the site. Some Board members expressed their concern for the variance into the 50 foot no development buffer and stated that they would like to uphold their March 20th, 2014 motion to keep the access and utility easement at the 50 foot buffer. Other members of the Board stated that the Board should be consistent with motions that were previously passed supporting variance proposals for similar situations where fill was previously placed. They further stated that the addition of a proposed bioswale and pervious surface for the driveway would mitigate the effect of the driveway near the stream.

The Board's motions failed per Robert's Rules of Order, as the vote count was split and did not contain a majority of the Board. The Board first motioned to deny the variance, but stated conditions if the Board of Adjustment approved the variance. When the first motion failed they then motioned to approve the proposal with conditions. This motion also failed. The Board referred to their original motion at the March 20th, 2014 meeting and made revisions to offer the new motion. The first motion of the June 25th meeting is as follows:

> *The Board does not recommend approval of the proposed variance because the survey shows that the driveway and utilities are within the 50-foot setback. However if the Board of Adjustment approves the variance, the Board requests special consideration of snow storage areas, creation and maintenance of grassy swales, and related stormwater management issues to ensure that sediment and pollutants to not reach the stream. The Board also requests careful attention to the location of the 50-foot setback on lots 5, 7, and 8 to ensure that buildings are not located within the setback. The Board requests measures to reduce the spread of invasive species in the project area during the development stage. The Board further requests the use of a deed restriction or plat note to prohibit use of impervious surfaces within the 50-foot setback.*

Their second motion was:

> *If the Board of Adjustment approves the variance, the Board requests special consideration of snow storage areas, creation and maintenance of grassy swales, and related stormwater management issues to ensure that sediment and pollutants to not reach the stream. The Board also requests careful attention to the location of the 50-foot setback on lots 5, 7, and 8 to ensure that buildings are not located within the setback. The Board requests measures to reduce the spread of invasive species in the project area during the development stage. The Board further requests the use of a deed restriction or plat note to prohibit use of impervious surfaces within the 50-foot setback.*

Proposed Conditions of approval –

1. Prior to Certificate of Occupancy for development on Lots 5, 7, 8, and 9 of ANDSOH Subdivision, a bioswale shall be installed between the access and utility easement for Lots 5, 7, 8, and 9 of ANDSOH Subdivision and Pederson Hill/ Casa del Sol Creek; and the applicant shall implement stormwater best management practices.

A bioswale or biofiltration swale is an area of sloped vegetated channel that conveys water and provides treatment to that water. The CBJ Manual of Stormwater Best Management Practices, August 2010, describes a bioswales function, *"They function by slowing water velocity, allowing sediment to deposit and by filtering water through vegetation and swale substrate material."*

The applicant has proposed a bioswale along the edge of the driveway. The design was included in their application for a Major Subdivision (see Attachment B). The CBJ manual states the appropriate application for a bioswale in a development: *"Biofiltration swales are good to use in combination with end-of-pipe treatment like constructed wetlands or sediment basins and are appropriate along streets, parking lots and perimeters of building sites."* The Wetlands Review Board stated that this would be a great way to improve the already filled area and protect the stream from any negative effect from development and runoff from the driveway surface.

2. Prior to issuance of a Building Permit and/or Grading and Paving Permit for Lots 5, 7, 8, and 9 of ANDSOH Subdivision, a Deed Restriction shall be placed on Lots 5, 7, 8, and 9 stating that the driveway shall not be improved with impervious surfacing.

Pervious surfaces allow water to drain through them, into the soil beneath an area or driveway so that they may be naturally treated or filtrated before going into a water system or stream. Impervious surfaces, like asphalt or concrete, block water from draining. The water sits on the asphalt or concrete, collects sediment and/or oil, and then drains off the side of the impervious surface. As the water drains off the impervious surface, it takes with it sediment and/or oil directly into a drainage area. If that drainage area does not filtrate or treat that water, a water system may become contaminated, effecting fish and wildlife. A Deed Restriction could be recorded with the State of Alaska for each of the subject lots, restricting the use of impervious surfaces from being used for the driveway.

3. No development of primary or accessory buildings shall occur within 50 feet of Pederson Hill/ Casa del Sol Creek.

The proposed variance would only allow for encroachment into the 50 foot no development buffer by the access and utilities easement, and installation of the bioswale. No other development of the site could occur within the 50 foot no development buffer, such as primary or accessory buildings, storage of equipment, or removal of substantial vegetative cover.

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 and render 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. 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 relaxation applied for would allow the applicant and any future owners of Lots 5, 7, 8, and 9 to use the already filled area within the 50 foot no development buffer of the lots for access and/or a driveway, and utility easement. This would also allow the applicant to install and enhance the area between the access and utility easement and Pederson Hill/ Casa del Sol Creek with a bioswale. The applicant has also stated that complying with the 50 foot buffer would take up buildable land, as development could not come within 50 feet of the stream. This would put the access and utilities easement between the future development on the site and the stream. Relaxation of the buffer requirement would give substantial relief to the owner in that the fill had been placed prior to the 1987 no development 50 foot buffer requirement and where enforcing the requirement would take away usable land already filled.

Yes. The criterion is 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 intent of Title 49 is established in Section 49.05.100 Purpose and Intent are stated below:

1) To achieve the goals and objectives and implement the policies of the Juneau Comprehensive Plan and the 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 residences, 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.

The proposed Variance meets the intent of Title 49 in that the conditions of approval for installation of the bioswale and the restriction on impervious surfaces will help protect the stream corridor against future industrial uses on the land; that the reduction of the stream buffer would allow the owner of the land to use them to their full potential as large industrial

lots in an Industrial zoning district; that the protection to the stream will minimize negative impacts to the already filled area within the 50 foot buffer; and that the public health and safety is preserved.

Yes. The criterion is met.

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

Staff finds no evidence that the reduction of the 50 foot no development buffer to 35 feet for the access and utilities easement will injure nearby properties, as the area was previously filled and the conditions of approval would mitigate any future negative impact.

Yes. The criterion is met.

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

The property is zoned industrial. The Variance would allow for an access and utilities easement within the 50 foot no development buffer to an anadromous stream, and would not authorize uses not allowed in the industrial zone.

Yes. The criterion is met.

5. That compliance with the existing standards would:

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

The Variance is to the anadromous stream no development buffer. Denial of the Variance would not prevent the owners from using their property for an industrial permissible principle use.

No. The 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 lots are large, each lot between 23,000 and 26,000 square feet, and the minimum lot size in the Industrial zone is only 2,000 square feet, and would not prevent the owner from developing the property in a manner consistent with the neighborhood. If the 50 foot no development buffer is complied with, the applicant would have adequate land

to develop for industrial uses.

No. The sub-criterion is not met.

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

The subject parcels are flat, though they are adjacent to an anadromous stream and therefore must comply with the stream development buffer. The subject lot does not have any other unique physical features that would make complying with the standards unreasonably expensive. The applicant in their narrative states that requiring the easement to be 50 feet from the stream encumbers a large portion of the lot as undevelopable, and "cuts the lots in half". As staff points out above, the lots are large for the industrial zoning district and would allow for a buildable area (2,000 square feet).

No. The sub-criterion is not met.

or

(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.

Because the lots were filled in 1984, so that the toe of the slope of fill comes to approximately 25 feet from the anadromous stream, and that the top of slope has been used as a driveway for the affected lots, the preexisting nonconforming conditions of the subject parcels, specifically Lots 5, 7, 8, and 9, and the variance proposed would not result in a net decrease in overall compliance of the Land Use Code. Furthermore, the conditions of approval for the proposed access and utilities easement would mitigate further negative impacts to the anadromous stream.

Yes. This sub-criterion is met.

Since sub-criterion 5D is met, criterion 5 is met.

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

If the Variance was granted, the Variance would allow for the access and utility easement to be located over the existing fill. The lot owners would then have more available area for

development of the underutilized industrial lots. The bioswale and pervious surface of the access easement/driveway would improve the current situation and make filtration of runoff better for water entering the stream from the existing fill. Allowing for improvements on the industrial lots and improvements to the filtration system for runoff from the site would result in more benefits than detriments to the neighborhood.

Yes. The criterion is 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 variance, if approved with the below conditions, will help protect natural vegetation, water quality, important fish habitat and natural waterflow of the Pederson Hill/Casa del Sol Creek, compliant with CBJ 49.70.950(b)(7).

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

Yes. Based on the evaluation above, the variance, as requested, meets the criteria of Section 49.25.250, Grounds of Variances.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2015 0016. The Variance permit would allow for the access and utility easement for Lots 5, 7, 8, and 9 of ANDSOH Subdivision to be 35 feet from the Pedersen Hill/Case del Sol Creek, which is designated as an anadromous stream and impaired waterbody; with the following conditions:

1 Prior to Certificate of Occupancy for development on Lots 5, 7, 8, and 9 of ANDSOH

Subdivision, a bioswale shall be installed between the access and utility easement for Lots 5, 7, 8, and 9 of ANDSOH Subdivision and Pederson Hill/ Casa del Sol Creek; and the applicant shall implement stormwater best management practices.

2 Prior to issuance of a Building Permit and/or Grading and Paving Permit for Lots 5, 7, 8, and 9 of ANDSOH Subdivision, a Deed Restriction shall be placed on Lots 5, 7, 8, and 9 stating that the driveway shall not be improved with impervious surfacing.

3 No development of primary or accessory buildings shall occur within 50 feet of Pederson Hill/ Casa del Sol Creek.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 6/6/15
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION

Project Description
Andsoh Subdivision, southerly access & utility easement

PROPERTY LOCATION

Street Address	City/Zip
Sherwood Lane & Glacier Highway	99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
Andsoh LT's 5, 7, 8, 9

Assessor's Parcel Number(s)
4B170110140, 4B170110150 & 4B170110160

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
Andsoh Associates, LLC	Sharon Mallinger	
Mailing Address	**Home Phone:**	**Fax Number:**
P.O. Box 211308, Auke Bay, Alaska, 99821		
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: 6-8-15

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	Contact Person:	Work Phone:
Mailing Address	**Home Phone:**	**Fax Number:**
E-mail Address	**Other Contact Phone Number(s):**	

X _____ Applicant's Signature — Date of Application

STAFF APPROVALS

--OFFICE USE ONLY BELOW THIS LINE--

✓	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit			
	City/State Project Review and City Land Action			
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)			
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
✓	Variance Case (De Minimis and all other Variance case types)		6/6/15	VAR 15-016
	Wetlands Permits			
	Zone Change Application			
	Other (Describe) _____			

***Public Notice Sign Form filled out and in the file.

Comments:

Permit Intake Initials: JKL

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

You created this PDF from an application that is not licensed to print to novaPDF printer (http://www.novapdf.com)

ATTACHMENT A

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		VAR15-016	6/8/15

TO BE COMPLETED BY THE APPLICANT

TYPE OF VARIANCE REQUESTED:

- ☐ Variance to the Sign Standard (VSG)
- ☐ Variance to Dimensional Standards (VDS)
- ☒ Variance to Habitat Setbacks (VHB)
- ☐ Variance to Parking Requirements (VPK)
- ☐ Variance to Setback Requirements (VSB)

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:
AN EXISTING DRIVEWAY IN THE ANDSOH SUBDIVISION IS WITHIN THE 50' STREAM SETBACK BY APPROXIMATELY 15'. ALSO NEED TO PUT UTILITIES AT THE EDGE OF THIS SETBACK.

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):
FLAT LAND ADJACENT TO A SMALL STREAM THAT IS GENERALLY DRY.

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

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
THE 50' SETBACK REQUIREMENT CAN BE INTERPRETTED TO APPLY TO DRIVEWAYS/UTILITIES.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
THE LOTS WOULD LOSE THE USE OF A SIGNIFICANT PORTION OF THEIR SPACE & VALUE.

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.

VARIANCE FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ 400			
Adjustment	$			
Total Fee	$ 400	2107	24223	6/8/15

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

ATTACHMENT A

R&M ENGINEERING, INC.
ENGINEERS
GEOLOGISTS
SURVEYORS

6205 GLACIER HWY. «» JUNEAU, ALASKA 99801
PHONE: 907-780-6060 «» FAX: 907-780-4611
EMAIL: rmengineering@rmjuneau.com

May 21, 2015

City and Borough of Juneau
155 South Seward Street
Juneau, Alaska 99801

Sent VIA Email

RECEIVED
JUN 0 8 2015
PERMIT CENTER CDD

Attn: Mr. Jonathan Lange
CBJ Planner II

Re: Andsoh Subdivision – Easement Variance
Letter of Explanation
R&M Project No. 151307

Dear Mr. Lange,

At the request of John Armstrong (project developer), R&M Engineering, Inc. (R&M), has prepared a CBJ variance application for the southern easement of Andsoh Subdivision. The amended plat, dated February 25, 2015, defines an access and utility easement in favor of lots 7, 8 & 9 to be 50-feet southerly of the thread of the existing drainage/stream. This easement, which is for use as a shared and common drive for these lots, is 20-feet wide. The current location of the easement essentially divides lots 5, 7, 8 and 9 in half which greatly reduces their usefulness for development and marketable value. With this variance request we are proposing to shift this 20-foot wide easement northwards approximately 15-feet to the existing top of bank. This change will not require any fill or development, and will not alter the conditions which have existed on the lot for 30 years; it will only serve to provide access to three lots (7, 8 & 9). The following discussion summarizes how this variance meets each of the six criteria established by the City and Borough of Juneau.

1. *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.*

   Response: Section 49.70.310 of the City and Borough of Juneau municipal code states that 'Development is prohibited within fifty feet of the banks of designated stream corridors' and section 49.70.950 states that 'All structures and foundations located adjacent to streams or lakes listed in Table VI-2 of … the JCMP, shall have a fifty-foot setback from each side of the stream or lake measured from the OHW mark, where feasible and prudent; provided docks, bridges, culverts, and public structures whose purpose is **access** to or across the stream or lake are not subject to this policy.'

   This variance requests that the no development zone restrictions be relaxed to allow for road access within 25'-50' of a stream. The existing ground in this area under

consideration has been previously filled and is the natural location for access to the lots. It is known that exceptions have been made for existing driveways and structures within this setback zone within the Borough.

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

   Response: It is our opinion that for the purposes of public access the driveway should be granted permission to be located on the existing fill. If utilities are placed within this corridor for accessing the lots, then they should also be allowed. Public safety and welfare are preserved with this variance request.

3. *The authorization of the variance will not injure nearby property.*

   Response: The proposed variance will benefit the lots in question by reducing congestion and increasing useable space. The access easement does not border any lots outside of the Andsoh Subdivision and would not injure nearby property.

4. *The variance does not authorize uses not allowed in the district involved.*

   Response: The proposed variance does not ask for an exception to the stream setback rules, only a relaxation of them to accommodate existing site conditions.

5. *Compliance with the existing standards would:*
   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, title 49, or the building code, title 19, or both.*

   Response: As stated above, the access road currently exists on previously filled property and will not require fill to construct.

6. *A grant of the variance would result in more benefits than detriments to the neighborhood.*

   Response: The proposed variance will allow the existing use of the land to continue; whereas shifting the access to the 50' stream setback would adversely affect the ability to develop the lots.

In summary, the proposed variance requests that the existing lot access be maintained and platted. Leniency on the 50' setback requirement would be of benefit to the lots in Andsoh Subdivision by allowing the pre-existing fill condition to be used as part of the driveway easement access. The stream is very small and has not been impacted by access in the past.

We appreciate your time in reviewing this variance application request and should you have any questions, please do not hesitate to contact me at your convenience.

Sincerely,
R&M Engineering, Inc.

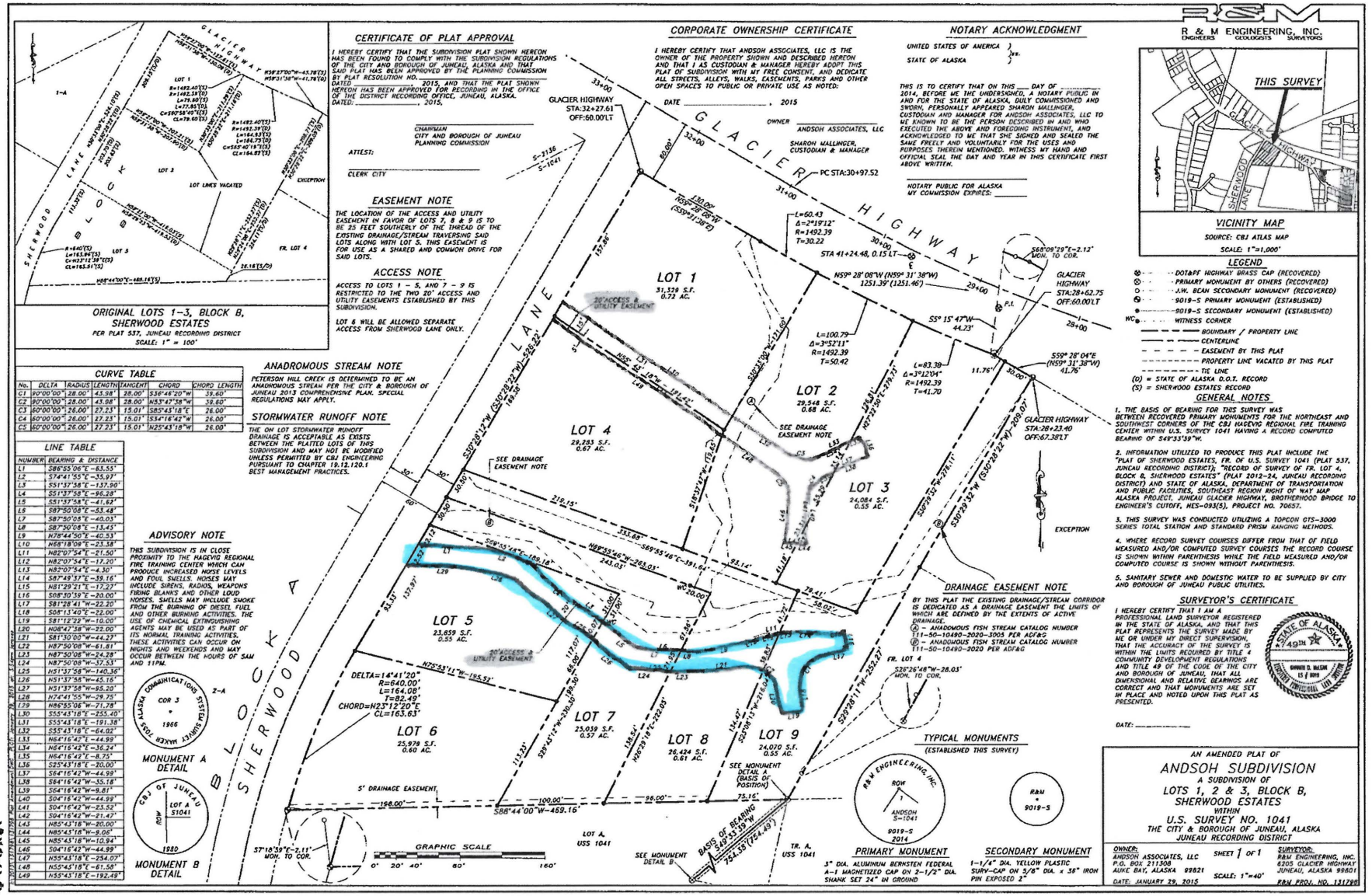
J. Mark Pusich, P.E.
Principal Civil Engineer

cc: John Armstrong

I:\2013\131798\Variance\Variance Letter - Andsoh Subdivision Easement, 5-14-2015.doc

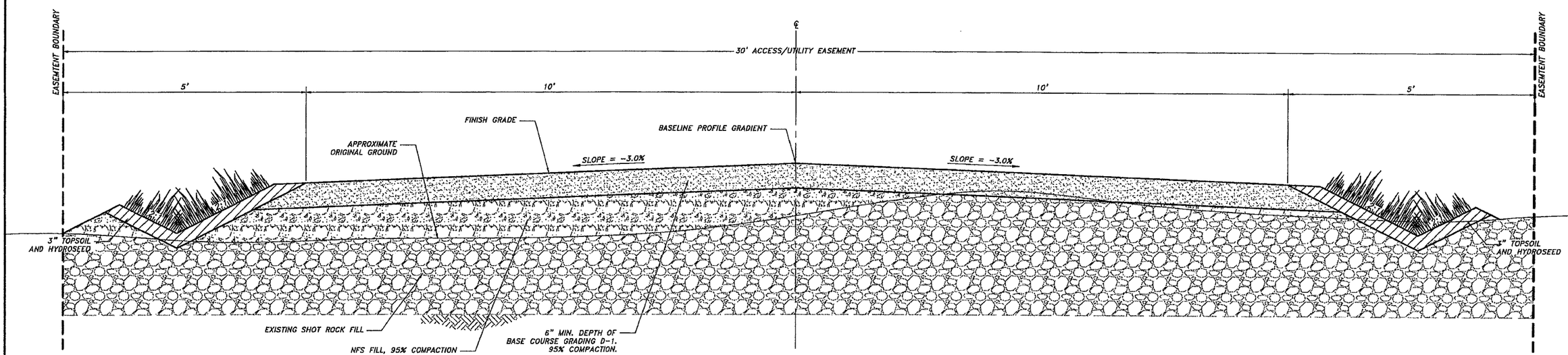
ATTACHMENT A

RECEIVED
JUN 0 8 2015
PERMIT CENTER/CDD



approx. 35' ~~XXX~~ from stream

Proposed Variance: Move access easement to ~~XXX~~ for lots 5, 7, 8, and 9



1 TYPICAL DRIVEWAY SECTION WITH BIOSWALES
N.T.S.

NOTE:

1) UNDERGROUND UTILITIES NOT SHOWN FOR CLARITY

ATTACHMENT B

I:\2013\131798\EaglePoint\Construction Drawings\131798 - Construction Drawings.DWG PLOT: June 05, 2014 at: 9:36am jgroves

DESIGN JMP
DRAWN JAG
CHECK JMP
APPROVED JMP
FILE:

No.	DATE	REVISION	BY	APRVD.

CONSTRUCTION DETAILS

STATE OF ALASKA 49TH — Joseph M. Pusich CE 8152 — REGISTERED PROFESSIONAL ENGINEER

R & M ENGINEERING, INC.
ENGINEERS GEOLOGISTS SURVEYORS
6205 GLACIER HIGHWAY
JUNEAU, AK. 99801
Phone 907-780-6060
Fax 907-780-4611
rmengineering@rmjuneau.com

ANDSOH SUBDIVISION - SHERWOOD ESTATES
SITE IMPROVEMENTS

CITY AND BOROUGH OF JUNEAU , ALASKA

DATE: JUNE 5, 2014
R&M NO. 131798

SHEET C5.0

MINUTES
WETLANDS REVIEW BOARD
REGULAR MEETING
March 20, 2014, 5:15 p.m. City Hall room 224

Meeting Summary

I. Roll Call

Board Members Present: Hal Geiger, Brenda Wright, Amy Sumner, Dan Miller, Jerry Medina, Lisa Hoferkamp, Nina Horne, Gordon Jackson, Andrew Campbell

Board Members Absent: none

A quorum was present.

Staff Members Present: Teri Camery, CBJ Senior Planner; Jonathan Lange, CBJ Planner

Public Present: John and Danielle Armstrong

Meeting called to order at 5:22 p.m.

II. February 20, 2014 Regular Meeting minutes approved without edits

III. Agenda was approved

IV. Public Participation on Non-Agenda Items

None

V. Board Comments.

None

VI. Agenda Items

1) SMP20140001 Major Subdivision Review

Staff and Applicant Presentation. Ms. Camery explained that the Board is reviewing this proposal in its scientific advisory role. Board comments, draft minutes, and final motion will be provided to the Planning Commission in their "blue folder" packet before the next Planning Commission hearing on March 25. It was not possible to schedule a board meeting in time for comments to be included in Planner Jonathan Lange's staff report. Ms. Camery said that this major subdivision is coming to the Board for review because the proposed lots are adjacent to an impaired salmon stream, Casa Del Sol Creek (a.k.a. Pederson Hill Creek). Staff evaluates major

ATTACHMENT C

subdivisions to be sure that lots can be built on while still complying with all code requirements. In this proposal, staff has evaluated whether the lots can be developed without impacting the 50-foot no-development setback from Casa Del Sol Creek. Planner Jonathan Lange explained that the proposal is to subdivide three lots into nine lots, and each lot needs 30 feet of frontage on a right-of-way. He reviewed the draft plat and explained the access points. He said that DOT will not allow additional access onto Glacier Highway and therefore access is restricted to Sherwood Lane. He reviewed the access points of the different lots. He pointed out that on the proposed Lot 1 and 2, there is an existing culvert. The applicant has applied and received a permit from ADF&G to replace this culvert with a larger culvert for fish passage. The Corps permit is for fill around the culvert.

Ms. Hoferkamp asked about the access road to Lots 7 and 8. Mr. Lange stated that the northern edge of this road is at the edge, but not within, the 50-foot no development setback. Mr. Armstrong explained that the road is already there. The edge of the 30-foot road is at the edge of the 50-foot setback. He said the road was built in 1984.

Mr. Campbell asked about utilities. Mr. Armstrong explained that they are located outside of the 50-foot setback. He said that the lot configuration was designed to allow building construction outside of the 50-foot setback.

Mr. Medina asked if there had been any concerns from ADF&G. Mr. Lange said that ADF&G reviewed only the culvert, not the full subdivision.

Mr. Lange explained the subdivision review process regarding preliminary and final plat approval, and reviewed the conditions that staff has recommended for the project. These conditions include:

1. Prior to Final Plat Approval, the applicant shall submit a joint use and maintenance agreement for access and utility easements to be recorded with plat.
2. Prior to Final Plat Approval, the applicant shall submit detailed drawings of the proposed utilities and driveway meeting all applicable CBJ Engineering standards.
3. Prior to construction of the subdivision improvements, the applicant shall submit a detailed drainage management plan consistent with CBJ §49.35.510.
4. Prior to grading or paving of access easements the applicant will contact Community Development Staff to flag the required habitat setback.
5. Stormwater features will be required prior to development to comply with CBJ 19.12.120 Stormwater Quality and the CBJ Manual of Stormwater Best Management Practices.
6. Prior to Final Plat recording, the applicant will be required to install improvements for public water and sewer to all proposed lots, or shall bond for improvements.

Ms. Wright said that it appears that Lot 5 is cut in half by the road. Ms. Camery asked how this would affect the buildable area of the lot. Mr. Lange explained the minimum lot size, lot width, and lot depth requirements for the Industrial zone, and stated that based on those dimensions, the lot still has an adequate building area for this zone.

Ms. Hoferkamp noted that the proposed culvert is only 36" wide, and wondered why ADF&G had not required a bottomless culvert. Mr. Armstrong explained that the stream is only 8 inches wide and 6 inches deep. In the Fish Habitat Permit, ADF&G recommended scooping out the stream to place a larger 36" culvert to allow more flow and to improve fish passage.

Mr. Campbell expressed concern that the culvert and driveway were within the 50-foot setback and that this would create a problem for the applicant in the future and require more permits. Ms. Camery explained that structures which are necessary for access to a stream or to cross a stream, such as bridges and/or culverts, are specifically exempt from the 50-foot no development setback in city code. Mr. Campbell understood that this addressed the culvert question, but he still had concerns about the driveway. Mr. Lange stated that the proposed driveway easement on lots 5, 7, and 8 are outside of the 50-foot setback. Mr. Armstrong further noted that the road already exists.

Mr. Campbell stated that there is reason for caution with the driveway easement line to ensure that it doesn't cross into the 50-foot setback. Mr. Geiger asked about wetland fill for the area. Mr. Armstrong stated that the wetland areas of the lot were filled with a 1984 permit. There is no further wetland fill required except for the culverts.

Mr. Geiger noted that Lot 2 is small; however Mr. Campbell noted that it is still well beyond the minimum lot size for an Industrial zone lot.

Mr. Campbell asked about what time of year the stream has water. Mr. Armstrong replied that the stream has water for about half the year in spring and summer.

Board Discussion and Motion. Mr. Campbell offered a general motion of approval on the basis that the property has already been developed and minimizes habitat impacts. Ms. Hoferkamp, Ms. Wright, Ms. Horne, and Mr. Miller suggested additions to Mr. Campbell's initial motion, which resulted in the following motion:

> *The Board recommends approval of SMP2014 0001 because the property has already been filled and developed, because the property is surrounded by existing development, and because the applicant has designed the project to minimize current and future impacts to the 50-foot no development setback to Casa Del Sol (Pederson Hill) Creek. The Board requests special consideration of snow storage areas, creation and maintenance of grassy swales, and related stormwater management issues to ensure that sediment and pollutants to not reach the stream. The Board also requests careful attention to the location of the 50-foot setback on lots 5, 7, and 8 to ensure that the driveway (including associated grading) is not located within the setback. Lastly the Board requests measures to reduce the spread of invasive species in the project area during the development stage.*

The motion was approved unanimously.

2) Juneau Wetlands Management Plan Update

DRAFT MINUTES
WETLANDS REVIEW BOARD
REGULAR MEETING
June 25, 2015, 5:15 p.m. City Hall room 224

Meeting Summary

Roll Call

Board Members Present:	Amy Sumner, Brenda Wright, Nina Horne, Jerry Medina, Andrew Campbell, Lisa Hoferkamp
Board Members Absent:	Dan Miller (excused due to conflict of interest); Ben Haight; Hal Geiger

A quorum was present.

Staff Members Present:	Teri Camery, Jonathan Lange, Chrissy McNally CBJ Planners
Public Present:	Gretchen Pikul, DEC; John and Celeste Armstrong, applicants

Meeting called to order at 5:18 p.m.

II. May 21, 2015 Regular Meeting minutes approved.

III. Agenda approved.

IV. Public Participation on Non-Agenda Items

None

V. Board Comments.

None

VI. Agenda Items

1) VAR2015 0016, a Streamside Setback Variance to Casa Del Sol (aka Pederson Hill) Creek

Staff Presentation

Ms. Camery explained that the Board is reviewing this project in its scientific advisory role. Draft minutes, a summary of board comments, and the final board motion will be included in Mr. Lange's staff report to the Planning Commission.

Mr. Lange provided an overview of the project and the reason for the proposed streamside setback variance because of the utility easement 35 feet from the creek. He noted that Casa Del Sol Creek is a DEC-classified impaired waterbody. He said that the Board reviewed the project previously at the March 20, 2014 regular board meeting, and referred to the board minutes from this meeting in the packet. He said that the proposed work requires two approvals from the Planning Commission; one for the streamside setback variance and one to amend the plat note that refers to the previously approved location of the utilities outside of the 50-foot setback.

Mr. Lange said the fill on the site was originally placed 35 feet from the Ordinary High Water Mark of the creek in 1984 with a Corps of Engineers permit. The top of slope where the current fill exists is where the applicant wants to place the utility easement. The area is filled currently but the work done for the utilities and possible future driveway would be in the 50-foot setback. Mr. Lange said the application includes Best Management Practices for treating the water before it reaches the stream with a bioswale.

Ms. Hoferkamp asked for clarification regarding mitigation. Mr. Lange said that mitigation was planned for development of the driveways. Ms. Hoferkamp requested confirmation that mitigation had not been offered for the 15-foot incursion into the setback, and Mr. Lange concurred.

Ms. Pikul asked if the easement could be placed on the southern edge of Lot 5 to avoid the need for a variance. Mr. Campbell pointed out that this would mean less useable property. Ms. Pikul said she did not understand this conclusion. Mr. Lange explained that CDD staff evaluates the buildable area of proposed subdivision lots. He said that in the Industrial zone, the minimum lot size is only 2,000 square feet. He agreed that there is more than 2,000 square feet available if the easement is moved into the southern area of Lot 5. Ms. Pikul said she didn't think the easement would cut into the useable portion of the lot. Mr. Lange agreed that there would be space left on the other portion. He said that it's down to the preference of the developer. He noted that the project is scheduled for the July 28 Planning Commission meeting.

Mr. Campbell asked if staff has a position on the proposal. Mr. Lange stated that he does not have one yet; he is in the process of reviewing the variance criteria.

Ms. Wright asked if anyone has been on site to see if there is water in the creek. Mr. Armstrong said there is very little. He said that in the rainy season the creek is one foot deep.

Mr. Medina asked staff for guidance on stream habitat standards. Ms. Camery referred to CBJ Code 49.70.950(c)(7) and read the section to the board as follows:

> *Rivers, streams, and lakes shall be managed so as to protect natural vegetation, water quality, important fish or wildlife habitat and natural waterflow.*

Applicant Presentation

Mr. Armstrong referred to the 1984 Corps of Engineers Permit that allowed fill but not structures up to 25 feet from the creek. The area was filled with shot rock to the toe of the slope at the 25-

foot zone. He said that he has been driving on the fill for 30 years. He is asking to use the area that has been filled and already in place, with the exception of the utility installation. He would like to continue to use it as it has been used.

Ms. Hoferkamp asked if the area would be paved. Mr. Armstrong stated that the area would be surfaced with D-1 gravel, however future property owners could pave. Ms. Hoferkamp asked if there was any way to ensure that the area is not paved. Mr. Campbell said that this could be added as a condition. He said it has been done before but he was not sure of the mechanism. He said it was upheld by the Planning Commission, and he believed the case was Northern Keta. He thought there were two cases. Ms. Camery could not recall these cases but said she would be happy to look it up. Mr. Lange and Ms. Camery said that a deed restriction or plat note might be an option.

Mr. Armstrong stated that there is no new fill anywhere, and the only development would be to put in the new water and sewer line. He said the water and sewer line would be in the driveway portion as far from the stream as possible, at 45 feet with an encroachment of 5 feet.

Ms. Wright asked if the driveway could be moved between lots 5 and 6. Mr. Armstrong said that would be difficult because power and electricity has been installed according to the proposed plan.

Ms. Horne said that she agrees with the Lot 5 option. Mr. Campbell said he believes this intrudes into Lot 7, because the easement would enter Lot 7 in the middle of the lot. Mr. Armstrong said it interferes with Lot 9, because the hammerhead for fire department access takes up a lot of the buildable area.

Public Participation

There was no formal public participation.

Board/Staff Discussion

Ms. Sumner requested clarification regarding 45 feet versus 35 feet from the creek. Mr. Armstrong explained that it depends on whether you measure from the toe of the slope or the top of the slope. Mr. Lange clarified that the 20 foot access and utilities easement would be 35 feet from the stream, but the applicant has stated that the water and sewer installation is proposed to be at the 45 foot line.

Mr. Medina referred to the Board's original motion in March 2014, which was based on no encroachment within the setback. He said that he understands the need for maximum use of the property, however he does not believe that the applicant has provided a good enough reason to encroach into the setback.

Ms. Wright asked if lots 5, 7, 8, and 9 are all encroaching, or if it's just lot 5. Mr. Lange stated that the encroachment affects all four lots.

Mr. Campbell wondered how active the stream is. Ms. Wright said she has seen rearing fish, but not spawning. Ms. Camery and Ms. Pikul confirmed that the area is anadromous and subject to the 50-foot no development setback. Ms. Pikul pulled up an anadromous stream map on her phone to demonstrate.

Ms. Horne said that she does not see a convincing argument to the change the Board's position.

Mr. Campbell said that it is important that the Board is consistent with all applicants. He said that the Board has recommended approval for variances that were not different from this one, in areas previously filled. He said that it's unfortunate that the proposal has come to the Board this way, however this situation happens often in construction. He said he supports the application so the lots can be used for their intended purpose.

Ms. Horne said she believes there are other options.

Mr. Armstrong said that if he had not subdivided the property, he would still be using it for truck traffic. He described the use on the lot in the subdivision that he owns as low-impact. Ms. Camery reminded the Board that they are reviewing a subdivision layout that may have a range of uses allowed in the Industrial zone in the long-term; review is therefore not based on the current use of the property.

Mr. Medina said that the variance criteria in the code are very specific. He said there are no unusual topographic features on the property to justify the variance. He said the developer needs to come up with more options.

Ms. Hoferkamp said that the misrepresentation by the surveyor is unfortunate; however the anadromous stream is clear.

Mr. Campbell noted that within the easement there's an existing filled driveway. Mr. Armstrong confirmed this. Ms. Camery noted that the streamside setback has been in CBJ Code since 1987. Fill and other developments that were placed within streamside setbacks before this time are considered legally non-conforming. Mr. Lange concurred that any new development has to be outside of the 50-foot setback.

Ms. Sumner stated that there is already fill there and she doesn't see any additional impact to the stream from the proposal. Ms. Pikul said that the bioswale would be an improvement to the area.

Mr. Armstrong said he is asking to put the swale in and drive vehicles across fill that already exists.

Mr. Campbell noted the disagreement among Board members on the proposal. He said that he would hate to see the Board say no without making a contribution and offering conditions in the event that the Planning Commission approves the variance.

Ms. Horne said she was not clear on the mitigation that was proposed. Mr. Armstrong said that he had replaced a culvert three months ago to improve fish passage on the site. Mr. Campbell

said that this is not specifically mitigation for the streamside setback variance, however it is a nice contribution to address the impact of the development.

Board motion

Ms. Wright referred to the Board's original motion in March 2014 and made revisions to offer a new motion as follows:

> *The Board does not recommend approval of the proposed variance because the survey shows that the driveway and utilities are within the 50-foot setback. However if the Board of Adjustment approves the variance, the Board requests special consideration of snow storage areas, creation and maintenance of grassy swales, and related stormwater management issues to ensure that sediment and pollutants to not reach the stream. The Board also requests careful attention to the location of the 50-foot setback on lots 5, 7, and 8 to ensure that buildings are not located within the setback. The Board requests measures to reduce the spread of invasive species in the project area during the development stage. The Board further requests the use of a deed restriction or plat note to prohibit use of impervious surfaces within the 50-foot setback.*

Mr. Medina seconded the motion.

In favor: Ms. Wright, Ms. Horne, Ms. Hoferkamp, Mr. Medina
Opposed: Ms. Sumner, Mr. Campbell

Mr. Campbell said he could not support the motion because he supported the variance, however he agreed with the rest of the language in the motion. Ms. Sumner said she did not see any additional impact from the variance.

Ms. Camery said that she thought that a 4-2 vote might mean that the Board motion had failed according to Roberts Rules of Order. She apologized that she did not know for sure. She said that she would need to check with CBJ Law or someone at CDD who knows the rules well to confirm. Mr. Campbell noted that the Board has never been in this situation before. Ms. Camery said that the Board could propose a revised motion just in the CBJ Clerk's office determines that the first one has failed; however if the Clerk's Office determines that the first vote passed, then the first motion is the one that would be carried forward to the Planning Commission.

Ms. Sumner therefore proposed a new motion, identical to the first motion except for the first line, as follows:

> *If the Board of Adjustment approves the variance, the Board requests special consideration of snow storage areas, creation and maintenance of grassy swales, and related stormwater management issues to ensure that sediment and pollutants to not reach the stream. The Board also requests careful attention to the location of the 50-foot setback on lots 5, 7, and 8 to ensure that buildings are not located within the setback. The Board requests measures to reduce the spread of invasive species in the project area*

during the development stage. The Board further requests the use of a deed restriction or plat note to prohibit use of impervious surfaces within the 50-foot setback.

Ms. Wright seconded the motion.

In favor: Ms. Sumner, Mr. Campbell
Opposed: Ms. Wright, Ms. Horne, Ms. Hoferkamp, Mr. Medina

ADDENDUM: CDD staff confirmed with the City Clerk's office on 6/26/15 that five votes in the affirmative are required for a motion to pass, regardless of the Board's advisory role. Therefore both motions have failed.

2) Juneau Wetlands Management Plan Update

Ms. Camery stated that Bosworth Botanical Consulting has completed all on-site wetland assessments, 360 total, and is now conducting off-site assessments utilizing the 2013 Lidar and imagery. She said this includes approximately 20 off-site assessments of Goldbelt property adjacent to the West Douglas road corridor. There will be approximately 60-70 offsite assessments total, which address areas where CBJ/CDD could not obtain private property permission for on-site assessments on large vacant parcels within the identified priority areas. She said that a preliminary draft Juneau Wetlands Management Plan, which will be reviewed by the Board, is due in September.

VII. Pending Permits and Updates

Ms. Camery explained that CDD is reviewing a proposed asphalt plant on city leased-land near Lemon Creek. The project is farther than 50 feet from the stream, therefore a streamside setback variance is not needed and the project is not coming to the WRB for advisory review. She has asked the applicant for the exact distance from the creek, and the project review includes extensive evaluation of stormwater treatment measures. The development requires an air quality permit and a Stormwater Pollution Prevention Plan from DEC, which will be required as conditions of approval. The project is currently scheduled for the July 28 Planning Commission meeting.

Ms. Camery noted that she is still expecting a Conditional Use Permit application from SECON for stream mining farther upstream in Lemon Creek Valley.

VIII. Planning Commission Liaison Update.

Planning Commissioners were not in attendance.

IX. Next meeting: Thursday July 16, 5:15 p.m., City Hall room 224.

The meeting was adjourned at approximately 6:45 p.m.

Jonathan Lange

From: Dan Jager
Sent: Monday, June 15, 2015 2:04 PM
To: Jonathan Lange; gretchen.pikul@alaska.gov; Charlie Ford; Ron King
Subject: RE: A Variance Request to the 50 foot No Development Buffer to an Anadromous Stream - VAR2015 0016

As long as the access roads or driveways are maintained to be at least 20 feet wide for apparatus access, I do not see any fire code issues with this request.
Dan

Daniel M. Jager EFO, IAAI-CFI
Fire Marshal

Capital City Fire Rescue
820 Glacier Avenue
Juneau, Alaska 99801
907-586-0260 (Office)
907-586-8323 (Fax)

"If it is predictable, then it is preventable.
If it is preventable then it is not an accident".

From: Jonathan Lange
Sent: Monday, June 15, 2015 12:43 PM
To: gretchen.pikul@alaska.gov; Charlie Ford; Ron King; Dan Jager
Subject: A Variance Request to the 50 foot No Development Buffer to an Anadromous Stream - VAR2015 0016

Subject: Please review attached documents related to a Variance request to allow for an access and utility easement to be within the 50' anadromous stream buffer for ANDSOH Subdivision Lot's 5,7,8, and 9.
File: VAR2015 0016
Parcel: 4-B17-0-110-014-2; 014-3; 014-4; 014-9

The applicant has applied for a variance request for Lots 5, 7, 8, and 9 of ANDSOH Subdivision on Sherwood Lane in the southwest Mendenhall Valley. The variance request is to move the access and utilities easement for Lots 5, 7, 8, and 9 to approximately 35 feet from the anadromous stream Pederson Hill Creek/ Case del Sol Creek, which is an impaired waterbody. The applicants lots are filled to approximately 35 feet from the stream. The fill was placed in 1984.

Please see the attached permit application documents that include a narrative from the applicant, a proposed plat, and the ANDSOH Subdivision Plat.

I look forward to receiving your comments. Please send any comments for this proposal by June 29th, 2015.
Let me know if you require any additional information for this variance request or have any questions.

Thanks,

Jonathan Lange, CFM
Planner II, Community Development Dept.
City & Borough of Juneau, Alaska
155 S. Seward St. Juneau, AK 99801
Ph (907)586-0218
Jonathan.Lange@juneau.org

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Jonathan Lange

From: Charlie Ford
Sent: Monday, June 15, 2015 2:10 PM
To: Jonathan Lange; gretchen.pikul@alaska.gov; Ron King; Dan Jager
Subject: RE: A Variance Request to the 50 foot No Development Buffer to an Anadromous Stream - VAR2015 0016

The Building Department has no issues with this request.
Thanks Jonathan,

Charlie Ford, Building Official
Community Development Dept.
City and Borough of Juneau
Tel (907)586-0767 Fax(907)586-4529
email Charlie.Ford@juneau.org
Web page www.juneau.org/permits

From: Jonathan Lange
Sent: Monday, June 15, 2015 12:43 PM
To: gretchen.pikul@alaska.gov; Charlie Ford; Ron King; Dan Jager
Subject: A Variance Request to the 50 foot No Development Buffer to an Anadromous Stream - VAR2015 0016

Subject: Please review attached documents related to a Variance request to allow for an access and utility easement to be within the 50' anadromous stream buffer for ANDSOH Subdivision Lot's 5,7,8, and 9.
File: VAR2015 0016
Parcel: 4-B17-0-110-014-2; 014-3; 014-4; 014-9

ATTACHMENT D

Jonathan Lange

From: Ron King
Sent: Tuesday, June 16, 2015 8:49 AM
To: Jonathan Lange; Charlie Ford; Dan Jager
Subject: RE: A Variance Request to the 50 foot No Development Buffer to an Anadromous Stream - VAR2015 0016

Streamside setbacks are an attempt to maintain the fragile ecosystems of anadromous streams. Without the enforcement of restrictions many of our streams are being downgraded to roadside ditches. However it is up to the Planning Commission to make the final determination on which streams to be fully protected.

Ron King PLS
General Engineering
907-586-0881

From: Jonathan Lange
Sent: Monday, June 15, 2015 12:43 PM
To: gretchen.pikul@alaska.gov; Charlie Ford; Ron King; Dan Jager
Subject: A Variance Request to the 50 foot No Development Buffer to an Anadromous Stream - VAR2015 0016

Subject: Please review attached documents related to a Variance request to allow for an access and utility easement to be within the 50' anadromous stream buffer for ANDSOH Subdivision Lot's 5,7,8, and 9.
File: VAR2015 0016
Parcel: 4-B17-0-110-014-2; 014-3; 014-4; 014-9

ATTACHMENT D

Jonathan Lange

From: Pikul, Gretchen M (DEC) <gretchen.pikul@alaska.gov>
Sent: Friday, June 26, 2015 12:20 PM
To: Jonathan Lange
Subject: FW: A Variance Request to the 50 foot No Development Buffer to an Anadromous Stream - VAR2015 0016

Hello Jonathan,
Thank you for the presentation and discussion yesterday at the Juneau Wetlands Review Board meeting.

Based on the information discussed and the Board's resolution, DEC NPS does not have any further concerns or questions. We agree with applicant's request to install the utilities within the current/grandfathered driveway, the installation and maintenance of a bioswale adjacent to the driveway/easement, the request of a pervious surface on the driveway/easement, and attention to snow storage areas and invasive plants. The BMP of a bioswale will improve the current environmental conditions within this area adjacent to the Pederson Hill Creek tributary. We also appreciate the recent installation of the culvert on Lot 2, in consultation with FWS, resulting in improved fish passage.

Gretchen Pikul
Environmental Program Specialist
Alaska Dept of Environmental Conservation
Division of Water, Non-Point Source Section
http://www.dec.alaska.gov/water/wqsar/index.htm

Office 907.465.5023
410 Willoughby Avenue | Juneau, AK 99811
gretchen.pikul@alaska.gov

From: Jonathan Lange [mailto:Jonathan.Lange@juneau.org]
Sent: Tuesday, June 16, 2015 11:52 AM
To: Pikul, Gretchen M (DEC)
Subject: RE: A Variance Request to the 50 foot No Development Buffer to an Anadromous Stream - VAR2015 0016

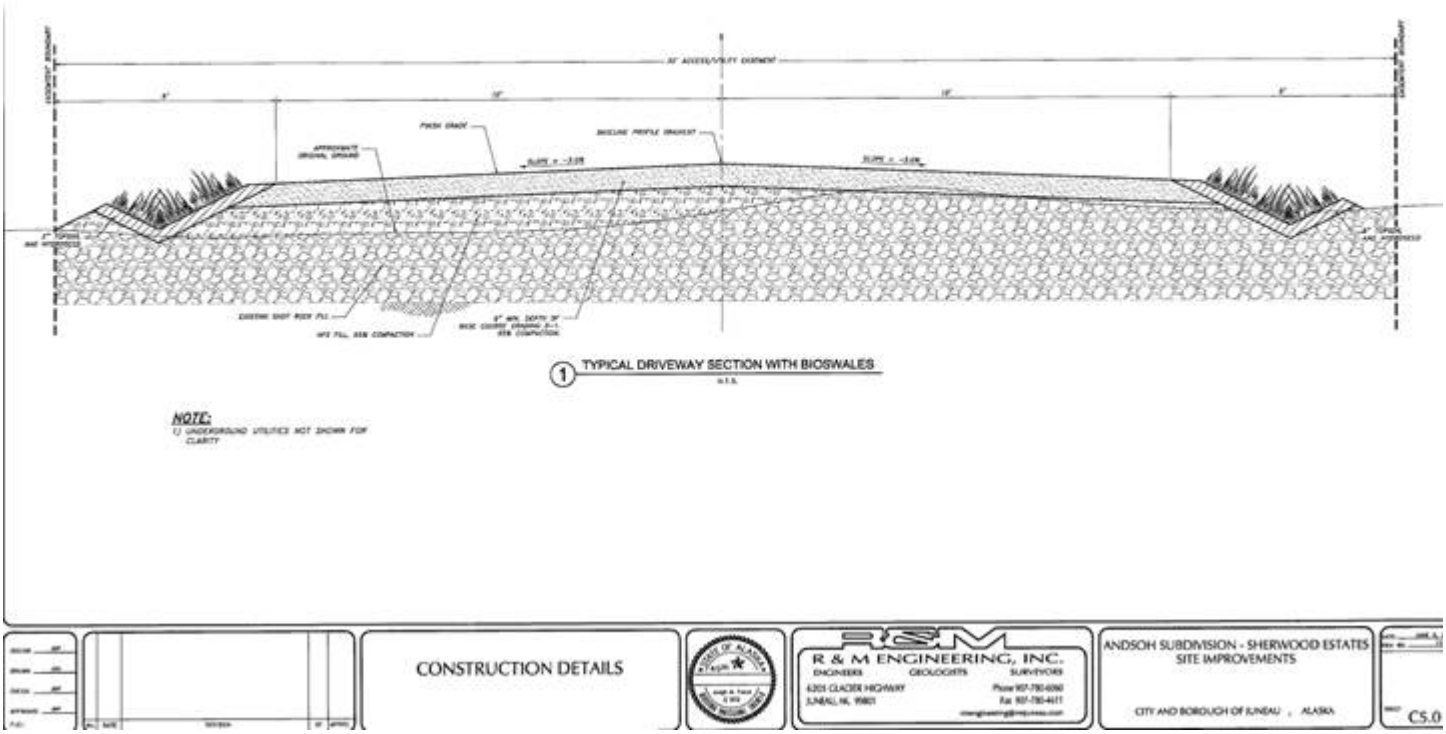
Good Morning Gretchen,
Thank you for reviewing this and getting back to me.

- Can the driveway and easement move to the southern portion of the site, thereby not requiring a variance and not potentially impacting the stream?
  If the easement was moved to the south then the development or buildings for those properties would run into the same issue with being close to the stream. The developers argument is to have enough developable land for each parcel.
- There is a utility easement shown on the northern lots (Lot 1 and 4). Understanding that these lots are not part of this variance request, how would/does this easement impact the stream segment?
  The easement through Lots 1 and 4 cross the stream over a culvert.
- Are the driveways to be placed over the utility easements?
  Yes, the easement would also be used for the access and driveways to Lots 7, 8, and 9.

ATTACHMENT D

- What BMPs are planned? How will the runoff from impervious surfaces be handled? Will there be a bioswale on the edge of the driveway adjacent to the stream?

  Yes, there are bioswales planned at the edge of the driveway. See below.



I hope I have answered your questions and please let me know if you have any further questions or need further clarification.

Jonathan Lange, CFM
Planner II, Community Development Dept.
City & Borough of Juneau, Alaska
155 S. Seward St. Juneau, AK 99801
Ph (907)586-0218
Jonathan.Lange@juneau.org

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

From: Pikul, Gretchen M (DEC) [mailto:gretchen.pikul@alaska.gov]
Sent: Monday, June 15, 2015 3:26 PM
To: Jonathan Lange
Subject: RE: A Variance Request to the 50 foot No Development Buffer to an Anadromous Stream - VAR2015 0016

Hello Jonathan,
Thanks for forwarding the variance request. I have the following questions.

- Can the driveway and easement move to the southern portion of the site, thereby not requiring a variance and not potentially impacting the stream?
- There is a utility easement shown on the northern lots (Lot 1 and 4). Understanding that these lots are not part of this variance request, how would/does this easement impact the stream segment?
- Are the driveways to be placed over the utility easements?
- What BMPs are planned? How will the runoff from impervious surfaces be handled? Will there be a bioswale on the edge of the driveway adjacent to the stream?

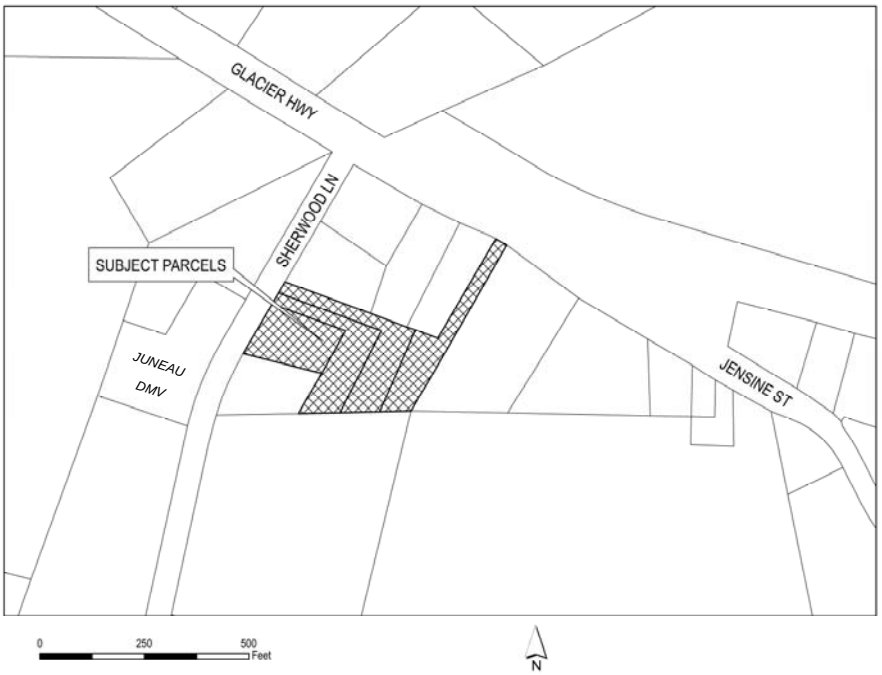
Our concern is to maintain water quality for downstream locations that do include anadromous fish, and avoid potential future listing of the waterbody for urban runoff and turbidity/sediment.

Gretchen Pikul
DEC Division of Water
465-5023

From: Jonathan Lange [mailto:Jonathan.Lange@juneau.org]
Sent: Monday, June 15, 2015 12:43 PM
To: Pikul, Gretchen M (DEC); Charlie Ford; Ron King; Dan Jager
Subject: A Variance Request to the 50 foot No Development Buffer to an Anadromous Stream - VAR2015 0016

Subject: Please review attached documents related to a Variance request to allow for an access and utility easement to be within the 50' anadromous stream buffer for ANDSOH Subdivision Lot's 5,7,8, and 9.
File: VAR2015 0016
Parcel: 4-B17-0-110-014-2; 014-3; 014-4; 014-9

NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: **A Variance request to allow for an access and utility easement to be within the 50' anadromous stream buffer for Andsoh Subdivision Lots 5, 7, 8, and 9.**

** A Variance request could include the elimination of all dimensional standards.

File No:	**VAR2015 0016**	**Applicant:**	**Andsoh Associates, LLC.**
To:	**Adjacent Property Owners**	**Property PCN:**	4-B17-0-110-014-2; -014-3; 014-4; -014-9
Hearing Date:	**July 28, 2015**	**Owner:**	**Andsoh Associates, LLC.**
Hearing Time:	**7:00 PM**	**Total Lot Size:**	**~2.28 Acres**
Place:	**Assembly Chambers**	**Zoned:**	**I—Industrial**
	Municipal Building	**Site Address:**	**Sherwood Lane at Glacier Highway**
	155 South Seward Street	**Accessed Via:**	**Sherwood Lane**
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

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

If you have questions, please contact Jonathan Lange at Jonathan.Lange@juneau.org or 586-0218.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Date notice was printed: June 22, 2015

ATTACHMENT E

25ft Setback
from Stream
ATTACHMENT F

25ft setback from stream
ATTACHMENT F

25ft setback from stream
ATTACHMENT F

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: July 29, 2015
File No.: VAR2015 0016

ANDSOH Associates, LLC
Attn: Sharon Mallinger
P.O. Box 211308
Auke Bay, Alaska 99821

Application For:	A Variance request to allow for an access and utility easement to be within the 50' anadromous stream buffer for ANDSOH Subdivision Lot's 5, 7, 8, and 9.
Legal Description:	ANDSOH Lot 5 ANDSOH Lot 7 ANDSOH Lot 8 ANDSOH Lot 9
Property Address:	Sherwood Lane
Parcel Code No.:	4-B17-0-110-014-2 4-B17-0-110-014-3 4-B17-0-110-014-4 4-B17-0-110-014-9
Hearing Date:	July 28, 2015

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated July 14, 2015, and approved the Variance to be conducted as described in the project description and project drawings submitted with the application and would allow for the access and utilities easement for Lots 5, 7, 8, and 9 for ANDSOH Subdivision to be at 35 feet from Pederson Hill/ Casa del Sol Creek, and with the following conditions:

1 Prior to Certificate of Occupancy for development on Lots 5, 7, 8, and 9 of ANDSOH Subdivision, a bioswale shall be installed between the access and utility easement for Lots 5, 7, 8, and 9 of ANDSOH Subdivision and Pederson Hill/ Casa del Sol Creek; and the applicant shall implement stormwater best management practices.

2 Prior to issuance of a Building Permit and/or Grading and Paving Permit for Lots 5, 7, 8, and 9 of ANDSOH Subdivision, a Deed Restriction shall be placed on Lots 5, 7, 8, and 9 stating that the access and utility easement shall not be improved with impervious surfacing.

3 No development of primary or accessory buildings shall occur within 50 feet of Pederson

Hill/ Casa del Sol Creek.

4 Prior to Plat Amendment, a Snow Storage Note shall be placed on the ANDSOH Subdivision Plat stating: "Snow storage shall be placed on the uphill side of the bioswale for Access and Utilities Easements within ANDSOH Subdivision, with runoff captured by the bioswale."

Attachment: July 14, 2015, memorandum from Jonathan Lange, Community Development, to the CBJ Board of Adjustment regarding VAR2015 0016.

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

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. 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 Board of Adjustment 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 Board, July 28, 2015

Expiration Date: The permit will expire 18 months after the effective date, or January 28, 2017, 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: Jonathan Lange

Jonathan Lange, Planner
Community Development Department

Michael Satre, Chair
Planning Commission

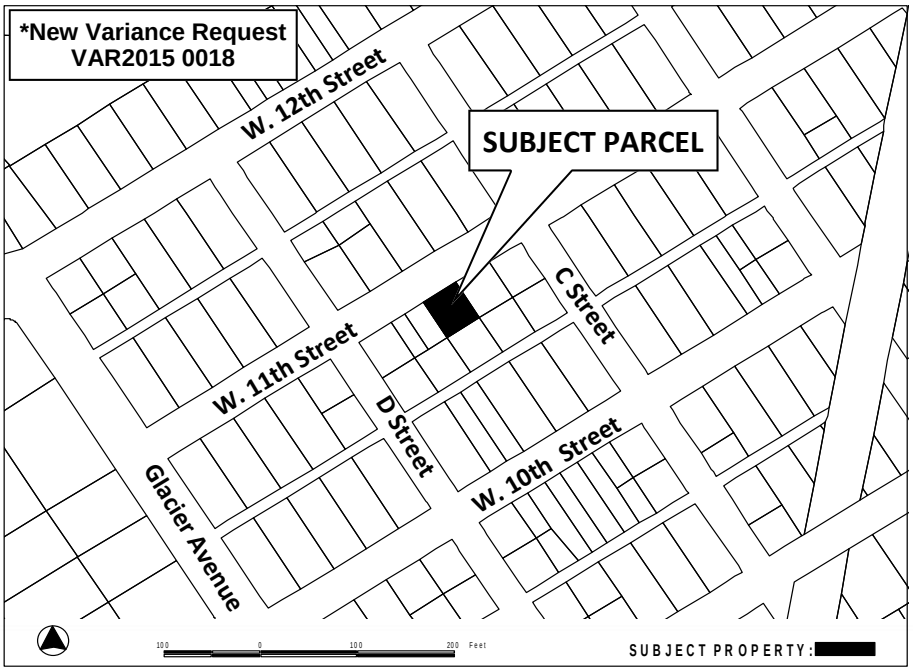
Filed With City Clerk

7/30/15
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.

NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: VAR2015 0018 Variance request to the parking requirement for an existing single family dwelling.

NOTE: The previous Variance applications— VAR2015 0015 and VAR2015 0017 reduction of side and rear yard setbacks— have been withdrawn. The subject Variance application—VAR2015 0018—is a new request.

** A Variance request could include the elimination of all dimensional standards.

File No:	VAR2015 0018	Applicant:	Myra Pugh
To:	Adjacent Property Owners	Property PCN:	1-C06-0-C17-004-0
Hearing Date:	July 28, 2015	Owner:	Myra Pugh
Hearing Time:	7:00 PM	Size:	Approximately 1,800 Square Feet
Place:	Assembly Chambers	Zoned:	D-5
	Municipal Building	Site Address:	617 W. 11th Street
	155 South Seward Street	Accessed Via:	W. 11th Street
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

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

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

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Date notice was printed: June 29, 2015

Community Development

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

DATE: July 17, 2015

TO: Board of Adjustment

FROM: Tim Felstead, Planner
Community Development Department

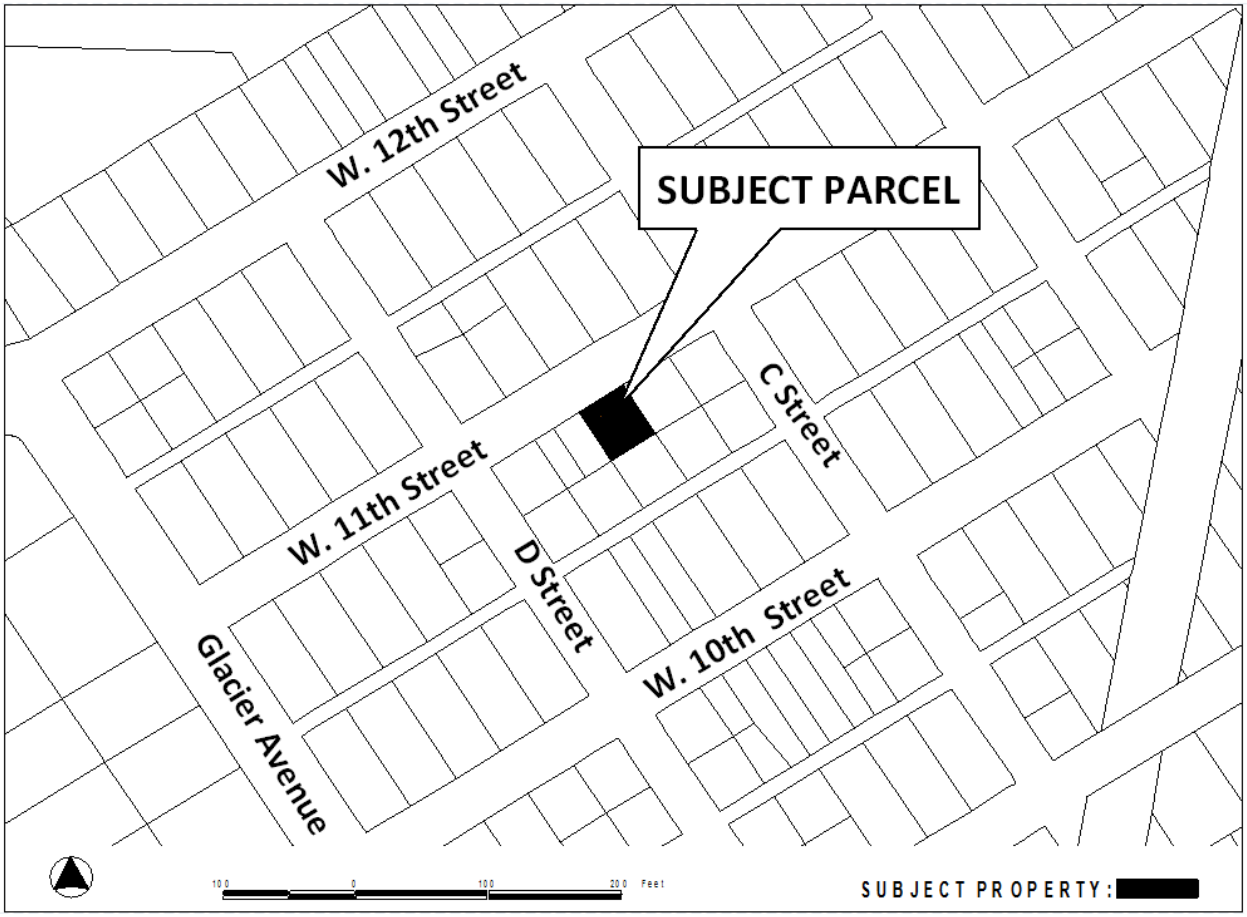
FILE NO.: VAR2015 0018

PROPOSAL: Variance request for the parking requirement for a single family dwelling.

GENERAL INFORMATION

Applicant:	Myra Pugh
Property Owner:	Myra Pugh
Property Address:	617 W. Eleventh Street
Legal Description:	Casey Shattuck Block 217 Lot 3 FR
Parcel Code Number:	1-C06-0-C17-004-0
Site Size:	1,800 Square Feet
Comprehensive Plan Future Land Use Designation:	Medium Family Residential/Single Family (MDR/SF) – Map M
Zoning:	D5
Utilities:	Public Water/Public Sewer
Access:	West Eleventh Street
Existing Land Use:	Single family Residential

Surrounding Land Use:
Northeast - D5 (Single Family Residential)
Southeast - D5 (Single Family Residential)
Southwest - D5 (Single Family Residential)
Northwest - W. Eleventh Street (CBJ Right-of-Way) and D5 (Single Family Residential)



ATTACHMENTS

Attachment A – Application including proposed site plans and narrative
Attachment B – CBJ Engineering as-built survey showing location of sewer line from rear yard neighbor to W. Eleventh Street sanitary sewer main.
Attachment C – Minutes of Planning Commission meeting regarding VAR1981-00011
Attachment D – Annotated site plan
Attachment E – Email from AEL&P regarding relocation of power pole
Attachment F – Notice of public hearing
Attachment G – Letters of support

PROJECT DESCRIPTION

The applicant is seeking a parking variance in order to allow current garage to be converted to a living space adding a third bedroom and second bathroom to the property. This project would remove the one parking space provided on the parcel which is currently within the garage.

BACKGROUND

According to the CBJ Assessors database the current house on the parcel was constructed in 1933. In 1981, the then property owner applied for a variance (VAR1981-00011) to reduce the front yard setback from the required 10 feet to 8 feet and the side yard setback from 5 feet to 15 inches to allow a garage to be added to the existing house. This request was approved (see **Attachment C**) and the current garage was constructed.

The plans submitted with this application are for the existing garage shell to be converted into additional living space (see **Attachment A**) by creating a third bedroom and second bathroom for the property. The applicant has stated that the addition would make the property a more practical living situation and would be in keeping with other properties in the neighborhood.

The front yard setbacks and lot size are substandard for a D5 zone (see **Attachment D**) but their existence before the current Land Use Code dimensional standards means this lot is considered to be legally non-conforming. This is typical of many of the older houses located in this neighborhood.

ANALYSIS

Converting the existing garage space requires a parking variance that will remove the one on-site parking space. The applicant does not wish to provide alternative parking on the parcel due to the additional expense. Previous versions of the CBJ Land Use Code (pre-1987) required only one parking space in the RO zone (the parcel's previous zoning designation under the pre-1987 zoning map). The addition of the garage in 1981 brought the parcel into compliance with the parking requirement in effect at the time. The current parking requirement for D5 zoning is two on-site spaces per dwelling unit; the site is now considered legally non-conforming. Because of the number of lots in the neighborhood that do not provide sufficient parking, on-street parking is allowed and occurs throughout the neighborhood. It is also worth noting that the lot was, and still would be, considered legally non-conforming when it provided no off-street parking prior to the addition of the garage in 1981.

The applicant has indicated they do not want to provide alternative parking on the parcel since the

only alternative space would have to be located on the northwest side of the parcel. This would require the loss of a currently landscaped section of garden. Further issues which may add cost to the project include:

- A sewer line running under this area to the rear yard neighbor which may need to be relocated (see **Attachment B**),
- A power pole in the sidewalk immediately next to the alternative driveway location (see **Attachment D**), and
- Adding a new drop curb to allow access the new driveway.

The garage is currently used for storage and the parking variance would effectively formalize the currently existing situation where parking for the parcel is provided on-street. Parking on both sides of the street is allowed on West Eleventh Street and generally throughout the neighborhood. A space equivalent to the length of a vehicle is currently left on the street to allow access to the garage so the variance would result in no net loss of road space.

Regarding the power pole, Darrell Weatherall from Alaska Electric Light and Power (AEL&P) has estimated that it would at least $8,000 to relocate the pole (see **Attachment E**). Mr. Weatherall also notes that it is the property owner that would be liable for repairs should their vehicle damage the pole. The applicant is adverse to running the risk of hitting the pole with their vehicle.

Ed Foster from the CBJ Streets Division verbally commented to staff that there is enough room for a driveway at the alternative location and the power pole would not need to be relocated. Mr. Foster also stated that additional on-street parking should not be encouraged.

The applicant has examined other options to adding living space on the lot including building above the current garage, building elsewhere on the lot or excavating the existing basement to add sufficient ceiling height. These options are more costly and would require variances to setbacks or Conditional Use permits. Of all the options considered conversion of the garage would also cause the least impact to neighbors.

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 and render 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. 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 parking variance would allow the applicant to convert the existing garage space to improve the size of the living space. This approach offers financial relief by allowing them to add the desired living space in the most cost-effective manner. It also minimizes potential impacts on surrounding neighbors as the current exterior of the current building would not change.

Not requiring the driveway to be located on the northwest side of the lot also gives financial relief to the applicant as they would not have to relocate either the rear yard neighbors existing sewer line, relocate the power pole and install a new drop curb for a new driveway.

Other properties in the neighborhood do not have on-site parking and instead use the on-street parking that is allowed for residents of the neighborhood.
Yes. The criterion is 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 the 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 residences, 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.*

On the whole, the application meets the purpose and intent of Title 49. The addition of the bedroom and bathroom makes for a more flexible family home on an existing non-conforming lot in an efficient manner. Allowing the parking variance minimizes any

negative impact on neighbors that would result from adding extra living space for the dwelling – the existing exterior of the building will not be changing. Parking on-street is already occurring and is allowed in the neighborhood.

There is no evidence that public health or welfare will be harmed due to the parking variance.

Yes. The criterion is met.

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

There is no evidence that the authorization of the variance will injury nearby property. Following concerns from neighbors, the applicant has modified the original proposal to only use the existing building footprint. There are some concerns and costs (i.e. the sewer, power pole and new drop curb) associated with creating a driveway on the only other area on the lot large enough for it to occupy. Neighbors will not be harmed by reducing the parking requirement since on-street parking already occurs and is allowed. The side yard neighbors to the northeast support the application (see **Attachment G**).

Yes. The criterion is met

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

The variance relates to a single family dwelling in a residential D5 zoning district. Parking on-street is already allowed on West Eleventh Street.

Yes. The criterion is met.

5. That compliance with the existing standards would:

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

Compliance with the existing standards would not prevent the owner from using the property for a permissible principle use as a single-family residence.

No. The 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;

Whilst the current situation is consistent with the surrounding neighborhood, the addition of a third bedroom and second bathroom in the already existing garage would also be consistent. Conversion of the garage into living space is allowed through only a building permit if replacement on-site parking is provided. Reducing the parking requirement would be consistent with the pre-1981 situation and be in harmony with other properties in the neighborhood that do not have on-site parking. On-street parking is allowed and provided for in this neighborhood. If on-site parking were to be provided in a new location, in addition of the cost of driveway construction there would also be expense due to relocation of the sewer line, power line pole and addition of a drop curb. The landscaped garden would also be removed, although the area currently leading to the garage could replace some of this area.

Yes. The criterion is met.

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

The lot currently provides an on-site parking space in the garage and there is no unique physical feature that would prevent this space continuing to be counted as a parking space. However, the lot is undersized and makes the conversion of the garage the least disruptive to neighbors and most cost-effective way to add a third bedroom and second bathroom to the property. Requiring the parking to be provided at the only other possible location on the lot would result in the loss of a landscaped front yard that contributes to the appearance of the neighborhood. It should be noted that garden space could be added in front of the existing garage to replace this. There would be costs for relocation of a sewer line which can be considered a unique physical feature. In addition, the relocation of the power line pole and installation of a drop curb would also have costs but are not particularly unique to this lot.

Yes. The criterion is met.

or

(D) Because of preexisting nonconforming conditions on the subject lot 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.

The lot currently provides the one on-site parking space it is required to. Approving the parking variance would result in a net decrease in overall compliance with CBJ Title 49.

No. The criterion is not met.

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

Conversion of the garage into living space is allowed with just a building permit if replacement parking is provided on the lot. Approval of the parking variance would allow the applicant to add the desired living space within the existing garage space whilst allowing the landscaped front yard to remain which contributes to the aesthetics of the neighborhood. However, an alternative garden space could be created in front of the current garage to compensate for the loss of the current garden.

The variance would also mean the power pole and sewer line could also remain in their current locations negating the need for disruption to neighbors for their relocation.

Parking could and does already take place on street and there is no evidence that continuing this would be a detriment to the neighborhood. Requiring a driveway would result in the same 'use' of on-street parking since it would have to be kept clear for access to the off-street parking.

Yes. The criterion is 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 submitted 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?

Not applicable.

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

Yes. Based on the analysis above, staff has determined that the applicant has presented an argument that justifies the grounds for this Variance.

Criterion 1, 2, 3, 4, 5b, 5c and 6 are met.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested Variance, VAR2015 0018.

The Variance permit would allow for a reduction in the parking requirement from one space to zero on-site spaces to allow an existing garage to be converted to living space.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 05/14/15
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION

Project Description
A previous variance (VR81-11) approved a side yard setback from 5 feet to 15 inches to allow a garage to be added. I am requesting with this new variance to have no off street parking which will allow the garage to be converted is ...w for a bedroom and bathroom to be added.

PROPERTY LOCATION

Street Address	City/Zip
617 West 11th Street	Juneau, AK 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot): CASEY SHATTUCK BL 217 LT 3 FR

Assessor's Parcel Number(s): 1C060C170040

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
Myra Pugh	Myra Pugh	907-465-3469
Mailing Address	**Home Phone:**	**Fax Number:**
617 West 11th Street; Juneau, AK 99801	907-209-7844	
E-mail Address	**Other Contact Phone Number(s):**	
myrapugh@hotmail.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 Myra Pugh — Landowner/Lessee Signature — Date 5/14/15

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	Contact Person:	Work Phone:
SAME		
Mailing Address	**Home Phone:**	**Fax Number:**
E-mail Address	**Other Contact Phone Number(s):**	

X Myra Pugh — Applicant's Signature — Date of Application 5/14/15

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)			
✓	Variance Case (De Minimis and all other Variance case types)		06/29/15	VAR-2015 0018...
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

***Public Notice Sign Form filled out and in the file.

Comments:

Permit Intake Initials: TAR

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

Attachment A - Application including proposed site plans and narrative

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		VAR 15-018	6/29/15

TYPE OF VARIANCE REQUESTED:

- ☐ Variance to the Sign Standard (VSG)
- ☐ Variance to Dimensional Standards (VDS)
- ☐ Variance to Habitat Setbacks (VHB)
- ☑ Variance to Parking Requirements (VPK)
- ☐ Variance to Setback Requirements (VSB)

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

The current garage is the only designated parking spot and the variance is remove the requirement of having one.

TO BE COMPLETED BY THE APPLICANT

Previous Variance Applications? ☑ YES ☐ NO Date of Filing: approved 7/27/1982

Previous Case Number(s): VR81-11

Was the Variance Granted? ☑ YES ☐ NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):

The house on a small substandard, legal non-conforming lot surrounded other similar houses and lots. There are not a lot of options to add on, which is why the current garage structure will be re-purposed. The only other potential piece of land to add a parking spot has a power pole in front.

UTILITIES AVAILABLE:

WATER: ☑ Public ☐ On Site *SEWER:* ☑ Public ☐ On Site

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?

This current owner would like to re-purpose the garage into more living space which would benefit any owner. In order to do so, a parking variance request is needed.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

In actuality this current owner does not park in the garage and it does not appear to have an adverse affect on the neighborhood. If the parking variance were not granted, I would not be in compliance with code.

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.

VARIANCE FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ 400			
Adjustment	$			
Total Fee	$			

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Myra Pugh
617 West 11th Street
Juneau, AK 99801
Phone: (907) 209-7844
Email: myrapugh@hotmail.com

June 29, 2015

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

RECEIVED
JUN 29 2015
PERMIT CENTER/CDD

Re: 617 West 11th Variance to Parking Requirements Application

Dear Community Development Department and the Planning Commission:

This letter serves as the **Project Description** for the 617 West 11th Street Variance to Parking Requirements Application. Below is how my proposal meets the required criteria for this application:

(1) 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;
As you are well aware, affordable single family housing, the availability of housing, and density is an issue in Juneau. This property is located in a very desirable family neighborhood but does not have the desired 3 bedroom, 2 bathroom floorplan. Granting this variance would allow an affordable solution for a more comfortable living situation for an unexpected growing family. A majority of the houses in this neighborhood have a 3 bedroom, 2 bedroom floorplan but on substandard, legal non-conforming lots. I worked with a contractor on various options and this option is the most efficient, affordable, and most logical. This application would allow the owner to re-purpose the existing garage into more living space.

(2) Relief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare preserved;
As stated above and below, the four surrounding houses also have substandard, legal non-conforming lots. Granting of this variance will ensure construction of a safe structure and preserve the neighborhood's welfare.

(3) The authorization of the variance will not injure nearby property;
Since all construction will remain within the current foot print of the existing house there are no issues with needing variances on yard setbacks.

(4) The variance does not authorize uses not allowed in the district involved;
This is allowed under the Table 49.40.210 Minimum space and dimensional standards for parking and off-street loading but requiring this Variance to Parking Requirements Application.

(5) Compliance with the existing standards would:
A. Unreasonably prevent the owner from using the property for a permissible principal use;
The parking requirements were determined well after the houses were built in this D-5 zoning district. My lot is only 1800 square feet and this option of remaining within the existing

footprint seems to be the best. There is garden space to the right of the house but a power pole and an existing neighbor's sewer line in that area would prove difficult to build a parking space.

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;**
As stated above, most houses in this neighborhood are for a family, with at least a 3 bedroom, 2 bath floorplan. Granting this variance would allow my house to be more consistent to scale, amenities, appearance or features, with existing development in the neighborhood.

C. **Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive; or**
I have worked through several variations to add additional living space to this property. Building above the current garage is too costly, re-purposing half the garage and adding on to the back additional living space proved to be contentious with the rear neighbor, building to the right of the house would prove to be difficult due to a power pole and an existing neighbor's sewer line in that area.

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, title 49, or the building code, title 19, or both; and**
This proposal is allowed according to the Table 49.40.210 Minimum space and dimensional standards for parking and off-street loading but requiring this Variance to Parking Requirements Application.

(6) **A grant of the variance would result in more benefits than detriments to the neighborhood.**
Granting this variance to allow for additional living space would increase this property's value and indirectly increasing surrounding property values.

I respectfully request approval of this rear and side setback Variance to Setback Requirements Application. Thank you.

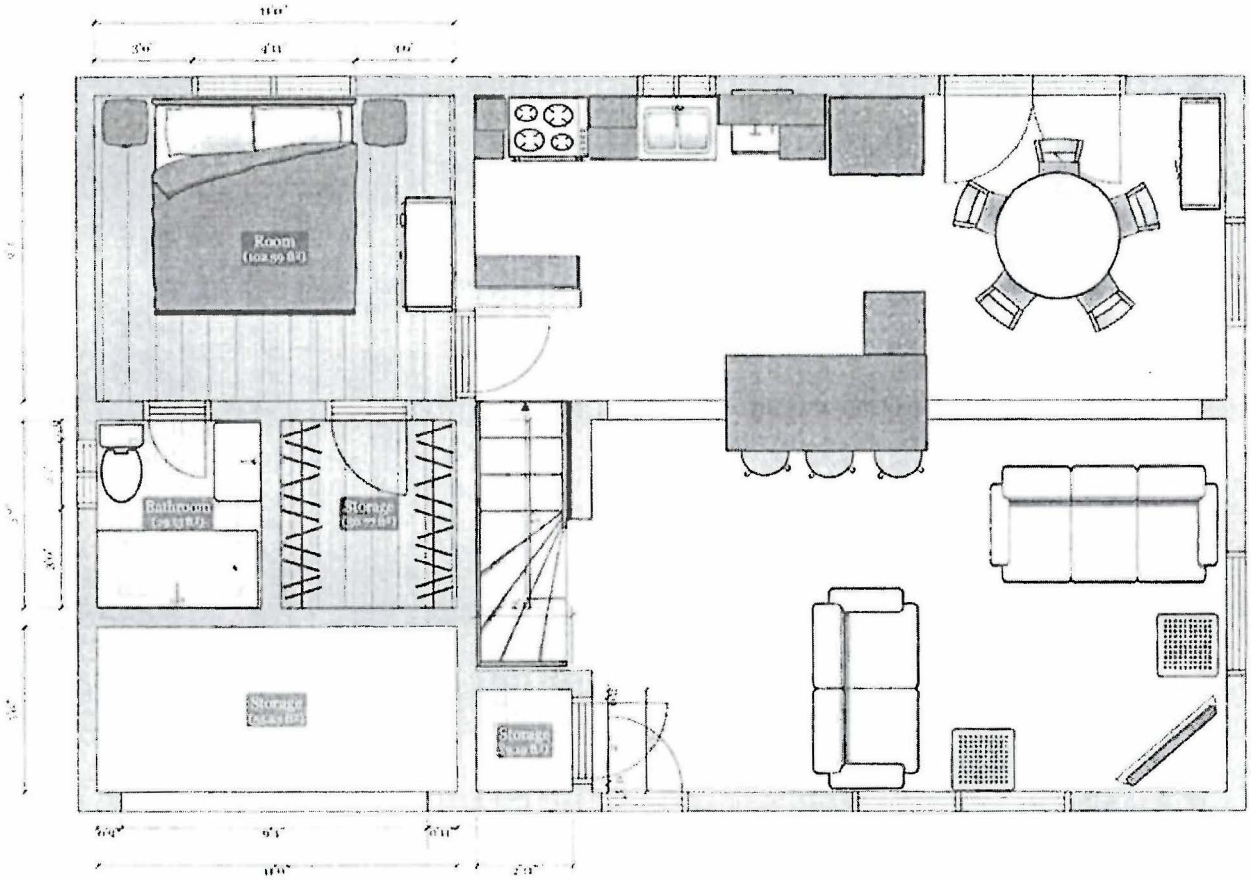
Sincerely,

Myra Pugh

Enclosures: As-built survey and certification
Prior variance application approval

RECE
JUN 2 9 2015
PERMIT CEN

617 West 11th Street Garage Conversion
June 29, 2015



Notes:

1. Stay within the existing footprint of the garage. I will be cancelling the request for the setback variances but will need to request a parking variance since removing the garage is the single dedicated parking spot.

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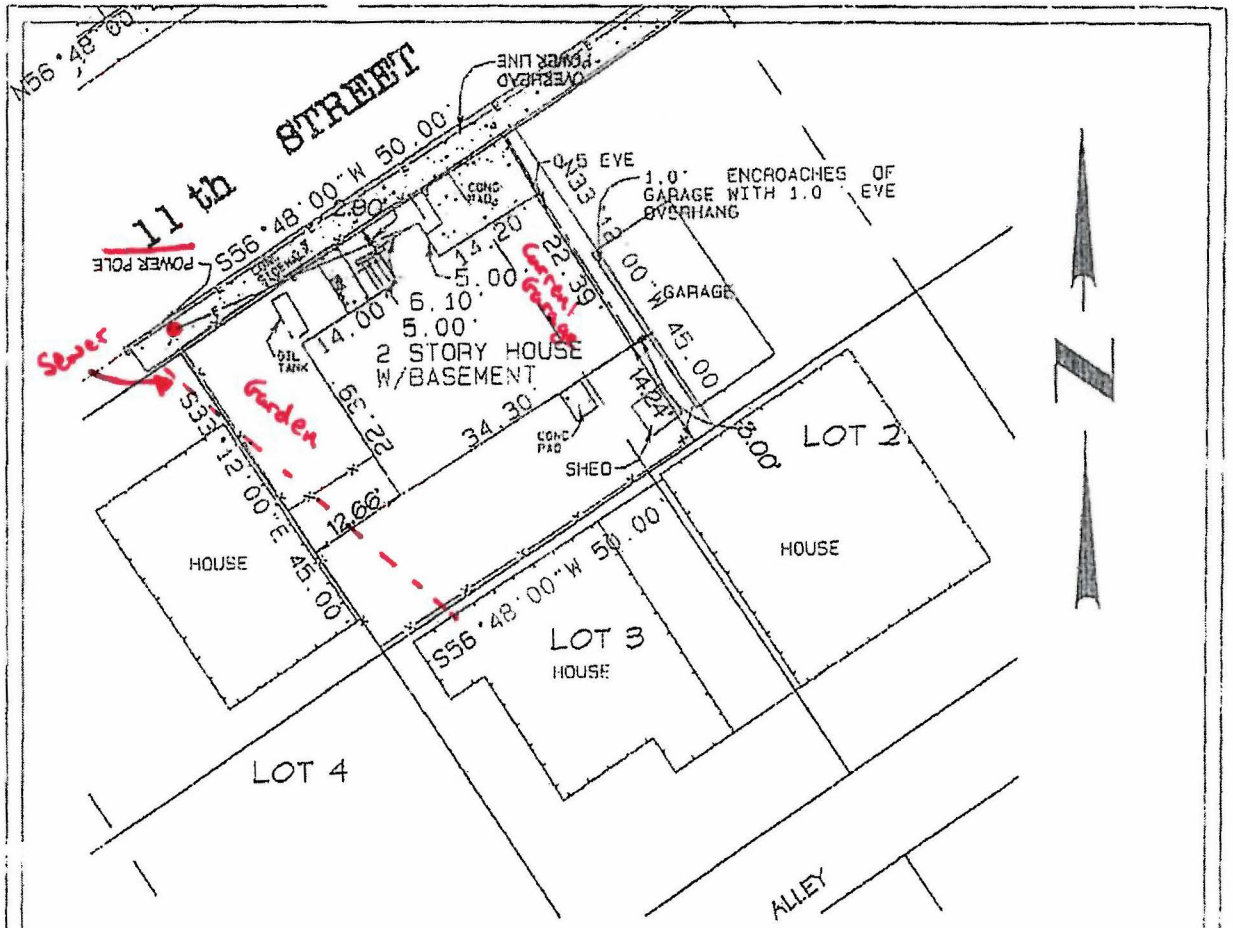


SCALE 1"=20'

0 20 40

STATE OF ALASKA 19TH J.W. BEAN No 3650-S REGISTERED PROFESSIONAL LAND SURVEYOR

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

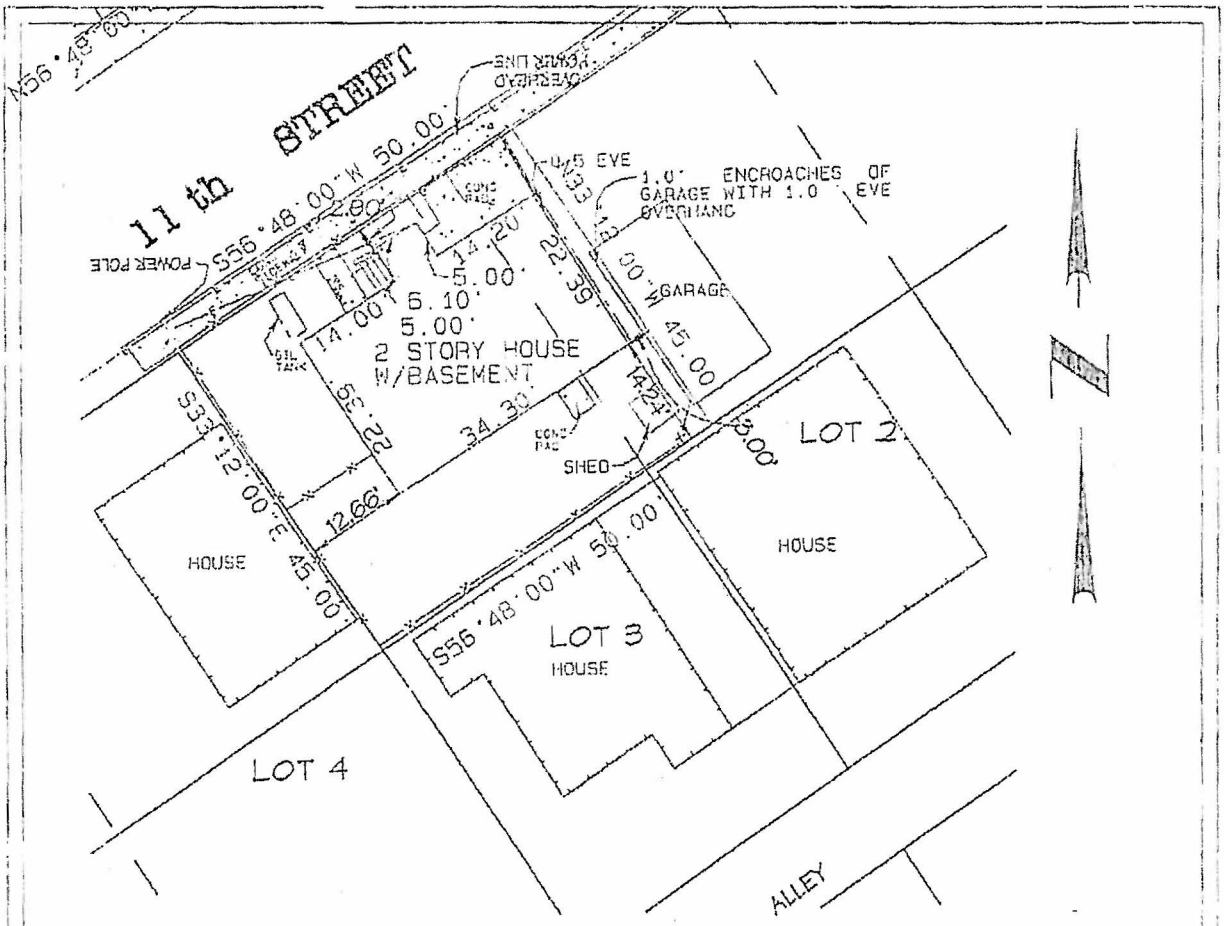
J.W. BEAN
PROFESSIONAL SURVEYOR
11643 TDS
CASEY SHAIT

JOB No 11223
SCALE AS-SHOWN
DATE 7/28/03

AS-BUILT SURVEY OF

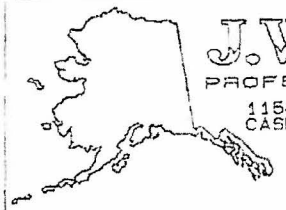
1/2 OF LOT 3 AND 10.0 OF LOT2
, BLOCK 217, CASEY-SHATTUCK
ADDITION TO JUNEAU TOWNSITE

RECEIVED
MAY 14 2015
PERMIT CENTER/CDD



STATE OF ALASKA
J.W. BEAN
No 3650-S
REGISTERED PROFESSIONAL LAND SURVEYOR

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



J.W. BEAN
PROFESSIONAL SURVEYOR
11543 TDS
CASEY SHAIT

JOB No 11223
SCALE AS-SHOWN
DATE 7/28/03

AS-BUILT SURVEY OF

1/2 OF LOT 3 AND 10.0 OF LOT2
BLOCK 217, CASEY-SHATTUCK
ADDITION TO JUNEAU TOWNSITE

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Certification of As-Built Survey
And
Hold Harmless Agreement

File No.: 50784

We the undersigned, owners/sellers and purchasers of the following described real property:

The North ½ of Lot 3, Block 217, Casey-Shattuck Addition, records of the Juneau Recording District, First Judicial District, State of Alaska

hereby certify that there have been no additions to the improvement located on said property and no additional buildings or improvements located on said property and no additional Buildings or improvements of any kind or nature have been constructed or placed thereon since the As-Built Survey dated July 28, 2003 by J.W. Bean a copy of which is attached

The undersigned purchasers have been informed and/or cautioned that there are or may be irregularities and/or cautioned that there are or may be irregularities and/or encroachments that affect said property.

The undersigned agree that should it become necessary to remove any improvement located on said property they will do so at their own expense and that Alaska Escrow and Title Insurance Agency, Inc. and Stewart Title Guaranty Company and Alaska USA Mortgage Company LLC together with any successor in interest to Alaska Escrow and Title Insurance Agency, Inc and Stewart Title Guaranty Company and Alaska USA Mortgage Company LLC shall be held harmless from any cost or circumstances that may arise due to matters disclosed by any survey and/or encroachment

Dated: December 15, 2014

Seller(s):

Theresa L. Akari

Buyer(s)

Myra B. Pugh

State of Alaska)
) ss,
First Judicial District)

THIS CERTIFIES that on this 15th day of December, 2014 before me, the undersigned, a notary public in and for the State of Alaska, personally appeared Theresa L. Akari to me known and known to me to be the persons named in and who executed within and foregoing document, and she acknowledged that she executed the same freely and voluntarily, for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

STATE OF ALASKA
NOTARY PUBLIC
AUDRA PETERSEN
My Commission Expires April 28, 2018

Notary Public in and for Alaska
My commission expires: 4/28/2018

State of Alaska)
) ss,
First Judicial District)

THIS CERTIFIES that on this 15th day of December, 2014 before me, the undersigned, a notary public in and for the State of Alaska, personally appeared Myra B. Pugh to me known and known to me to be the persons named in and who executed within and foregoing document, and she acknowledged that she executed the same freely and voluntarily, for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written

STATE OF ALASKA
NOTARY PUBLIC
KIMBERLY K. GLISSON

Notary Public in and for Alaska
My commission expires:

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MAY 14 2015
PERMIT CENTER/CDD

Loan Number: 111556

CERTIFICATION OF AS-BUILT SURVEY

DATE: JANUARY 2, 2015

ORDER NUMBER: 50784

LEGAL DESCRIPTION: The North 1/2 of Lot 3, Block 217, Casey-Shattuck Addition, records of the Juneau Recording District, First Judicial District, State of Alaska. AND The Southwest 10 feet of the Northwest 1/2 of Lot 2, Block 217, Casey-Shattuck Addition, Juneau Recording District, First Judicial District, State of Alaska

The undersigned hereby acknowledges financing from Alaska USA Mortgage Company, LLC

for the purpose of purchasing, financing or re-financing 617 W Eleventh, Juneau, Alaska 99801.

Borrower(s) certify review of the As-Built Survey dated _____ and that the same shows the location of all improvements on said property.

Borrowers certify that:

_____ There have been no additional improvements or alterations to the subject property.

_____ There have been additional improvements and/or alterations to the subject property, namely:

In the event that there are improvements or alterations not shown on said Survey, the undersigned hereby indemnifies and holds Alaska USA Mortgage Company, LLC and Alaska Escrow and Title Insurance Agency LLC harmless from any costs and damages which may result by virtue of any encroachments/violations that an updated As-Built Survey would disclose.

SELLER SIGNATURE(S):

Seller: THERESA L. MORES _____ Date

Seller: _____ Date

BORROWERS SIGNATURE(S):

Borrower: Myra B. Pugh _____ Date

Borrower: _____ Date

DocMagic eForms
www.docmagic.com

RECEIVED
MAY 14 2015
PERMIT CENTER/CDD

Loan Number: 111556

CERTIFICATION OF AS-BUILT SURVEY

DATE: DECEMBER 11, 2014

ORDER NUMBER: 50784

LEGAL DESCRIPTION: The North 1/2 of Lot 3, Block 217, Casey-Shattuck Addition, records of the Juneau Recording District, First Judicial District, State of Alaska.

The undersigned hereby acknowledges financing from Alaska USA Mortgage Company, LLC

for the purpose of purchasing, financing or re-financing 617 W Eleventh, Juneau, Alaska 99801

Borrower(s) certify review of the As-Built Survey dated 7/28/05 and that the same shows the location of all improvements on said property.

Borrowers certify that:

X There have been no additional improvements or alterations to the subject property.

_____ There have been additional improvements and/or alterations to the subject property, namely:

In the event that there are improvements or alterations not shown on said Survey, the undersigned hereby indemnifies and holds Alaska USA Mortgage Company, LLC and Alaska Escrow and Title Insurance Agency LLC harmless from any costs and damages which may result by virtue of any encroachments/violations that an updated As-Built Survey would disclose.

SELLER SIGNATURE(S):

Seller: THERESA L. MORES — Date: Dec 15, 2014

Seller: — Date:

BORROWERS SIGNATURE(S):

Borrower: Myra B. Pugh — Date: 12/15/14

Borrower: — Date:

RECEIVED
MAY 14 2015
PERMIT CENTER/CDD

Print Close

617 W Eleventh St

From: **Tim Felstead** (Tim.Felstead@juneau.org)
Sent: Wed 4/08/15 11:08 AM
To: 'myrapugh@hotmail.com' (myrapugh@hotmail.com)
1 attachment
052681.PDF (1087.8 KB)

Hi Myra,

The variance application number was VR81-11. I can't find the official Notice of Decision in our paper files but the minutes show it as being approved – I have attached the minutes, the variance is covered on Pg 12 and 13.

The variance allows a reduction in the frontyard setback from required 10 feet to 8 feet and the sideyard setback from 5 feet to 15 inches to allow a garage to be added to the existing building. Note that the eaves of the structure can not go closer to the lot line than 15inches. It is likely we would require an asbuilt survey as part of any building permit should you receive a conditional use permit.

As the use of the building is not changing the current parking situation stands and you would not need a variance for that.

Contact the Permit Center on 586-0770 to arrange a pre-app.

Best regards

Tim

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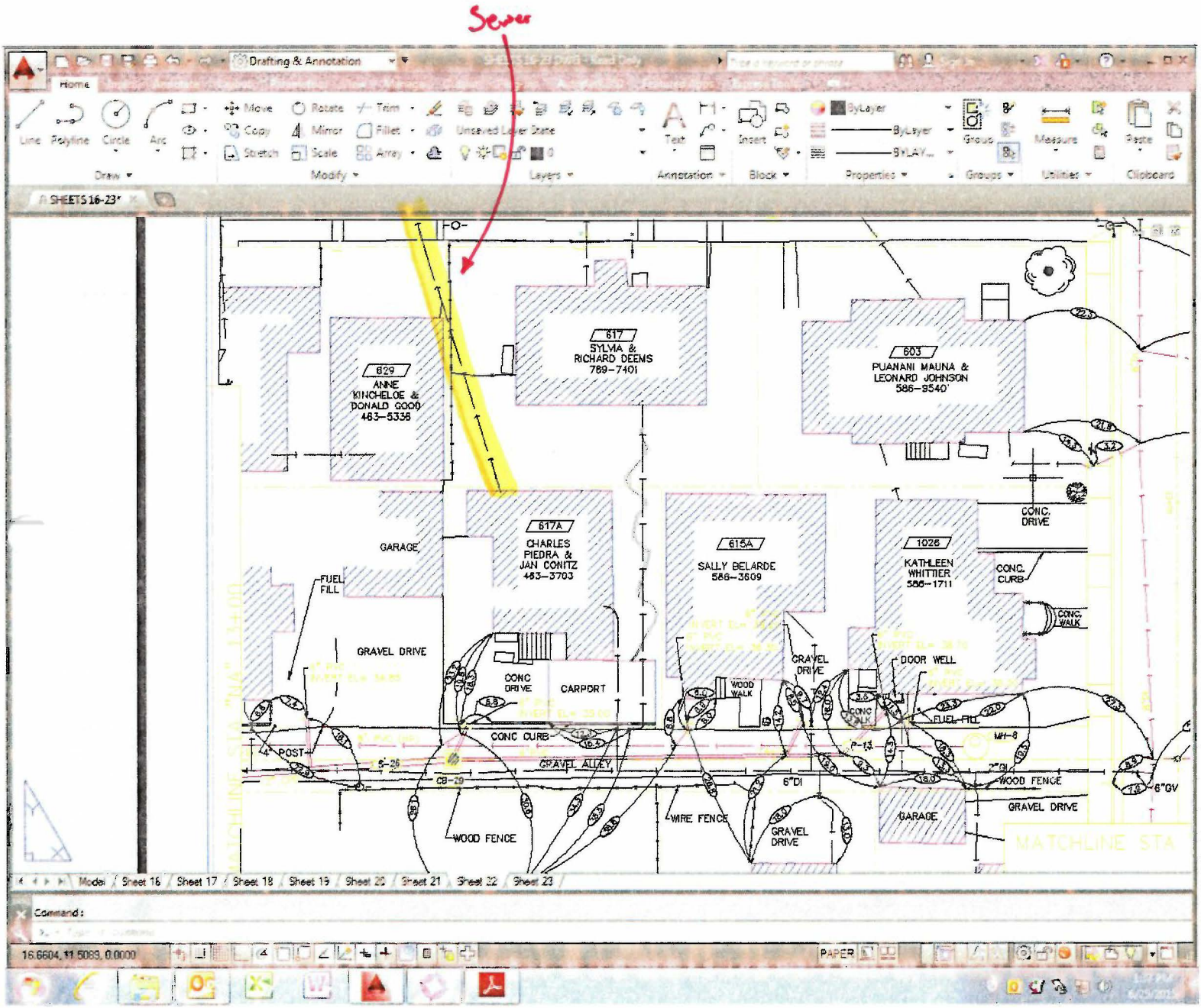
MAY 14 2015
PERMIT CENTER/CDD

Indication of sewer line from rear yard neighbor to W. 11th St. Provided by CBJ General Engineering.



Attachment B - CBJ asbuilt indicating location of sewer line

*(Approved as corrected per minutes of July 27, 1982)

MINUTES

PLANNING AND ZONING COMMISSION
CITY AND BOROUGH OF JUNEAU, ALASKA
Regular Meeting
May 26, 1981

The regular meeting of the Planning and Zoning Commission was called to order by Chairperson Diebels at 7:30 p.m. in the Assembly Chambers of the Municipal Building.

I. ROLL CALL

Commissioners Present: Stanley Beadle, Thomas Cashen, Marjorie Gorsuch, Hugh Grant, Malcolm Menzies, Robert Minch, Ventura Samaniego, James Triplette, Kathleen Diebels

Staff Present:

II. APPROVAL OF MINUTES

The minutes of the regular meeting of April 14, 1981, were presented for approval.

Ms. Diebels commented that on page 7 where it says the motion to continue passes by a vote of 6 to 3, those numbers do not agree with the actual roll call listed. She also pointed out that on page 10 on a roll call on a motion to amend, Mr. Samaniego was not listed in the vote. His name was also missing on the same page in the roll call of the main motion for approval. On page 15 at the bottom, one of the owners of the Salmon Bake is listed as Nancy Leighty but Ms. Diebels thought that she uses a different last name although she is Mr. Leighty's wife. Also, no mention was made of the discussion about the Salmon Bake serving noon lunches, which was the basis for the motion to have an annual review. Ms. Diebels suggested adding at the end of the page "specifically adding lunch servings. Mrs. Waterman said lunch requests depend upon the tour ship schedules and for this year

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MAY 14 2015
PERMIT CENTER/CDD

Attachment C - Minutes showing approval of previous variance for garage

park site. Staff recommends approval of the Temporary Permit. No correspondence has been received on this item.

Public Hearing

Phil Godfrey, representing Red Samm Construction, said that he is willing to relocate his operation but it is up to the Borough to negotiate with him for a new site.

Commission Action

MOTION - by Cashen, seconded by Grant, to approve the Temporary Use Permit. There being no objection, it was so ordered.

(2) Public hearing on a Variance Application to reduce front and side yard setbacks for construction of a garage addition at 617 West 11th Street, Juneau.

Applicant: Art Skinner

Staff Report

This property is located in the Casey Shattuck Addition of Juneau. There is an existing single family home on the property. The lot is 2,250 square feet. The zoning is RO, Residential. The applicant is requesting a variance to reduce the setbacks to construct a garage on his property onto the existing building. The setback on the front yard is required to be 10 feet and the applicant is requesting that it be reduced down to 8 feet, which would be in line with the existing building. On the side yard, the applicant requests that the 5 foot setback be reduced. Most of the houses in that area do not meet the 10 foot requirement for setback and any property owner who wanted to build a garage on his property to get his car off the street would have this same problem. This is the only site available on the lot for a garage. No correspondence has been received on this application.

Mr. Grant asked how close the house on the adjacent lot is to where the garage is proposed to be.

Public Hearing

Art Skinner, the applicant, responded to Mr. Grant's question. He said that on both sides of his property

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their is a garage built right up to the property line and in the back one house is about 18 inches and the other is about 24 inches from his property line. He stated that he would like to be able to get his car off the street before it snows again. He said his plan is to build the wall of his garage out of concrete blocks which would provide a fire resistant material next to the adjoining property. He stated that the edge of the roof would only extend to the 15 inch setback that he is requesting.

Commission Action

Ms. Gorsuch asked if the alley behind this property was sufficient for fire vehicles. Staff replied that they didn't know if it was adequate for fire equipment but that it did provide the access to the houses behind this property.

MOTION - by Beadle, seconded by Cashen, to approve the variance.

Mr. Minch stated that a garage would get the car off the street but that there was no geographic or geologic reason for granting a variance. Ms. Diebels pointed out that if there was room for a garage, there was also room to park a car without a garage.

ROLL CALL:

Yeas: Beadle, Cashen, Grant, Triplette, Menzies

Nays: Gorsuch, Samaniego, Minch, Diebels

The motion passed 5-4.

(3) Public hearing on a Variance Application to reduce the minimum front and rear yard setbacks and reduce the maximum lot coverage standard to allow construction of a garage/apartment at 531 5th Street, Juneau.

Applicant: Alexander Hazelton

Public hearing was begun earlier on this item.

Public Hearing

Al Hazelton, the applicant, stated that previously they had asked for a 16 by 38 addition and this time it is to

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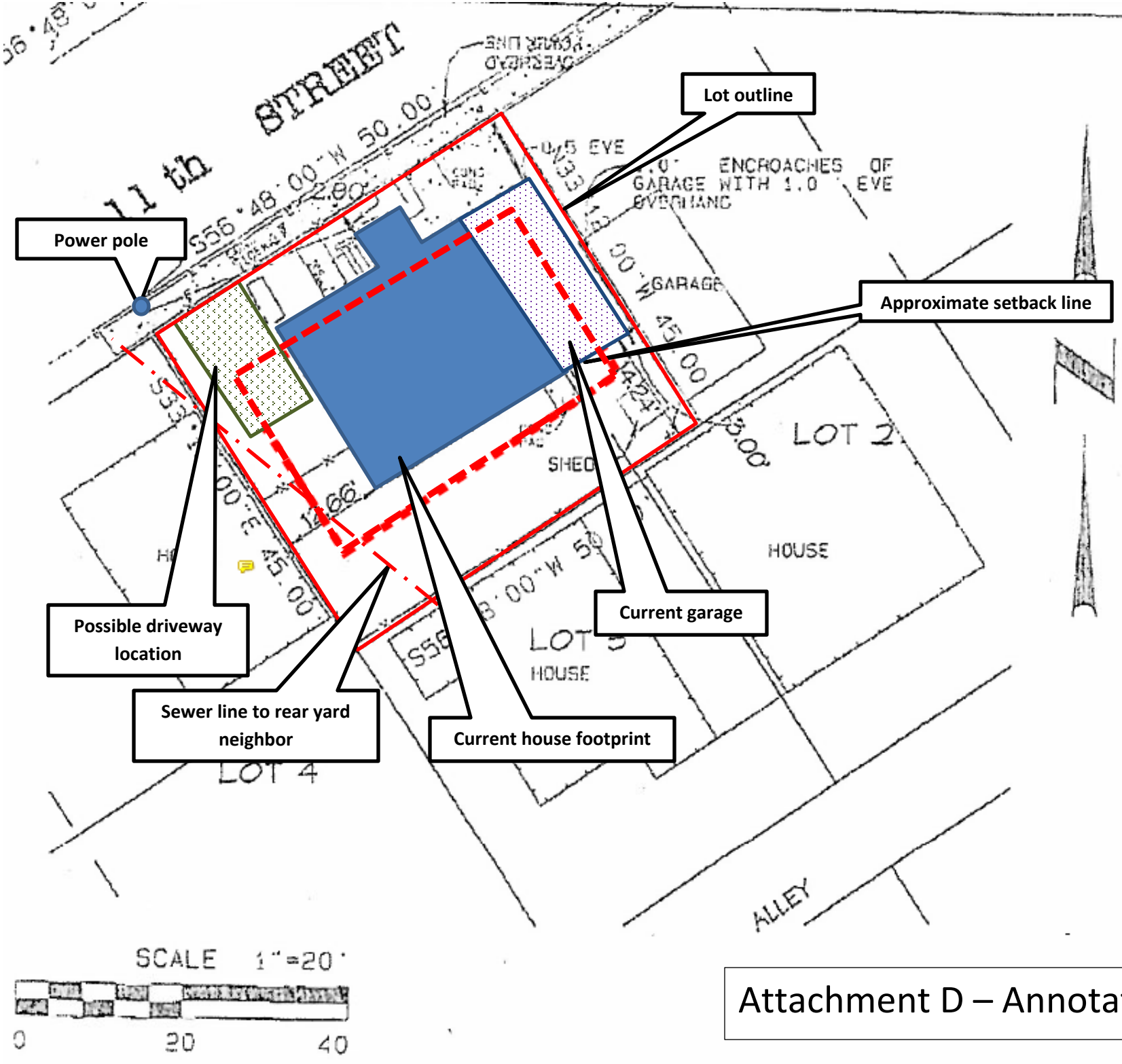


Attachment D – Annotated site plan

From: Darrell Wetherall
To: Tim Felstead; Eric Eriksen
Subject: RE: Parking Variance at 617 W. 11th Street
Date: Tuesday, July 07, 2015 8:27:15 AM

Tim,

The pole looks like it is already on the property line if not real close. The neighbor has a 2 car garage and the pole appears to be installed right at the top of the transition point where the sidewalk tapers down to the driveway grade. Depending on where the property line is, I would speculate you might get a foot or two at best moving towards D Street before potentially blocking his driveway. So I'm assuming you would be wanting the pole moved towards C Street. Regardless, this pole has a lot going on. You would probably be looking at $8+ thousand dollars. Also if moved towards C Street, and depending on exactly where the property corner was, could create an easement requirement over his lot to continue to serve the neighbor. There are dozens of poles like this in that neighborhood. Proximity is just a reality down there. Our policy has always been if a car damages a pole they are responsible for the damage.

Darrell Wetherall, PE
Asst. T&D Engineer
Alaska Electric Light & Power
5601 Tonsgard Court
Juneau, AK 99801
(907) 780-2222 Main
(907) 463-6316 Direct
(907) 723-2602 Cell
Darrell.Wetherall@aelp.com

From: Tim Felstead [mailto:Tim.Felstead@juneau.org]
Sent: Monday, July 06, 2015 4:35 PM
To: Eric Eriksen; Darrell Wetherall
Subject: Parking Variance at 617 W. 11th Street

Darrell, Eric,

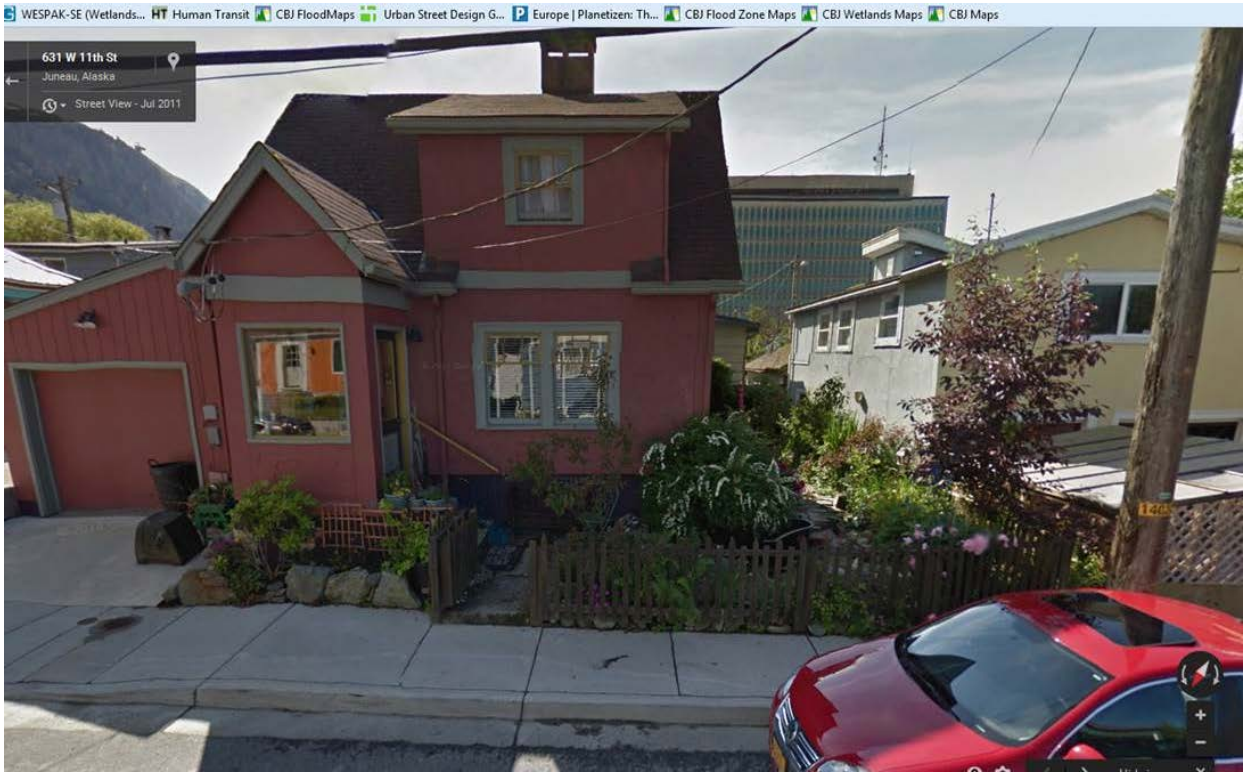
I am currently reviewing a variance to the parking requirement for a property on W.11th St downtown (application is attached). They want convert an existing garage into living space but would need to replace the garage parking with something else on the lot. They don't want to put a driveway on the only other space on the lot along the right hand side of the house. One of the reasons is the location of a power pole next to the potential driveway – see the photo below.

Do you have objections to vehicles entering a driveway so close to the pole (the potential turn into the driveway may well be impossible). How much would it cost to relocate the pole to somewhere else so a driveway could be more accessible?

Thanks for any help you can provide.

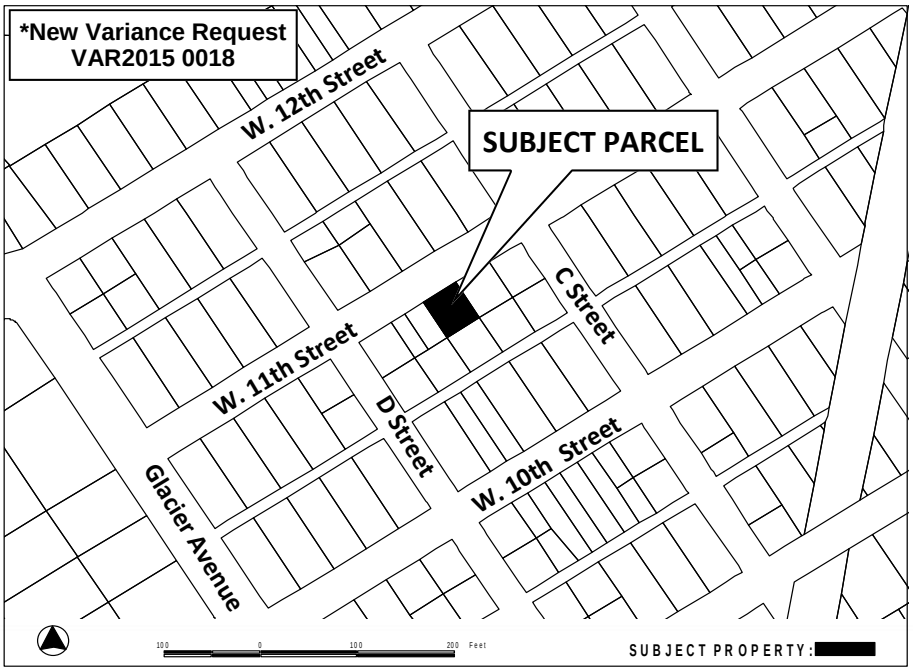
Best regards

Tim



Attachment E - Email from AEL&P regarding power line pole

NOTICE OF PUBLIC HEARING



City & Borough of Juneau
Community Development Department
155 S Seward Street • Juneau, Alaska 99801

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: VAR2015 0018 Variance request to the parking requirement for an existing single family dwelling.

NOTE: The previous Variance applications— VAR2015 0015 and VAR2015 0017 reduction of side and rear yard setbacks— have been withdrawn. The subject Variance application—VAR2015 0018—is a new request.

** A Variance request could include the elimination of all dimensional standards.

File No:	VAR2015 0018	Applicant:	Myra Pugh
To:	Adjacent Property Owners	Property PCN:	1-C06-0-C17-004-0
Hearing Date:	July 28, 2015	Owner:	Myra Pugh
Hearing Time:	7:00 PM	Size:	Approximately 1,800 Square Feet
Place:	Assembly Chambers	Zoned:	D-5
	Municipal Building	Site Address:	617 W. 11th Street
	155 South Seward Street	Accessed Via:	W. 11th Street
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

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

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

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Attachment F- Public notice *Date notice was printed: June 29, 2015*

From: Puanani P Maunu [mailto:spmaunu@uas.alaska.edu]
Sent: Thursday, July 09, 2015 12:11 PM
To: Tim Felstead
Subject: RE: Myra Pugh, 617 W. Eleventh Street

Hello Tim,

My apologies for sending my response to the "*wrong*" Tim Felstead. I couldn't find the notice with your e-mail address; I just remember your last name started with an "fel and included a t. . ."!

Thank you for your response and clarification. Just a question: because the space is turning from and "unoccupied" space to an "occupied" bedroom space, how does that affect the proximity to our garage and code? When we were rebuilding our garage, I drew up some plans to add an art studio loft (just for painting) in a portion of the garage, but I think (can't remember exactly why) CBJ told me I couldn't do that. . . (or at least discouraged me from)

Also, will you please include this in Myra's file:

My husband Leonard Johnson and I live next door to Myra Pugh at 603 W. Eleventh Street. We support her plans to renovate her garage into a living area. *(emphasis added)*

S. Puanani Maunu
603 W. Eleventh Street
Juneau, Alaska
586-9540

Attachment G- Letter of support

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: July 29, 2015
File No.: VAR2015 0018

Myra Pugh
617 W. Eleventh Street
Juneau, AK 99801

Application For:	Variance request to the parking requirement for a single family dwelling
Legal Description:	CASEY SHATTUCK Block 217 Lot 3 Fraction
Property Address:	617 W. 11th Street
Parcel Code No.:	1-C06-0-C17-004-0
Hearing Date:	July 28, 2015

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated July 17 2015, and **APPROVED** the Variance to be conducted as described in the project description and project drawings submitted with the application.

Attachment: July 17 2015, memorandum from Tim Felstead, Community Development, to the CBJ Board of Adjustment regarding VAR2015 0018.

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

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. 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 Board of Adjustment 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 Board, July 28 2015

Expiration Date: The permit will expire 18 months after the effective date, or January 28 2017, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:

Tim Felstead, Planner
Community Development Department

Michael Satre, Chair
Planning Commission

7/30/15

Filed With City Clerk Date

cc: Plan Review

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

Community Development

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

Date: July 15, 2015

To: Planning Commission

From: Chrissy McNally, Planner II
Community Development Department

Re: Title 49 Amendments in regard to Marijuana

Summary:

Staff will be working with the Title 49 Committee and the Planning Commission to promptly present amendments to Title 49 regarding recreational marijuana cultivation, processing, testing and retail sales. Staff intends to present a comprehensive amendment proposal to the Title 49 Committee on August 14.

Discussion:

In light of the passage of ballot measure 2 on November 4, 2014 establishing AS 17.38, an act to tax and regulate the production, sale and use of marijuana, a Marijuana Committee was appointed to make recommendations on the local regulation of marijuana. Based on information and recommendations provided by Community Development Department staff and the public, the Marijuana Committee is recommending new use categories be added to the Table of Permissible Uses for marijuana establishments to include cultivation, processing, testing, and retail.

The Table of Permissible Uses Section 2.000 **Sales and Rental Goods, Merchandise, or Equipment** would be amended to include 2.300 "marijuana retail" allowed with a Conditional Use Permit in the following zoning districts;

	Use Description	RR	D1	D3	D5	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
…																
2.300	Marijuana retail store									3	3	3	3	3^N	3^N	3

Section 3.000 **Professional, Office, Clerical, Research, Real Estate, Other Office Services** would be amended to include 3.500 "marijuana testing facility" allowed with a Conditional Use Permit in the following zoning districts.

	Use Description	RR	D1	D3	D5	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
…																
3.500	Marijuana testing facility									3	3	3	3	-	-	3

Section 4.000 **Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods** would be amended to include 4.220 "marijuana processing" allowed with a Conditional Use Permit in the following zoning districts.

	Use Description	RR	D1	D3	D5	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
…																
4.220	Marijuana processing									3	3		3			3

Section 14.000 **Aquaculture, Agriculture, Silviculture, Mining, Quarrying, Operations, Spring Water Bottling** would be amended to include 14.240 "marijuana cultivation" allowed with a Conditional Use Permit in the following zoning districts. The use is recommended in the D-1 zoning district outside of the urban service boundary.

	Use Description		RR	D1	D3	D5	D10SSF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
…																	
14.000	Commerical agricultural operations																
	…																
	14.240	Marijuana Cultivation	3	3							3	3					3

Cultivation would also be allowed under Section 19.000 **Open Air Market, Nurseries, Greenhouses**

	Use Description		RR	D1	D3	D5	D10SSF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
…																	
19.200	Nurseries, commercial greenhouses																
	…																
	19.230	Marijuana Cultivation	3	3							3	3					3

The Marijuana committee is further recommending a 200 foot buffer between marijuana establishments and property lines of schools, churches and state licensed child cares in all zoning districts.

The State Marijuana Control Board is currently in the process of drafting marijuana regulations and is scheduled to have final regulations for implementation beginning in November 2015. Definitions and further regulations will be recommended based on the draft regulations developed by the Marijuana Control Board. The amendments to Title 49 recommended thus far by the Marijuana Committee conform to what the State has drafted to date.

MINUTES
WETLANDS REVIEW BOARD
REGULAR MEETING
May 21, 2015, 5:15 p.m. Marine View 4th floor conference room

Meeting Summary

Roll Call

Board Members Present:	Amy Sumner, Brenda Wright, Nina Horne, Jerry Medina, Andrew Campbell, Ben Haight, Hal Geiger, Dan Miller
Board Members Absent:	Lisa Hoferkamp

A quorum was present.

Staff Members Present:	Teri Camery, Jonathan Lange CBJ Planners
Public Present:	Gretchen Pikul, DEC; Christopher Goins and Keith Karpstein, ADOT

Meeting called to order at 5:18 p.m.

II. March 19, 2015 Regular Meeting minutes approved with one correction.

III. Agenda approved.

IV. Public Participation on Non-Agenda Items

None

V. Board Comments.

None

VI. Agenda Items

1) CSP 2015 0007 DOT Improvements Near Salmon Creek

Ms. Camery explained that the WRB is reviewing this project in its advisory role. Board comments and final board motion will be included in Mr. Lange's staff report to the Planning Commission.

Mr. Lange provided an overview of the project and referred to the code policies under review as listed in his memo. He noted that the project does not require a streamside setback variance

because CBJ code has an exception for bridges. The project would construct a new acceleration lane on Egan Drive, outbound from Glacier Highway, and extend the inbound deceleration lane, on Egan Drive, for vehicles exiting to Channel Drive. The Salmon Creek Bridge would also be widened. The Mendenhall State Game Refuge and Salmon Creek are the two affected habitat areas. The board packet includes the Fish Habitat Permit from the Alaska Department of Fish and Game.

Ms. Wright asked about accident rates at the intersection. Mr. Goins explained that the accident history is the major reason for the project, however he stated that he did not bring these rates to today's meeting.

Ms. Camery requested an explanation of how project impacts have been minimized, particularly the amount of wetland fill. Mr. Goins stated that the slope needs to be wider in this area so the earthen dam won't fail due to tidal influence in the area. He said that a steeper slope isn't possible in this area from an engineering standpoint, because the fluctuating water level on the tidal side of the road has the potential to destabilize the road. Mr. Geiger asked why this issue was important. Ms. Camery explained that a typical way of reducing the amount of wetland fill is to steepen the slope, however she understood that this couldn't happen in this area.

Mr. Goins said that the plan includes vegetation and stabilization of the stream under the bridge. He referred to the drawings, and explained that the project has been designed to avoid scouring at the bridge. He said it is similar to what it is there now.

Ms. Wright and Mr. Geiger asked about spawning habitat in the area under the bridge, and asked if there would be a loss of habitat. Mr. Goins stated that the ADFG Fish Habitat permit limits construction to a specific timing window to protect fish. He did not have information with him but he understood that spawning occurs higher up in the stream.

Ms. Wright and other board members discussed the total area of wetlands filled. Mr. Goins and Mr. Karpstein handed out a chart at the meeting which listed fill amounts in Salmon Creek, Twin Lakes, and Gastineau Channel Wetlands. Ms. Camery calculated the total amount of fill at .46 acres.

Board Motion

Ms. Sumner stated that she is abstaining from the vote because she works for DOT.

Mr. Campbell stated that he is glad to see the improvements and believes that impacts have been minimized. He proposed the following motion:

> *The Wetlands Review Board supports the project as presented. DOT has made an adequate effort to address environmental concerns, and the Board appreciates the safety improvements.*

Ms. Wright requested a friendly amendment as follows:

> *The Board requests use of native plants in the development.*

The motion passed unanimously.

2) Juneau Watershed Partnership Jordan Creek Project Discussion

Ms. Camery stated that she is on the board of the Juneau Watershed Partnership, therefore Mr. Lange will introduce the project. She noted that the project is for board discussion only; no permit applications have been received, and CDD has not yet determined if any are needed.

Mr. Lange said that a streamside setback variance may be required if the project requires grading, because grading is within the code definition of development. The project is out of the 0-25 foot no-disturbance zone, however grading within 25-50 feet of the stream would still require a variance.

Ms. Sumner stated that she representing the Juneau Watershed Partnership for this discussion. She referred to three projects included in the board packet, all of which address stormwater management to improvement fish habitat and water quality in Jordan Creek. These projects include: 1) Edward K. Thomas Stormwater Treatment; 2) South Jordan Avenue stormwater treatment; and 3) Jordan Creek Greenbelt Enhancement.

Ms. Sumner explained that Jordan Creek has been identified as a high-priority area for improvements because stormwater runoff from a large area currently goes into the creek untreated. She referred to maps in the packet and photos in the packet that show the contributing area. She said that a grading permit will be needed to construct the bioswale for the Edward K. Thomas stormwater project, and she is looking for early comments from the Board before she turns in a variance application. She noted that the project must be constructed within a year due to the grant. Ms. Pikul noted that the work plan states that the work will begin in July. She said that Jordan Creek is DEC-classified impaired water body due to turbidity.

Ms. Sumner noted that the project includes a significant revegetation effort and removal of reed canary grass. Mr. Campbell asked what will be in the bioswale. Ms. Sumner stated that the final design is still in process. Mr. Campbell said it is important to plant grass early to establish the vegetation early; he said that July seems like a late start. He suggested laying down sod in the bottom area of the creek to kick-start the effort. He said this could be shipped up from Seattle at fairly low cost.

Ms. Sumner described the second and third projects, which would create two retention ponds to treat stormwater and enhance the greenbelt in Lower Jordan Creek. She said that this area is a CBJ Natural Area Park near the airport, and noted that the airport has concerns that the project may create bird habitat. She said that St. Vincent de Paul, also located nearby, supports the project as a benefit to their residents.

Ms. Wright asked how large the retaining ponds would need to be. Ms. Sumner stated 13,000 square feet. Ms. Wright said this would attract ducks. Ms. Sumner said the ponds would be shallow, and the final design is not in place. She said she is not sure how large the ponds need to

be to treat the runoff. Mr. Campbell offered that if the ponds cannot be constructed, JWP could construct something to catch debris at the outfall points.

3) Juneau Wetlands Management Plan Update

Ms. Camery stated that Bosworth Botanical Consulting is now in their second field season and expects to complete the remaining parcels in as little as a week or two, since 95 percent of the work was completed in one field season. She said that the next phase is to conduct off-site assessments using LiDAR and imagery for those parcels where CBJ was unable to obtain private property permission. Off-site assessments will have a separate enumeration system in the plan, so scores will not be ranked equally with the on-site work. She said that the project remains well under budget, and noted that a preliminary draft Juneau Wetlands Management Plan, which will be reviewed by the Board, is due in September. She said that the stream maps are currently under review by the Alaska Department of Fish and Game. She explained that ADFG sets the mark of where a stream is anadromous, and that line determines where the CBJ 50-foot setback applies.

VII. Pending Permits and Updates

none

VIII. Planning Commission Liaison Update.

Mr. Miller stated that an overhaul of the subdivision ordinance is underway. Ms. Camery explained that the ordinance includes an expansion of CBJ Conservation Lot option, which provides more opportunities for owners and developers to set aside properties for wetland mitigation purposes.

IX. Next meeting: Thursday June 18, 5:15 p.m., City Hall room 224.

The meeting was adjourned at approximately 6:25 p.m.

ASSEMBLY STANDING COMMITTEE MINUTES
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES

June 1, 2015, 5:00 PM.
Assembly Chambers

I. ROLL CALL

Jesse Kiehl called the meeting to order at 5:03pm.
Members Present: Mary Becker; Kate Troll; Jerry Nankervis; Jesse Kiehl
Other Assembly Members Present: Karen Crane; Loren Jones
Liaisons Present: Bill Peters; Mike Peterson; Gerry Landry
Staff Present: Jessica Beck, Lands Specialist; Greg Chaney, Lands Manager

II. APPROVAL OF AGENDA

There were no agenda changes.

III. APPROVAL OF MINUTES

A. May 4, 2015

The minutes of the May 4, 2015 Lands Committee were approved.

IV. PUBLIC PARTICIPATION

There was no public participation on non-agenda changes.

V. AGENDA TOPICS

A. Ordinance 2015-30 An Ordinance Authorizing the Manager to Continue Leasing Approximately 1.31 Acres to the State of Alaska for Employee Parking, Located Between the Juneau Arts and Culture Center and Centennial Hall.

Mr. Chaney: The area is referred to at the Willoughby District. The CBJ leases a fair amount of parking to the State of Alaska. The lease area is an unusual shape. In 1999 we leased a small area to State of Alaska for parking. There are signs on both sides of that area for legislative parking that never went away. There is an area we purchased in 2007 and leased the area to the State of Alaska for parking. In 2008 we purchased another area and also began leasing out the area for parking. In 2011 we got the new piece and began leasing that area. That made up 144 parking spaces. We were received $111,000 for that lease. Now we have 155 parking spaces including the additional strip. We have a new appraisal for $122,760. This is a one year lease with 4 one-year renewals which gives us some flexibility. There's been lots of talk about putting the Willoughby Arts Complex down here. This allows us to change our mind every year if we want. This ordinance will be at the next Assembly meeting.
Mr. Nankervis: I noticed the appraisal company is out of Colorado. Did we not get anyone local that was interested?
Mr. Chaney: We couldn't get anyone local in the timeframe we were looking at and that person is from Juneau. They moved to Colorado, have been doing appraisals in Juneau, and have plans to move back here.

Motion: Ms. Becker: I move the Lands Committee forward a motion of support to the full Assembly to lease approximately 1.31 acres, located between the Juneau Arts and Culture

Center and Centennial Hall, to the State of Alaska for employee parking for one year with up to four one-year renewals.
Hearing no objection, motion passes unanimously.

VI. STAFF REPORTS

A. Miller Asphalt Plant

Mr. Chaney: This is an interesting application so I thought I would bring it forward. We haven't done any real analysis yet. Pacific Coast Paving (which I believe is a subsidiary of Miller Construction) is requesting to lease a small area for an asphalt plant. Murray Walsh, with that company, is available to answer questions. It's a portable plant. It won't take long to setup or take down, if need be. It's a fairly simple site plan. There are some bends for aggregate, oil, heating plants, mixing drum and the drive-through loader. It's a simple flow through pattern. There are two different tracks going on right now. The applicant has applied for a use permit which is only for one year. That would be approved through a recommendation from the Planning Commission by the Managers Office. They have also applied for a long term lease. The lease will have to go to the Assembly first to see if they want to consider other proposals. Whichever way that is approved (direct negotiation with original proposer or by competition with other proposals) we will follow the Assembly's direction but either way the pathway for approval is through the Planning Commission and back to the Assembly by Ordinance. It will probably come to you one way or another for the long term lease. I don't have a whole lot more. I wanted to alert you of this application and to answer questions. I'd heard earlier that there was concern about conditions for environmental cleanup. That would be part of the conditions we would draft when we're doing our review. I'm happy to answer questions but it's early in the review process so I probably don't know the answers.
Mr. Peterson: On the area outlined, it's been my experience that there's aggregate piles to feed the bins. Is there been talk about an area by the road or behind as to where the piles will be located.
Mr. Chaney: That's something we'll have to refine. We don't have that on the proposal yet.
Mr. Peterson: My experience with SECON, even though it's quite a ways from where there asphalt mixing plant is, there's a large ditch. I would assume it would soak into the ground before it hits that ditch. So that I would want to see where that containment drainage is.
Mr. Chaney: There would be a SWPPP or something.
Mr. Kiehl: For these temporary land use permits, how do we determine a lease rate?
Mr. Chaney: We get an appraisal to determine the lease rate.
Mr. Kiehl: So the same process for a longer term lease?
Mr. Chaney: Right, the code says fair market value so we get an appraisal to get a good reasonable rate.
Mr. Kiehl: By any chance, you don't have the ability to point to the prevailing wind do you?
Mr. Chaney: I do not. I presume it comes out of the valley. It sort of blows out of Lemon Creek and across.
Mr. Kiehl: Can you describe, you mentioned this comes from the Planning Commission.
Mr. Chaney: For both processes (temporary use permit and long term lease) it goes to the Planning Commission for comments to the Manager or the Assembly. I'm not certain if it will go to the Planning Commission for a conditional use permit. I'm not certain if that decision has been made yet.
Ms. Becker: It looks noise will be minimal and no air pollution because that's what it says. It's pretty self-contained with no water pollution. The noise will follow our noise standards and will it have start and end times during the day? Are you going to put limits on the time of operation?
Mr. Chaney: We could. We haven't started analyzing the application. If you think that's important it's something we can consider.

B. Renninger Subdivision

Mr. Chaney: We've called this subdivision a few things but Renninger Subdivision is what it's called on the plat. It's also been called Area 2A and the Switzer subdivision. The term "2A" is going back to our earlier study completed by R&M. Going back another step, was another study where we looked at 12 different areas in Juneau for the Buildable Lands Study. This was considered one of the prime candidates. R&M did a study of the area for us. This is area 2 to the right as you're driving up the road to Dzantiki Heeni Middle School. This is an 8 lot subdivision. Lot 1 is a remainder of the lot. It goes from the Public Works building by Sunny Point to Lemon Creek. Originally it was area 2A and 2B. This is a multifamily zone. Even though there is challenging wetlands in the area, you get credit for that in a multi-family zone - you can cluster your development. Even though you may not want to build in the steep area you can take some of that and cluster the density in the lower slopes, for example. That's why the boundaries got stretched out. There's a lot to be said for density but then there's also reality. The area is mostly developed for 8 units down in Gruening Park, so I put 8 unit buildings and the parking areas on each lot to show you. Even though we're going to talk about potential density, 48 units is more likely. There are lots 1, 2-7 and Lot 8. Lot 8 is still in play a little bit. We don't have our Army Corps of Engineers permit yet. We talked to them on Friday. I've been told that until we have the permit in hand we can't really relax yet. We're moving ahead as if it will be issued soon. The preliminary plat was approved by the Planning Commission on May 26th. There were 3 conditions: traffic impact analysis, crosswalk design between this development and Dzantiki Heeni Middle School and to connect our sidewalks with existing sidewalks on Renninger Street. We had intended to this all along. Now we'll use the traffic study to refine the crosswalks to meet the safe walks to school standards. Most of the traffic comes up and around (to the school avoiding the crosswalk). We don't expect a lot of conflict here. Students will walk up and we will put in a crosswalk where the Traffic Impact Analysis says is the best spot to do that. We have adequate funding in our CIP to do the subdivision. The preservation lot - we might change its geometry. This meets current code as a lot with frontage on a right-of-way. This is the area we wanted to set aside for the Corps permit mitigation. This would be "permittee responsible mitigation", meaning we would be custodians of the site. We could get up to 170 dwelling units in the subdivision with this configuration. Then if the Subdivision Code changes before the plat reaches its final stages. Under the proposed code we could call it a "Conservation Lot". They are not meant to be occupied and wouldn't need to be connected to the right-of-way. Then we get a few extra dwelling units. If we pay fee-in-lieu mitigation, we could do this as a "Preservation Easement". It would be set aside for preservation purposes but it would be part of the lot. That density could be put somewhere else. With that, we could get 189 units. We're moving along and have made considerable progress. We have a design team working on the roads and a Traffic Impact Analysis started. If everything goes well, we could have this constructed this year (but more likely it would be paved next spring). The new street that would be built would be called Jackie Street. Some of you knew Jackie Renninger's story. She worked for the Juneau Police Department and passed away very young. She was uniformly liked. Everything that I have heard about her was great, so it seemed logical to have Jackie Street come off of Renninger Street.

Ms. Troll: We're going through the subdivision rewrite. There aren't any changes in that that would affect the layout?

Mr. Chaney: The only thing is the "Preservation Lot". This panhandle isn't really necessary for an area that is being reserved as a wild area. Under the new Subdivision Ordinance, this could be a "Conservation Lot" and it would be a rectangle that would live in the corner.

Ms. Troll: If that goes forward, and we still have the "Conservation Lot", does that still get you 189 units?

Mr. Chaney: The easement would get us to get the maximum number of units, but that depends on what the Corps does. If the Corps lets us do onsite mitigation, there's a lot of reasons why that's a good thing. If they tell us that they want us to pay a fee-in-lieu, then we have to pay money to a mitigation bank to go out and buy property to set aside for preservation. To me, that's inefficient and silly, when we already have a lot of high value wetlands that are suitable to set aside. It really makes a difference when you get to Pederson Hill. The bill for that is over $600,000 and we have thousands of acres that are suitable for wetland preservation.

Ms. Troll: Whether it's a "Conservation Lot" or easement, it depends on the corps permit. Regardless, of how it's identified, if in the future you wanted to put play equipment in that area or a bike path...
Mr. Chaney: Generally no, it's intended for wetlands preservation and it's not intended to be built on. People can walk through there. We would have to get a lot of approvals for any construction. Right now there's a trail on the base of the subdivision. It goes out to Switzer Natural Area Park. It's boggy and marshy and easy to get to this area.
Ms. Becker: When you come up Renninger Avenue and before you turn off to the school, there's a pull off area, is that where this is happening? That has been used for a bus queuing area in the past. Is that not happening, or are you planning to make sure there's another place?
Mr. Chaney: That is part of what the traffic impact analysis will tell us.
Mr. Nankervis: I appreciate that this has been pushed to the front burner. A lot of people are under the mistaken belief that we have a lot of easily developable land. There isn't a lot out there and you've pushed this admirably. I think it's a great project.
Mr. Landry: You kind of answered my question about what you could do on the "Conservation Lot". From a parks standpoint, even a nice trail through there. The Lemon Creek area... if you look at Juneau, we have a lot of parks in valley, Douglas and downtown… there's really none in Lemon Creek. Adding another neighborhood in the area is great, but how can you work with Parks to get another pocket park. Lemon Creek is very underserved.
Mr. Chaney: I don't know if we're going to be able to solve all the problems the City has. There are a lot of recreation opportunities at the Dzantiki Heeni Middle School. This is a natural area park. It's not an improved park. It's a natural area park. We would, either through easement or setting aside a lot, put this corner aside so that it wouldn't be developed. This area just feels like it continues. Then we can take the density and put it above. In terms of a baseball diamond or something like that, we haven't proposed that for this subdivision. Although it has a high potential for density, it's not a very big subdivision. There is a trail that already exists. Another thing, but it's not really a parks thing, is that we are assuming that the lots will be disposed of through sealed competitive bid because that's how we disposed of them previously. That will have to be approved by the Assembly.
Mr. Kiehl: You talk about a team working on the road. There has been talk about utilities and sidewalks. To what standard are we building the road?
Mr. Chaney: This will be one of the largest or nicest roads we've built in the recent times. The subdivision ordinance has down grade the requirements but we don't have that yet, so we designed it to current code. It will be a 28 foot wide street with sidewalks on both sides, curved gutter, a street light, fire hydrant. I know it's unlikely, but if we get 170 units, we want that stuff. It will be a full standard street.
Mr. Kiehl: It strikes be as wise if this becomes the second access to development Area 3.
Mr. Chaney: That's what the tail on the subdivision is for. It shoots off over to Development Area 3. The primary access to Area 3 will probably be through Mountain Avenue. It will need two accesses if there are over 100 dwellings so the R&M proposal was to have Jackie Street turn into a very large street when it's done. I'm not sure if I'll be alive when that's done. Development takes so long.
Mr. Kiehl: Optimism, Mr. Chaney.

VII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

Mr. Peters: You have a revised subdivision ordinance. That came out of the Planning Commission at our last meeting. We met on Title 49 and are going to be recommending some changes to the TPU that will be coming to the full Planning Commission addressing daycare.

Ms. Troll: I want to echo Mr. Nankervis' comment regarding it's really encouraging to see this development moving along. I know you're waiting for the Corps permit and those things. Keep pushing and thank you for your perseverance. This will make a significant contribution.
Mr. Kiehl: Let me echo the thanks of the other members.

VIII. ADJOURNMENT

The meeting adjourned at 5:37pm.

ASSEMBLY STANDING COMMITTEE MINUTES
LANDS AND RESOURCES COMMITTEE
THE CITY AND BOROUGH OF JUNEAU, ALASKA
MINUTES

June 22, 2015, 5:00 PM.
Assembly Chambers

I. ROLL CALL

Jesse Kiehl called the meeting to order at 5:02pm.
Members Present: Jesse Kiehl; Jerry Nankervis; Mary Becker
Members Absent: Kate Troll
Other Assembly Members Present: Mayor Sanford; Loren Jones; Karen Crane; Debbie White
Liaisons Present: Chris Mertl, Parks & Recreation Advisory Committee; Bill Peters, Planning Commission
Liaisons Absent: Mike Peterson, Docks & Harbors Board
Staff Present: Greg Chaney, Lands Manager; Dan Bleidorn, Deputy Lands Manager; Jessica Beck, Lands Specialist

II. APPROVAL OF AGENDA

There were no agenda changes.

III. APPROVAL OF MINUTES

A. June 1, 2015

The minutes of the June 1, 2015 Lands Committee were approved.

IV. PUBLIC PARTICIPATION

There was no public participation on non-agenda changes.

V. AGENDA TOPICS

A. Mobile Home Down Payment Assistance Program

Mr. Chaney: The Affordable Housing Commission has been working very hard to figure out ways to incentivize construction and purchasing of homes. The mobile home is the entry level home ownership market. It's been difficult for people to get mobile home loans in part because of the down payment. Another factor is that there aren't very many lenders willing to work in this market. We have at least one that is interested in participating. The Affordable Housing Commission is proposing this loan program. It would be up to 50% or $10,000 of what the lender is requiring for the down payment. The loan would only require 1% interest over 5 years. The funds would be issued to the lender at the time of closing. A secondary lien would be placed on the mobile home to secure the loan. The mobile home would have to be owner occupied for the term of our loan. The loan approval would be determined by the Affordable Housing Commission and subject to funding availability. There's a possibility that we'll get more applications than what we have funding for. It would be first come first served up to a certain number of loans. The total number of loans would vary depending on the amount loaned to each person, so we would continue to issue loans until the fund is depleted. As money is repaid, more loans would become available.It's a loan program, not a grant program. It would lubricate the mobile home ownership market, allowing people to get equity to move out and up. It's the first level of home ownership. We have Tamara Rowcroft from the Affordable Housing Commission here as well.
Ms. Becker: These do not have to be new mobile homes?

Mr. Chaney: That is correct. We weren't requiring that they be new. They do need to be in a mobile home park, which is difficult to get a loan on because they don't own the land.
Mr. Kiehl: If I understand right, the commercial market has been reluctant to participate in loans. The down payment assistance program is going to free up the commercial market's interest how?
Mr. Chaney: A lot of people trying to get into this rung of home ownership have a hard time getting the down payment together. It helps reduce a little bit of the risk to the lender. It helps the buyer get the down payment together, which has been a barrier to entry.
Mr. Peters: Taking off my Planning Commission hat and putting on my True North Federal Credit Union job hat. One of the issues presented in the housing market in Juneau is financial institutions willing to lend on mobile homes. Alaska Housing does have a mobile home program, a type 1 and type 2 (on land or in a park). The barrier has been the 15% down payment requirement. In order to get into that entry level housing, if you have a $100,000 mobile home, the borrower may qualify but doesn't have the $15,000 cash down payment because the loan to value requirement is set at 85%. With this program stepping in and providing 50% of the down payment, that alleviates some of the down payment burden for the buyers.
Mr. Kiehl: We would anticipate that most of these would be placed through AHFC.
Mr. Peters: It could be AHFC or local area financing.
Mr. Kiehl: What is the process if we get a giant number of loan applications right off the bat, with huge interest, for choosing who gets the first set?
Mr. Chaney: We're going to do a first come first served. If there's a large number, we would be talking to the Affordable Housing Commission as to how they would like to prioritize the loans. I kind of doubt that will happen initially, but it's a new program, so who knows.
Mr. Kiehl: Application will be date stamped as they come into the lender partner or CBJ? Who puts the date stamp?
Mr. Chaney: We also have a representative from Finance if I get off track. We were hoping to have the borrower work with the lender and we are in the background offering the program. So, the lender would be putting the date stamp.

Motion: Ms. Becker: I move the Lands Committee adopt a motion of support to the Assembly for the CBJ to administer the Mobile Home Down Payment Assistance program as outlined in the June 16, 2015 memo presented to the Lands Committee.

Mr. Kiehl: Let me just check that neither Ms. Troll or Mr. Nankervis have joined us online?

Hearing no objection, the motion passes unanimously.

B. Gastineau Apartment Demolition

Mr. Chaney: I would say Amy Mead is in the house so she's available to answer the tough questions.
Ms. Mead: There's no real update other than Mr. Barrett (and his mother presumably) have filed an appeal of the demolition order. The first things that are going to happen will be the Building Code Board of Appeals meeting to engage in the same analysis the Assembly does under 01.50.030e, where you determine whether to accept or reject the appeal. That is going to happen hopefully very soon. As far as the purpose of tonight, which was to explain Mr. Watt's funding request of the first stage, which was the getting a contractor in place that can develop the RFP, and to put out the RFP for the actual demolition. What I told the Public Works and Facilities Committee earlier was that there was no legal impediment to move forward at this time with those plans.
Mr. Chaney: What we were proposing, since if we do take over demolition, we're going to need some funding to do it. Our current rough estimate is $1.8 million. We have a contractor that gave us an estimate of $1.2 but we added some contingency to that, so that's why we're asking for $1.8 million. We had the West Juneau/North Douglas access study that was a CIP that has been on the books for a while, and we haven't pursued that one. We are recommending that we take money from that and transfer it to that for the demolition project. If we don't spend it all we return it to the CIP. If we sell the property we can redirect that money as well. I would hope we don't lose all that money, as a land sale once the property is vacant.
Mr. Mertl: What's the risk of not getting the money back?

Mr. Chaney: First, we don't know how much it's going to cost to demolish the building. There was one estimate of $800,000. Another one at $1.2 million. It's an old building with unknown issues. The risk is that we hit something expensive, that had to be remediated and we'll only see the value of the property in the end. Right now the latest appraisal for the property was $800,000. We'll probably lose some money but we don't know how much. And we have to have a willing buyer to get the $800,000 back.
Mr. Kiehl: Procedurally, the CBJ doesn't go out for a demolition contract until the Building Code Board of Appeals has finished and made a ruling, correct?
Ms. Mead: That is correct. I don't see that timing to be a problem.
Mr. Kiehl: And so what is envisioned here is that the first draw on this transfer if the committee recommends and Assembly approves it, would be for a contractor to put together an RFP in the event the Building Code Board of Appeals sides in Mr. Fords favor.
Ms. Mead: That is correct, assuming they accept the appeal and decide in Mr. Ford's favor. There's also the option that Mr. Barrett decides to move forward with the demolition should the Building Code Board of Appeals rule in the CBJ's favor. That could happen as well. At some point Mr. Barrett could step back in and start doing the work himself.
Ms. Becker: No action required because it's going to the Assembly anyway, right?
Mr. Kiehl: Is there a recommendation to forward?
Ms. Becker: Recommend we keep moving forward and not hold it back.
Mr. Kiehl: Motion to recommend approval?

Motion: Ms. Becker: I recommend we keep marching forward with the process we were involved in and not let this hold us back.

Mr. Kiehl: I'm going to choose to read that as a recommendation to recommend approval. Mr. Nankervis to you have questions, comments, objections to the motion?
Mr. Nankervis: No, I would have the same stance. I respect Mr. Mertl's comment. I expect that when all is said and done with the property we will lose money.

Hearing no objections, the motion passes unanimously.

C. Fisheries Development Committee - Potential Land Trades

Mr. Chaney: Greg Fisk with the Fisheries Development Committee is here. This is mostly his show. We wanted to bring this up so the committee is aware of developments on this issue.
Mr. Fisk: We have two items we wanted to bring to your attention, which will hopefully advance over the next period of time. The first one is something that needs attention in regards to the development of more roadside fisheries opportunities, which is one of the priorities of the committee. Doug Trucano had contacted Jim Becker to trade some land between some land that Trucano owns, patented tidelands and uplands at the end of Channel Drive. He is interested in exchanging it for lands he leases in front of his property over by the bridge. The committee's idea was to develop the area for road side fisheries opportunities. It's already used by people but it's not very safe for them to access the tidelands. We also see this as a potential opportunity to consolidate ownership on the site that the city would own on Channel Drive, and create a larger site for development opportunities. We also think it would have some benefits for fisheries development. It would also have some benefits for Mr. Trucano in that it would further develop his site on the other side of the bridge. We recognize there are some issues here in terms of value for value swap. There's a City ordinance dealing with non alienation of tidelands so it would have to be determined that it's an equal swap. This slide shows the two pieces are that are owned by Trucano and where the end of the road is. That would consolidate City ownership back quite a ways. Four lots that would all belong to the City. Trucano leases all the sites owned by CBJ. He leases a little more than double of the pieces on the other side, so it would be subject to negotiation. Another complicating factor is that Docks and Harbors receives about $25,000 a year from leasing this site. Carl Uchytil is concerned about losing revenue for that site, so that needs to be factored into the overall deal if there is one. We think it's worth the City investigating the potential. We don't have a hard and fast recommendation for you, but it's worth some staff time. These land swaps can get complicated and there's a price tag with just doing them.

The second item is something that's been in the works for a long time. It's at the University site at what we call the crane dock. This has been a really important industrial development site for the City. Both Taku Seafoods and Alaska Glacier Seafoods already use this site. Docks and Harbors has had an interest in developing this location as a fisheries terminal site. The site has been under lease for some time. There have been two rounds of discussions about doing a direct land swap for lands closer to the University. One of those was initiated by Chancellor Pugh when he was still in office. He was interested in lands near the University. The idea is that there's potential to get developable lands into the hands of two different agencies so we'd have a win-win situation. Two engines driving the negotiations and benefiting from land swaps. The University Lands Office has their own motivations. Fortunately this April, they have said they are interested in a swap for Tracts A and B which are the tidelands out in front which would allow for development. They're willing to discuss an outright exchange. The Fisheries Development Committee recommends strongly that the City pursue this. It's in the long term interest of both parties and especially the fisheries industry in Juneau.
Ms. Becker: The University wants to keep the building with classes, right?
Mr. Fisk: Correct. It's only the tracts that are indicated as tidelands. Particularly with Tract B, we could fill it and create an area for vessels with a much larger capacity. We currently only have a 35 ton lift but need at least 130 ton lift to service vessels in town.
Mr. Kiehl: As we think about potential land swaps, have you had an opportunity to work with University Lands and staff, to get an idea of what City lands they're interested in.
Mr. Fisk: Not as much as we'd like. There have been various indications. I know GregChaney took Tina Shimshat from the University Lands Office to look at some lands. Chancellor Pugh indicated some lands that he thought were of interest to the further development of the campus. The University Lands Office has a different take than UAS themselves. The Lands Office is also looking at lands that are of value. Some of the things discussed have included partnering with CBJ on Pederson Hill Development; there's another piece of property caddy corner from the University on Fritz Cove Road. But, they haven't said yes.
Mr. Mertl: I think they're both great projects. Is there any funding down the pipeline that would make these projects real? Are they 5 years away or 20 years away?
Mr. Fisk: The university site first work began on that in the late 80s and there was an agreement on a mutual development concept. $500,000 went to the Egan Library and this long term lease was entered into, which is extendable for another term. So there was a vision there. Without having ownership of the site it's difficult to get funding sources. Two potential funding sources are EDA, which we're normally not eligible for because our unemployment rate is low in Juneau. We have been able to apply in the past, because it was fisheries oriented we were able to get it past that rule. The other one is the USDOT TIGER Grants, but again, ownership is preferred. It's much easier developing a funding package if we have ownership.
Mr. Kiehl: Do you know what Docks and Harbors pays to lease those two parcels?
Mr. Fisk: It's not a lot. It's a small sharing arrangement, but it's not great.
Mr. Kiehl: Returning to the other Channel Drive tidelands, Mr. Chaney, you talked about the two parcels under long term lease. Was there another parcel to the further north of those?
Mr. Chaney: DIPAC is further to the north. Who owns the 5th lot, I'm not sure.
Mr. Fisk: I believe the two lots are leased to Hugh Grant. They were leased for Channel Marina.
Mr. Kiehl: For either of you, how about seaward of the patented tidelands, are those state submerged tidelands?
Mr. Fisk: Yes.
Ms. Becker: The trade that Mr. Trucano is talking about. For that land, he would no longer pay lease for the property on the other side?
Mr. Fisk: These are patented tidelands and a little uplands that he's proposing for the lands he currently leases. Since they don't equal out, there would have to be other compensation. There's a potential here. The City would get consolidated ownership here that is potentially developable and perhaps for fisheries purposes.
Mr. Kiehl: I am particularly intrigued by the proposal by the University's Vocational Technical Center and the possibility for some exchange of value. I share your concern that the University of Alaska Land Office has a somewhat different mission than UAS. We are undergoing a development project and access to CBJ lands that abut developable University lands. It strikes me that there is a potential here to work some sort of arrangement for great benefit especially if the benefits to the University Lands Office brings more housing to the University which brings us a

broad community development. I would be interested in pursuing that further and asking the Lands Staff to add that to their work list in terms of working with Docks & Harbors. I would be interested in pursuing this further with all the parties involved and bringing it back to the committee.
Mr. Nankervis: I thought doing something where Channel Marina used to be is a good spot for a roadside fishery... (and then it became too difficult to tell what he was saying over the teleconference line)... It's all good stuff to keep talking about.
Mr. Kiehl: We lost the second half of your comments. If you wouldn't mind putting your thoughts in an email and sending them to Mr. Chaney, he can distribute them. I did catch at the end that we should proceed with both proposals?
Mr. Nankervis: Yes, I think we should proceed with both discussions...
Mr. Fisk: Thanks for the opportunity to update you. We've been working as close as we can with Docks and Harbors and we've been working with Greg Chaney. We wanted to let you know where things stood.

D. Authorization to Begin Negotiations for a Lease with Pacific Coast Paving for an Asphalt Plant

Mr. Chaney: Pacific Coast Paving has applied to lease City property at Lemon Creek. The first question that comes with a request to lease City property is whether the proposal shall be reviewed by the Assembly as it was proposed, ask for further proposals or not to lease that land. There are three choices. The proposal was for this area of Lemon Creek behind Home Depot. This is their site plan. It's a fairly straight forward proposal. We're requesting a motion to recommend to the Assembly whether it should be considered and if so, whether by direct negotiation or by competition after invitation by other proposers. We have a representative from the applicant and their competitor here tonight.
Mr. Kiehl: At our last meeting you brought us a Land Use Permit, that needs to go to the Planning Commission. That would be one year and this would...
Mr. Chaney: A use permit can be for up to one year but its temporary. And then there's the long term lease, which would be for many years.
Mr. Kiehl: That continues to proceed to the Planning Commission. This is not replacing that. Should we invite the applicant and their competitor to discuss this issue or should be proceed with our normal course of discussions?
Ms. Becker: I'm willing to wait until the Assembly level.
Mr. Kiehl: Staff needs direction in terms of forwarding the proposal to the Assembly on what terms.
Ms. Becker: Are these movable? If we have a lease and we don't want them there. It seems to me it was easy to pack them up.
Mr. Chaney: They're designed to be mobile. It's not cast with concrete foundations.
Ms. Becker: That's true for both?
Mr. Chaney: Yes. They're designed to be mobile somewhat.
Mr. Mertl: As part of the lease process, does the application have to go through a conditional use process?
Mr. Bleidorn: Yes
Mr. Mertl: So there would be the standard procedure of getting the public hearing and getting the big red signs up?
Mr. Bleidorn: At this time it's a little premature to look at the specifics, but once we get that direction from the Assembly, we will work with CDD and moving in the direction that's best for the City.
Mr. Kiehl: I have a little familiarity with some of our tidelands leases. In terms of industrial lands, are there other industrial lands we are leasing?
Mr. Chaney: Yes, the City does own other industrially zoned property, but Lands is not leasing them for industrial uses at this time.
Ms. Becker: Is there more information you would provide at the Assembly level?
Mr. Chaney: We've given you what the applicant has given us, which is a high overview. If you have a specific question, we can delve into that.
Ms. Becker: I would like to see what the other applicant has provided. Are there two applicants?
Mr. Chaney: There's no other applicant at this point. The question is whether to further consider this proposal or ask for additional proposals. This particular proposal has come in, but we could open it up for other proposals if you want.

Mr. Kiehl: In the ones I've seen in the past using this ordinance or similar clause, I think generally my own take, if someone has come forward with a proposal and their $500, my thought is that it's worth giving them a shot to pursue it. In the past this committee has elected, with sale proposals to put it out to the public. My thought would be if someone came in there's nothing wrong with negotiating with them directly. I'm open to the will of the committee on this one.
Mr. Nankervis: No questions. I think we should move forward with Lands Department to enter into negotiations with the original person. I don't think we should open it up to the competitor. That defeats the purpose of being the person with first idea first. If we don't like the negotiations, then we don't have to make a deal.
Mr. Mertl: I think if we're going to the conditional use permit, just a general comment. I would think the land should come back in as good as or better condition. So making sure there's a bond or process where if there's cleanup that need to be done, the lessee can be held accountable - making sure the City doesn't get a piece of land that's less valuable or have cleanup or you have to demo a building.

Motion: Ms. Becker: I move the Lands Committee forward a recommendation to Assembly that the proposal to lease CBJ land in Lemon Creek for an asphalt plant should be further considered with the original proposer.
Hearing no objection, the motion passes unanimously.

VI. STAFF REPORTS

A. Renninger Subdivision Update

Mr. Chaney: We received our Army Corps of Engineers permit for the Renninger Subdivision, also known as Switzer 2A. They way that played out, we are not required to set aside this land as a separate lot. That would be part of the larger lot. Overall that means we can use it as density for the property. Theoretical zoning allows for 189 dwelling units. The area will still be preserved as preservation easement. We're going to move forward with the owner of that lot, who will be the owner of this preservation easement. The preservation easement will be a no build area. We're working out the details of the final plat. If everything goes as hoped, the project will be ready by the beginning of July. We hope to have the project advertised by mid-July and bids due early August. If there are no issues, a notice to proceed could be issued by the end of August. With the work being done by the end of summer. It will be up to the contractor to determine if they can do it within the building season or wait for paving in the spring. There is one issue worth thinking about. As it's laid out, there are six building lots. The lots are roughly sized to accommodate 8 unit complexes. One of the additive alternatives, would be what would it cost to have the sites cleared of trees and a pad put down. The pads would be something you could drive on. It would not be engineered for a foundation, just a clear building site. There are several advantages. In a lot of places in the country, this is the normal procedure. One of the advantages is that if you leave the trees in place and someone removes some trees on the neighboring lot the remaining become unstable and start to fall over. It's more efficient to clear all at once. It increased the value and you get the value back. Hauling and clearing can be done prior to paving so you save wear and tear on the road. It's easier to sell a property that's been cleared. It takes less time. If a builder wants to go in, it's one less thing they have to do. Once we fill those areas, we don't have to worry about the Army Corps anymore. The Corps permit is good for 5 years and then we'll have to renew. Every time we renew the Corps permit, it's a risk. It's an unknown in the future as to what we will have to do. There are disadvantages. It costs more. We'll have some engineering estimates before we start the bidding process. We won't know the actual costs until we get the bids back. The surrounding neighborhoods may complain because more trees are being removed initially. That's unfortunate but that's the game we're in. There's still a buffer below and above. It's something to consider. I'm happy to answer questions.
Mr. Mertl: The green hatched along the bottom of the site. Does that represent the existing trail?
Mr. Chaney: Correct. There is a boardwalk trail that continues to Switzer wetlands.
Mr. Mertl: That would be maintained as part of this development.

Mr. Chaney: It's already part of the parks system and will continue to be maintained. We'll actually be adding a little spur from the cul-de-sac down to the trail. It's the line of the sewer and we asked the engineers put a gravel layer to form a trail.
Mr. Mertl: Has there been any discussion about adding a community playground. You have a high density of housing in this area.
Mr. Chaney: Not an improved park. We have this natural area set aside here which is right against Switzer Natural Area Park. On the other side we have Dzantiki Heeni Middle School and they have playgrounds. We haven't proposed to put an improved park.
Mr. Mertl: Is it something you would consider?
Mr. Chaney: It's a little late at this point. We're going out to bid soon. It might be a difficult thing to add and we'd have to get very specific direction to do that.
Mr. Mertl: I'm always hesitant for us to start clearing pads without a master plan and start clearing until we know what we're getting into without understanding what we're going to put in there. There are advantages but I see there's a lot more disadvantages. I'm more a proponent that you get the most out of your land and your property through a master plan.
Mr. Kiehl: My thinking was that it doesn't make sense to clear land when we don't know where the owner wants to put the building. There's room for further discussion on that topic when we know what the additive alternative is estimated to cost.

VII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

There were no committee member or liaison comments.

VIII. ADJOURNMENT

The meeting adjourned at 5:55pm.