

Agenda

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

April 28, 2015
Assembly Chambers
7:00 PM

I. ROLL CALL

II. APPROVAL OF MINUTES

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

IV. PLANNING COMMISSION LIAISON REPORT

V. RECONSIDERATION OF THE FOLLOWING ITEMS

VI. CONSENT AGENDA

- A. AAP2015 0007, Conditional Use permit for an accessory apartment on a substandard lot
- B. AAP2015 0005, Conditional Use permit for an accessory apartment on an undersized lot.
- C. SMP2015 0003 & SMF2015 0003: Major Subdivision consolidating 6 lots into 1 for St. Vincent de Paul.
- D. USE2015 0003, Conditional Use Permit for a residential mobile home on an individual lot.
- E. VAR2015 0008, Variance to allow work within 250 feet of an eagle nest.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

VIII. UNFINISHED BUSINESS

- A. VAR2015 0006, Variance request to reduce the street side yard setback from 13 feet to 4 feet.
- B. VAR2015 0007, Variance request to reduce the rear yard setback from 20 feet to 6 feet.

IX. REGULAR AGENDA

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

XII. DIRECTOR'S REPORT

- A. Senior Housing Presentation by Jim Scholl

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

- A. JCOS Meeting Minutes, February 10, 2015
- B. Lands and Resources Committee Minutes, February 9, 2015
- C. Marijuana Committee Meeting Minutes, February 26, 2015
- D. Public Works and Facilities Committee Meeting Minutes, February 9, 2015
- E. Title 49 Committee Meeting Minutes, March 17, 2015

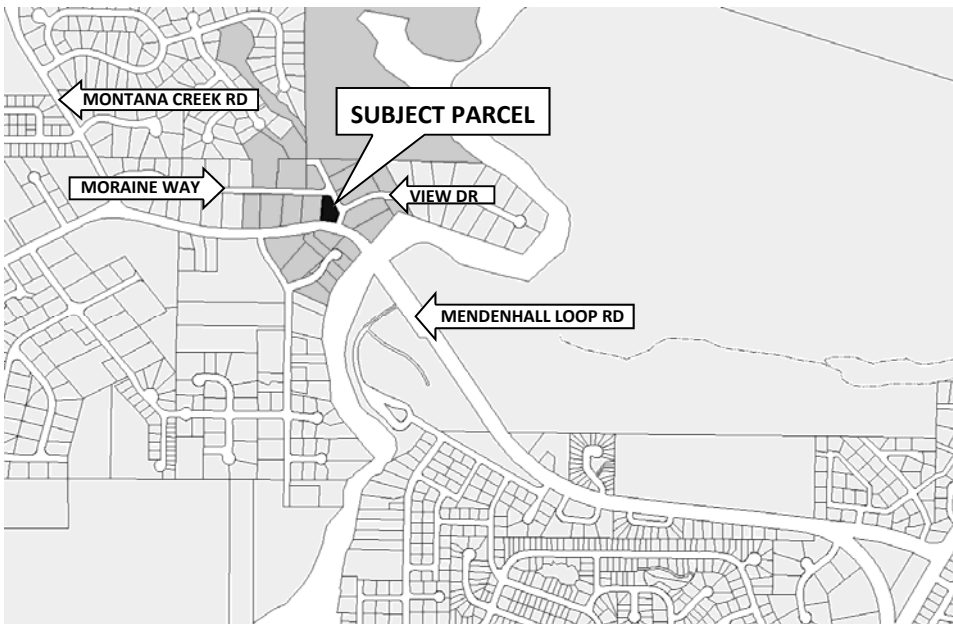
F. Wetland Review Board Meeting Minutes, February 19, 2015

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XV. ADJOURNMENT



NOTICE OF PUBLIC HEARING



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

SHIP TO:



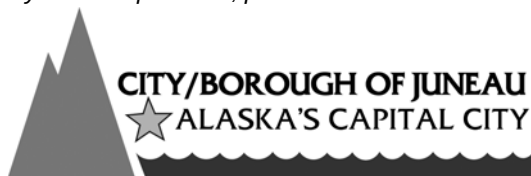
PROPOSAL: Conditional Use permit for an accessory apartment on a substandard lot.

File No:	AAP2015 0007	Applicant:	Clyde Baldwin
To:	Adjacent Property Owners	Property PCN:	4-B29-0-108-008-0
Hearing Date:	April 28, 2015	Owner:	Clyde Baldwin
Hearing Time:	7:00 PM	Size:	0.61 Acres (26572 Square Feet)
Place:	Assembly Chambers	Zoned:	D-1
	Municipal Building	Site Address:	9491 Moraine Way
	155 South Seward Street	Accessed Via:	Mendenhall Loop Road
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

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

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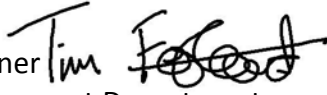


Community Development

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

DATE: April 16, 2015

TO: Planning Commission

FROM: Tim Felstead, Planner 
Community Development Department

FILE NO.: AAP2015 0007

PROPOSAL: Conditional Use Permit for an accessory apartment on a substandard lot.

GENERAL INFORMATION

Applicant: Clyde Baldwin

Property Owner: Clyde Baldwin

Property Address: 9491 Moraine Way

Legal Description: Nunatak Terrace Block B Lot 8

Parcel Code Number: 4-B29-0-108-008-0

Site Size: 26,572 square feet (0.61 acres)

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

Zoning: D-1

Utilities: Public water and sewer

Access: Moraine Way

Existing Land Use: Single Dwelling

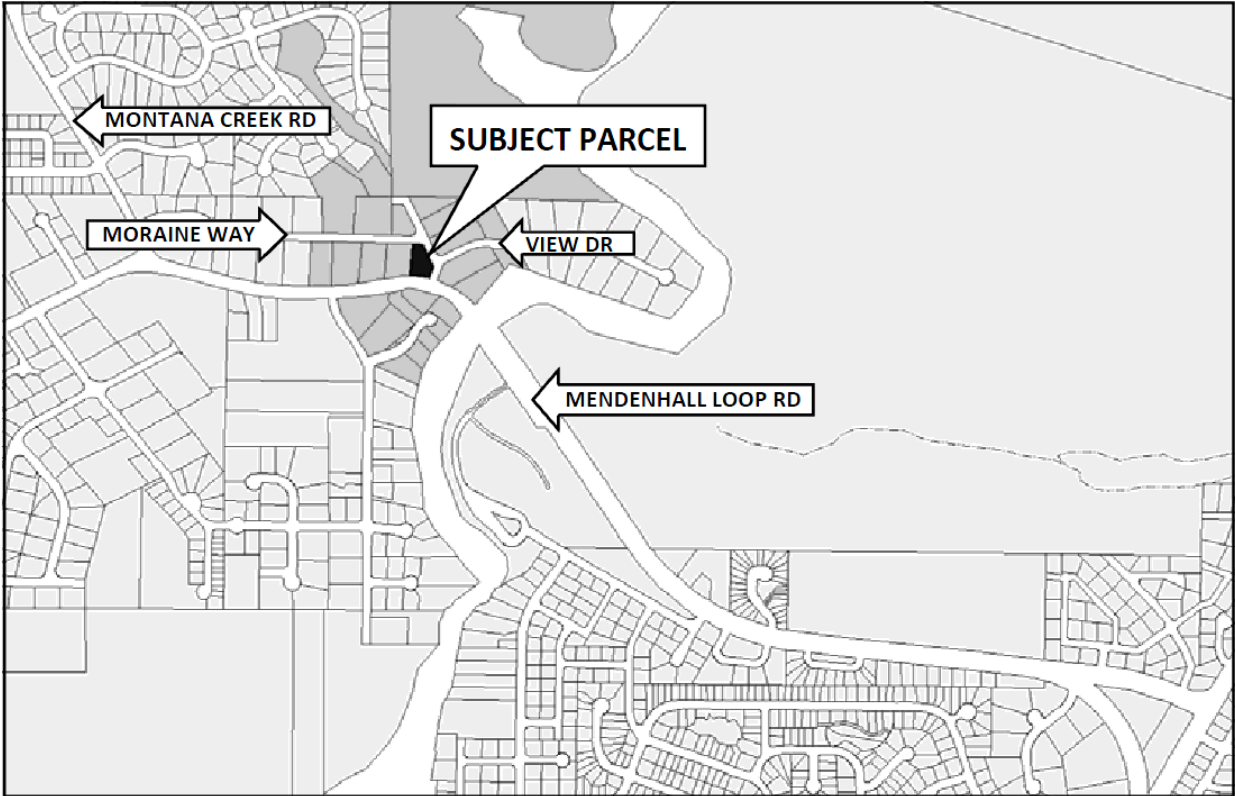
Surrounding Land Use:

North	-	Single Family Residence (D-1)
South	-	AK DOT Collector Road (Back Loop Rd) and

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File No.: AAP2015 0007
April 16, 2015
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- | | | |
|------|---|---|
| | | then Single Family Residence (D-3) |
| East | - | Single Family Residence w/Accessory Apt (D-1) |
| West | - | Single Family Residence (D-1) |

Vicinity Map



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ATTACHMENTS

Attachment A – Application for Conditional Use Permit for Accessory Apartment
Attachment B – Site and building plans
Attachment C – Notice of public hearing
Attachment D – Site photos
Attachment E – Zoning map with number of accessory apartments in the vicinity of the subject lot
Attachment F – Approximate locations of driveways on subject lot and location of sight line issue for vehicles turning from View Drive into Moraine Way.
Attachment G - Letter from neighbor regarding AAP20150007
Attachment H – Email from Ed Foster, Streets Division

PROJECT DESCRIPTION

The applicant requests Conditional Use Permit for the development an accessory apartment on an undersized lot at 9491 Moraine Way (see **Attachment A**).

BACKGROUND

In 1992 a 576 square foot detached garage with a 560 square foot living space above was constructed with electrical and water connections provided for a future kitchen. In 1995, a building permit was issued for an enclosed structure connecting the main house to the garage. The space above the garage is noted on the plans as being for use by the property owners as family living space. A building inspector report from September 1996 required the owners at the time to seek zoning approval for an accessory apartment approval or have a deed restriction placed on the property that would prevent renting the space as an accessory apartment. An accessory apartment would have been allowed at the time but would have required a Conditional Use Permit (as was required of all new accessory apartments at the time). The applicant was not the owner of the property at the time and it is not known why a Conditional Use Permit was not applied for. A deed restriction was placed on the property by CBJ and will be removed if the accessory apartment is approved and relevant building inspections passed.

The applicant wishes to convert this living space into an accessory apartment.

ANALYSIS

Project Site and Design - According to the City and Borough of Juneau's Land Use Code Title 49 section CBJ §49.25.510 (d)(2)(G)(i), an Accessory Apartment permit requires Planning Commission

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approval under the Conditional Use Permit process due to the lot not meeting the Minimum Lot Size for parcels zoned D-1. The minimum lot size for D-1 zoned lots is 36,000 square feet. The applicant's lot is 26,572 square feet. The applicant's lot was platted, with approval from the City and Borough of Juneau, in 1971 as part of a subdivision of the Nunatak Terrace Subdivision. Access to the accessory apartment will be from the rear of the building and should cause no disturbance to neighbors.

There are three other lots on Moraine Way (D-1 zoning district) that currently have accessory apartments. There are eleven lots in the surrounding D-5 zoning district (which have smaller lot sizes than the subject lot) that also have accessory apartments (see **Attachment E**).

CBJ 49.25.510, regarding approval of accessory apartments, has a number of requirements for accessory apartments. The proposed accessory apartment meets all the criteria. At 560 square feet, it is below the maximum allowed size (maximum of 600 square feet with maximum one bedroom) and does not violate lot vegetative requirements. All building setbacks are met by the current building and the required parking standard is achieved (see below).

Following a site visit by Staff, the applicant has been advised that some further limbing of trees along the front yard lot line should be undertaken to meet the vegetative setback requirements. The vegetative setback requirements are in place to ensure adequate vision for those leaving driveways and/or turning at intersections (CBJ 49.25.430 (4) (L) (i & ii)). The limbing should remove sight obscuring vegetation between a height of 3 feet and 8 feet in an area 20 feet back from the edge of the travelled way.

Traffic, Parking and Circulation – The subject lot is bordered by three streets, Back Loop Road, View Drive and Moraine Way. A driveway to the garage, a second driveway/parking area in front of the main dwelling and a third driveway accessing a boat storage shed are all located off Moraine Way (see **Attachment F**). The driveway closest to View Drive has been estimated to have a distance of 37ft from the nearest edge of the View Drive travelled way and nearest edge of the driveway. CBJ 62.36.015 (1) requires this distance to be at least 40 feet. The applicant has been advised to narrow the entrance of the driveway to comply with this standard.

Single family dwellings including an accessory apartment are required to have three parking spaces (two for the single family dwelling and one for the accessory apartment). The subject lot has enough parking spaces to satisfy this requirement with two garage spaces and at least three additional driveway spaces for parking (see site plan in **Attachment B** and photo of subject property in **Attachment D**).

The road intersection layout around the subject lot is relatively complex and the lot is located on a bend. One comment has been received from a neighbor regarding the current turn from the View Drive into Moraine Way (See **Attachment G**). The concern relates to the intersection design and

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specifically to vehicles turning into Moraine Way from View Drive and the lack of sight line from a vehicle waiting to turn in this location to any approaching vehicles heading from the far end of View Drive (see **Attachment F**). There was also concern regarding the impact of vehicles parking on the road in front of the subject lot. A condition of approval is recommended that explicitly prevents vehicles being parking on street outside the subject lot.

Following a site visit by Ed Foster, Superintendent of CBJ Streets Division, did not consider the current intersection design to be a reason to deny approval of this application. They also considered the sight distances at the intersection to be adequate (see **Attachment H**). An additional Stop sign was discussed to calm traffic at the intersection.

Noise – The proposed use as an accessory apartment will be in keeping with a residential neighborhood and is not expected to be greater than other uses in the neighborhood

Public Health or Safety - Staff is unaware of any public health or safety issues associated with the proposed development. CBJ General Engineering Division have stated they have no issues with the application. To ensure any health and safety issues regarding the apartment structure are addressed, CBJ Building Division have requested that an inspection of the proposed accessory apartment be undertaken as a condition of approval of this application. CBJ Fire Department have no issues with the application.

Conditions to ensure adequate driveway vision and explicitly prohibit on-street parking are recommended and should address concerns expressed by neighbors. Other more general concerns with the current intersection design of View Drive and Moraine Way have been passed to CBJ Streets Division but are considered as not directly relevant to allowing use for an accessory apartment.

Habitat - No sensitive areas, eagle nests, anadromous fish streams, or wetlands are known to exist on the subject site.

Property Value or Neighborhood Harmony - No evidence has been presented that indicates that the proposed development will have a negative impact on property value or generally affect neighborhood harmony. One neighbor comment against the proposal has been discussed above.

Conformity with Adopted Plans - The project substantially conforms to the 2013 Juneau Comprehensive Plan Policy 4.1 as follows:

'Policy 4.1 To facilitate the provision and maintenance of safe, sanitary, and affordable housing for its residents.'

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The proposed development meets the intent of this policy by providing additional housing in the community and within the downtown Juneau area.

FINDINGS

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

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

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

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

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

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

1. Is the application for the requested Accessory Apartment permit complete?

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 1.130 for the D-1 zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the April 17th and April 27th issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel (see **Attachment C**). Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. As described in the preceding analysis, an inspection by CBJ Building Division will help ensure that the proposed development will not materially endanger the public health or safety. There are no proposals to change the current driveway access points to the property.

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

No. As described in the preceding analysis, no evidence indicates that the development will substantially decrease the value of, or be out of harmony with the property in the neighboring area.

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

Yes. The proposed development meets the intent of the 2013 Juneau Comprehensive Plan, specifically Policy 4.1, regarding provision of safe and affordable housing.

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

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

Not applicable.

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RECOMMENDATION

Based upon the proposed plans, it is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of an accessory apartment on an undersized lot in a D-1 zoning district.

The approval is subject to the following conditions:

1. An inspection by CBJ Building Division is undertaken to ensure the living area achieves current building code standards for an accessory apartment.
2. Sight obscuring vegetation is cleared between a height of 3 feet and 8 feet in an area 20 feet back from the edge of the travelled way.
3. The driveway in front of the garage be narrowed at the entrance by 3 feet on the side nearest View Drive.
4. No parking allowed in the right of way in front of the subject lot.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: <u>03/06/15</u>
Project Name (City Staff to Assign Name)		

INFORMATION	Project Description <u>Conditional use permit for an existing accessory apartment - 560 sq ft in an undersized DT zoned lot</u>		
	PROPERTY LOCATION		
	Street Address <u>9491 Moraine Way</u>	City/Zip <u>Juneau 99801</u>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <u>Nunatak Terrace Block B Lot 8</u>		
	Assessor's Parcel Number(s) <u>462901080080</u>		
	LANDOWNER/ LESSEE		
	Property Owner's Name <u>CLYDE BALDWIN</u>	Contact Person: <u>CLYDE</u>	Work Phone: <u>957 6874</u>
	Mailing Address <u>6330 N DOUGLAS JUNEAK AK 99801</u>	Home Phone: <u>586 1280</u>	Fax Number:
	E-mail Address	Other Contact Phone Number(s):	
	PROJECT / APPLICANT	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/Engineering Permits****	
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:			
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.			
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X		<u>Clyde Baldwin</u> Landowner/Lessee Signature	<u>3/6/15</u> Date
X		_____ Landowner/Lessee Signature	_____ Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below.			
Applicant's Name		Contact Person: Work Phone:	
Mailing Address		Home Phone: Fax Number:	
E-mail Address		Other Contact Phone Number(s):	
X	<u>Clyde Baldwin</u> Applicant's Signature	<u>03/06/15</u> Date of Application	

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

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

FORMS\2010 Applications

Attachment A

9491 Movaine Way

482901080080

ACCESSORY APARTMENT APPLICATION

Packet Page 13 of 201

Project Number	Project Name (15 characters)	Case Number AAP20150007	Date Received 03/06/15
----------------	------------------------------	----------------------------	---------------------------

DESCRIBE THE ACCESSORY APARTMENT:

existing 560 SF apartment w/ a deed restriction in place for no kitchen. Wants to legalize the apartment as accessory and remove the deed restriction

TYPE OF ACCESSORY APARTMENT

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

AREA OF APARTMENT

Total Area 560 square feet

(Maximum of 600 square feet allowed. Areas common to more than one dwelling unit including entry ways, furnace rooms, laundry rooms, and interior stairways are not be included in the computation of net floor area.)

PARKING

Existing Spaces 3 + boat Proposed Total Spaces 3 + boat

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

SITE INFORMATION

ZONING DISTRICT D1

UTILITIES AVAILABLE

MINIMUM LOT SIZE (\$49.25.400) 36,000 SF

WATER: ☒ Public ☐ On Site

ACTUAL LOT SIZE**** 26,572 SF

SEWER: ☒ Public ☐ On Site****

****Applicants please note that if the parcel utilizes an on site septic system OR the Actual Lot Size is less than the Minimum Lot Size required, the Accessory Apartment must be reviewed through the Conditional Use Permitting Process.

Permitting Process:

- ☐ Departmental Review
 ☒ Planning Commission Approval

Fees (Departmental Approval)

Fees

Check No.

Receipt No.

Date

Application Fees

See Building Permit

Fees (Conditional Use Permit)

Application Fee

\$ 350.00

Public Notice Sign Fee

\$ 50.00

Public Notice Sign Deposit

\$ 100.00

Total

\$ 500.00

CDD 6243

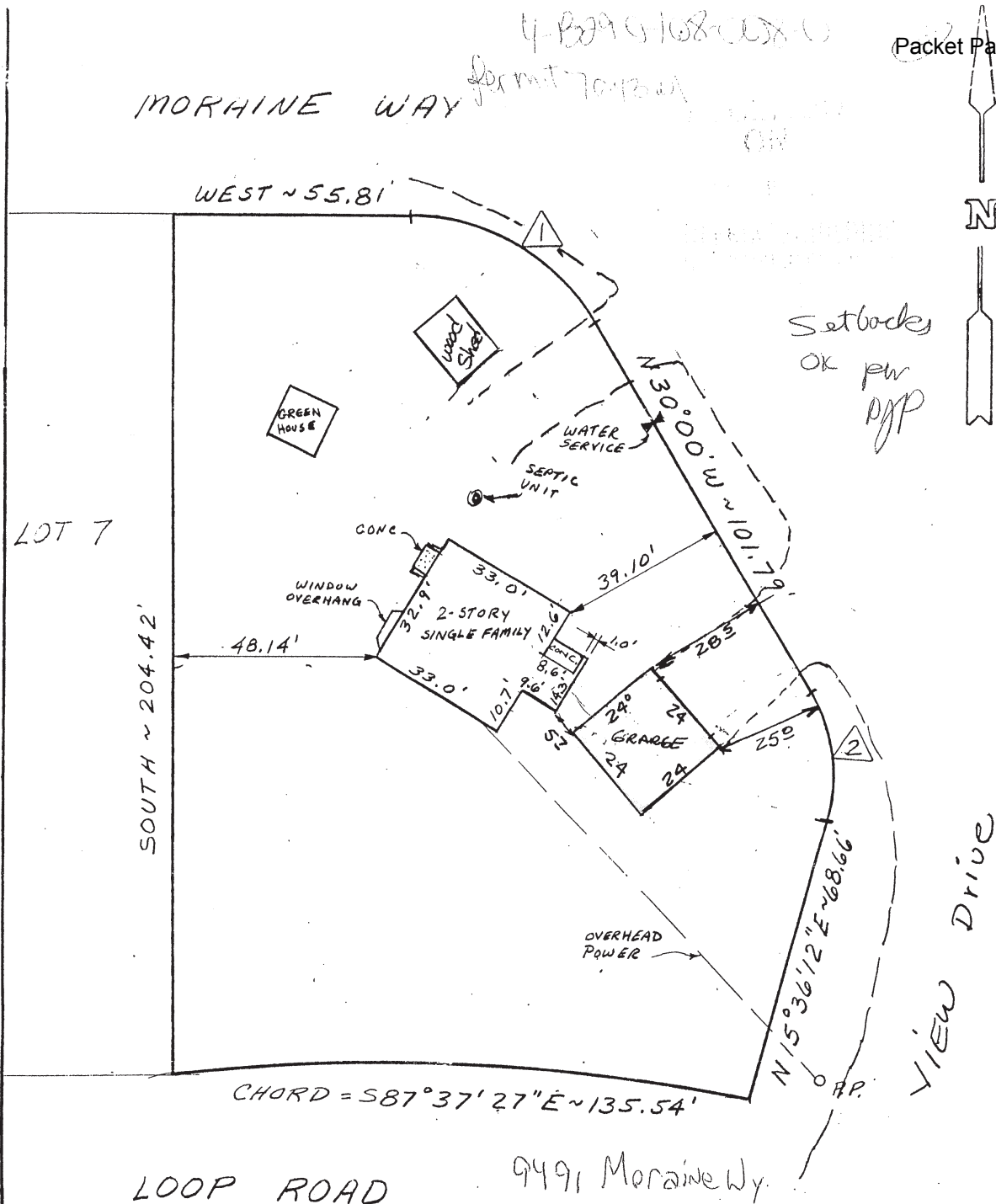
03/06/15

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

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

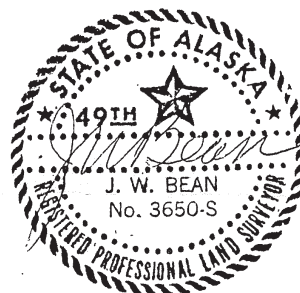
NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Attachment A



CURVE DATA			
①	R=50.0'	②	R=40.0'
	T=28.87'		T=16.82'

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 4528 SAWA CIRCLE JUNEAU, ALASKA 907-782-0880 SURVEYOR - PLANNER			Add New Garage JWB 9-26-92 AS-Built Survey of Lot 8, Block B NUNATAK TERRACE Sub #1 within U.S.S. 2091		
	DES.	JWB	JOB No.	10793	SCALE	1"=30'
	P.B.	FO	DA			
	Attachment B					

Plans for future kitchenette in above-garage living space.

Permit # 7643.01

9491 Moraine Way

- David Ackley & Lynn Hte

Deal restrictions for second kitchen on site.

No structural plans, but roughed in electrical, plumbing and ventilation

Received

on

AUG 14 1996

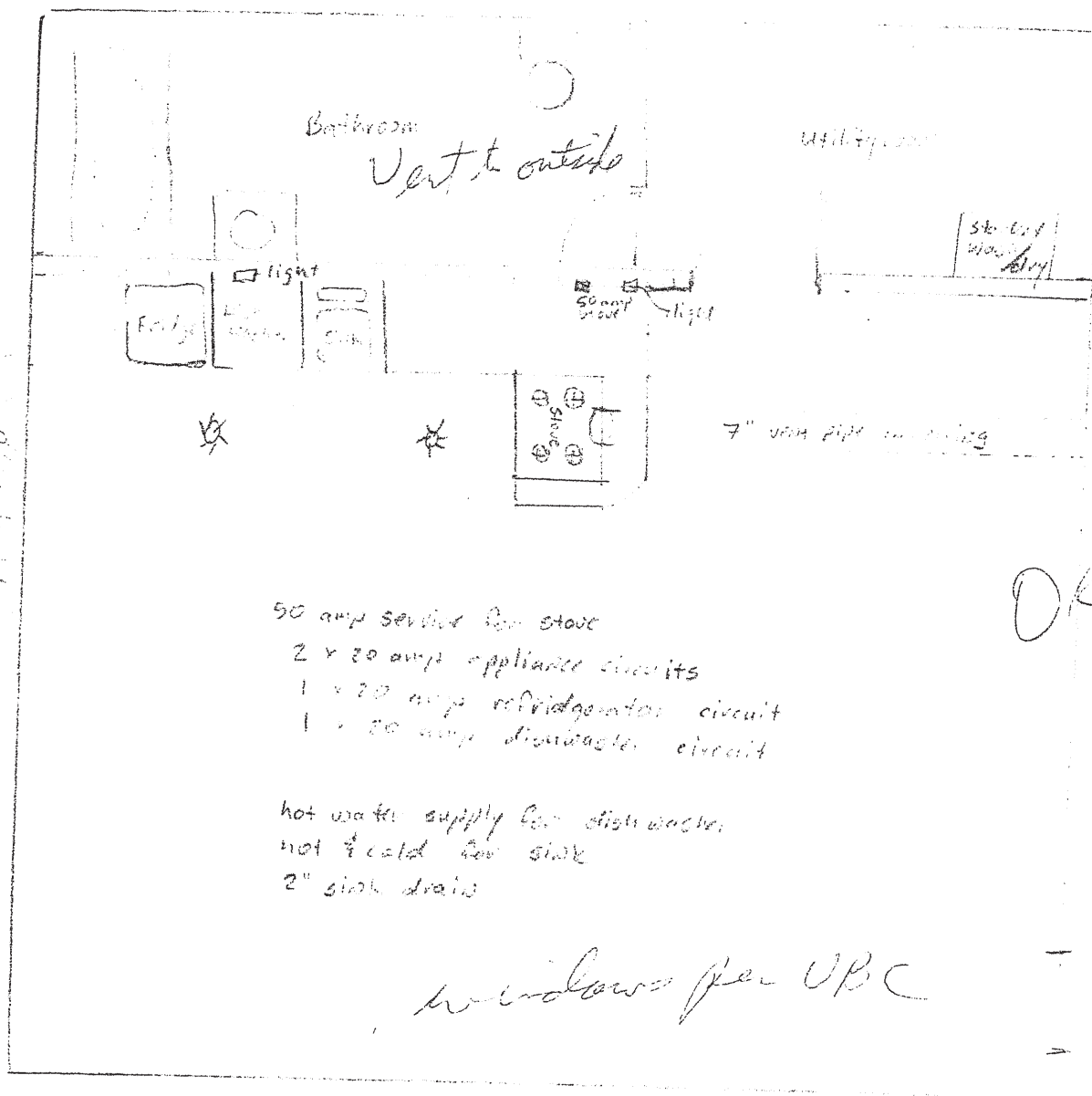
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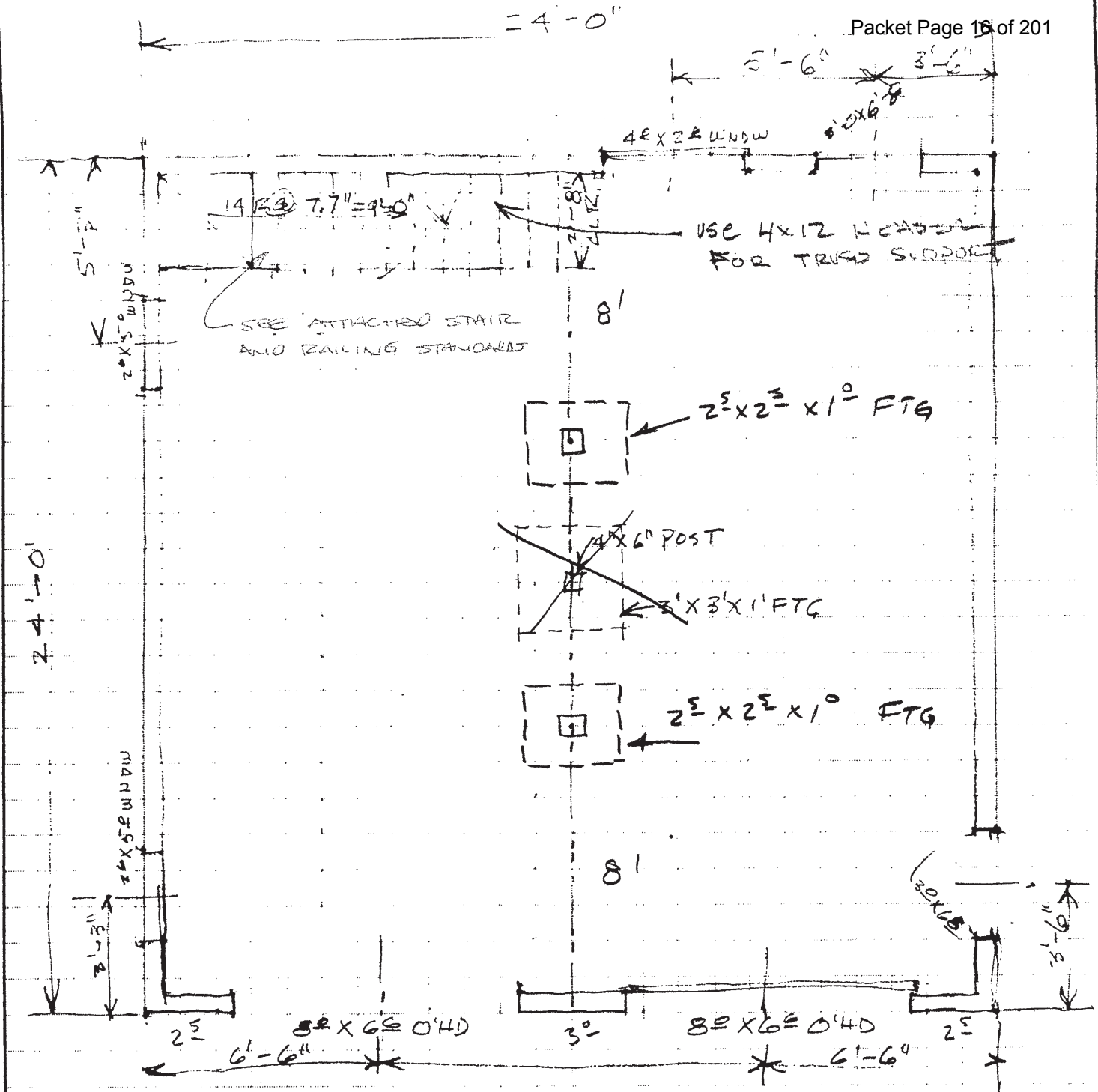
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CBJ

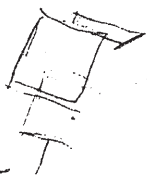
Permit Center

1/4" = 1'

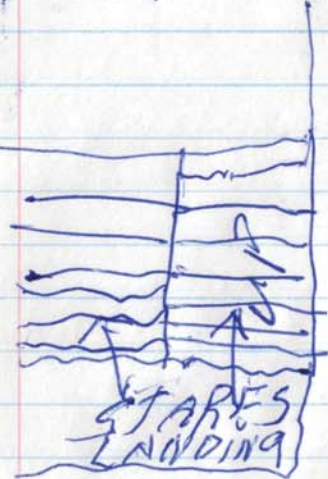
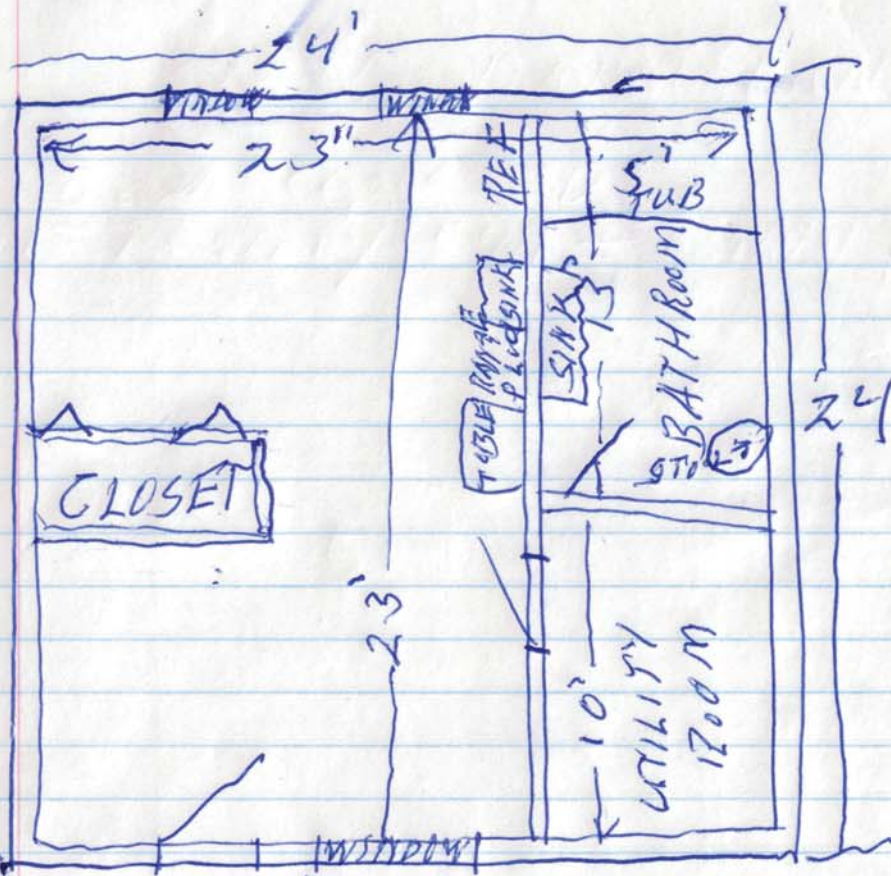




Lowest cost unit
complete wiring and
data kitchen sink
counter



01 72,000 sq ft
15' attached wall 54000
only single family house
76f8

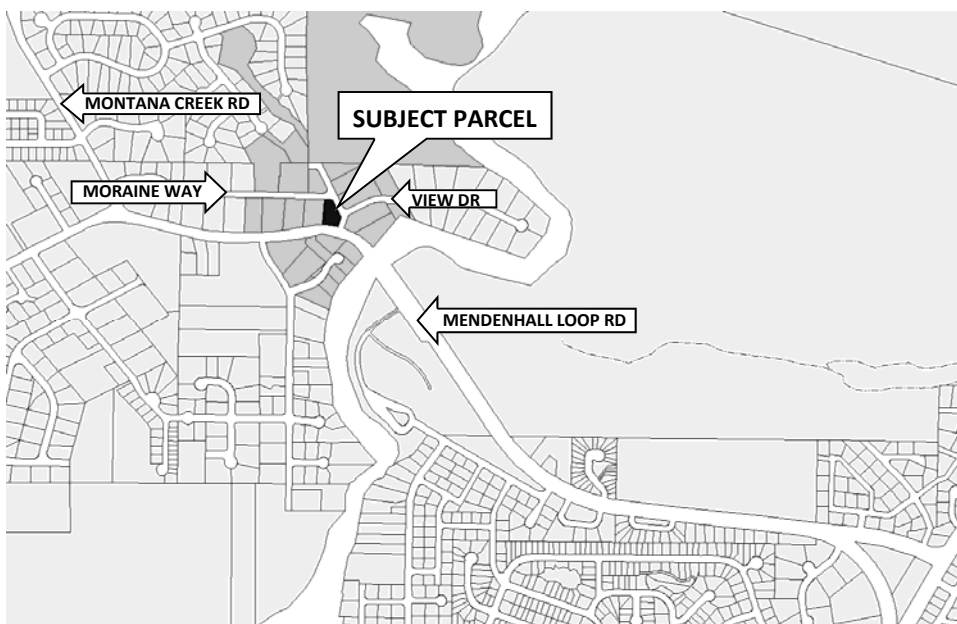


INTAKE REVIEW	
Gen Eng.	LB
POC	LB
IOC	_____
Tech.	_____

See additional plans from Bldg file attached LAB



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: Conditional Use permit for an accessory apartment on a substandard lot.

File No:	AAP2015 0007	Applicant:	Clyde Baldwin
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Place:	Assembly Chambers	Zoned:	D-1
	Municipal Building	Site Address:	9491 Moraine Way
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Attachment C

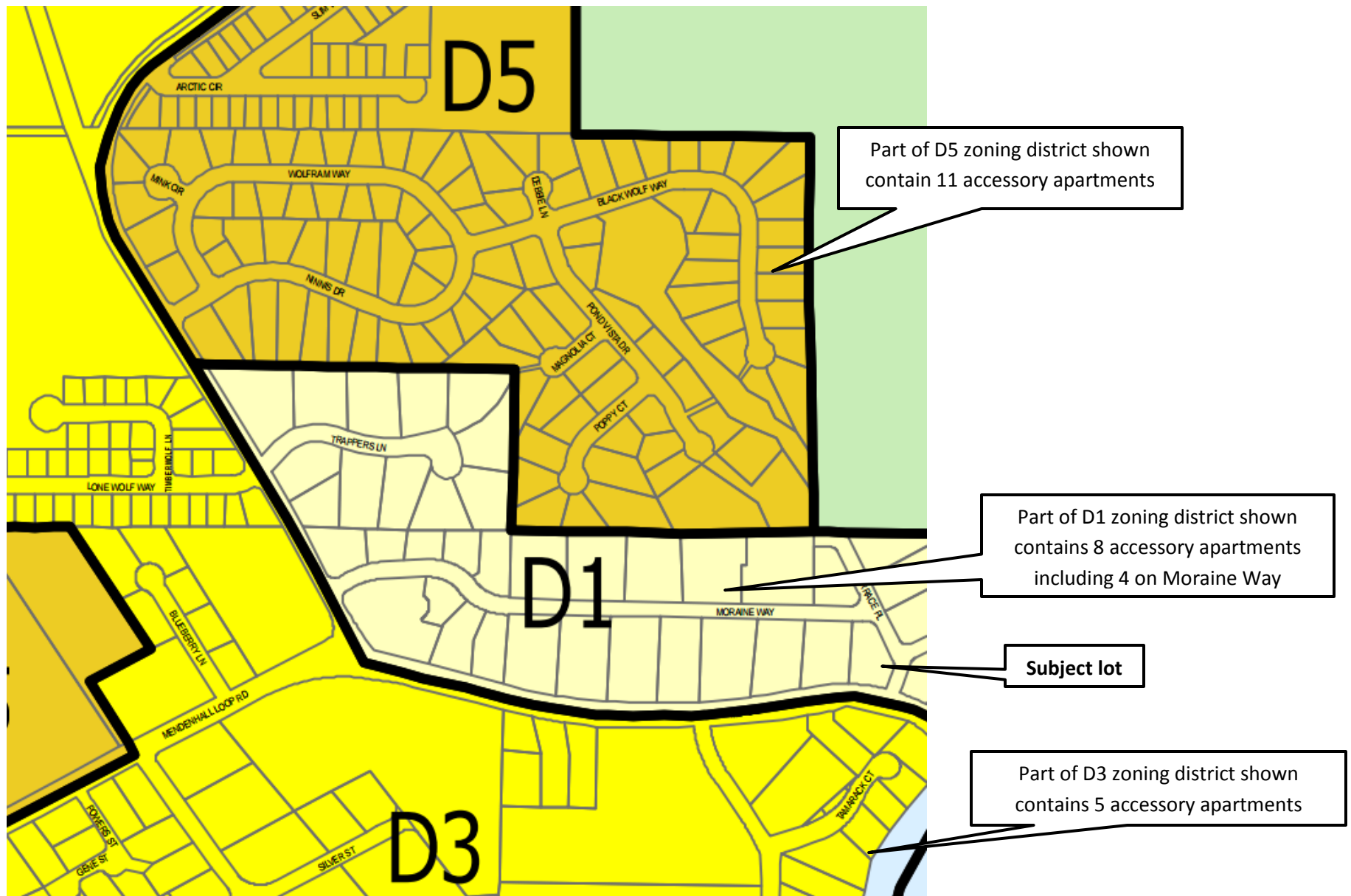
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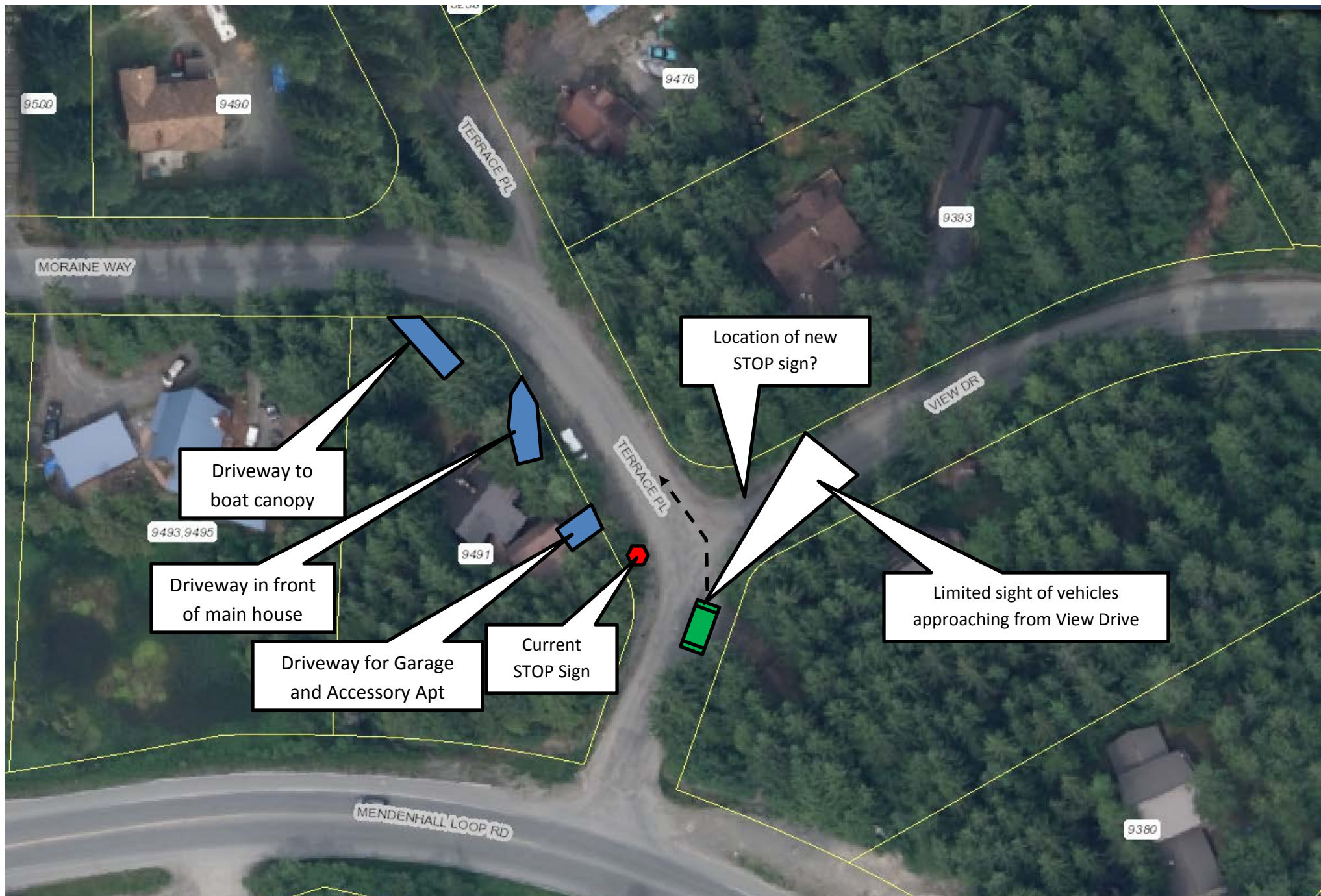
Attachment D – Photo of garage with living space above from Terrace Place



Attachment D – Photo of main house from Terrace Place



Attachment E – Zoning map noting number of accessory apartments



Attachment F – Diagram showing location of driveways on subject lot and turning sight issues identified by neighbor (for vehicles turning from View Drive into Moraine Way)

April 11, 2015

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

RE: File: AAP2015 0007, Property PCN : 4-B29-0-108-008-0

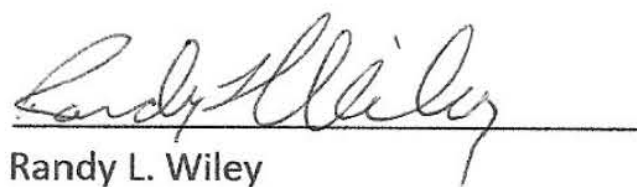
Dear Planning Commission,

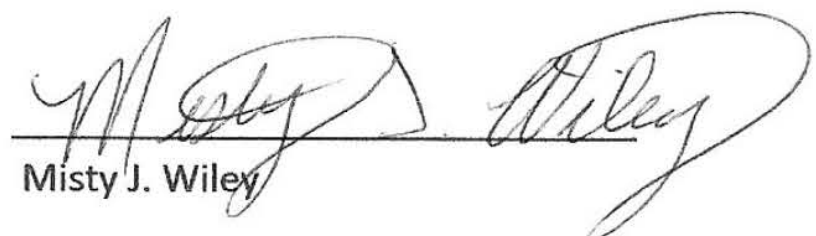
I am opposed to the approval of the conditional use permit referenced above due to the safety issues, specifically parking, on the street. This safety concern is because of the unique convergence of View Drive and Moraine Way and the risks involved. This intersection of Moraine and View has a blind spot as you make a left turn onto Moraine Way, but before you can turn left you have to strain to see if there is any oncoming traffic on View. As View intersects Moraine, it turns into a steep grade making it hard to see if there is oncoming traffic. Due to this blind spot created by the hill, making a left turn can be difficult as you attempt to see traffic coming from View. In the winter months with snow being cleared on the side of the street there is no room for street parking. With a narrow street, trying to navigate the intersection of View and Moraine with snow piled on the roads because of cars parked on the side of the road is a dangerous safety concern.

The lot has space for additional parking places. Trees need to be cleared and gravel put into place to provide off-street parking and make this a win-win situation for everyone.

I would encourage planning commission members to drive out to View and see for themselves the difficulty a driver encounters to turn left, not quite sure if a car is approaching head on from View.

Thank you,


Randy L. Wiley


Misty J. Wiley

RE: AAP20150007 - Accessory Apt on and Undersized lot

Ed Foster

 You replied to this message on 4/14/2015 4:17 PM.

Sent: Tue 4/14/2015 2:43 PM

To: Tim Felstead

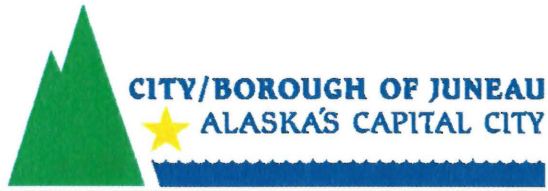
Cc: Ron King

Tim,

I went out there today and drove it. In my opinion there isn't a sight distance issue down View Dr as you turn left on Terrace Pl. I also don't see how the application has any effect on this anyway, there's already a driveway in front of the garage. As far as the three drive ways are concerned, if code limits them to two I think that's what they should be held to, but having three doesn't concern me, they are far enough apart. If we need to install a stop sign at View Dr we can, but past experience the neighborhood, especially on View Dr, will most likely not like that.

Ed

Attachment H



**PLANNING COMMISSION
NOTICE OF DECISION**

Date: April 28, 2015

File No.: AAP2015 0007

Cylde Baldwin
6330 N. Douglas Highway
Juneau, Alaska 99801

Application For: Conditional Use Permit for an accessory apartment on a substandard lot.
Legal Description: Nunatak Terrace Block B Lot 8
Property Address: 9491 Moraine Way
Parcel Code No.: 4-B29-0-108-008-0
Hearing Date: April 28, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 16, 2015, and **approved** the Conditional Use Permit for an accessory apartment on a substandard lot to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. An inspection by CBJ Building Division is undertaken to ensure the living area achieves current building code standards for an accessory apartment.
2. Sight obscuring vegetation is cleared between a height of 3 feet and 8 feet in an area 20 feet back from the edge of the travelled way.
3. The driveway in front of the garage be narrowed at the entrance by 3 feet on the side nearest View Drive.
4. No parking be allowed in the right of way in front of the subject lot.

Attachments:

1. April 16, 2015, memorandum from Tim Felstead, Community Development, to the CBJ Planning Commission regarding AAP2015 0007.
2. April 28 2015, Additional materials regarding AAP2015 0007.

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

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030

Clyde Baldwin
File No.: AAP2015 0007
April 28, 2015
Page 2 of 2

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

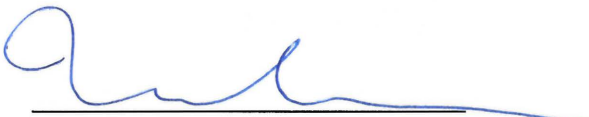
Effective Date: The permit is effective upon approval by the Commission, April 28, 2015

Expiration Date: The permit will expire 18 months after the effective date, or October 28, 2016, 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:



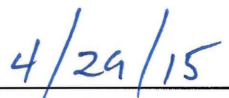
Tim Felstead, Planner
Community Development Department



Michael Satre, Chair
Planning Commission



Filed With City Clerk



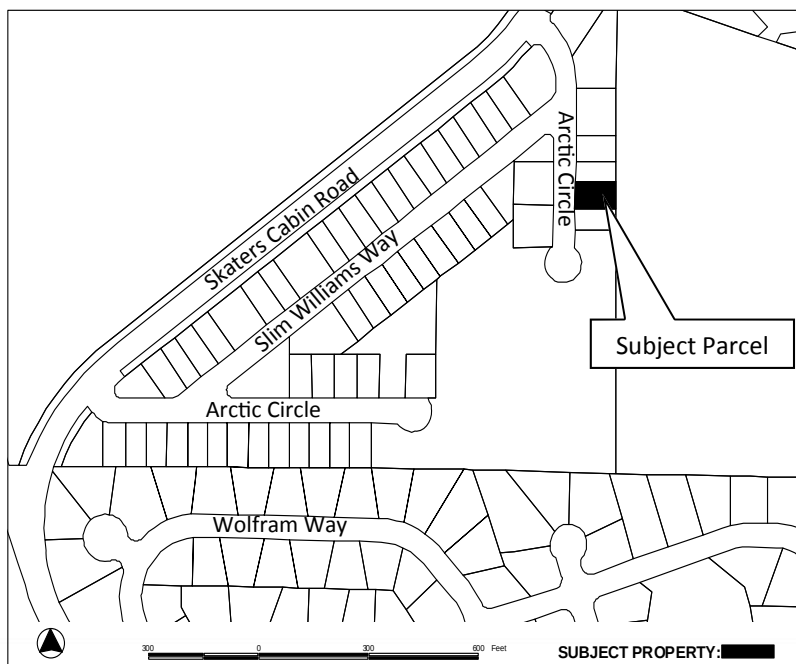
Date

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.

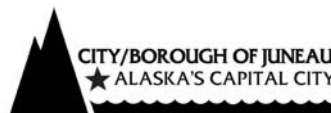


NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A Conditional Use Permit for accessory apartment on a substandard lot.

File No:	AAP2015 0005	Applicant:	Douglas & Suzanne Badilla
To:	Adjacent Property Owners	Property PCN:	4-B29-0-128-005-2
Hearing Date:	April 28, 2015	Owner:	Douglas & Suzanne Badilla
Hearing Time:	7:00 PM	Size:	6,600 Square Feet
Place:	Assembly Chambers	Zoned:	D-5
	Municipal Building	Site Address:	1067 Arctic Circle
	155 South Seward Street	Accessed Via:	Arctic Circle
	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.

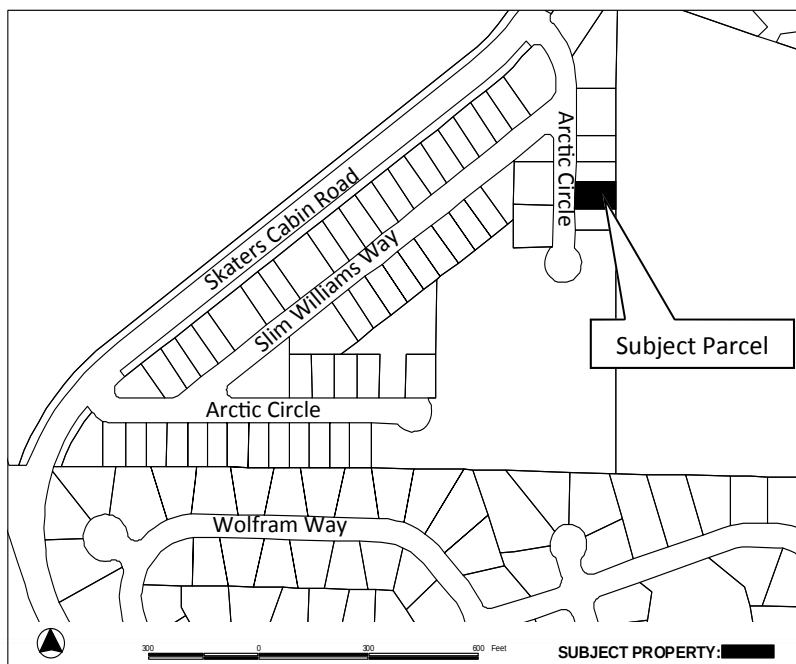


Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at
<http://www.juneau.org/assembly/novus.php>

Date notice was printed: March 18, 2015

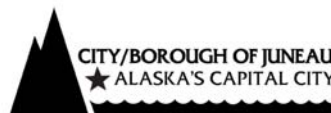


NOTICE OF PUBLIC HEARING



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

SHIP TO:



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Hearing Date:	April 28, 2015	Owner:	Douglas & Suzanne Badilla
Hearing Time:	7:00 PM	Size:	6,600 Square Feet
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	D-5
		Site Address:	1067 Arctic Circle
		Accessed Via:	Arctic Circle

PROPERTY OWNERS PLEASE NOTE:

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

Date notice was printed: March 18, 2015



Community Development

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

DATE: April 15, 2015

TO: Planning Commission

FROM: Tim Felstead, Planner
Community Development Department

FILE NO.: AAP20150005

PROPOSAL: Conditional Use Permit for an accessory apartment on undersized lot.

GENERAL INFORMATION

Applicant: Douglas and Susanne Badilla

Property Owner: Douglas and Susanne Badilla

Property Address: 1067 Arctic Circle

Legal Description: Brigadoon Estates Block A Lot 17B

Parcel Code Number: 4-B29-0-128-005-2

Site Size: 6600 Square Feet (0.15 Acres)

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

Zoning: D-5

Utilities: Public Water and Sewer

Access: Arctic Circle (Northern Section)

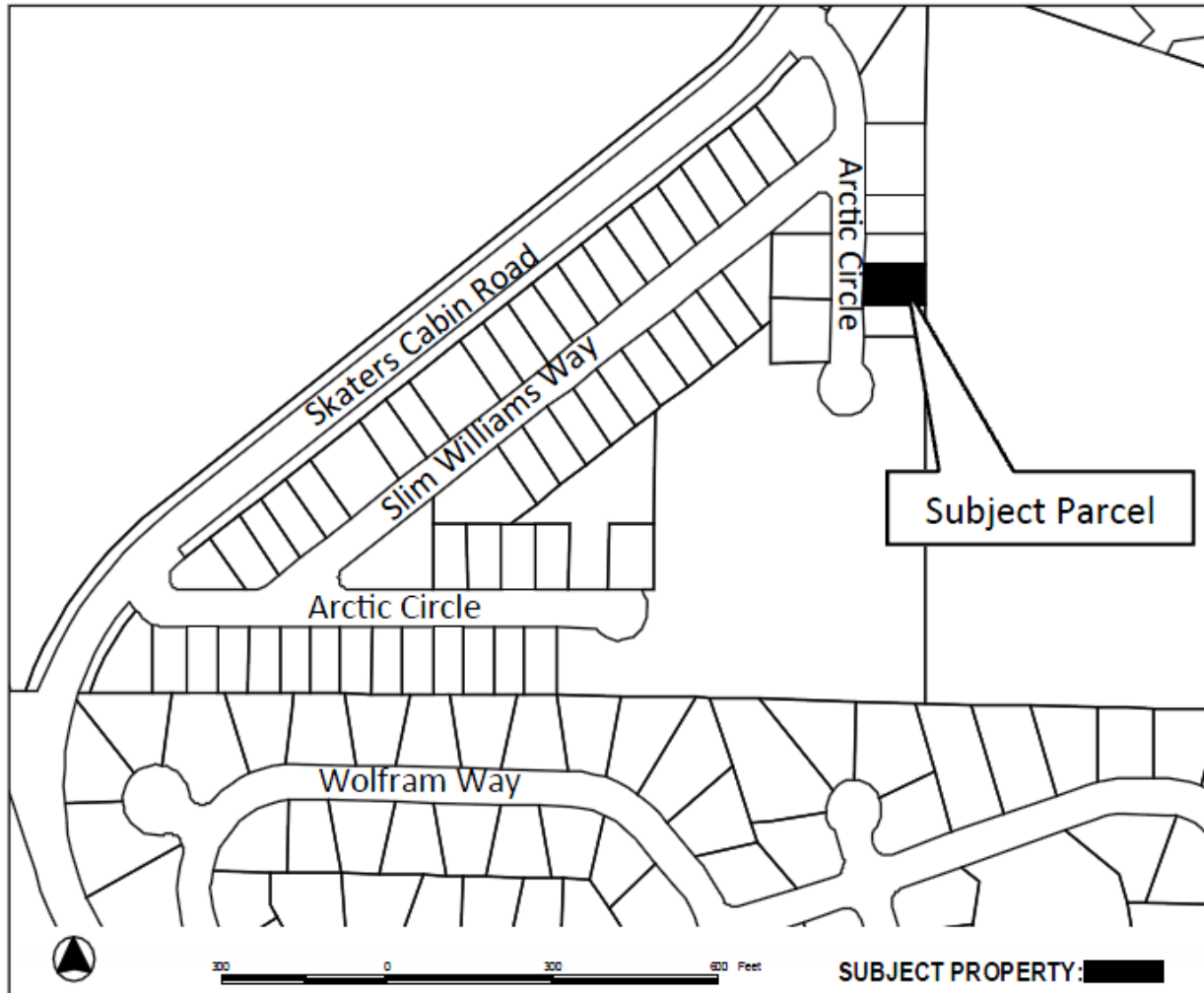
Existing Land Use: Single Family Residence

Surrounding Land Use:

North	- Single Family Residence (D5)
South	- Single Family Residence (D5)
East	- US Forest Service Land with Single family residence (RR)
West	- Single Family Residence (D5)

Planning Commission
 File No.: AAP2015-0005
 April 15, 2015
 Page 2 of 6

Vicinity Map



ATTACHMENTS

- Attachment A Application for Conditional Use Permit for Accessory Apartment including project narrative.
- Attachment B Site and Building Plans
- Attachment C Deed Restriction on Rental of Additional Living Space
- Attachment D Notice of public hearing
- Attachment E Site Photos

Planning Commission
 File No.: AAP20150005
 April 15, 2015
 Page 3 of 6

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of an accessory apartment on an undersized lot at 1067 Arctic Circle (see **Attachment A**).

BACKGROUND

In 2001, the applicants constructed a 760 square foot addition to their residence to accommodate a relative. The construction was such that part of this additional living space provided semi-independent living for the relative with a separate entry and basic kitchen but also had internal access to the main dwelling.

The proposed accessory apartment will be utilizing 375 square feet of the addition. The property currently has a deed restriction which prevents this added living space from being used as a rented accessory apartment (see **Attachment C**). Some building work will be required for the apartment to comply with the current building code. The applicant will be required to obtain a building permit to undertake the necessary work for the apartment if a Conditional Use Permit is approved.

ANALYSIS

Project Site and Design – According to the CBJ Land Use Code Title 49 Section CBJ 49.25.510 (d)(2)(G)(i), an Accessory Apartment permit requires Planning Commission approval under the Conditional Use Permit process as the lot does not meet the Minimum Lot Size for parcels in D-5 zoning district. The minimum lot size for the D-5 zoning district is 7,000 square feet. The applicants' lot is 5,600 square feet. The applicants' lot was platted, with approval from the City and Borough of Juneau, in 1985 as part of a subdivision of a duplex lot. At the time of subdivision, the lot was in an R7 zone which had a minimum lot size of 7000 square feet.

The applicants' residence is a common-wall dwelling with the proposed accessory apartment utilizing a separate entry on the side of the building (facing the northern side of the lot line). This is the same entrance that was previously used by the applicants' relative.

CBJ 49.25.510, regarding approval of accessory apartments, has a number of requirements for accessory apartments. The proposed accessory apartment meets all the criteria. At 375 square feet, it is below the maximum allowed size (maximum of 600 square feet with maximum one bedroom) and does not violate lot vegetative requirements. All setbacks are met by the current building, and the required parking standard is achieved (see below).

Traffic, Parking and Circulation – Single family dwellings including an accessory apartment are required to have three parking spaces (two for the single family dwelling and one for the accessory apartment). The subject lot currently has enough parking spaces to satisfy this requirement with

Planning Commission
 File No.: AAP2015-0005
 April 15, 2015
 Page 4 of 6

one garage space and at least two additional driveway spaces for parking (see site plan in Attachment B and photo of subject property in Attachment E).

Noise – The proposed use as an accessory apartment will be in keeping with a residential neighborhood. There will be no external construction during conversion of the existing living space to an accessory apartment.

Public Health or Safety - Staff is unaware of any public health or safety issues associated with the proposed development. CBJ Fire Department, CBJ General Engineering and CBJ Building Divisions have stated they have no issues with the application. However, the accessory apartment work will require a Building Permit which should ensure health and safety issues are addressed.

Habitat - No sensitive areas, eagle nests, anadromous fish streams, or wetlands are known to exist on the subject site.

Property Value or Neighborhood Harmony - No evidence has been identified or presented by neighbors indicating that the proposed development will have a negative impact on property value or neighborhood harmony. No comments against the proposal have been received at the time of writing this report. There is vegetation screening the side entrance from the adjacent property to allow privacy.

Conformity with Adopted Plans - The project substantially conforms to the 2013 Juneau Comprehensive Plan Policy 4.1 as follows:

‘Policy 4.1 To facilitate the provision and maintenance of safe, sanitary, and affordable housing for its residents.’

The proposed development meets the intent of this policy by providing additional housing in the community.

FINDINGS

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

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

Planning Commission
 File No.: AAP2015-0005
 April 15, 2015
 Page 5 of 6

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

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

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

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

1. Is the application for the requested Accessory Apartment permit complete?

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 1.130 for the D-5 Zoning District.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided on the April 17th and April 27th issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel (see **Attachment D**). Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. As described in the preceding analysis, Building Permits will help ensure that the proposed development will not materially endanger the public health or safety.

Planning Commission
File No.: AAP20150005
April 15, 2015
Page 6 of 6

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

No. As described in the preceding analysis, no evidence indicates that the development will substantially decrease the value of or be out of harmony with the property in the neighboring area.

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

Yes. The proposed development meets the intent of the 2013 Juneau Comprehensive Plan, specifically Policy 4.1, regarding provision of safe and affordable housing.

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

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

Not applicable.

RECOMMENDATION

Based upon the proposed plans, it is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of an accessory apartment on an undersized lot in a D-5 zoning district.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 03/02/15
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description (Conditional Use Permit for) Accessory Apartment		
	PROPERTY LOCATION		
	Street Address 1067 Arctic Circle	City/Zip Juneau, AK 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Lot 17B Block A Brigadoon Subdivision (Estates)		
	Assessor's Parcel Number(s)		
	LANDOWNER/ LESSEE		
	Property Owner's Name Douglas and Susanne Badilla	Contact Person: Sue Badilla	Work Phone: 586-8100
	Mailing Address 1067 Arctic Circle, Juneau, AK 99801	Home Phone: 907-321-0175	Fax Number:
	E-mail Address dbadilla@ac.net, susannebadilla@gmail.com	Other Contact Phone Number(s): 907-321-1600 (Doug)	
	LANDOWNER/ LESSEE CONSENT *****Required for Planning Permits, not needed on Building/ Engineering Permits*****		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X	<u>Douglas Badilla</u> Landowner/Lessee Signature	<u>3/1/15</u> Date	
X	<u>Susanne Badilla</u> Landowner/Lessee Signature	<u>3/1/15</u> Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name same		Contact Person:	
Mailing Address		Home Phone:	
E-mail Address		Other Contact Phone Number(s):	
X	<u>Douglas & Susanne Badilla</u> Applicant's Signature	<u>3/1/15</u> Date of Application	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE-----			
	☒	Permit Type	***SIGN***	Date Received
		Building/Grading Permit		
		City/State Project Review and City Land Action		
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)		
		Mining Case (Small, Large, Rural, Extraction, Exploration)		
		Sign Approval (If more than one, fill in all applicable permit #'s)		
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)		AAP 2015 0005
		Variance Case (De Minimis and all other Variance case types)		
		Wetlands Permits		
		Zone Change Application		
		Other (Describe)		
	***Public Notice Sign Form filled out and in the file.			
	Comments:			Permit Intake Initials TJP

TO BE COMPLETED BY THE APPLICANT

ATTACHMENT A

**Project Name: Conditional Use Permit for Accessory
Apartment on undersized lot**

Case Number: PAC20150006 per pre-application conference on 2/25/15

To Whom It May Concern:

We are Douglas and Susanne Badilla. We own the property at 1067 Arctic Circle in Brigadoon Subdivision. Our reason for writing is to apply for a conditional use permit as stated above.

In 2001-2002 we added approximately 750 square feet to our home to provide an extra bedroom and a recreation/family room for our family of 6. We are proposing to use the added master bedroom as an accessory apartment since family living in the dwelling is only the 2 of us. An accessory apartment could be a source of income and provide needed housing. Our home is in an ideal location for a rental as it is close to recreational opportunities and the University of Alaska Southeast.

The master bedroom, as shown in the site plans used for construction, has a separate entrance, a private bathroom and a wet bar sink.

We plan to install a small range, range hood, firewall, ventilation and anything else specified by the building and fire codes.

The proposed apartment will be 600 sq ft.

The current building footprint is not going to change. There will be no external changes to the building.

The height of the building is not going to change and the drainage remains the same.

The current setback meets the current code as detailed in the site plans at the time of the addition.

We have a total of 4 parking spaces available on our lot. On the as built survey we have drawn in the 4 parking spaces available.

We currently have a fence, trees and shrubs separating our home from the lot to the North which the outside entrance to the current master bedroom faces. There is sufficient privacy for both dwellings.

We currently have lighting on the outside entrance to the master bedroom as well as a motion center light along the side of the house as it leads up to the entrance. The entrance has been used since the addition and will not be a significant change from the past level of usage.

There will be no change to traffic, outside engineering, or utilities.

There are no wetlands, habitat or hazard considerations or plat or covenant restrictions and the structure is not in a flood zone.

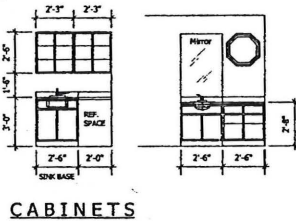
Thank you for your time to consider this request. Please let us know if you have any questions.

Respectfully,

Susanne & Douglas Badilla
dbadilla@gci.net, susannebadilla@gmail.com, douglasbadilla@gmail.com 907-321-0175 Sue
or 907-321-1600 Doug

WINDOW SCHEDULE			
MARK	QTY.	WINDOW TYPE	DIMENSIONS
A ¹	1	HORIZONTAL SLIDER	4'-0" X 4'-0"
B	1	OCTAGON	2'-0" X 2'-0"
C	1	CASEMENT	2'-0" X 4'-0"
D ¹	1	DOUBLE CASEMENT	5'-0" X 4'-0"
E ¹	2	CASEMENT	2'-0" X 5'-0"
F	1	FRENCH DOOR	6'-0" X 6'-10"
G	1	ELLIPTICAL ARCH	8'-0" X 2'-0"

1. EGRESS WINDOW
2. SAFETY GLAZING

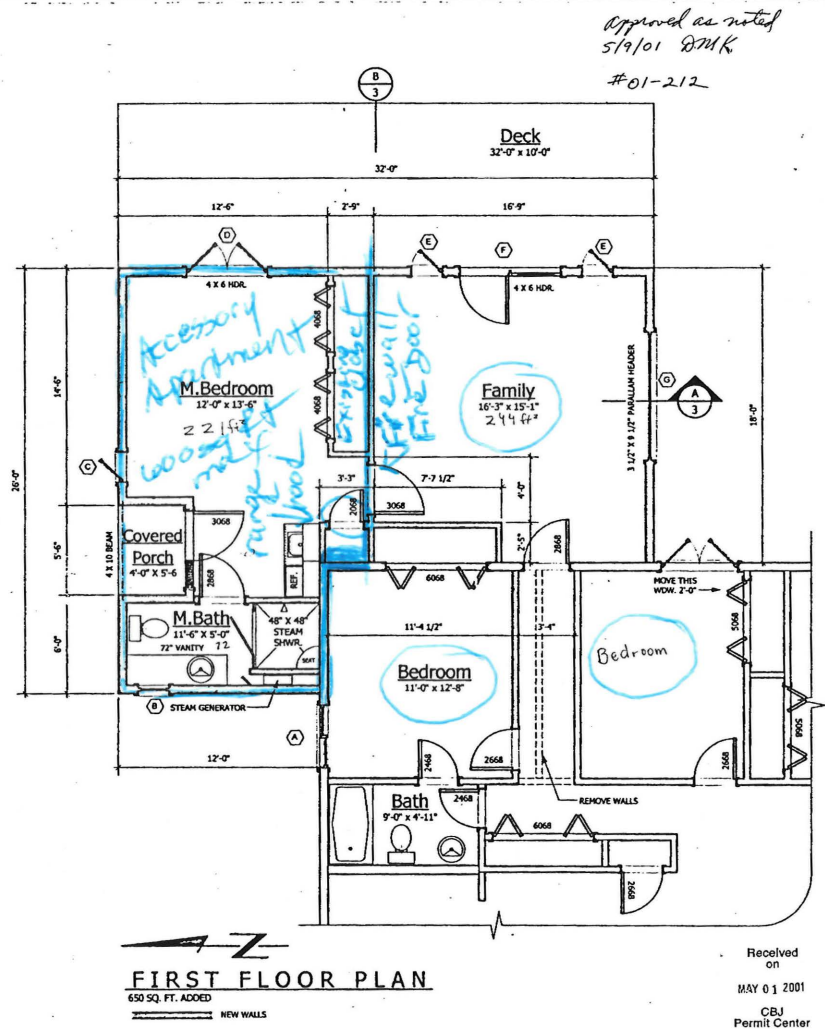


IMPORTANT:
Due to the nature of remodeling work, not all aspects of construction can be foreseen. These plans and specifications are to be considered only a guide, and they do not attempt to depict every component necessary for the completion of the project. All work shall conform to the Uniform Building Code and other codes & regulations adopted by the City & Borough of Juneau. All engineered components, systems, and other manufactured items and equipment shall be installed according to the manufacturer's specifications. Verify all dimensions and measurements on site.

Before construction begins, a building permit is applied for, or materials are ordered, the building contractor, as designated by the owner, shall review the plans with the designer on site. The designer's liability due to errors or omissions contained within these drawings shall be limited to the redrawing or redesigning of the plan to address the situation.

These designs and drawings are protected by the Federal Copyright Laws and may not be copied, reproduced, modified, distributed or used in any other way without the specific written consent of Rick Thibodeau dba DesignWorks, the copyright owner.

Existing Fence shrubs & trees



Approved as noted
5/9/01 RTHK
#01-212

FIRST FLOOR PLAN
650 SQ. FT. ADDED
NEW WALLS

Received on
MAY 01 2001
CBJ
Permit Center

ADDITION TO THE
BADILLA RESIDENCE

1067 ARCTIC CIRCLE

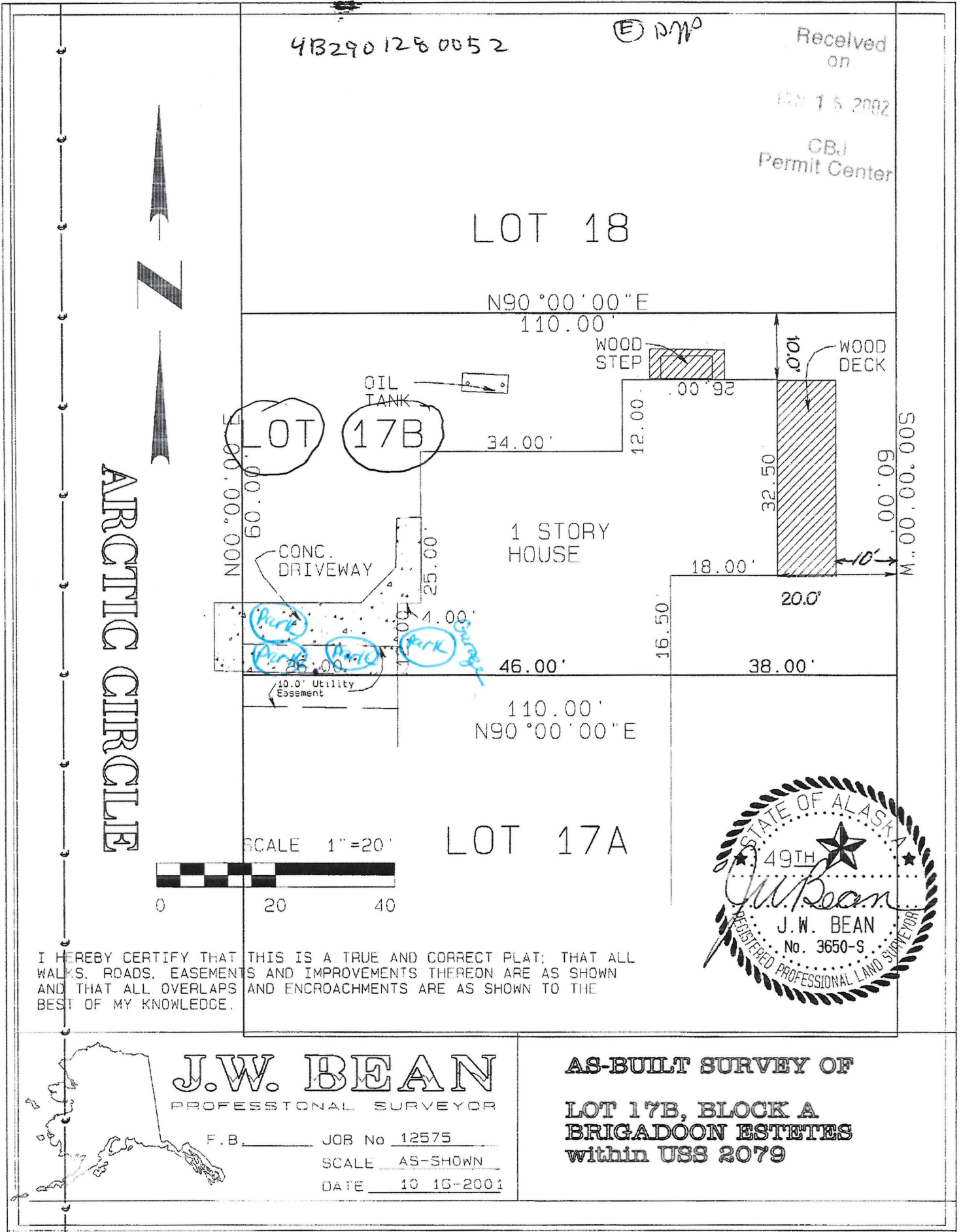
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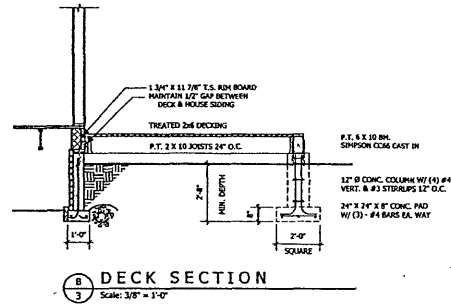
DRAWN BY
 RICK THIBODEAU
 PHONE
 769-2897

DesignWorks
 RESIDENTIAL DESIGN

1

"For I know the plans I have for you", declares the Lord, "plans to prosper you and not to harm you, plans to give you hope and a future." - Jeremiah 29:11





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on
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CBJ
Permit Center

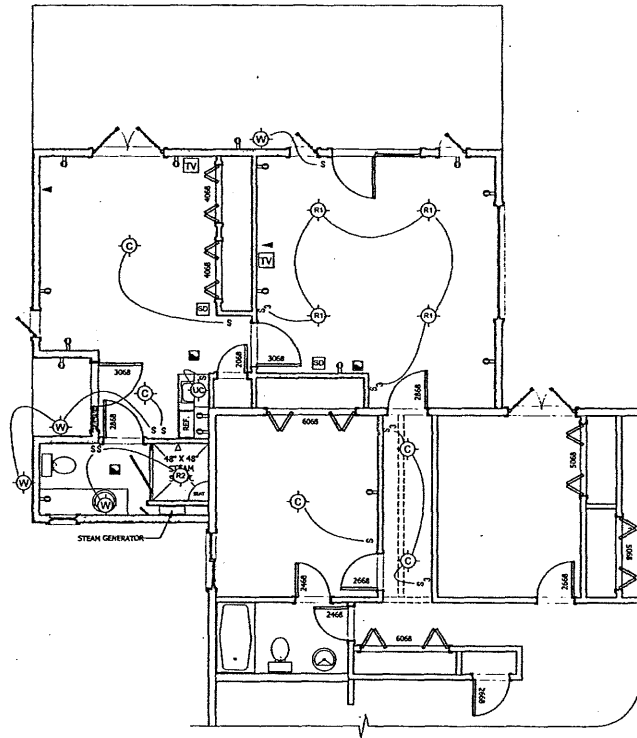
(3)

"For I know the plans I have for you", declares the Lord, "plans to prosper you and not to harm you, plans to give you hope and a future." - Jeremiah 29 : 11

ELECTRICAL NOTES

RECESSED LIGHT FIXTURES IN THE THERMAL ENVELOPE TO BE CERTIFIED FOR INSULATION COVERAGE AND SHALL NOT BREAK THE CONTINUITY OF VAPOR BARRIER.
OUTLET GASKETS OR EQUAL SHALL BE PROVIDED ON ALL ELECTRICAL PENETRATIONS OF THE EXTERIOR ENVELOPE.
EXTERIOR OUTLETS TO BE GROUND FAULT INTERRUPTER CIRCUITS WITH WATERPROOF COVERS.
OUTLETS WITHIN 6' OF PLUMBING TO BE GROUND FAULT INTERRUPTER CIRCUITS.
VENTILATE EACH ROOM OF ADDITION W/ AMERICAN ALDES SV180.
PROVIDE AMERICAN ALDES AWE FRESH AIR INLETS TO EACH ROOM.
PROVIDE ELECTRICAL CONNECTIONS FOR ALL DEVICES SHOWN ACCORDING TO MANUFACTURER'S SPECIFICATIONS.
SMOKE DETECTORS TO HAVE BATTERY BACKUP.

- | | |
|-----------------------------------|-------------------|
| W WALL MOUNTED | VENTILATION |
| C CEILING MOUNTED | AC Smoke Detector |
| HL JUNO AL205-115C 75W FA150 LAMP | PHONE JACK |
| HL JUNO AL570 40W A19 LAMP | TV CABLE JACK |
| UC UNDER CABINET | OUTLET |
| | SW SWITCH |
| | 3W 3 WAY SWITCH |



Received
on
MAY 01 2001
CSD
Permit Center

Badilla Residence

ELECTRICAL PLAN

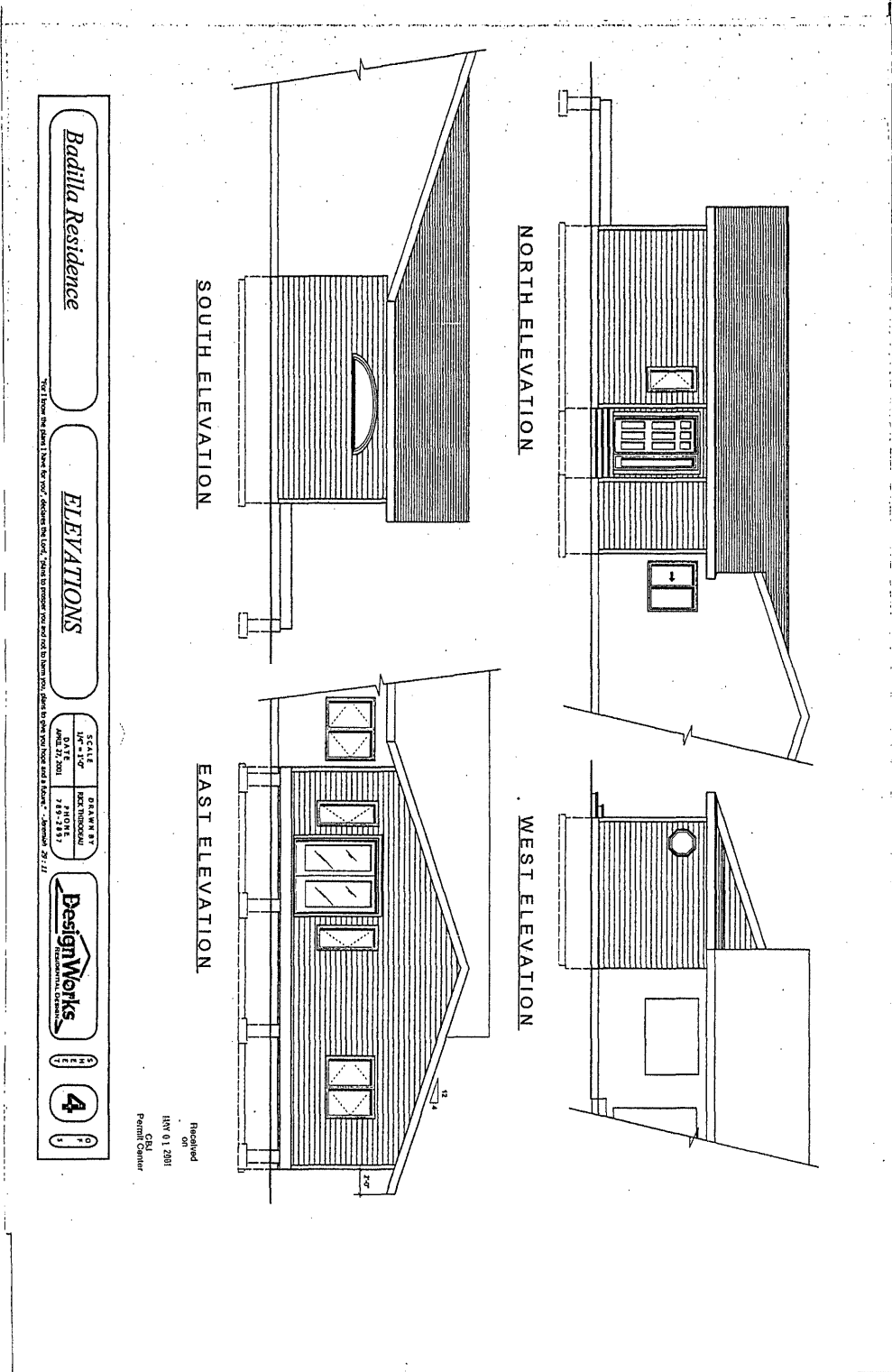
SCALE
1/4" = 1'-0"
DATE
APRIL 27, 2001

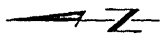
DRAWN BY
RICK THIBODEAU
PHONE
788-2887

DesignWorks
RESIDENTIAL DESIGN

5

"For I am not ashamed of the Gospel, for it is the power of God for salvation to everyone who believes, to the Jew first and also to the Greek." Romans 1:16





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



Received
on
MAY 01 2001
CBJ
Permit Center

2

¹⁰But the one who has heard, and has not acted accordingly, is like a man who built a house upon the ground without any foundation; and the torrent burst against it and immediately it collapsed, and the ruin of that house was great." - *Jesus Christ, in the Gospel of Luke (6:47-49)*

 2002-011557-0

Recording Dist: 101 - Juneau

11/12/2002 10:04 AM Pages: 1 of 5

A
L
A
S
K
A

JUNEAU RECORDING DISTRICT

Page 1 of 4 CC

**NOTICE OF AGREEMENT OF RESTRICTION ON
USE OF EXTRA KITCHEN**

CBJ Permit No: BLD2001-00212 at APN: 4-B29-0-128-015-2

PROPERTY INVOLVED:

Lot 17B, Block A, Brigadoon Estates, 1067 Arctic Circle, Juneau, Alaska, located in the Juneau Recording District, State of Alaska.

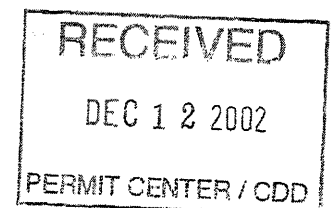
PARTIES TO THIS AGREEMENT OF RESTRICTION:

Douglas C. Badilla and Susanne D. Badilla, property owners, whose mailing address is 1067 Arctic Circle, Juneau, Alaska, 99801 or other owners or parties that have security interest in the real property described above; and the City and Borough of Juneau, Community Development Department, of 155 South Seward Street, Juneau, Alaska 99801 all agree to this restriction and the conditions for releasing the restriction.

AGREEMENT OF RESTRICTION:

Only one dwelling unit is allowed on the real property described above under current zoning regulations. However, both kitchens will be allowed to remain under the terms of this agreement. There are presently two kitchens located in the structure. The building permit for an addition of a family room, master bedroom and bathroom reviewed and issued under BLD2001-00212 plan sheet page 1, drawn by Rick Thibodeau of Design Works residential design, received May 1, 2001, has a sink, refrigerator, and counter in the room labeled M. Bedroom Room. The CBJ Community Development Department has determined that due to the existence of two areas in the building that will provide complete and independent living, cooking and sleeping facilities, this structure contains two potential dwelling units. The kitchen that existed prior to the addition with BLD2001-000212 will be considered the primary kitchen and the kitchen located in the addition labeled M. Bedroom will be considered an accessory kitchen to the primary dwelling unit.

The extra kitchen located in the M. Bedroom addition and associated rooms are to be used as a bedroom, guest room, family room, play room, party room, recreation room, wet bar or other similar uses; but are not to be used for any rental of space to another party for any fees or compensation, or to be used as a separate dwelling unit for another family.

**ATTACHMENT C**

No transfer, sale, or encumbrance of Lot 17B, Block A, Brigadoon Estates is allowed unless a new agreement of restriction is executed with the City and Borough of Juneau; or the additional kitchen is removed, inspected and approved by the City and Borough of Juneau; or if current Land Use Code zoning will allow an extra dwelling and a building permit for the work to bring it to all dwelling unit standards is obtained, inspected and approved.

This agreement is perpetual and runs with the property, and is binding upon the heirs and assigns of the owner.

CONDITIONS FOR RELEASE OF RESTRICTION:

Upon changes, modifications, or updates in City and Borough of Juneau Land Use Code with respect to density which would allow additional dwelling units, this deed restriction may be terminated by the written release of the City or if at time of the release request the current Land Use Code zoning will allow an extra dwelling and a building permit for the work is obtained, inspected and approved.

The restriction may be terminated if the additional kitchen has been removed, inspected and approved by the City and Borough of Juneau, Community Development Department, Building Division, using the building permit process. Removal of a kitchen consists of removal of the kitchen cabinets, counter tops, sink, and capping of plumbing to the sink and 220-wiring for the range. Once the kitchen has been removed and work approved by the City and Borough of Juneau this restriction may be terminated by the written release of the City.

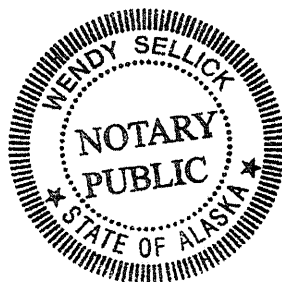
Dated this 29 day of October, 2002.

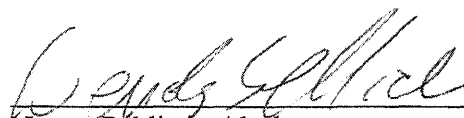

Douglas C. Badilla, Owner

STATE OF ALASKA)
): SS.
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 29 day of October, 2002, before me, a Notary Public in and for the State of Alaska duly commissioned and sworn, personally appeared Douglas C. Badilla, to me known and known to me to be the person whose name is subscribed to the foregoing instrument freely and voluntarily for the stated purposes and reasons set forth therein on the 29 day of October, 2002.

AND




Notary Public in Alaska;
My commission expires 10/19/04



2 of 5
2002-011557-0

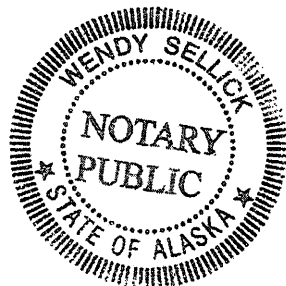
ATTACHMENT C

Dated this 29 day of October, 2002.

Susanne D. Badilla
Susanne D. Badilla, Owner

STATE OF ALASKA)
) : SS.
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 29 day of October 2002, before me, a Notary Public in and for the State of Alaska duly commissioned and sworn, personally appeared Susanne D. Badilla, to me known and known to me to be the person whose name is subscribed to the foregoing instrument freely and voluntarily for the stated purposes and reasons set forth therein on the 29 day of October, 2002.



Wendy Sellick
Notary Public in Alaska;
My commission expires 10/19/04

AND

Dated: 10/24/02

CITY AND BOROUGH OF JUNEAU
COMMUNITY DEVELOPMENT DEPARTMENT

Dale Pernula
Dale Pernula, Director
Community Development Dept.



3 of 5

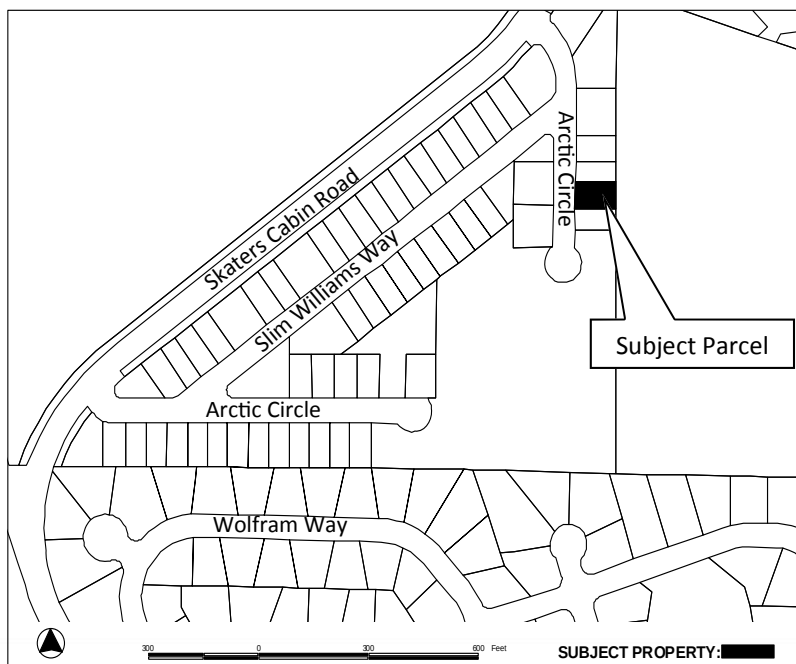
2002-011557-0

ATTACHMENT C

ATTACHMENT C

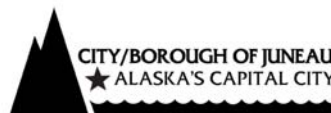


NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A Conditional Use Permit for accessory apartment on a substandard lot.

File No:	AAP2015 0005	Applicant:	Douglas & Suzanne Badilla
To:	Adjacent Property Owners	Property PCN:	4-B29-0-128-005-2
Hearing Date:	April 28, 2015	Owner:	Douglas & Suzanne Badilla
Hearing Time:	7:00 PM	Size:	6,600 Square Feet
Place:	Assembly Chambers	Zoned:	D-5
	Municipal Building	Site Address:	1067 Arctic Circle
	155 South Seward Street	Accessed Via:	Arctic Circle
	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.



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

ATTACHMENT D

Date notice was printed: March 18, 2015





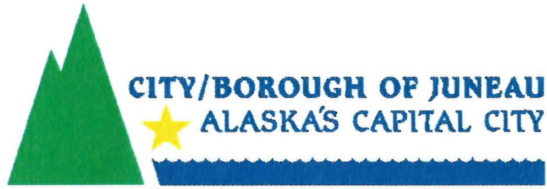
Attachment E – View North along Arctic Circle



Attachment E – View opposite subject property



Attachment E – View South down Arctic Circle



**PLANNING COMMISSION
NOTICE OF DECISION**

Date: April 28, 2015

File No.: AAP2015 0005

Douglas and Susanne Badilla
1067 Arctic Circle
Juneau, AK 99801

Application For: Conditional Use Permit for an accessory apartment on undersized lot.
Legal Description: Brigadoon Estates II Block A Lot 17B
Property Address: 1067 Arctic Circle
Parcel Code No.: 4-B29-0-128-005-2
Hearing Date: April 28, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 15, 2015, and **approved** the Conditional Use Permit for an accessory apartment on undersized lot to be conducted as described in the project description and project drawings submitted with the application.

Attachments: April 15, 2015, memorandum from Tim Felstead, Community Development, to the CBJ Planning Commission regarding AAP2015 0005.

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

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

Effective Date: The permit is effective upon approval by the Commission, April 28, 2015.

Expiration Date: The permit will expire 18 months after the effective date, or October 28, 2016, 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.

Douglas and Suzanne Badilla

File No.: AAP2015 0005

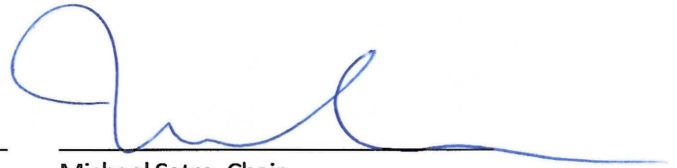
April 28, 2015

Page 2 of 2

Project Planner:



Tim Felstead, Planner
Community Development Department



Michael Satre, Chair
Planning Commission


Filed With City Clerk

4/29/15

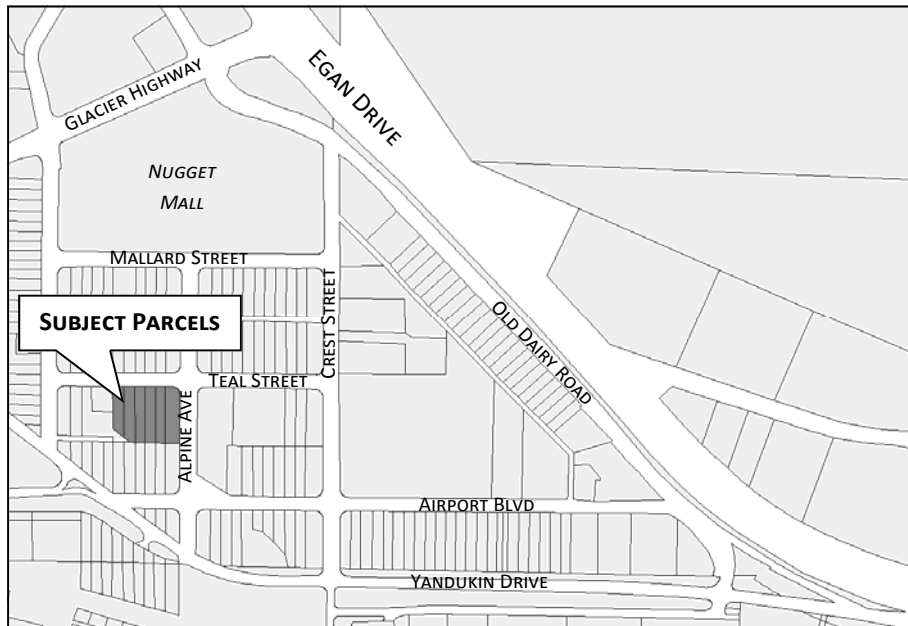
Date

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:



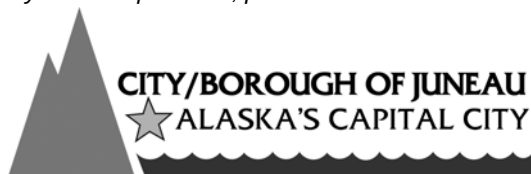
PROPOSAL: A Major Subdivision consolidating 6 lots into 1 for St. Vincent de Paul near Nugget Mall.

File No:	SMP2015 0003; SMF2015 0003	Applicant:	St. Vincent de Paul
To:	Adjacent Property Owners	Property PCN:	5-B15-0-106-004-0 through -009-0
Hearing Date:	April 28, 2015	Owner:	St. Vincent de Paul
Hearing Time:	7:00 PM	Size:	1.2 Acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	GC—General Commercial
		Site Address:	N/A
		Accessed Via:	Teal Street

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 Eric Feldt at Eric.Feldt@juneau.org or 586-0764.



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



Community Development

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

DATE: April 16, 2015

TO: Planning Commission

FROM: Eric Feldt, Planner I, CFM
Community Development Department

FILE NO's.: SMP2015-0003 and SMF2015-0003

PROPOSAL: A Major Subdivision consolidating 6 lots into 1 for St. Vincent de Paul near the Nugget Mall.

GENERAL INFORMATION

Applicants: St. Vincent de Paul Society Diocesan Council of SE Alaska Inc. and GMD Development

Property Owner: St. Vincent de Paul Society Diocesan Council of SE Alaska Inc.

Legal Description: Valley Centre Greenbelt Block 11 Lots 5A, 7A, 8A, 9A, 10A, & 11A

Parcel Code No.: 5-B15-0-106-00-40, 5-B15-0-106-00-50, 5-B15-0-106-00-6,
5-B15-0-106-00-70, 5-B15-0-106-00-80, and 5-B15-0-106-00-90

Site Size: 1.38 Acres (total area)

Comprehensive Plan Future

Land Use Designation: Commercial

Zoning: General Commercial (GC)

Utilities: CBJ Water & Sewer

Accesses: Teal Street and Alpine Boulevard

Existing Land Use: Vacant

Planning Commission

File No.: SMP20150003 and SMF20150003

April 16, 2015

Page 2 of 2

Surrounding Land Use:

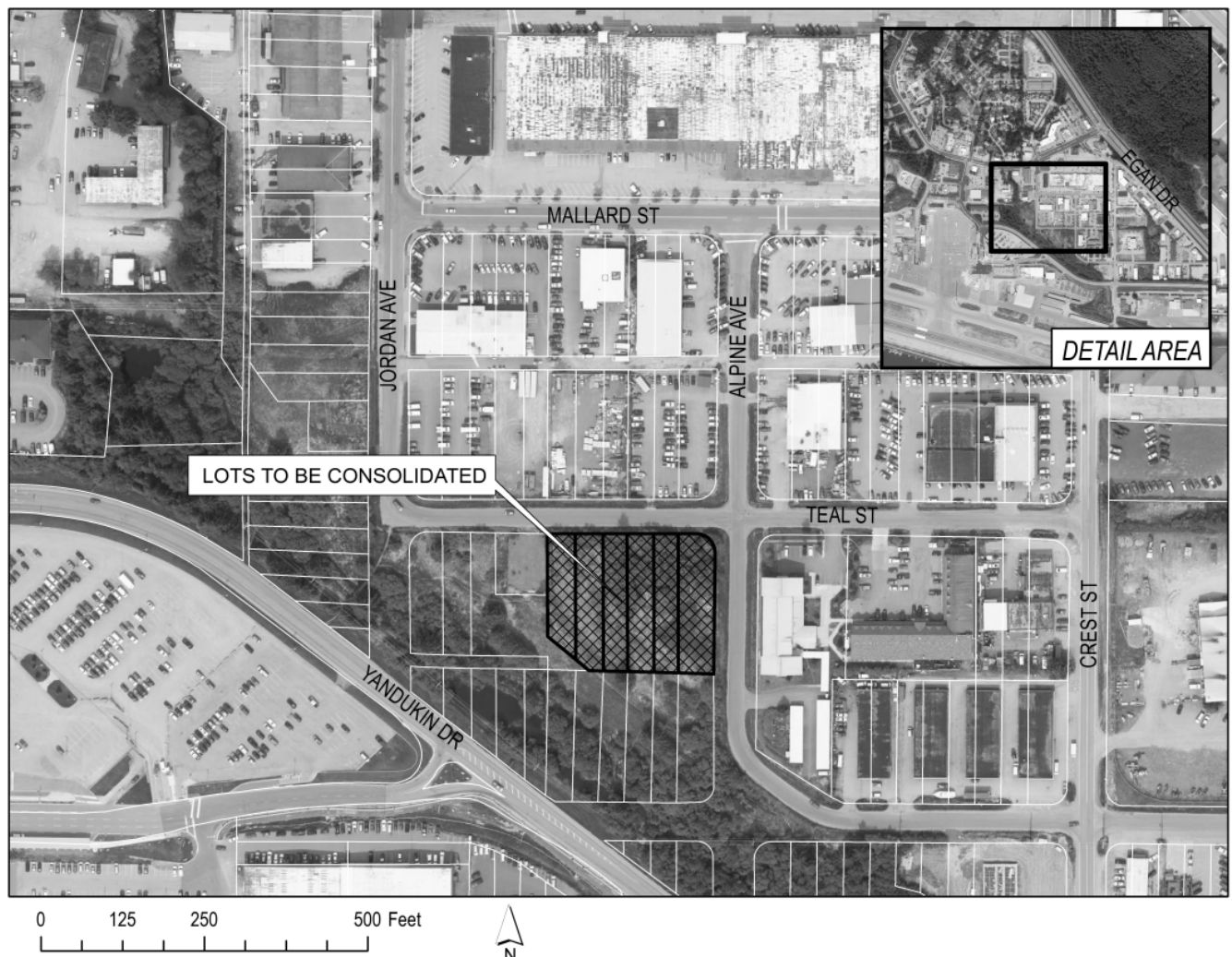
North: GC; Car Parking Lot; Alpine Ave.

South: CBJ Vacant Land

East: GC; St. Vincent De Paul housing; Teal St.

West: CBJ Vacant Land

Vicinity Map



Planning Commission
 File No.: SMP20150003 and SMF20150003
 April 16, 2015
 Page 30 of 77

ATTACHMENTS

Attachment	A	Application
Attachment	B	Proposed Lot Consolidation Plat
Attachment	C	Approval of Applicant's Housing and Commercial Complex
Attachment	D	Public Notice

PROPOSAL

St. Vincent De Paul, the applicant and property owner, filed the subject Major Subdivision permit to consolidate six lots into one for a future residential complex across the street from their current residence, Smith Hall, near the Nugget Mall. See Vicinity Map for project location.

Throughout this report, all six properties of the proposed lot consolidation are referred to as the 'site'. See Attachment A for the proposed subdivision plat.

Since new improvements are not needed for the lot consolidation, the subject report combines the Preliminary and Final Plat steps of the Major Subdivision process. These two steps are referenced under SMP20150003 (Preliminary) and SMF20150003 (Final) for record keeping purposes.

BACKGROUND

St. Vincent De Paul received an approved Conditional Use permit (USE20140013) on September 23, 2014 for a 22-unit housing and commercial complex on the site, across Alpine Boulevard from their existing residential and commercial facility. The approved site plan is shown in Figure 1.

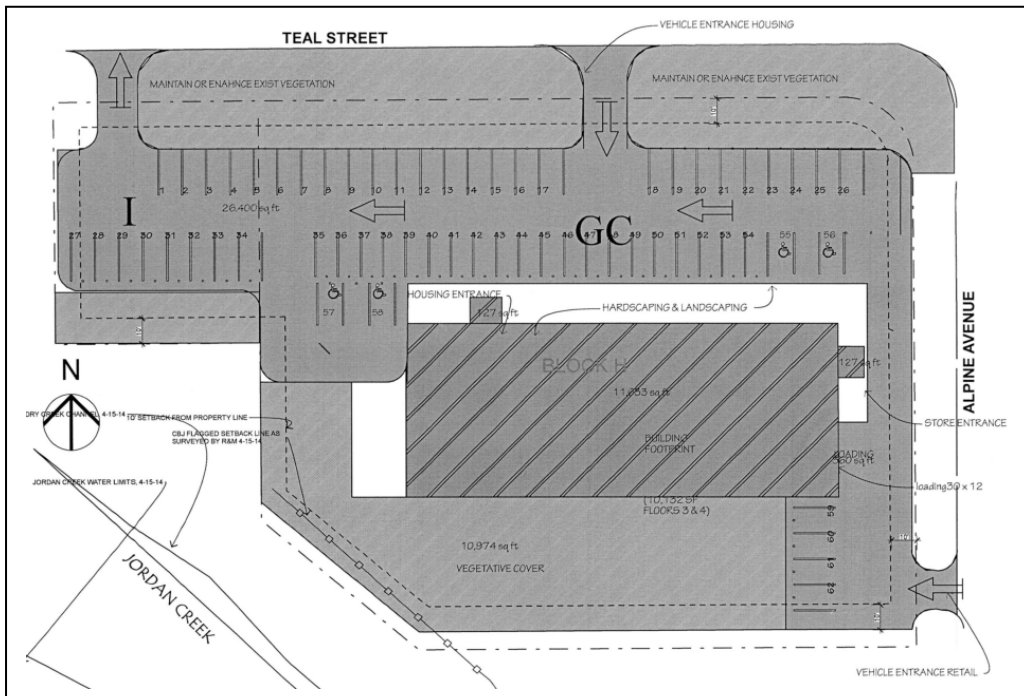


Figure 1: Approved Site Plan of St. Vincent De Paul's future housing and commercial facility on the subject site. Plan approved under Conditional Use permit #1 USE2014-0013 on September 23, 2014.

Planning Commission
 File No.: SMP20150003 and SMF20150003
 April 16, 2015
 Page 4 of 7

ANALYSIS

The Land Use Code provides a permitting process and criteria for consolidating property. Four or fewer consolidated properties are addressed by 49.15.445 *Minor Lot Consolidation*. There is no defined section for major lot consolidations or the process for consolidating five or more lots. The threshold for a subdivision constituting a major subdivision is shown below.

49.15.430 - Major Subdivisions.

The major subdivision procedures shall be used for subdivision of a parcel into five or more lots, including the resubdivision of existing parcels into five or more lots or the adjustment of the boundary of five or more parcels. Major subdivision approval shall be a two-step process. The first step shall consist of preliminary plat approval and construction authorization by the Commission pursuant to the conditional use permit process set out in Section 49.15.330. The second step shall be approval of the final plat by the Commission pursuant to Section 49.15.440. A sketch plat provided by the applicant is recommended for the preapplication conference. **Emphasis added by CDD staff.**

CDD staff interpreted the vacation of five lot lines of the subject proposal to fall under the term 'adjustment'. Therefore, the proposal was reviewed through the Major Subdivision process.

Zoning

All properties involved in the proposed lot consolidation are located in the General Commercial (GC) Zoning District. Lot 4, west of the site, is not part of the proposal but will be used as parking for the St. Vincent De Paul's future complex. This lot is located in the Industrial Zoning District. The Land Use Code provides a criterion for minor lot consolidations which requires all properties of the consolidation to be of the same zoning district (49.15.445(4)). Although this applies to minor lot consolidation, the major subdivision criterion is silent on this situation. CDD staff has applied the minor lot consolidation criterion, and therefore, Lot 4 is not part of the subject major subdivision permit. The resulting impact of Lot 4 being a part of the housing-commercial complex, but outside of the consolidation will not be an issue to the overall project. The future parking lot is permitted use in the Industrial Zoning District, and the setback of the building will not be affected.

Drainage

The site is currently vacant and drainage follows natural courses, either towards two adjacent streets or the nearby Jordan Creek. Drainage will change with the construction of St. Vincent De Paul's future complex and will be directed toward approved drainage systems, as reviewed during the building permitting process.

Planning Commission
 File No.: SMP20150003 and SMF20150003
 April 16, 2015
 Page 5 of 7

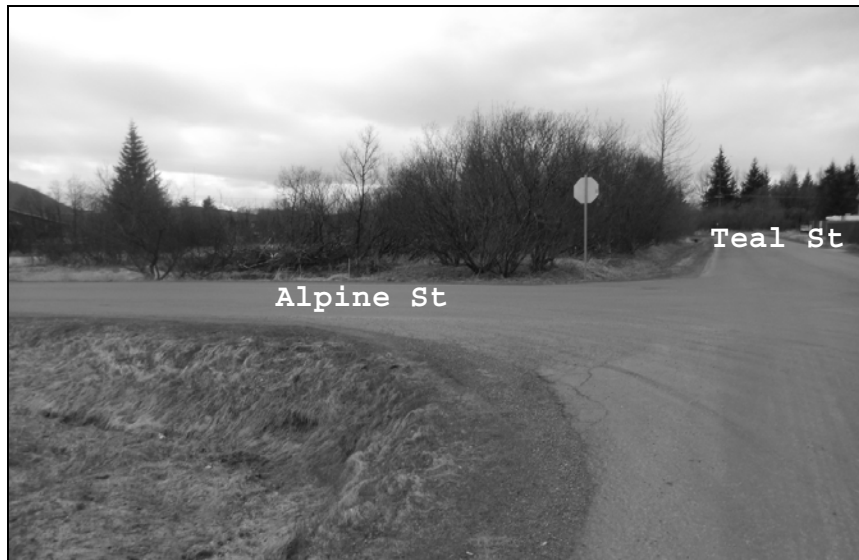


Figure 2: Picture of the Site at the corner of Teal St and Alpine Blvd, behind the stop sign. The Site contains various forms of vegetation. Picture taken by CDD Staff on April 6, 2015.

Wetlands

According to the 1994 Bureau Wetlands Management Plan Atlas, Category B and C wetlands are mapped throughout the Site. However, the US Army Corps of Engineers have recently determined that these mapped wetlands no longer exist on the Site according to the Conditional Use Report (USE20140013) for St. Vincent DePaul's future complex.

Habitat

There is no mapped habitat on the Site that is regulated by the Land Use Code. Jordan Creek is located near the property. However, the Site is not affected by the 50-foot development setback from this creek.

Access

No access routes will be created or modified with the subdivision proposal. This was reviewed in the approved Conditional Use permit (USE20140013).

Traffic Analysis

No traffic patterns, trip generations, or other forms of traffic behaviors will be created or modified with the subdivision proposal. This was reviewed in the approved Conditional Use permit (USE20140013).

Pedestrian Access

No pedestrian linkages, routes, or other forms of non-motorized transportation will be created or

Planning Commission

File No.: SMP20150003 and SMF20150003

April 16, 2015

Page 6 of 7

modified with the subdivision proposal. This was reviewed in the approved Conditional Use Permit (USE20140013).

Land Use Code

The proposed lot consolidation complies with the Major Subdivision Standards of Title 24.9 and the Platting Standards of Title 04 of the CBJ.

FINDINGS

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

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

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

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

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

Per CBJ §49.15.300(e)(1)(A through C), Review of Director's Determinations, the Director makes the following findings on the proposed development:

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

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

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

Planning Commission
 File No.: SMP20150003 and SMF20150003
 April 16, 2015
 Page 7 of 7

Yes. The proposed subdivision is appropriate according to the Table of Permissible Uses.

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

Yes. The proposed subdivision complies with the other requirements of this chapter. Public notice of this project was provided in the April 17th and 27th issues of the Juneau Empire's "Your Municipality" Section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public right of way.

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

No. The consolidation of six lots into one does not affect the health or safety of the public.

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

No. The consolidation of six lots into one does not affect the value or harmony of the neighborhood.

6. Will the proposed development not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

No. The consolidation of six lots into one complies with the Major Subdivision Standards of Titles 04 and 49 of the CBJ.

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

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

N/A. There are no habitats regulated under the Juneau Coastal Management Program of the Land Use Code. Therefore, this finding is not relevant to this proposal.

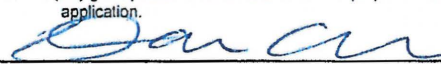
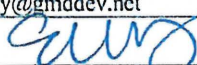
RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Preliminary and Final Plat permits (SMP20150003 and SMF20150003) respectively. The permit would allow the consolidation of six lots into one.

MAR 16 2015

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 03/16/15
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description Proposed 41 residential units and 8,000SF of commercial retail. Lot consolidation of Lot 4, 6A, 7A, 8A, 9A, 10A & 11A, Valley Centre Sub.		
	PROPERTY LOCATION		
	Street Address Corner of Alpine Avenue and Teal Street		City/Zip Juneau / 99801
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) see attached		
	Assessor's Parcel Number(s) see attached		
	LANDOWNER/ LESSEE		
	Property Owner's Name St. Vincent de Paul Society Diocesan Council of SE Alaska Inc.		Contact Person: Dan Austin
	Mailing Address 520 Pike Street, Suite 1010 Seattle, WA 98101		Work Phone: 907-789-5535
	E-mail Address st.vincentdepaul.juneau@gci.net		Home Phone: Fax Number:
	Other Contact Phone Number(s): 907-321-5222 mobile		
PROJECT / APPLICANT	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
	I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.		
	X 		3-13-15
	Landowner/Lessee Signature		Date
	X _____		_____
	Landowner/Lessee Signature		Date
	NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.		
	APPLICANT If the same as OWNER, write "SAME" and sign and date at X below		
	Applicant's Name GMD Development & St. Vincent de Paul		Contact Person: Emily Breidenbach
	Mailing Address 520 Pike Street, Suite 1010 Seattle, WA 98101		Work Phone: 206-745-3698
E-mail Address emily@gmddev.net		Home Phone: Fax Number:	
Other Contact Phone Number(s): 206-399-7526 mobile			
X 		3-13-2015	
Applicant's Signature		Date of Application	

STAFF APPROVALS	OFFICE USE ONLY BELOW THIS LINE				
	☒	Permit Type Building/Grading Permit	***SIGN	Date Received	Application Number(s)
	☐	City/State Project Review and City Land Action			
	☐	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	☐	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	☐	Sign Approval (If more than one, fill in all applicable permit #'s)			
	X	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)		03/16/15	SMP 20150003
	☐	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	☐	Variance Case (De Minimis and all other Variance case types)			
	☐	Wetlands Permits			
☐	Zone Change Application				
☐	Other (Describe)				
Comments: _____ _____					Permit Intake Initials 

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

FORMS 2010 Applications

Revised November 2009

ATTACHMENT A

RECEIVED

MAR 16 2015

MAJOR SUBDIVISION OR PLATTING APPLICATION

(CHANGING OR CREATING 5 OR MORE LOTS)

Project Number	Project Name (15 characters)	Case Number	Date Received <u>03/16/15</u>																												
TYPE OF MAJOR SUBDIVISION OR PLATTING APPROVAL REQUESTED (please see submittal requirements on reverse)																															
☐ Preliminary Plat (SMP) ☐ Final Plat (SMF) ☐ Planned Unit Development- Preliminary Plan Approval (PDP) ☐ Planned Unit Development - Final Plan Approval (PDF) ☒ Other <u>consolidation of 7 lots</u>																															
Please attach a cover letter to fully explain the project if there is not adequate space on this form.																															
LEGAL DESCRIPTION(S) OF PROPERTY TO BE SUBDIVIDED OR PLATTED: <u>Valley Centre, Block H, Lots 4, 5 Fraction, 6A, 7A, 8A, 9A, 10A, and 11A.</u>																															
Number of Existing Parcels <u>7</u> Total Land Area <u>1.38 acres</u> Number of Resulting Lots or Parcels <u>1</u>																															
EXISTING BUILDING(S) OR STRUCTURES ON THE LAND: ☐ YES ☒ NO																															
CURRENT USE OF LAND OR BUILDING(S): <u>none - vacant land</u>																															
PROPOSED USE OF LAND OR BUILDING(S): <u>development of 41 units of residential housing and 8,000 SF of commercial retail</u>																															
UTILITIES AVAILABLE: WATER: ☒ Public ☐ On Site SEWER: ☒ Public ☐ On Site																															
UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): <u>none</u>																															
For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.		<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">SUBDIVISION/PLATTING/PUD FEES</th> <th>Check No.</th> <th>Receipt</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Admin. of Guarantee</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Adjustment</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Fee</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pub. Not. Sign Deposit</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Fee</td> <td><u>2695</u></td> <td><u>0000006278</u></td> <td><u>03/16/15</u></td> </tr> </tbody> </table>		SUBDIVISION/PLATTING/PUD FEES	Check No.	Receipt	Date	Application Fees				Admin. of Guarantee				Adjustment				Pub. Not. Sign Fee				Pub. Not. Sign Deposit				Total Fee	<u>2695</u>	<u>0000006278</u>	<u>03/16/15</u>
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Pub. Not. Sign Deposit																															
Total Fee	<u>2695</u>	<u>0000006278</u>	<u>03/16/15</u>																												

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

1 - COMPLETED BY THE APPLICANT

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AUTHORIZATION TO SUBDIVIDE

This form allows for the appropriate property tax billing to occur when a parcel is subdivided between the dates of January 1 and June 30. Property taxes are assessed on January 1, however, the tax amount is not determinable until the mill rate is set, which can be as late as June 15th

If a landowner chooses to authorize the CBJ Assessor to divide the subject real property for the tax year, the assessment will be prorated from the old parcel to the newly created parcels based on their size. As a result, separate tax bills will be created for the new parcels, reducing the confusion when subdivided property is sold or transferred.

Example: Parcel A is 10,000 square feet. The assessed value on January 1 is \$20,000. Upon subdivision, Parcel B (4,000 square feet) and Parcel C (6,000 square feet) are created. If the property owner authorizes the division of the property tax, then the assessed value will be allocated to the two newly created parcels. Parcel B will have an assessed value of \$8,000, and Parcel C will have an assessed value of \$12,000. Please note, a tax bill will not be created for Parcel A.

If the property owner has not identified a party to sell or transfer a newly created parcel to, or does not wish to split the property tax bill, then an authorization to combine the property tax for the year is necessary. Tax bills are mailed on or before July 1 and are due September 30 of each year.

I, St. Vincent de Paul Society, the owner(s) of the following described property:

Parcel Number/Legal Description: Lots 4,6A,7A,8A,9A,10A & 11A, Block H, Valley Centre Subdivision

Street Address: 8617 Teal Street, Juneau, AK 99801

hereby authorize the CBJ Assessor to divide/combine the subject real property for the tax year 20____.
Future assessment notices and tax bills should be sent to:

Name: St. Vincent de Paul Society Name: _____

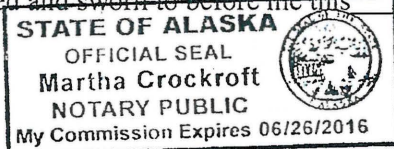
Address: 8617 Teal St. Address: _____

Juneau, AK 99801



Signature of Owner

Subscribed and sworn to before me this 3rd day of march, 2015.



Martha Crockroft

Notary Public

My Commission expires 6/26/16

Application Number: _____

Revised March 2010 - I:\FORMS\2010 Applications

ATTACHMENT A

Parcel #	Street Address	Legal Description 1
5B1501060030	TEAL ST 0	VALLEY CENTRE BL H LT 4

Owner's Name and Address	Legal Description 2
ST VINCENT DE PAUL SOCIETY 8617 TEAL ST JUNEAU AK 99801	DIOCESAN COUNCIL OF SE ALASKA

Previous Owner	Site Value	Building PV	Total PV
VALLEY CENTRE DEVELO	\$ 91200.00	N/A	\$ 91200.00
Use Code	Exempt	Zoning	Tax Year
Vacant	No Data	Industrial	2014
Number of Units	Year Built	Gross Living Area	
N/A	N/A	N/A	
Garage	Garage Area	Lot Size	Last Trans
No	N/A	7600 sq. ft.	0507
City Water Available	City Sewer Available		
Yes	Yes		
Exempt Land	Exempt Building	Exempt Total	Road/No Road
N/A	N/A	N/A	Roaded

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ATTACHMENT A

Parcel #	Street Address	Legal Description 1
5B1501060040	TEAL ST 0	VALLEY CENTRE GREENBELT BL H LT 6A

Owner's Name and Address	Legal Description 2
ST VINCENT DE PAUL SOCIETY 8617 TEAL ST JUNEAU AK 99801	DIOCESAN COUNCIL OF SE ALASKA

Previous Owner	Site Value	Building PV	Total PV
VALLEY CENTRE DEVELO	\$ 84100.00	N/A	\$ 84100.00
Use Code	Exempt	Zoning	Tax Year
Vacant	No Data	General Commercial	2014
Number of Units	Year Built	Gross Living Area	
N/A	N/A	N/A	

Garage	Garage Area	Lot Size	Last Trans
No	N/A	7005 sq. ft.	0507

City Water Available	City Sewer Available
Yes	Yes

Exempt Land	Exempt Building	Exempt Total	Road/No Road
N/A	N/A	N/A	Roaded

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Parcel #	Street Address	Legal Description 1
5B1501060050	TEAL ST 0	VALLEY CENTRE GREENBELT BL H LT 7A

Owner's Name and Address	Legal Description 2
ST VINCENT DE PAUL SOCIETY 8617 TEAL ST JUNEAU AK 99801	DIOCESAN COUNCIL OF SE ALASKA

Previous Owner	Site Value	Building PV	Total PV
VALLEY CENTRE DEVELO	\$ 98500.00	N/A	\$ 98500.00
Use Code	Exempt	Zoning	Tax Year
Vacant	No Data	General Commercial	2014
Number of Units	Year Built		Gross Living Area
N/A	N/A		N/A
Garage	Garage Area	Lot Size	Last Trans
No	N/A	8205 sq. ft.	0507
City Water Available	City Sewer Available		
Yes	Yes		
Exempt Land	Exempt Building	Exempt Total	Road/No Road
N/A	N/A	N/A	Roaded

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ATTACHMENT A

Parcel #	Street Address	Legal Description 1
5B1501060060	TEAL ST 0	VALLEY CENTRE GREENBELT BL H LT 8A

Owner's Name and Address	Legal Description 2
ST VINCENT DE PAUL SOCIETY 8617 TEAL ST JUNEAU AK 99801	DIOCESAN COUNCIL OF SE ALASKA

Previous Owner	Site Value	Building PV	Total PV
VALLEY CENTRE DEVELO	\$ 100800.00	N/A	\$ 100800.00
Use Code	Exempt	Zoning	Tax Year
Vacant	No Data	General Commercial	2014
Number of Units	Year Built		Gross Living Area
N/A	N/A		N/A
Garage	Garage Area	Lot Size	Last Trans
No	N/A	8400 sq. ft.	0507
City Water Available	City Sewer Available		
Yes	Yes		
Exempt Land	Exempt Building	Exempt Total	Road/No Road
N/A	N/A	N/A	Roaded

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ATTACHMENT A

Parcel #	Street Address	Legal Description 1
5B1501060070	TEAL ST 0	VALLEY CENTRE GREENBELT BL H LT 9A

Owner's Name and Address	Legal Description 2
ST VINCENT DEPAUL SOCIETY 8617 TEAL ST JUNEAU AK 99801	DIOCESAN COUNCIL OF SE ALASKA

Previous Owner	Site Value	Building PV	Total PV
VALLEY CENTRE DEVELO	\$ 100800.00	N/A	\$ 100800.00
Use Code	Exempt	Zoning	Tax Year
Vacant	No Data	General Commercial	2014
Number of Units	Year Built		Gross Living Area
N/A	N/A		N/A
Garage	Garage Area	Lot Size	Last Trans
No	N/A	8400 sq. ft.	0507
City Water Available	City Sewer Available		
Yes	Yes		
Exempt Land	Exempt Building	Exempt Total	Road/No Road
N/A	N/A	N/A	Roaded

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ATTACHMENT A

Parcel #	Street Address	Legal Description 1
5B1501060080	TEAL ST 0	VALLEY CENTRE GREENBELT BL H LT 10A

Owner's Name and Address	Legal Description 2
ST VINCENT DE PAUL SOCIETY 8617 TEAL ST JUNEAU AK 99801	DIOCESAN COUNCIL OF SE ALASKA

Previous Owner	Site Value	Building PV	Total PV
VALLEY CENTRE DEVELO	\$ 100800.00	N/A	\$ 100800.00
Use Code	Exempt	Zoning	Tax Year
Vacant	No Data	General Commercial	2014
Number of Units	Year Built	Gross Living Area	
N/A	N/A	N/A	

Garage	Garage Area	Lot Size	Last Trans
No	N/A	8400 sq. ft.	0507

City Water Available	City Sewer Available
Yes	Yes

Exempt Land	Exempt Building	Exempt Total	Road/No Road
N/A	N/A	N/A	Roaded

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ATTACHMENT A

Parcel #	Street Address	Legal Description 1
5B1501060090	TEAL ST 0	VALLEY CENTRE GREENBELT BL H LT 11A

Owner's Name and Address	Legal Description 2
ST VINCENT DE PAUL SOCIETY 8617 TEAL ST JUNEAU AK 99801	DIOCESAN COUNCIL OF SE ALASKA

Previous Owner	Site Value	Building PV	Total PV
VALLEY CENTRE DEVELO	\$ 142000.00	N/A	\$ 142000.00
Use Code	Exempt	Zoning	Tax Year
Vacant	No Data	General Commercial	2014
Number of Units	Year Built	Gross Living Area	
N/A	N/A	N/A	
Garage	Garage Area	Lot Size	Last Trans
No	N/A	11836 sq. ft.	0507
City Water Available	City Sewer Available		
Yes	Yes		
Exempt Land	Exempt Building	Exempt Total	Road/No Road
N/A	N/A	N/A	Roaded

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ATTACHMENT A

=====

Lot Name:	LOT 4A
Lot Description:	Description
Lot ID:	none
Lot Owner:	none
Lot Area (Square Feet):	59956.07
Lot Area (Acres):	1.38
Lot Perimeter:	1051.1203
Closing Direction:	S65°13'29"E
Closing Distance:	0.0073

Course Data: (Mapcheck Through Radius Points Method)

Point	Northing	Easting	Direction	Distance
Begin	6999.5081	6919.4700	N89°39'00"E	312.47
PC	7001.4169	7231.9342		
RP	6976.4173	7232.0869		

Curve Direction:	CW
Radial In:	S00°21'00"E
D.O.C Arc:	229°10'59"
D.O.C Chord:	N/A
Radius:	25.00
Delta angle:	90°00'00"
Tangent length:	25.00
Arc length:	39.27
Chord Direction:	S45°21'00"E
Chord length:	35.36
External:	10.36
Middle ordinate:	7.32
Radial Out:	N89°39'00"E

Point	Northing	Easting	Direction	Distance
PT	6976.5700	7257.0864	S00°21'00"E	185.09
	6791.4835	7258.2171	S89°39'40"W	195.48
	6790.3273	7062.7405	N50°20'18"W	80.37
	6841.6237	7000.8695	N00°43'23"W	62.99
	6904.6087	7000.0746	S89°37'25"W	80.03
	6904.0829	6920.0463	N00°21'00"W	95.43
End	6999.5111	6919.4634		
Error of Closure		1 : 144474		
Departure in Y (Northing):		-0.0030		
Departure in X (Easting):		0.0066		

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ATTACHMENT A

**DOWL HKM**

- ☐ 4041 B Street ■ Anchorage, Alaska 99503
907-562-2000 ■ 907-563-3953 (fax)
- ☒ 5368 Commercial Boulevard ■ Juneau, Alaska 99801
907-780-3533 ■ 907-780-3535 (fax)
- ☐ 104 Center Avenue, Suite 206 ■ Kodiak, Alaska 99615
907-512-0519
- ☐ 809 S. Chugach Street, Unit 4 ■ Palmer, Alaska 99645
907-746-7600 ■ 907-746-6705 (fax)
- ☐ 406 North Church Avenue ■ Tucson, Arizona 85701
520-882-8696 ■ 520-624-0384 (fax)
- ☐ 430 W Warner Road, Suite B101 ■ Tempe, Arizona 85284
480-753-0800 ■ 480-753-0803 (fax)
- ☐ 8420 154th Avenue NE ■ Redmond, Washington 98052
425-869-2670 ■ 425-869-2679 (fax)
- ☐ 222 N. 32nd Street, Suite 700 ■ Billings, Montana 59101
406-656-6399 ■ 406-656-6398 (fax)
- ☐ 130 North Main Street, Suite 100 ■ Butte, Montana 59701-2839
406-723-8213 ■ 406-723-8328 (fax)
- ☐ 920 Technology Boulevard, Suite A ■ Bozeman, Montana 59718
406-586-8834 ■ 406-586-1730 (fax)
- ☐ 2701 16th Street NE ■ Black Eagle, Montana 59414
406-453-4085 ■ 406-453-4288 (fax)
- ☐ 104 East Broadway, Suite G-1 ■ Helena, Montana 59601
406-442-0370 ■ 406-442-0377 (fax)
- ☐ 713 Pleasant ■ Miles City, Montana 59301
406-234-6666 ■ 406-234-7065 (fax)
- ☐ 319 S. Gillette Avenue, Suite 301 ■ Gillette, Wyoming 82717
307-686-4181 ■ 307-686-4858 (fax)
- ☐ 945 Lincoln Street ■ Lander, Wyoming 82520
307-332-3285 ■ 307-332-5795 (fax)
- ☐ 1575 N. 4th Street, Suite 105 ■ Laramie, Wyoming 82072
307-742-3816 ■ 307-742-9741 (fax)
- ☐ 16 W. 8th Street ■ Sheridan, Wyoming 82801
307-672-9006 ■ 307-672-5214 (fax)

Project #: J70754

Date: 03/13/15

To:

CBJ - Community Development

Regarding:

Lot 4A, Valley Centre Sub

We are sending you ☒ Attached ☐ Under Separate Cover

Via the following items:

- ☐ Shop drawings ☒ Prints ☐ Plans ☐ Specifications
- ☐ Copy of letter ☐ Change order ☒ Other ☐ Samples

Copies	Date	Description
5	03/13/15	plat
1	03/13/15	development permit app
1	03/13/15	major sub application
1	03/13/15	authorization to subdivide
1	03/13/15	lot closure report
1	03/13/15	cbj assessment sheets

These are transmitted as indicated below:

☐ For approval	☐ Approved as submitted	☐ Resubmit	copies for approval
☐ For your use	☐ Approved as noted	☐ Submit	copies for distribution
☐ As requested	☐ Returned for corrections	☐ Return	corrected prints
☒ For review & comment		☐ Prints returned after loan to us	
☐ Bids due	☐ Other:		

Remarks:

When review is complete, please call Bill or Jen at DOWL 780-3533.

Copy to:

Typed Name: Jennifer Kemp

Signature:

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ATTACHMENT A

NOTES

1. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000.
2. ALL DISTANCES ARE MEASURED IN U.S. SURVEY FEET.
3. RECORD INFORMATION DERIVED FROM OFFICAL PLAT 80-26, A RESUBDIVISION OF LOTS 7,8 & 9 BLOCK D, INTO LOTS 7 & 8, LOTS 3,4 & 5 BLOCK H, INTO LOTS 3 & 4 AND LOTS 5 & 6 OF BLOCK L, WITHIN VALLEY CENTRE SUBDIVISION, A FRACTION OF U.S.S. 1194, 1195 & 1434, JUNEAU RECORDING DISTRICT AND OFFICIAL PLAT 96-6, PLAT OF VALLEY CENTRE GREENBELT SUBDIVISION, A RESUBDIVISION OF PORTIONS OF BLOCKS D,H,I & L, VALLEY CENTRE SUBDIVISION, FOR THE PURPOSES OF CREATING A GREENBELT ALONG JORDAN CREEK, JUNEAU RECORDING DISTRICT.
4. WHERE DIFFERENT FROM MEASURED OR CALCULATED, RECORDED DIMENSIONS ARE SHOWN IN PARENTHESES.
5. THIS SUBDIVISION IS INTENDED FOR LOT CONSOLIDATION. NO UTILITIES WERE LOCATED AS PART OF THE SURVEY EFFORT.



3-1/4" ALUMINUM BERNSTEN
FEDERAL A-1 MAGNETIZED
CAP OF 2-1/2" DIA. SHANK
SET 24" IN GROUND

TYPICAL MONUMENT DETAIL
N.T.S.

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF
N89°39'00"E BETWEEN TONER NORDLING PRIMARY ALUMINUM MONUMENTS
NOTED.

LEGEND

- ⊕ TONER NORDLING PRIMARY MONUMENT FOUND THIS SURVEY
- ⊙ PRIMARY MONUMENT SET THIS SURVEY
- TONER NORDLING YELLOW PLASTIC CAP ON 5/8" REBAR MARKED 6262-S FOUND THIS SURVEY
- #5 REBAR W/ NO CAP FOUND THIS SURVEY
- ⦿ CBJ ALUMINUM CAP MONUMENT MARKED CBJ JIA FOUND THIS SURVEY



VICINITY MAP
SCALE: N.T.S.
SOURCE: CBJ BASEMAP SERIES

OWNERSHIP CERTIFICATE

I HEREBY CERTIFY THAT ST. VINCENTS DE PAUL SOCIETY IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I, AS MANAGER, HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

DATE: _____, 2015

OWNER: ST. VINCENTS DE PAUL SOCIETY
BY: DAN AUSTIN
MANAGER - ST. VINCENTS DE PAUL SOCIETY

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA }
FIRST JUDICIAL DISTRICT } ss.

THIS IS TO CERTIFY THAT ON THIS ____ DAY OF _____, 2015, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED DAN AUSTIN, MANAGER ST. VINCENTS DE PAUL SOCIETY, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE SIGNED AND SEALED 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.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

PLAT OF
LOT 4A, BLOCK H

A CONSOLIDATION OF
LOT 4, RESUBDIVISION LOTS 3, 4 & 5
BLOCK H, VALLEY CENTRE SUBDIVISION
AND
LOTS 6A THRU 11A, BLOCK H,
VALLEY CENTRE GREENBELT SUBDIVISION
WITHIN VALLEY CENTRE SUBDIVISION
FRACTIONS OF USS 1434, USS 1194 & USS 1195
CITY AND BOROUGH OF JUNEAU, JUNEAU RECORDING DISTRICT

DOWL

CIVIL ENGINEERING-LAND SURVEYING-CONSTRUCTION MANAGEMENT
5368 COMMERCIAL BOULEVARD
JUNEAU ALASKA 99801 907-780-3533

OWNER

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ST VINCENT DE PAUL SOCIETY
8617 TEAL STREET
JUNEAU, AK 99801

MAR 16 2015

PERMIT CENTER / CDD

SCALE:
1" = 30'

DATE:
MAR 2015

PROJECT NO:
J70754

FILE NO:

SHEET NO:
1 OF 1

SPECIAL FLOOD NOTE

PARTS OF THIS SUBDIVISION ARE LOCATED IN A SPECIAL FLOOD HAZARD AREA PER THE CITY AND BOROUGH OF JUNEAU FLOOD INSURANCE RATE MAP, FLOOD PANEL COMMUNITY NUMBER 0200091527D, AUGUST 19, 2013

PLANNING COMMISSION CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA AND THAT THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION No. FP-04-95, SV-01-95 DATED MARCH 28, 1995, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDER, JUNEAU, ALASKA.

DATED _____, 2015

ATTEST:

CHAIRMAN
CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION

CLERK
CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION

ANADROMOUS STREAM NOTE

JORDAN CREEK IS DETERMINED TO BE AN ANADROMOUS STREAM PER THE CITY AND BOROUGH OF JUNEAU 2008 COMPREHENSIVE PLAN. SPECIAL REGULATIONS MAY APPLY.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 04 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATED: MARCH, 2015





**PLANNING COMMISSION
NOTICE OF DECISION**

Date: September 24, 2014

File No.: USE2014 0013

GMD Development, LLC & St. Vincent de Paul Society
Attn.: Emily Breidenbach
1601 Second Avenue, Suite 1080
Seattle, Washington 98101

Application For: Conditional Use Permit for 42 units of multi-family housing and 8,000 square feet of commercial space.

Legal Description: Valley Centre, Block H, Lots 4, 5 Fraction, 6A, 7A, 8A, 9A, 10A, and 11A

Property Address: Corner of Alpine and Teal Street

Parcel Code No.: 5-B15-0-106-003-0; 5-B15-0-106-004-0; 5-B15-0-106-005-0
5-B15-0-106-006-0; 5-B15-0-106-007-0; 5-B15-0-106-008-0
5-B15-0-106-009-0

Hearing Date: September 23, 2014

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated September 10, 2014 and approved the development of 42 units of multi-family housing and 8,000 square feet of commercial and office space to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy, a minimum of 10% of the lot must be planted with vegetation or the installation of vegetation must be bonded for.
2. The vegetative cover/landscaped areas shown on the plans submitted shall be maintained with live vegetative cover as shown in the approved plans
3. Prior to issuance of a Building Permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d).

Attachments: September 10, 2014 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding USE2014 0013.

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

GMD Development, LLC & St. Vincent de Paul Society
File No.: USE2014 0013
September 24, 2014
Page 2 of 2

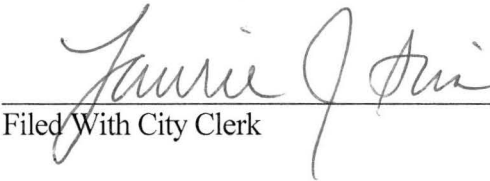
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ 01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030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

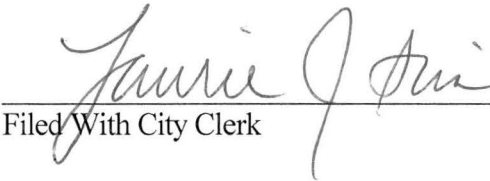
Effective Date: The permit is effective upon approval by the Commission, September 23, 2014
Expiration Date: The permit will expire 18 months after the effective date, or March 23, 2016, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


Beth McKibben, Planner
Community Development Department


Michael Satre, Chair
Planning Commission


Filed With City Clerk

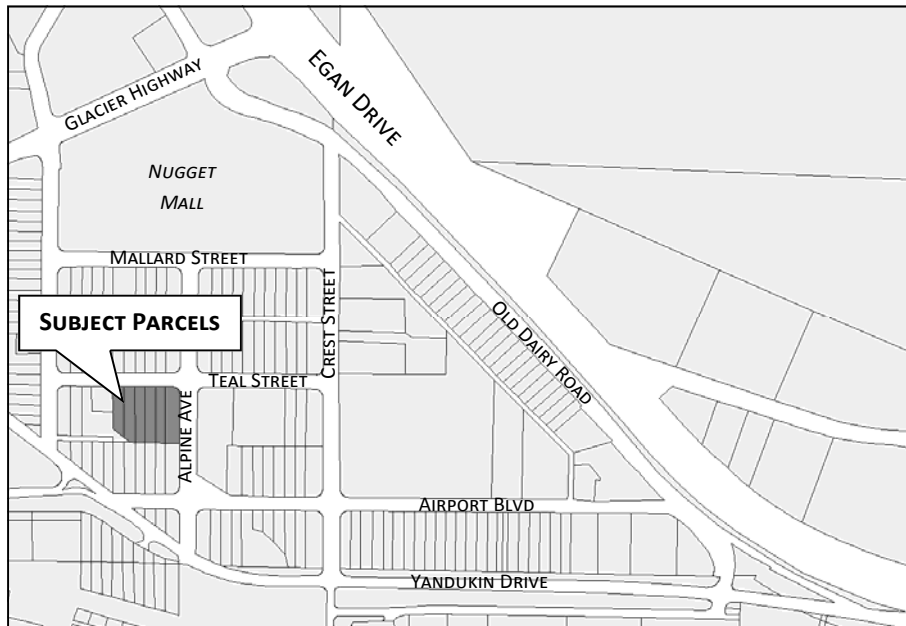

Date

cc: Plan Review

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



NOTICE OF PUBLIC HEARING



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

SHIP TO:



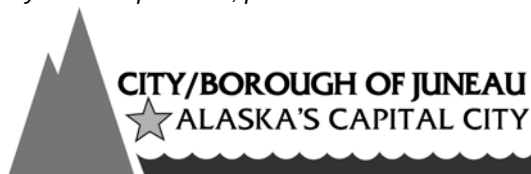
PROPOSAL: A Major Subdivision consolidating 6 lots into 1 for St. Vincent de Paul near Nugget Mall.

File No:	SMP2015 0003; SMF2015 0003	Applicant:	St. Vincent de Paul
To:	Adjacent Property Owners	Property PCN:	5-B15-0-106-004-0 through -009-0
Hearing Date:	April 28, 2015	Owner:	St. Vincent de Paul
Hearing Time:	7:00 PM	Size:	1.2 Acres
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	GC—General Commercial
		Site Address:	N/A
		Accessed Via:	Teal Street

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 Eric Feldt at Eric.Feldt@juneau.org or 586-0764.



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

ATTACHMENT D

Date notice was printed: April 1, 2015



**PLANNING COMMISSION
NOTICE OF DECISION**

Date: April 28, 2015

File No.: SMP2015 0003 and SMF2015 0003

Emily Breidenbach
GMD Development
520 Pike Street, Suite 1010
Seattle, WA 98101

Application For: A Major Subdivision consolidating 6 lots into 1 for St. Vincent de Paul near the Nugget Mall.

Legal Description: Valley Centre Greenbelt Block H Lot 6A, 7A, 8A, 9A, 10A, and 11A

Property Address: N/A

Parcel Code No.: 5-B15-0-106-004-0, 5-B15-0-106-005-0, 5-B15-0-106-006-0
5-B15-0-106-007-0, 5-B15-0-106-008-0, 5-B15-0-106-009-0

Hearing Date: April 28, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 16, 2015, and approved the combined preliminary and final plat to be conducted as described in the project description and project drawings submitted with the application.

Attachment: April 16, 2015 memorandum from Eric Feldt, Community Development, to the CBJ Planning Commission regarding SMP2015 0003 and SMF2015 0003.

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

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

Effective Date: The permit is effective upon approval by the Commission, April 28, 2015.

Expiration Date: The permit will expire 18 months after the effective date, or October 28, 2016, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the subdivision permit was authorized or

Emily Breidenbach

File No.: SMP2015 0003 and SMF2015 0003

April 28, 2015

Page 2 of 2

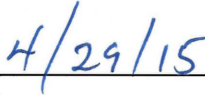
no final plat has been approved. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner: _____


Eric Feldt, Planner
Community Development Department


Mike Satre, Chair
Planning Commission


Filed With City Clerk

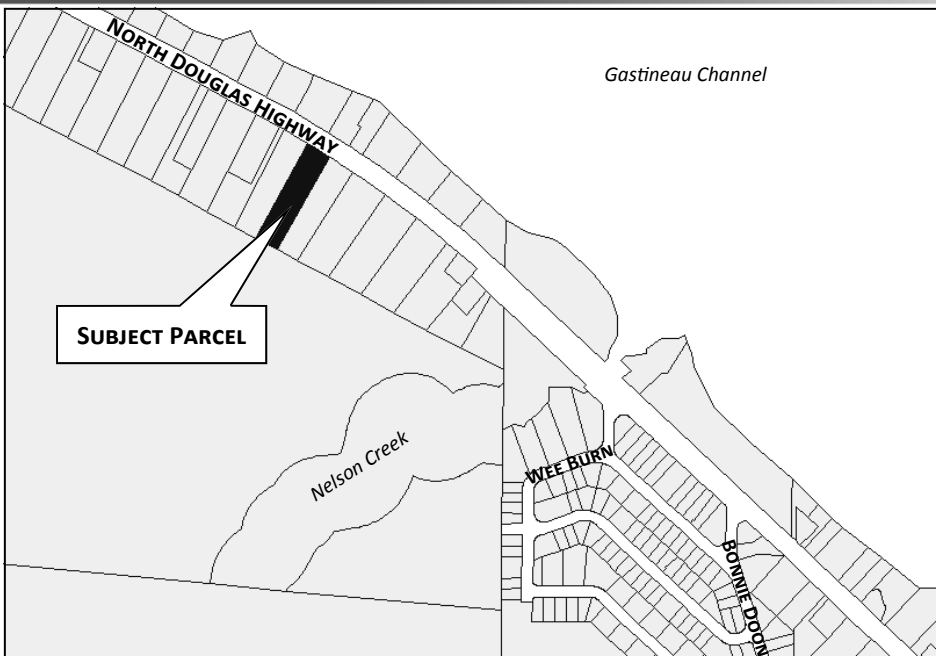

Date

cc: Plan Review

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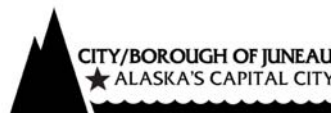


NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A Conditional Use Permit for a residential mobile home on an individual lot.

File No:	USE2015 0003	Applicant:	Craig Bergquist
To:	Adjacent Property Owners	Property PCN:	6-D09-0-101-003-2
Hearing Date:	April 28, 2015	Owner:	Craig Bergquist
Hearing Time:	7:00 PM	Lot Size:	1.593 Acres
Place:	Assembly Chambers	Zoned:	D-1
	Municipal Building	Site Address:	USS 3272 Lot 92 and 93 Tract B
	155 South Seward Street	Accessed Via:	North Douglas Highway
	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.



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



Community Development

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

DATE: April 14, 2015

TO: Planning Commission

FROM: Jonathan Lange, CFM, Planner II
Community Development Department *Jonathan Lange*

FILE NO.: USE2015 0003

PROPOSAL: A Conditional Use Permit for a residential mobile home on an individual lot.

GENERAL INFORMATION

Applicant: Craig Bergquist

Property Owner: Craig Bergquist

Property Address: North Douglas Highway

Legal Description: USS 3272 Tract B of Lots 92 and 93

Parcel Code Number: 6-D09-0-101-003-2

Site Size: 1.593 Acres or 69,391 Square Feet

Comprehensive Plan Future Land Use Designation: RDR – Rural Dispersed Residential

Zoning: D-1

Utilities: Public Water and Proposed On-site Sewer

Access: North Douglas Highway

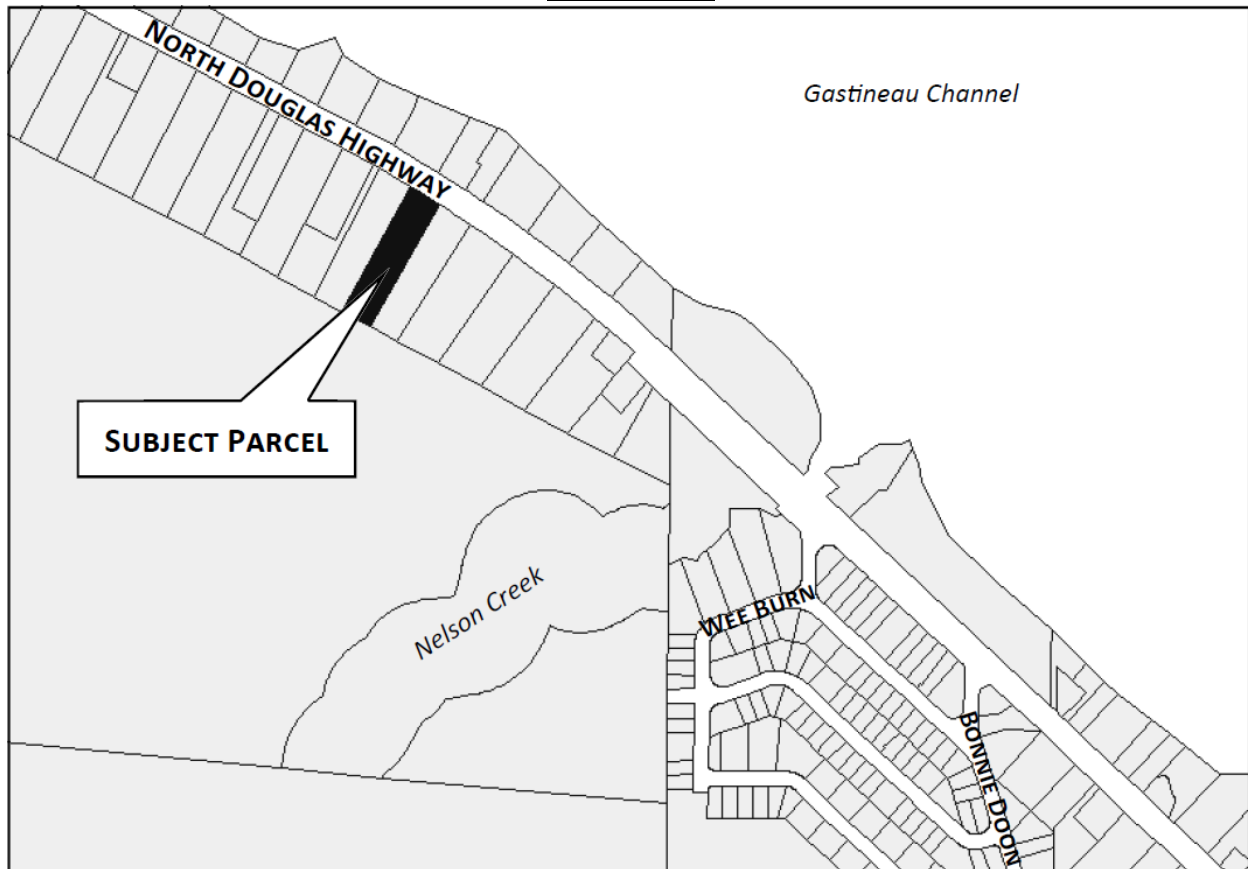
Existing Land Use: Vacant

Surrounding Land Use:

North	D-1 – Single-family Residence across North Douglas Highway
South	RR – Vacant CBJ Land
East	D-1 – Single-family Residence

West D-1 – Vacant Private Land

Vicinity Map



ATTACHMENTS

- Attachment A – Development Permit and Conditional Use Permit Applications
- Attachment B – Applicant’s Narrative, Pre-Application Materials, Site Plan, and Additional Information
- Attachment C – Public Notice
- Attachment D – Comments
- Attachment E – Site Pictures

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of a residential mobile home on an individual lot on North Douglas Highway. The lot is located on the landward side of North Douglas Highway, north of the Bonnie Brae Subdivision. The proposed project would include the placement of a 15 ft. x 45 ft. mobile home on a block foundation and the installation of a proposed on-site wastewater disposal system and parking area (see Attachment B for applicant’s site plan).

Planning Commission
File No.: USE2015 0003
April 14, 2015
Page 3 of 6

BACKGROUND

In the Greater Juneau Borough 1969 Zoning Ordinance, the subject parcel was zoned R-12, single and two family Residential District, with a minimum of 12,000 square feet per lot. The purpose of the R-12 Residential District was “to provide and preserve land for families who desire to live in low density areas and where smaller lots would tend to be detrimental to the area.” The subject parcel, Tract B, was created in 1984 from Lots 92 and 93 of U.S. Survey 3272. In 2010, the previous owner of the lot received a Grading Permit for grading and creation of a driveway and a building pad.

ANALYSIS

CBJ Land Use Code, Title 49.65.300 – Mobile homes on individual lots.

Mobile homes may be located on individual lots outside of mobile home parks or mobile home subdivisions only under the following conditions and after issuance of a building permit:

(3) The commission may issue a conditional use permit for a single mobile home used as an ordinary residence on an individual lot in the RR, rural reserve district, and the D1 and D3, residential districts, or used as a caretaker residence in any district.

Project Site and Design – The property is located on North Douglas Highway, north of Bonnie Brae Subdivision, in a D-1 zoning district. The site is south of two single-family residences across North Douglas Highway, and west of a single-family home. The land is vacant to the west and south of the subject parcel. The subject site is currently vacant, though a driveway and building pad have been cleared on the site. The subject parcel is 1.59 acres, or 69,391 square feet; which far exceeds the minimum lot size, 36,000 square feet, for the D-1 zoning district, in which it is located. Attachment B shows the site plan for the subject parcel; the proposed development would meet the setback requirements for the D-1 zoning district, which are as follows: 25 foot front yard setback, 25 foot rear yard setback, and 15 foot side yard setbacks.

Traffic, Parking, and Circulation – The proposed development is projected to generate approximately 10 average daily traffic trips, as per the average daily trips for a single-family home from the Institute of Transportation Engineers (ITE) Trip Generation Manual. Traffic generation is not a concern for the proposed development as it is not expected to aggravate the current low-traffic volume in the area, nor along North Douglas Highway.

Title 49, the Land Use Code, requires a total of 2 parking spaces for one single-family dwelling. The applicant’s site plan shows adequate area and space for off-street parking.

Noise - The proposed development will generate normal residential noise levels.

Planning Commission
File No.: USE2015 0003
April 14, 2015
Page 4 of 6

Public Health or Safety - Staff is unaware of any public health or safety issues associated with the proposed development. However, the development will require a Building Permit for installation of the mobile home and installation of the on-site wastewater disposal system, which should ensure structural safety and health issues are addressed.

Habitat - No sensitive areas, eagle nests, anadromous fish streams, or wetlands are known to exist on the subject site.

Property Value or Neighborhood Harmony – The property is currently vacant. The neighborhood in which the subject parcel is located is built at a low density. The addition of a single-family dwelling will not be out of harmony with the neighborhood. Staff received a phone call from a neighboring property owner concerned with a mobile home being allowed on a lot adjacent to theirs. No evidence has been presented that indicates that the proposed development will have a negative impact on property value or neighborhood harmony.

Conformity with Adopted Plans - The project has been found consistent with the 2013 Juneau Comprehensive Plan, as discussed below.

POLICY 3.3 OUTSIDE OF THE URBAN SERVICE AREA, PERMIT APPROPRIATE LOW-INTENSITY, LOW-IMPACT DEVELOPMENT THAT PROVIDES AN OVERALL PUBLIC BENEFIT IN RURAL AREAS, WHILE ASSURING THE PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT, WATERSHED, SCENIC CORRIDORS, PUBLIC ACCESS TO THE SHORELINE AND INLAND WATER BODIES, AND RECREATIONAL OPPORTUNITIES.

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

POLICY 4.2 TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS.

POLICY 4.6 TO FACILITATE AND ASSIST IN THE DEVELOPMENT OF AFFORDABLE HOUSING.

POLICY 4.8. TO BALANCE THE PROTECTION AND PRESERVATION OF THE CHARACTER AND QUALITY OF LIFE OF EXISTING NEIGHBORHOODS WITHIN THE URBAN SERVICE AREA WHILE PROVIDING OPPORTUNITIES FOR A MIXTURE OF NEW HOUSING TYPES.

The proposed development meets the intent of the above policies by providing additional housing in the community and being consistent with development in the neighborhood.

Planning Commission
File No.: USE2012 0009
April 14, 2015
Page 5 of 6

FINDINGS

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

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

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

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

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

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

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

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ §49.25.300, Section 1.810 for the D-1 zoning district.

Planning Commission
File No.: USE2015 0003
April 14, 2015
Page 6 of 6

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the April 14, 2015 and April 27, 2105 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. As described in the preceding analysis, Building Permits will help ensure that the proposed development will not materially endanger the public health or safety.

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

No. As described in the preceding analysis, no evidence indicates that the development will substantially decrease the value of, or be out of harmony with the property in the neighboring area.

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

Yes. The proposed development meets the intent of the 2013 Juneau Comprehensive Plan regarding the provision of affordable housing.

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

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

Not applicable.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow for the development of a residential mobile home on an individual lot.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 03/12/15
Project Name (City Staff to Assign Name)		

PERMIT CENTER/CDD

INFORMATION

PROJECT / APPLICANT

Project Description		
PROPERTY LOCATION		
Street Address	City/Zip	
Lot 92 & 93 vs survey 3272	99901	
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)		
Tract B Plat 84-24w		
Assessor's Parcel Number(s)		
LANDOWNER/ LESSEE		
Property Owner's Name	Contact Person:	Work Phone:
Craig Bergquist	Craig	463-6606
Mailing Address	Home Phone:	Fax Number:
PO Box 246773 Douglas AK 99824	500-8209	
E-mail Address	Other Contact Phone Number(s):	
craig.bergquist@gmail.com	Glenn - 509-322-8619	
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	Craig Bergquist	3/6/15
	Landowner/Lessee Signature	Date
X		
	Landowner/Lessee Signature	Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.		
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below.		
Applicant's Name	Contact Person:	Work Phone:
SAME		
Mailing Address	Home Phone:	Fax Number:
E-mail Address	Other Contact Phone Number(s):	
X	Craig Bergquist	3/6/15
	Applicant's Signature	Date of Application

OFFICE USE ONLY BELOW THIS LINE

STAFF APPROVALS

✓	Permit Type	***SIGN***	Date Received	Application Number(s)
	Building/Grading Permit			
	City/State Project Review and City Land Action			
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)			
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
X	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			Use 2015 0003
	Variance Case (De Minimis and all other Variance case types)			
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			
***Public Notice Sign Form filled out and in the file.				
Comments:				Permit Intake Initials
				ANE

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

ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number <u>Use 2015 0003</u>	Date Received <u>03/12/15</u>
----------------	------------------------------	-------------------------------------	----------------------------------

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

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

Please list the Table of Permissible Uses Category: _____

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

DESCRIBE THE PROJECT FOR WHICH AN ALLOWABLE OR CONDITIONAL USE APPROVAL IS NEEDED. Foundation, water, & septic for installation of mobile home.

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

CURRENT USE OF LAND OR BUILDING(S): Driveway & site prep done, currently a non-residence

PROPOSED USE OF LAND OR BUILDING(S): Primary residence

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

SITE AND BUILDING SPECIFICS:

Total Area of Lot 69696 square feet Total Area of Existing Structure(s) _____ square feet

Total Area of Proposed Structure(s) 675 square feet

EXTERNAL LIGHTING:

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

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

PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

☐ Site Plan ☐ Floor Plan of proposed buildings ☐ Elevation view of existing and proposed buildings ☐ Proposed Vegetative Cover	☐ Existing and proposed parking areas (including dimensions) and proposed traffic circulation ☐ Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)
---	---

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	ALLOWABLE/CONDITIONAL USE FEES				
		Fees	Check No.	Receipt	Date
	Application Fees	\$ <u>350⁰⁰</u>	<u>1040</u>		<u>3/12</u>
	Admin. of Guarantee	\$ _____			
	Adjustment	\$ _____			
	Pub. Not. Sign Fee	\$ <u>50⁰⁰</u>	<u>1040</u>		<u>3/12</u>
Pub. Not. Sign Deposit	\$ <u>100⁰⁰</u>	<u>1040</u>		<u>3/12</u>	
Total Fee	\$ <u>500⁰⁰</u>	<u>1040</u>	<u>CDD 00006263</u>		<u>3/12</u>

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Site Plan Narrative
Craig Bergquist
3/12/15

I am requesting approval of a conditional use permit for the use of a mobile home as a permanent residence in a D1 zoning district on lot 92 & 93 us 3292.

The previous owner built a driveway and cleared a building pad. I plan to expand the clearing and improve the driveway. I am working on the driveway permit with DOT, with an engineer on the required septic permitting & installation, & the utility permit has been acquired.

The required setbacks for the foundation and waste water system are shown on the attached site plan. Planned parking spaces & building elevation are also marked.

Thank you,

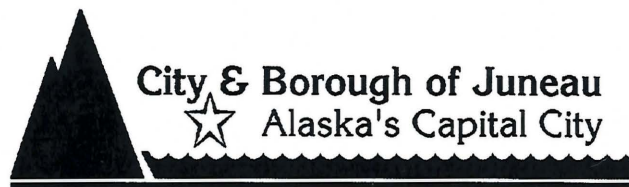
Craig



RECEIVED

MAR 12 2015

PERMIT CENTER/CDF



**City and Borough of Juneau
Community Development Department**

155 South Seward Street

Juneau, Alaska 99801

Telephone: 586-0715 Facsimile: 586-3365

Project Name:

Case Number: PAC20150007

Project Description: Conditional Use permit to allow the use of a mobile home as a permanent residence in a D1 zone.

Applicant: Craig Bergquist

Property Owner: **Craig Bergquist**

Property Address: N. Douglass Highway

Parcel Code Number: 6D0901010032

Site Size: 1.593 acres

Zoning: D1

Existing Land Use: Vacant

Conference Date: 3/4/2015 at 1:30 pm

Report Issued: 3/4/2015

List of attendees

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

Name	Title	Email address
Craig Bergquist	Applicant	Craig.berquist@gmail.com
Glenn Bergquist	Applicant's Father	gpbergquist@yahoo.com
Ron King	Chief Surveyor	Ron.king@juneau.org
Allison Eddins	Planner	Allison.eddins@juneau.org
Charlie Ford	Building Code Official	Charlie.ford@juneau.org
Eddie Quinto	Permit Specialists	Edward.quinto@juneau.org
Guy Gleason	Chief Building Inspector	Guy.gleason@juneau.org

Neighborhood Association/Contact:

RECEIVED

MAR 12 2015

PERMIT CENTER/CDD

Pre-Application Conference Final Report

Conference Summary

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

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

1. Zoning – This particular parcel is located in a D1 zoning district. This means that using a mobile home as a permanent residence on an individual lot is allowed with a Conditional Use permit.
2. Setbacks – 25 ft. (Front); 25 ft. (Rear); 15 ft. (Side). Please show setback measurements on the site plan.
3. Height – Max. of 35 feet
4. Parking – All single family dwelling units require 2 parking spaces. Please show the planned parking locations on the site plan.
5. Landscaping – Mention in your narrative that the previous owner cleared a small portion of the lot where your son intends to put the mobile home.
6. Building - HUD certification
7. Fire District – N/A
8. Lighting – N/A
9. Habitat Issues – No eagle or anadromous stream issues seen at this time
10. Lot Coverage – 20% max. lot coverage
11. Traffic – N/A
12. Engineering – The previous owner received a grading permit for the driveway and lot clearing
13. Noise – No heavy equipment or loud construction can occur between 10:00 pm and 7:00 am.
14. Drainage – N/A. Site was cleared by previous owner and building work will be minimal
15. Utilities – We will verify that the previous owner obtained a utilities permit
16. Waste Water – Briefly explain that you and your son are planning to have a septic system installed once the building permit is issued. Show on your site plan the proposed location of the septic system. You will need to obtain a certificate from the Department of Environmental Controls before the septic system can be operated. This will come up again when you go through the building permit phase.
17. Wetlands – Subject lot appears to be just outside a wetland area
18. Hazard/Avalanche/Hillside Endorsement – N/A
19. Flood – Appears to be minimal flood risk for this parcel
20. Other Agency Reviews – N/A

RECEIVED
MAR 12 2015
PERMIT CENTER/CDD

List of required applications

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

1. Development Permit Application may be required
2. Conditional Use Permit Application

Pre-Application Conference Final Report

Additional submittal requirements:

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

1. A copy of this pre-application conference report.
2. A site plan that shows the lot size, approximate location of the mobile home, setbacks, parking locations for 2 cars, and proposed location of septic system.
3. Brief narrative describing the proposed project. Be sure to include the following: your plans to install a septic system, the driveway grading permit, your plans to get a utility permit, and your plans to hook-up to City water.

Fee estimates

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

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

1. \$350.00 application fee + \$150.00 for public notice sign = **\$500.00 total** (of which \$100 refundable on return of sign).

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

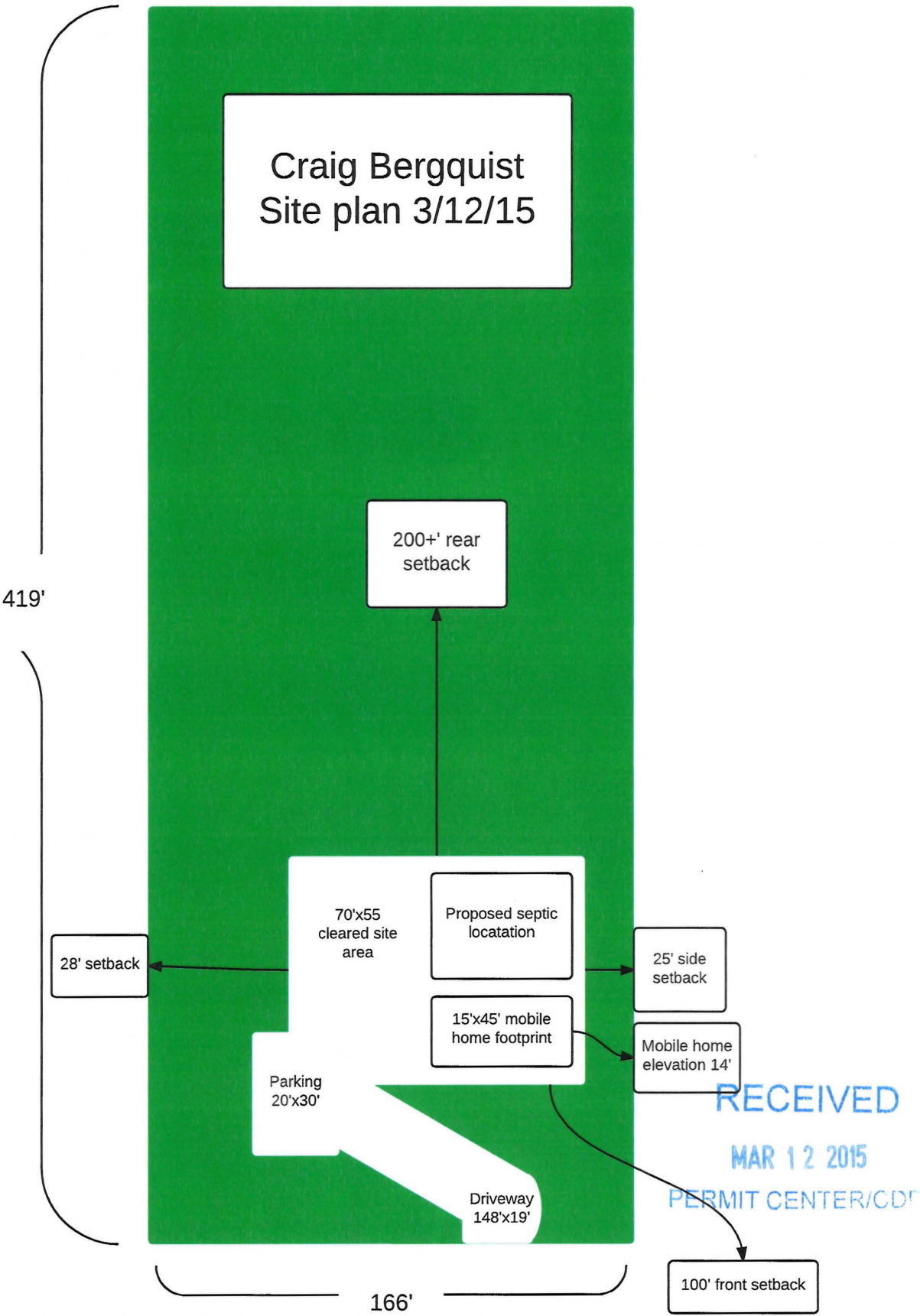
Submit your completed application

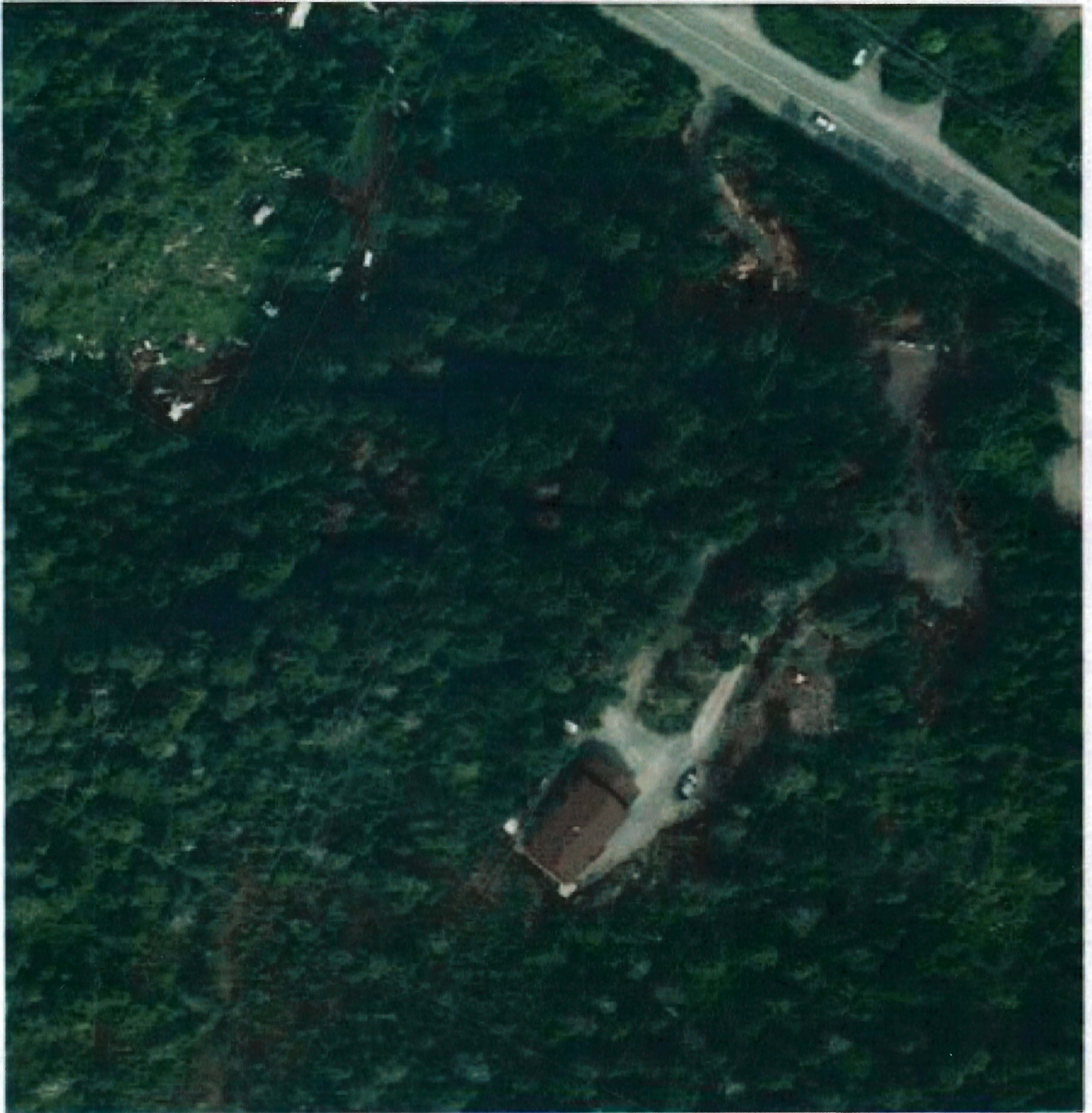
You must submit your application(s) in person with payment to:

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

Phone: (907) 586-0715
Fax: (907) 586-3365
Web: www.Juneau.org

RECEIVED
MAR 12 2015
PERMIT CENTER/CDD



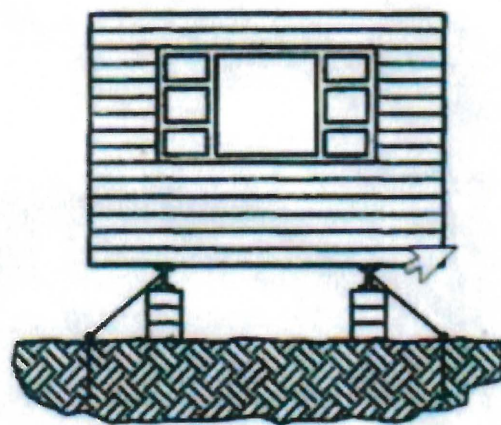
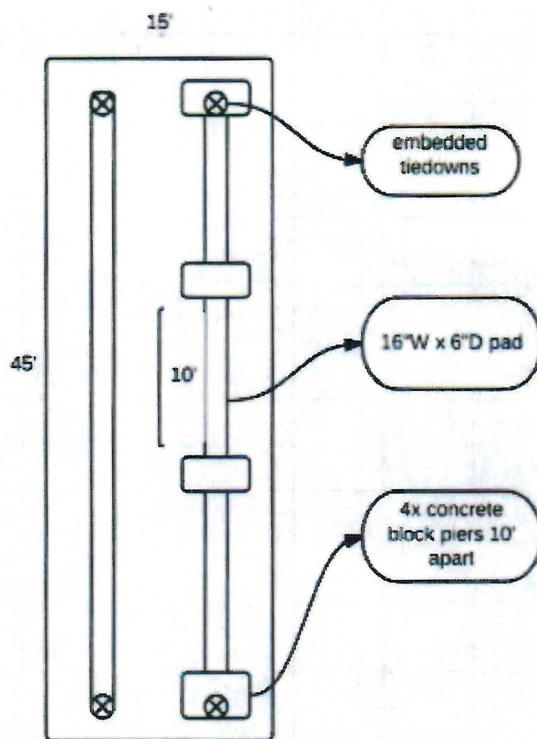
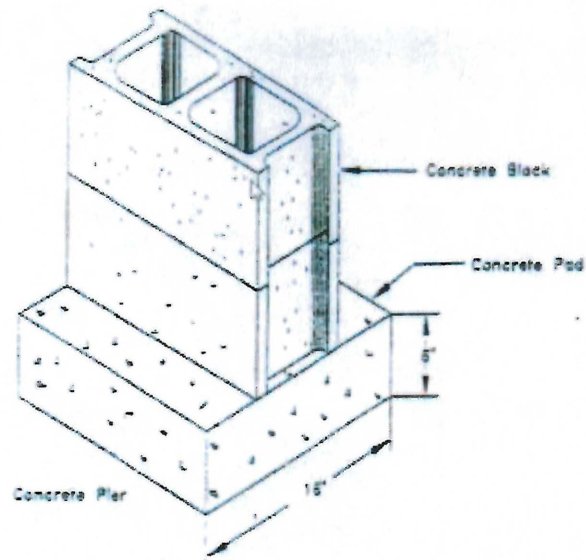


RECEIVED

MAR 12 2015

PERMIT CENTER/CDD

Type 1 foundation Plan for 15w by 45'L mobile home



Type 1

RECEIVED

MAR 12 2015

PERMIT CENTER/CDD

Craig
500-9209

A
L
A
S
K
A**2015-000634-0**Recording Dist: 101 - Juneau
2/13/2015 09:43 AM Pages: 1 of 2

AFTER RECORDING, RETURN TO:

Craig Lissner Bergquist
Kim Lissner
P.O. Box 240773
Douglas, AK 99824

AETIA 51025

WARRANTY DEEDA.S. 34.15.030

The Grantor, **STEVEN D. HANDY, an unmarried person**, whose address is PO Box 35001, Juneau, AK 99803, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, conveys and warrants to **CRAIG LISSNER BERGQUIST, an unmarried person and KIM LISSNER, a married person**, as tenants in common, each as to an undivided one-half (1/2) interest, Grantees, whose mailing address is P.O. Box 240773, Douglas, AK 99824, the following-described real estate:

That part of Lots 92 and 93, U.S. Survey 3272, Juneau Recording District, First Judicial District, State of Alaska, delineated as Tract B, according to Plat 84-24W

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

DATED this 12 day of February, 2015.

GRANTOR:

Steven D. Handy by Meghan Lindquist as his attorney in fact
STEVEN D. HANDY, by and through his
Attorney-in-Fact, Meghan Lindquist

WARRANTY DEED
A4350\3790\Warranty Deed

Page 1

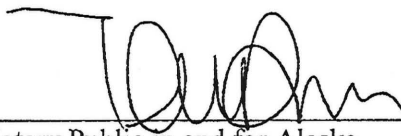
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MAR 12 2015

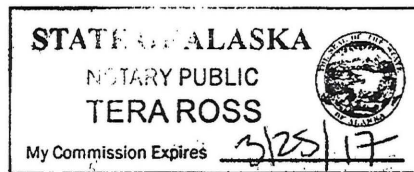
STATE OF ALASKA)
)
 FIRST JUDICIAL DISTRICT) ss.

The foregoing instrument was acknowledged before me this 12 February, 2015, by **STEVEN D. HANDY, an unmarried person, by and through his Attorney-in-Fact, Meghan Lindquist.**

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



 Notary Public in and for Alaska
 My Commission Expires: 3/25/17



RECEIVED
 MAR 12 2015
 PERMIT CENTER/CDD

WARRANTY DEED
 A4350\3790\Warranty Deed

Page 2

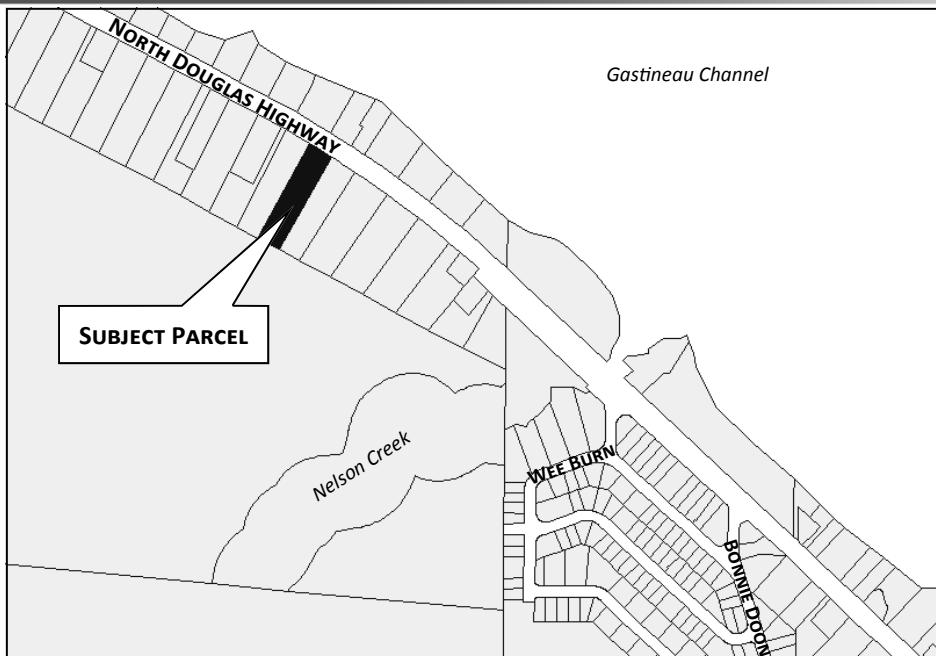


2 of 2

2015-000634-0

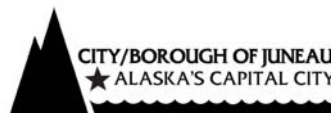


NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: A Conditional Use Permit for a residential mobile home on an individual lot.

File No:	USE2015 0003	Applicant:	Craig Bergquist
To:	Adjacent Property Owners	Property PCN:	6-D09-0-101-003-2
Hearing Date:	April 28, 2015	Owner:	Craig Bergquist
Hearing Time:	7:00 PM	Lot Size:	1.593 Acres
Place:	Assembly Chambers	Zoned:	D-1
	Municipal Building	Site Address:	USS 3272 Lot 92 and 93 Tract B
	155 South Seward Street	Accessed Via:	North Douglas Highway
	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.



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

Jonathan Lange

Subject: FW: Request for Review Comments for USE2015 0003 - A Conditional Use Permit for a residential mobile home on an individual lot.

From: Ron King

Sent: Friday, March 27, 2015 9:59 AM

To: Jonathan Lange; Charlie Ford; Dan Jager; Sven Pearson; Ed Mercer

Subject: RE: Request for Review Comments for USE2015 0003 - A Conditional Use Permit for a residential mobile home on an individual lot.

General Engineering has no objections to the USE.

Ron King PLS

General Engineering
907-586-0881

From: Jonathan Lange

Sent: Friday, March 27, 2015 9:50 AM

To: Ron King; Charlie Ford; Dan Jager; Sven Pearson; Ed Mercer

Subject: Request for Review Comments for USE2015 0003 - A Conditional Use Permit for a residential mobile home on an individual lot.

Subject: Please review the attached documents related to a Conditional Use Permit for a residential mobile home on an individual lot.

File: USE2015 0003

Parcel: 6-D09-0-101-003-2

Legal Description: U.S.S 3272 LT 92 & 93 TR B

Address: N. Douglas Highway

The proposal is to place a mobile home on an individual lot for a residence, outside of a mobile home park, in a D-1 zoning district.

Please see the attached application and proposed plans.

Please send me comments by April 7, 2015.

I look forward to receiving your comments.

Let me know if you require any additional information for this project or have any questions.

Jonathan Lange

Subject: FW: Request for Review Comments for USE2015 0003 - A Conditional Use Permit for a residential mobile home on an individual lot.

From: Dan Jager

Sent: Friday, March 27, 2015 10:03 AM

To: Jonathan Lange

Subject: RE: Request for Review Comments for USE2015 0003 - A Conditional Use Permit for a residential mobile home on an individual lot.

There are no fire dept. issues with this at this time. Thanks.

Dan

From: Jonathan Lange

Sent: Friday, March 27, 2015 9:50 AM

To: Ron King; Charlie Ford; Dan Jager; Sven Pearson; Ed Mercer

Subject: Request for Review Comments for USE2015 0003 - A Conditional Use Permit for a residential mobile home on an individual lot.

Subject: Please review the attached documents related to a Conditional Use Permit for a residential mobile home on an individual lot.

File: USE2015 0003

Parcel: 6-D09-0-101-003-2

Legal Description: U.S.S 3272 LT 92 & 93 TR B

Address: N. Douglas Highway

The proposal is to place a mobile home on an individual lot for a residence, outside of a mobile home park, in a D-1 zoning district.

Please see the attached application and proposed plans.

Please send me comments by April 7, 2015.

I look forward to receiving your comments.

Let me know if you require any additional information for this project or have any questions.

Jonathan Lange

Subject: FW: Request for Review Comments for USE2015 0003 - A Conditional Use Permit for a residential mobile home on an individual lot.

From: Ed Mercer

Sent: Friday, March 27, 2015 10:58 AM

To: Jonathan Lange

Subject: RE: Request for Review Comments for USE2015 0003 - A Conditional Use Permit for a residential mobile home on an individual lot.

JPD does not have any issues with this.

Thanks, Ed

From: Jonathan Lange

Sent: Friday, March 27, 2015 9:50 AM

To: Ron King; Charlie Ford; Dan Jager; Sven Pearson; Ed Mercer

Subject: Request for Review Comments for USE2015 0003 - A Conditional Use Permit for a residential mobile home on an individual lot.

Subject: Please review the attached documents related to a Conditional Use Permit for a residential mobile home on an individual lot.

File: USE2015 0003

Parcel: 6-D09-0-101-003-2

Legal Description: U.S.S 3272 LT 92 & 93 TR B

Address: N. Douglas Highway

The proposal is to place a mobile home on an individual lot for a residence, outside of a mobile home park, in a D-1 zoning district.

Please see the attached application and proposed plans.

Please send me comments by April 7, 2015.

I look forward to receiving your comments.

Let me know if you require any additional information for this project or have any questions.

Jonathan Lange

Subject: FW: FW: Request for Review Comments for USE2015 0003 - A Conditional Use Permit for a residential mobile home on an individual lot.

From: Robin Potter

Sent: Friday, April 03, 2015 9:33 AM

To: Jonathan Lange

Subject: RE: FW: Request for Review Comments for USE2015 0003 - A Conditional Use Permit for a residential mobile home on an individual lot.

Thanks Jonathan.

From: Jonathan Lange

Sent: Friday, April 03, 2015 8:49 AM

To: Robin Potter

Subject: FW: FW: Request for Review Comments for USE2015 0003 - A Conditional Use Permit for a residential mobile home on an individual lot.

Below is an email from the applicant with the information that you requested.
1988 mobile home, in "great shape", recently remodeled interior.

Jonathan Lange, Planner II
Community Development Department
City & Borough of Juneau, Alaska
155 S. Seward St. Juneau, AK 99801
Ph (907)586-0218 F (907)586-4529
Jonathan.Lange@juneau.org

From: carpenoctem90hrs@gmail.com [<mailto:carpenoctem90hrs@gmail.com>] **On Behalf Of** Craig Bergquist

Sent: Thursday, April 02, 2015 5:39 PM

To: Jonathan Lange

Subject: Re: FW: Request for Review Comments for USE2015 0003 - A Conditional Use Permit for a residential mobile home on an individual lot.

I believe the mobile home is an '88 and is in great shape. The interior was recently remodeled.

On Thu, Apr 2, 2015 at 2:48 PM, Jonathan Lange <Jonathan.Lange@juneau.org> wrote:

Craig,

During the review of your application, the below questions came up.

Could you answer the below questions?

Thanks for your help.

Jonathan Lange, Planner II

Community Development Department

City & Borough of Juneau, Alaska

155 S. Seward St. Juneau, AK 99801

Ph [\(907\)586-0218](tel:(907)586-0218) F [\(907\)586-4529](tel:(907)586-4529)

Jonathan.Lange@juneau.org

From: Robin Potter

Sent: Thursday, April 02, 2015 1:29 PM

To: Jonathan Lange

Subject: RE: Request for Review Comments for USE2015 0003 - A Conditional Use Permit for a residential mobile home on an individual lot.

Hi Jonathan,

The only question I have at this time is how old is the mobile home and what condition is it in?

From: Jonathan Lange

Sent: Thursday, April 02, 2015 12:10 PM

To: Robin Potter

Subject: Request for Review Comments for USE2015 0003 - A Conditional Use Permit for a residential mobile home on an individual lot.

Subject: Please review the attached documents related to a Conditional Use Permit for a residential mobile home on an individual lot.

File: USE2015 0003

Parcel: 6-D09-0-101-003-2

Legal Description: U.S.S 3272 LT 92 & 93 TR B

Address: N. Douglas Highway

The proposal is to place a mobile home on an individual lot for a residence, outside of a mobile home park, in a D-1 zoning district.

Please see the attached application and proposed plans.

Please send me comments by April 7, 2015, or as soon as possible.

I look forward to receiving your comments.

Let me know if you require any additional information for this project or have any questions.



Subject parcel – Above



View up North Douglas Highway

ATTACHMENT E

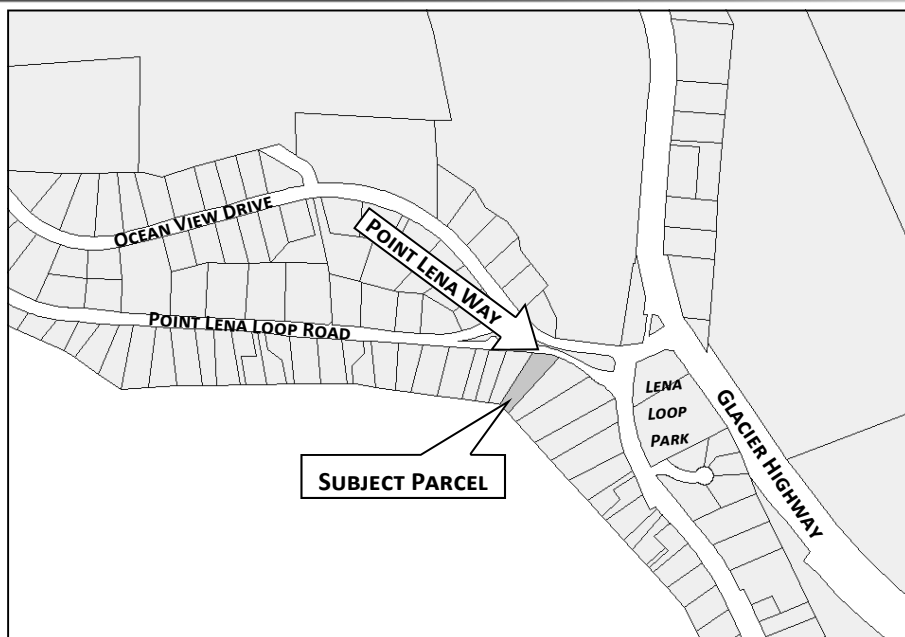


Properties north of subject parcel.





NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: Variance to allow work within 250 feet of an eagle nest.

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

File No:	VAR2015 0008	Applicant:	Robert and Kristin Wright
To:	Adjacent Property Owners	Property PCN:	4-B33-0-102-009-1
Hearing Date:	April 28, 2015	Owner:	Robert Wright and Kristin Wright
Hearing Time:	7:00 PM	Size:	0.84 Acres (36737 Square Feet)
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	D-3
		Site Address:	16125 Point Lena Way
		Accessed Via:	Glacier Highway

PROPERTY OWNERS PLEASE NOTE:

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

If you have questions, please contact Allison Eddins at Allison.Eddins@juneau.org or 586-0758.



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

Date notice was printed: March 24, 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: April 16, 2015

TO: Board of Adjustment

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

FILE NO.: VAR2015 0008

PROPOSAL: Variance to allow work within 250 feet of an eagle nest.

GENERAL INFORMATION

Applicant: Robert and Kristin Wright

Property Owner: Robert and Kristin Wright

Property Address: 16125 Point Lena Way

Legal Description: USS 3054 Lot 19A

Parcel Code Number: 4-B33-0-102-009-1

Site Size: 0.84 Acres

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

Zoning: D-3

Utilities: Public water; No public sewer available

Access: Point Lena Way

Existing Land Use: Vacant

Surrounding Land Use: North - D-3; Vacant Land
South - Favorite Channel

Board of Adjustment
File No.: VAR2015 0008
April 16, 2015
Page 2 of 7

East - D-3; Vacant Land
West - D-3; Vacant CBJ Greenbelt

Vicinity Map



ATTACHMENTS

Attachment A – Variance and Development Permit Application
Attachment B – U.S. Fish and Wildlife Services Letter
Attachment C – Eagle's Nest Map and Project Location
Attachment D – Project Site Plan
Attachment E – Plat
Attachment F – Public Notice

Board of Adjustment
File No.: VAR2015 0008
April 16, 2015
Page 3 of 7

PROJECT DESCRIPTION

The applicants, Robert and Kristin Wright, would like to construct a new single-family home on their property at 16125 Point Lena Way (see Attachment D). The proposed development is approximately 253 feet from documented eagle's nest number 198, which requires a Variance for construction within 330 feet of an active eagle's nest between March 1 and August 31. The CBJ Land Use Codes states the following:

49.70.310 Habitat

(a) Development in the following areas is prohibited:

(3) Within 50 feet of an eagle nest on private land, provided that there shall be no construction within 330 feet of such nest between March 1 and August 31 if it contains actively nesting eagles

BACKGROUND

On March 2, 2015 the applicants, Mr. and Mrs. Wright, submitted a Development Permit application to construct a single family home on their property on Point Lena Way (see Attachment A). The subject lot is U.S. Survey 3054 Lot 19 A (see Attachment E).

In 2014 the owners of Lot 19 B (see Attachment E) applied for an eagle's nest Variance for the same eagle's nest when they were building their new home. The owners of Lot 19 B were granted VAR2014 0014 that allowed them to construct their single-family home within 150 feet of documented eagle's nest number 198. The owners of Lot 19 B also received a letter from U.S. Fish and Wildlife Service (USFWS), dated July 21, 2014, stating that the eagle pair in nest 198 has become tolerant to construction activity (see Attachment B). According to the letter from USFWS the nest was first identified in 1998 and since then the eagle pair has demonstrated tolerance to various construction disturbances, and the nest has remained productive. USFWS also stated in their letter that they would support issuance of a Variance to the CBJ eagle ordinance and this it is "likely that the eagle pair would fledge their chick successfully even with the construction of Mr. Lawson's home". Mr. Lawson is the owner of Lot 19 B.

Board of Adjustment
 File No.: VAR2015 0008
 April 16, 2015
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ANALYSIS

CBJ has traditionally relied on the expertise of the Juneau USFWS field office to evaluate and condition, if necessary, projects within the 330 foot eagle nest buffer. The 2013 Comprehensive Plan acknowledges this relationship under POLICY 7.14.IA4:

“Request that USFWS evaluate the bald eagle in the CBJ urban area in terms of population, behavior and tolerance of human presence and activity. Consider any new suggestions from USFWS for enhancing the presence and health of eagles in the urban area.”

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 give substantial relief to the property owner. It would allow them to begin building their home this spring so that they can get it to a “weather tight” state prior to the onset of fall and winter weather. The variance will also allow the property owner to complete any future work on the home, during future March 1st thru August 31st window. The variance would be consistent with justice to other property owners who build on and cleared their properties within 330 of the mapped eagle’s nest, including the next door neighbor.

Yes. Criterion 1 has been met.

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

The intent of Title 49 established in Section 49.05.100 Purpose and Intent lists six purposes. Those sections which are applicable to the requested Variance are as follows:

Board of Adjustment
File No.: VAR2015 0008
April 16, 2015
Page 5 of 7

- 1) To achieve the goals and objectives and implement the policies of the Juneau Comprehensive Plan and Coastal Management Plan;
- 2) To ensure the 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;
and
- 6) To recognize the economic value of land and encourage its proper and beneficial use.

There is no evidence to suggest that the construction of the proposed single-family home would impact public safety and welfare.

Yes. Criterion 2 has been met.

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

Construction within the eagle nest setback would not injure nearby land and property owners. All construction work would be on the applicant's property.

Yes. Criterion 3 has been met.

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

The application is for a proposed single-family home, which is an allowed use in the D-3 zoning district according to the Table of Permissible Uses 49.25.300.

Yes. Criterion 4 has been 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. Compliance with the existing standard would delay the applicants from beginning construction on their home this spring. Without the Variance, the applicants could begin building on September 1. However, this would not give them enough time to get the home weather tight before the fall and winter weather sets in.

Board of Adjustment
 File No.: VAR2015 0008
 April 16, 2015
 Page 6 of 7

No. Criterion 5(A) has not been 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;*

Compliance with the required setback would prevent the applicant from beginning to build their home for most of the construction season. Granting the requested Variance would be consistent with scale, amenities, appearance and features of existing development that was built within 330 feet of the mapped eagle's nest between March 1 and August 31.

Yes. Criterion 5(B) has been met.

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

The proposed development is near a mapped eagle's nest. Compliance with the eagle nest setback would be unnecessarily burdensome in that this would delay the owners from building their home within the construction season. The USFWS has stated that the eagles present are habituated to the surrounding neighborhood and to construction noises and disturbance. Compliance with the above mentioned eagle nest setback requirement would be unnecessarily burdensome.

Yes. Criterion 5(C) has been 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.*

There are no preexisting nonconforming conditions on the subject parcel. Granting of the proposed Variance would result in a net decrease in the overall compliance with the Land Use Code, as the granting of the application would result in the construction within 330 feet of an eagle's nest within the time frame of March 1 and August 31.

No. Criterion 5(D) has not been met.

Since sub-criteria 5(B) and 5(C) are met, criterion 5 is met.

Board of Adjustment
File No.: VAR2015 0008
April 16, 2015
Page 7 of 7

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

No detriments have been identified to the neighborhood if the Variance was granted. If the Variance was granted, it would allow for a new single-family dwelling unit which would be a benefit for the property owner and the surrounding neighborhood.

Yes. Criterion 6 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?*

Not Applicable. This proposed development is not affected by the Juneau Coastal Management Program.

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 for Variances.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** on the requested Variance, VAR2015 0008. The Variance permit would allow for the construction of a single-family home within the 330 foot required setback for an eagle's nest.

Packet Page 115 of 201

Project Description Construction of a single family dwelling.		
PROPERTY LOCATION		
Street Address 16125 Point Lena Way	City/Zip Juneau, Alaska 99801	
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) USS 3054, Lot 19A		
Assessor's Parcel Number(s) 4B3301020091		
LANDOWNER/ LESSEE		
Property Owner's Name Robert & Kristin Wright	Contact Person: Bob Wright	Work Phone: N/A
Mailing Address 3780 N Douglas Hwy	Home Phone: 586-5893	Fax Number:
E-mail Address wright@alaska.net	Other Contact Phone Number(s): 321-2971	
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 3/2/15	
X _____ Landowner/Lessee Signature	_____ Date 3/2/15	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.		
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below		
Applicant's Name Same	Contact Person:	Work Phone:
Mailing Address	Home Phone:	Fax Number:
E-mail Address	Other Contact Phone Number(s):	
X _____ Applicant's Signature		
_____ Date of Application		

OFFICE USE ONLY BELOW THIS LINE

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

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number <i>Var 15-008</i>	Date Received <i>3/2/15</i>
----------------	------------------------------	----------------------------------	--------------------------------

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:
Allow construction of a single family home within 250 feet of an eagle nest beginning in April 2015

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

Previous Case Number(s): *VAR 2014 0014* → *next door neighbor for same eagle nest*

Was the Variance Granted? ☐ YES ☐ NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): _____
At the date of this application, it is unclear whether the nest will be occupied during the 2015 building season. However, in prior years, nesting eagles have clearly been habituated and tolerant of human activity per USFWS letter of 7/21/2014.

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

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
To allow construction during the spring and summer season so the building can be weather tight by fall.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
Fall and winter construction is not feasible due to the harsh weather conditions.

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	<table style="width: 100%;"> <tr> <th colspan="4">VARIANCE FEES</th> </tr> <tr> <th></th> <th>Fees</th> <th>Check No.</th> <th>Receipt</th> </tr> <tr> <td>Application Fees</td> <td>\$ <i>400</i></td> <td></td> <td><i>TSP</i></td> </tr> <tr> <td>Adjustment</td> <td>\$ _____</td> <td></td> <td></td> </tr> <tr> <td>Total Fee</td> <td>\$ <i>400</i></td> <td><i>06136D</i></td> <td><i>cdA6212</i></td> </tr> </table>	VARIANCE FEES					Fees	Check No.	Receipt	Application Fees	\$ <i>400</i>		<i>TSP</i>	Adjustment	\$ _____			Total Fee	\$ <i>400</i>	<i>06136D</i>	<i>cdA6212</i>
VARIANCE FEES																					
	Fees	Check No.	Receipt																		
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Adjustment	\$ _____																				
Total Fee	\$ <i>400</i>	<i>06136D</i>	<i>cdA6212</i>																		

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE
Juneau Satellite Office
3000 Vintage Park Boulevard, Suite 201
Juneau, Alaska 99801



July 21, 2014

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

Dear Mr. Hart,

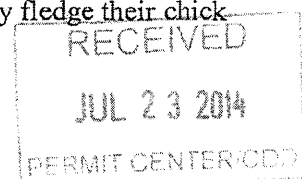
Staff of the U.S. Fish and Wildlife Service has worked with Mr. Tom Lawson over the last few months to evaluate potential impacts to bald eagles nesting approximately 150 feet from his Lena Loop building site.

The Fish and Wildlife Service first documented this nest in 1998. Since then, the eagle pair has demonstrated tolerance to various construction disturbances, and the nest has remained productive. These disturbances include construction of an adjacent home in 2005, and clearing of Mr. Lawson's lot this spring while the nest was active. Other neighbors have reportedly been clearing trees within 330 feet of the nest this year, as well. On July 8, we confirmed that at least one nestling was present in the nest, suggesting that the eagles have accepted the disturbance to date.

Our "National Bald Eagle Management Guidelines" (USFWS 2007) recommend that vegetation clearing and construction be kept 660 feet or further from active eagle nests, unless an eagle pair has already demonstrated tolerance to similar activity. Where such tolerance has been shown, building and clearing are allowed as close as existing activity of similar scope.

Where compliance with the Guidelines is not practicable, the Fish and Wildlife Service may issue a federal permit to allow disturbance (that results in loss of a nestling). Such loss may result from nest abandonment or avoidance by the adults, or from loud noise or other disruptive activity that causes a chick to jump or fall from the nest, for example. Issuance of such a permit typically takes 90 days from receipt of a complete application.

In this case, we advised Mr. Lawson that he may apply for a permit, at his discretion, to cover any liability he would otherwise assume if his activity caused the death of a nestling. We also observed that this eagle pair has already demonstrated tolerance to clearing and grading. The pair that used the nest in 2005 (which may have been the same birds or different ones) tolerated construction of the adjacent house. These observations suggest that the eagle pair will likely fledge their chick.

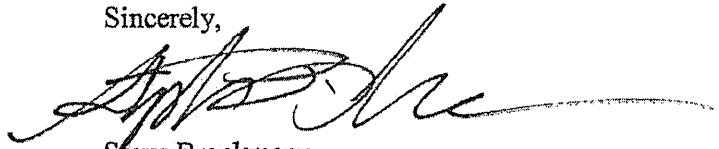


ATTACHMENT B

successfully, even with construction of Mr. Lawson's house, so issuance of an eagle disturbance permit may not be necessary. We have reviewed the facts of this case and continue to believe it likely that Mr. Lawson can proceed with construction of his residence without interfering with nesting success of this eagle pair.

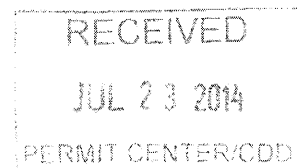
We understand that the City and Borough of Juneau requires that he wait until after the nesting season (September 1) to begin construction, to avoid disturbing the nesting eagles, unless a variance is approved by the Planning Commission. We have no objection to issuance of such a variance in this case.

Sincerely,



Steve Brockmann
Southeast Alaska Coordinator

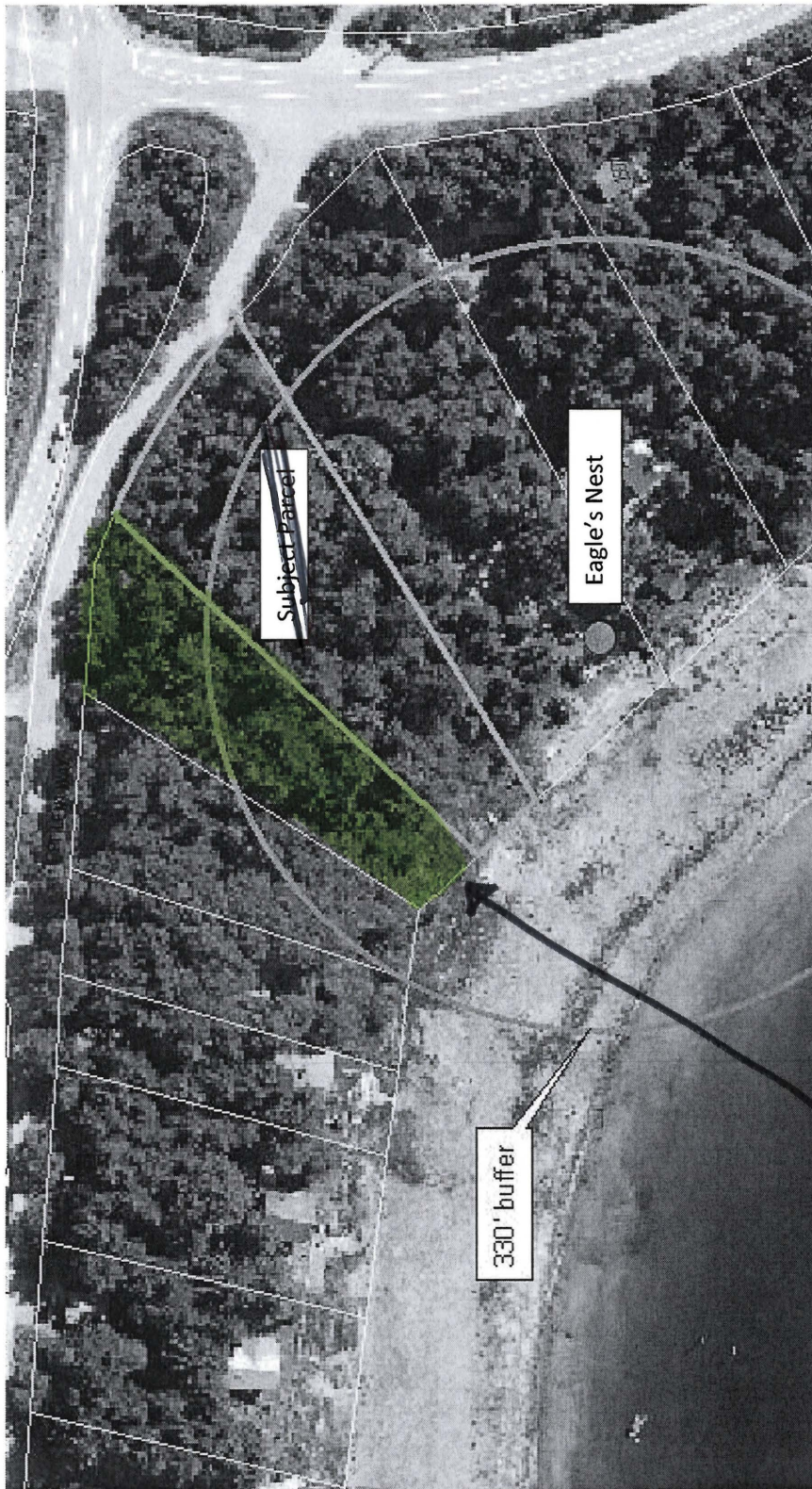
Cc: Charlie Ford, CBJ Community Development Department
Travis Goddard, CBJ Community Development Department
Tom Lawson, property owner
Jordan Muir, USFWS, Anchorage
Steve Lewis, USFWS, Juneau



ATTACHMENT B

Applicant wanted to follow same format
as VAL 20140014. The narrative would

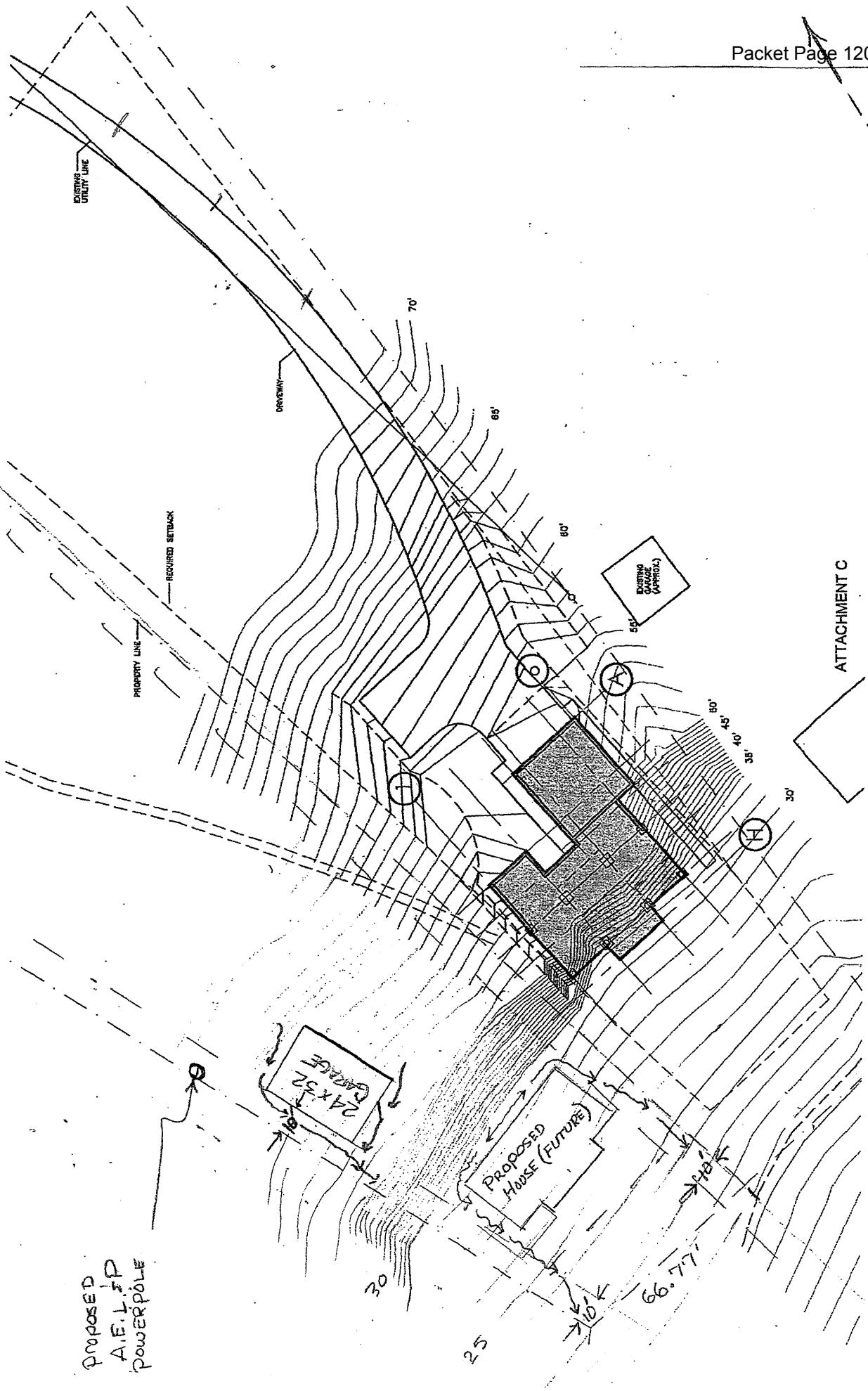
have copied this
Staff Rpt



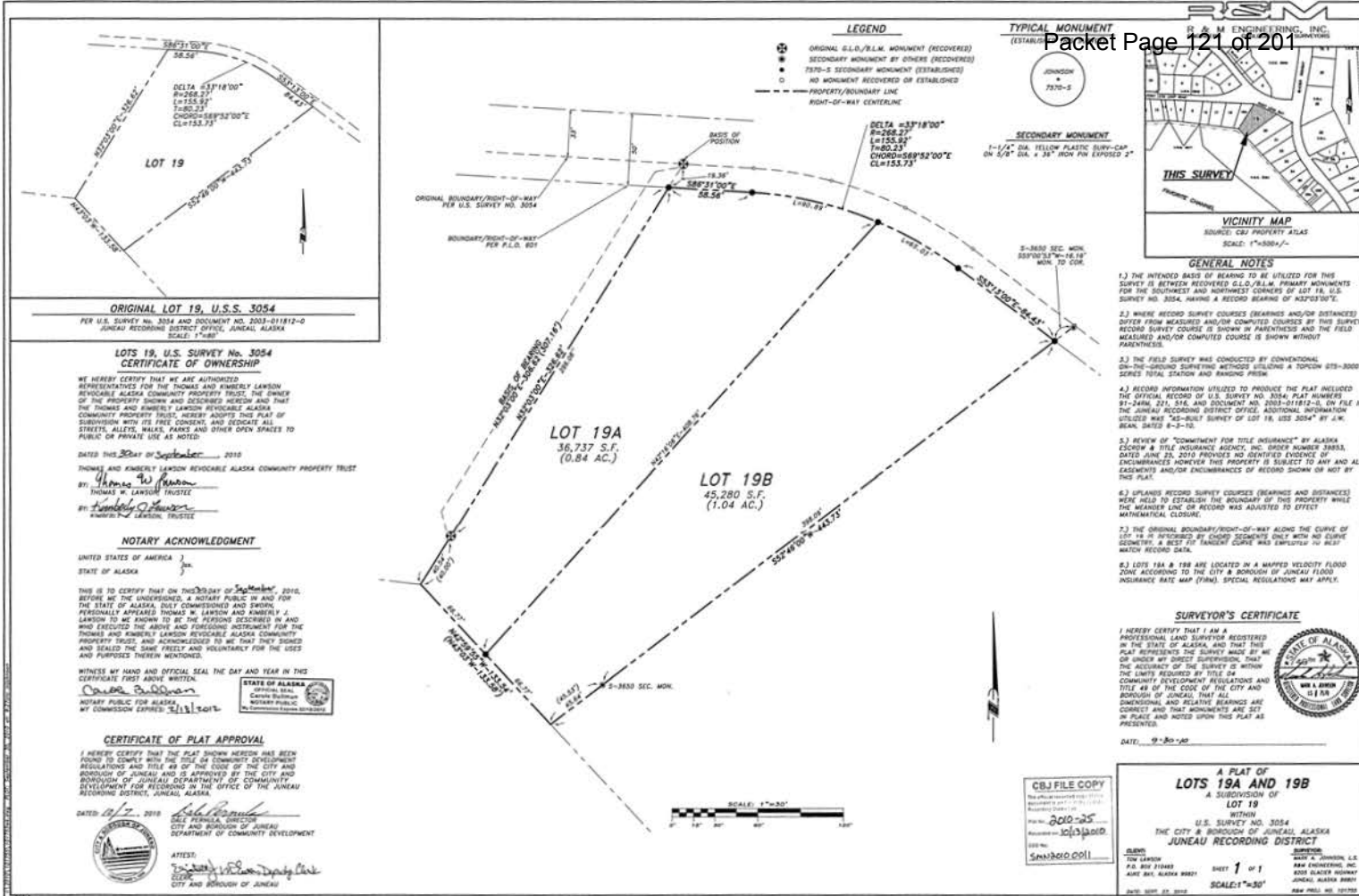
From
VAL 20140014

ATTACHMENT C

Parcel for
Val 20140014

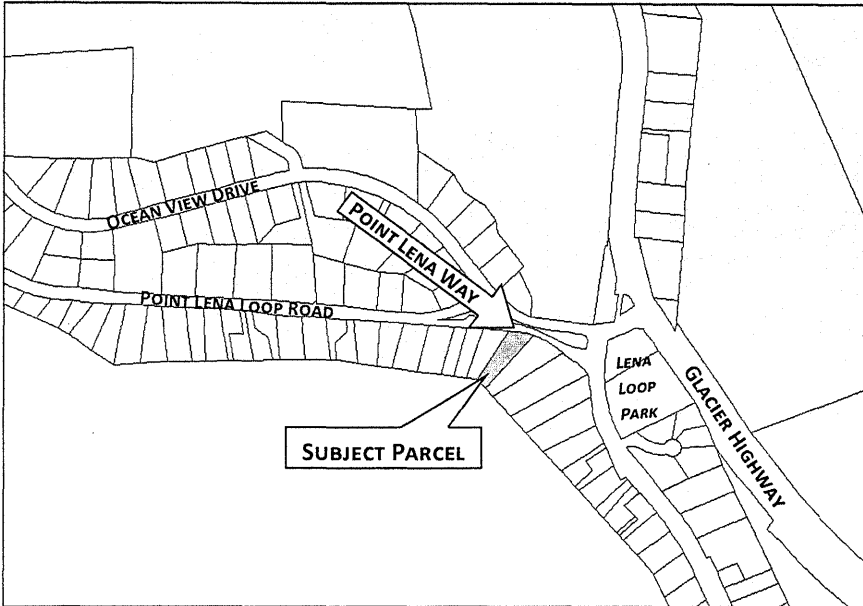


ATTACHMENT D





NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: Variance to allow work within 250 feet of an eagle nest.

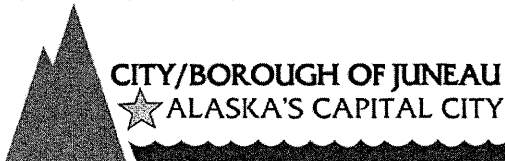
** A Variance request could include the elimination of all dimensional standards.

File No:	VAR2015 0008	Applicant:	Robert and Kristin Wright
To:	Adjacent Property Owners	Property PCN:	4-B33-0-102-009-1
Hearing Date:	April 28, 2015	Owner:	Robert Wright and Kristin Wright
Hearing Time:	7:00 PM	Size:	0.84 Acres (36737 Square Feet)
Place:	Assembly Chambers	Zoned:	D-3
	Municipal Building	Site Address:	16125 Point Lena Way
	155 South Seward Street	Accessed Via:	Glacier Highway
	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 Allison Eddins at Allison.Eddins@juneau.org or 586-0758.



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

Date notice was printed: March 24, 2015



**BOARD OF ADJUSTMENT
NOTICE OF DECISION**

Date: April 28, 2105
File No.: VAR2015 0008

Robert and Kristin Wright
3780 Douglas Highway
Juneau, AK 99801

Application For: Variance to allow work within 250 feet of an eagle nest.
Legal Description: USS 3054 Lot 19A
Property Address: 16125 Point Lena Way
Parcel Code No.: 4-B33-0-102-009-1
Hearing Date: April 28, 2015

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 14, 2015 and approved the Variance to be conducted as described in the project description and project drawings submitted with the application.

Attachment: April 14, 2015 memorandum from Allison Eddins, Community Development, to the CBJ Board of Adjustment regarding VAR2015 0008.

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, April 28, 2015

Expiration Date: The permit will expire 18 months after the effective date, or October 28, 2016 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.

Robert and Kristin Wright

File No: VAR2015 0008

April 28, 2015

Page 2 of 2

Project Planner:



Allison Eddins, Planner
Community Development Department



Michael Satre, Chair
Planning Commission



Filed With City Clerk

4/29/15

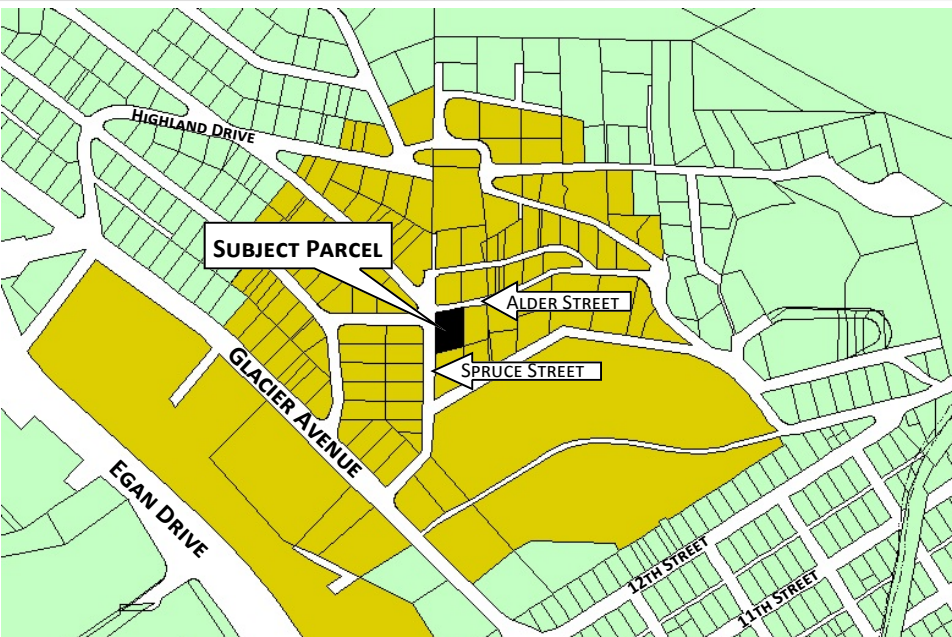
Date

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:



PROPOSAL: VAR2015 0006: Variance request to reduce street side yard setback to construct two-story residence.
VAR2015 0007: Variance request to reduce rear yard setback to construct two-story residence.

File No:	VAR2015 0006 and VAR2015 0007	Applicant:	Northwind Architects
To:	Adjacent Property Owners	Property PCN:	1-C03-0-D01-010-0
Hearing Date:	April 14, 2015	Owner:	Dave and Redna Heimbigner
Hearing Time:	7:00 PM	Size:	8132 Square Feet (0.189 Acres)
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	D-5
		Site Address:	635 Alder Street
		Accessed Via:	Spruce Street

PROPERTY OWNERS PLEASE NOTE:

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

If you have questions, please contact Chrissy McNally at Christine.McNally@juneau.org or 586-0761.



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



Community Development

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

DATE: March 31, 2015

TO: Board of Adjustment

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

FILE NO.: VAR2015 0006

PROPOSAL: Variance request to reduce the street side yard setback from 13 feet to 4 feet.

GENERAL INFORMATION

Applicant: Gerald Gotschall, NorthWind Architects, LLC

Property Owner: David and Renda Heimbigner (Heimbigner Trust)

Property Address: 635 Alder Street

Legal Description: Seater Addition Block 1 Lot 7A

Parcel Code Number: 1-C03-0-D01-010-0

Site Size: 0.1867 Acres

Comprehensive Plan Future Land Use Designation: Urban Low Density

Zoning: D-5

Utilities: City water & sewer

Access: Spruce Street

Existing Land Use: Garage

Board of Adjustment
File No.: VAR2015 0006
March 31, 2015
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Surrounding Land Use:	North	- D-5 Single Family Residential
	South	- D-5 Single Family Residential
	East	- D-5 Single Family Residential
	West	- D-5 Single Family Residential

Vicinity Map



ATTACHMENTS

Attachment A: Variance application
Attachment B: As-built survey
Attachment C: 2011 foundation setback verification form
Attachment D: Building design
Attachment E: Site plan
Attachment F: View from Hemlock Street looking south
Attachment G: Comments from Ron King, CBJ Chief Surveyor
Attachment H: Comments from Ed Foster, CBJ Street Superintendent
Attachment I: Public Comment
Attachment J: Public notice

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PROJECT DESCRIPTION

The applicant proposes to remove an existing 24' x 24' one-story garage and replace with a two-story structure consisting of a first floor garage and storage space and second story residence. The current structure sits 0 feet from the Alder Street Right-of-Way and 2 feet from the rear property line (Attachment B).

The applicant, on behalf of the property owners, is seeking approval to construct 5 feet 11 inches from the Alder Street Right-of-Way. This proposal has a concurrent Variance application for a reduction to the rear yard setback of 20 feet to 6 feet, VAR2015 0007. The granting of one Variance does not require granting the other. VAR2015 0007 is addressed in a separate staff report.

BACKGROUND

The residence at 635 Alder Street is comprised of two lots within the D-5 zoning district. The eastern lot, 6A contains the main residence which operates as a bed and breakfast. This use was approved with USE2013 0025. This lot is accessed by Alder Street.

The subject lot, 7A is 8,132 square feet. The minimum lot size in the D-5 zoning district is 7,000 square feet. The subject parcel contains a two stall 576 square foot garage built in 1942. Access to this lot is via Spruce Street. The lot is bordered on the south, west and north by single family residences.

In 1982 the property owner granted an easement to the City and Borough of Juneau for the construction of the Alder Street Right-of-Way. The applicant's Variance request is for a reduction in the street side yard setback of 13 feet to 5 feet 11 inches. This request does not take into consideration the ROW easement. CBJ Chief Surveyor, Ron King, found discrepancies in the As-built survey; CBJ ROW construction site plan and recorded easement document (see Attachment G). The As-built is the most restrictive of the documents showing no distance between the ROW and the garage. Instead of requiring a new survey, Ron King requested the Variance request be a reduction in the side yard setback of 13 feet to 4 feet to more accurately reflect the position of the garage in relation to the ROW.

The garage is a legally nonconforming structure based on two criteria found in Title 49, the Land Use Code. First, according to CBJ 49.30.100, nonconforming situations that predated the adoption of current zoning standards may continue. Second, the lot does not currently have a primary use. According to CBJ 49.25.300(a)(4), a lot must have a primary use before it contains an accessory use. In this case, the proposed second story apartment will serve as a primary use for the lot.

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According to CBJ 49.30.500(b) *Reconstruction*, a nonconforming building may be rebuilt on the same footprint if:

“the cost of renewal of the damaged parts exceeds 75 percent of the cost of the replacement of the entire building, exclusive of foundation...”

The intent of this section of the Land Use Code is to reasonably permit these nonconformities to continue, but not to unreasonably encourage their survival. The general policy with respect to nonconforming uses is to provide for their eventual elimination.

In this case, the entire structure, including foundation is being removed so the structure will lose its nonconforming status. Any new construction is required to meet the yard setbacks for the D-5 zoning district. Therefore, the proposed structure requires a Variance for its proposed footprint.

The property owners previously applied for a Variance to both the street side yard and rear yard setback with VAR2013 0021. However, this proposal requested to build on the current footprint – 0 feet from the Alder Street Right-of-Way and 2 feet from the rear lot line. Due to neighborhood and agency opposition to the proposal the applicant decided to withdraw the case.

The residence underwent a remodel in 2011. Those plans included a covered porch that met the setback requirements for Lot 6A (Attachment C). The covered porch was required to have a 5 foot setback from the western property line. The setback verification form required for building inspections stated all setbacks were met.

There is currently a deck with storage space underneath that connects the residence and the garage across the property line. This deck was not permitted. It requires a Building Permit and building inspection. It also requires a Variance to the side yard setback of Lot 6A and the rear yard setback of Lot 7A to be permitted in its current configuration.

Instead of applying for a Variance to both the required street side yard and rear yard setbacks, the other option for the property owners is to consolidate the two lots and have the deck permitted and inspected. A lot consolidation would also eliminate the required approval of VAR2015 0007. CBJ 49.25.510 *Special density considerations* was recently amended to allow detached accessory apartments up to 1,000 square feet if the lot exceeds 125 percent of the minimum lot size. Consolidated, Lot 6A and 7A would total 13,935 square feet. The consolidated lot would be nearly 200 percent of the minimum lot size for the D-5 zoning district and therefore would allow the proposed dwelling. Further, a lot consolidation would ensure the required parking for the bed and breakfast is met. If Lot 7A were sold the bed and breakfast would lose access to two of the four required parking spaces.

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ANALYSIS

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 proposal to construct 4 feet from the northern property line and nearly 6 feet from the paved traveled way of Alder Street would provide relief to the owner of the property due to the existing landscape design and driveway location. On the southern side of the current garage, the lot slopes down steeply (Attachment E). The lot then levels off. The lower area has landscaping, pavers and a greenhouse. The lot continues south in another steep slope. Placing the structure in the center of the lot to meet the setbacks would require realignment of the driveway with the proposed garage and relocation of shrubs and trees. The design could also be amended to utilize the existing driveway while still meeting the setback requirements.

Whether the structure is built in the proposed location or meets the required setbacks the retaining wall will need to be reconstructed. Therefore, there is not enough evidence for staff to conclude that relief would provide substantial relief.

Several structures in the neighborhood have legally nonconforming situations. However, if complete removal of the structures were required, those properties would also be required to meet the setbacks for the D-5 zoning district. Based on CDD records, this is the first proposal of this kind in the neighborhood.

For this proposed structure on Lot 7A, the proximity of the structure to the driveway accessing Lot 6A and Alder Street creates public safety concerns. As previously stated, the property owners originally requested to have a zero foot setback from Alder Street. The primary public and agency concerns of that proposal were the current roof eave that projects into the ROW and the obstructed sight distance for vehicles exiting the driveway behind the garage. This proposal reflects a compromise from the original proposal; however, two adjacent property owners

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contacted CDD staff by phone and email requesting that the new structure meet the required setbacks (Attachment I).

No. This criterion is not 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 found in CBJ 49.05.100 *Purpose and Intent*, is to ensure that growth and development is in accord with the values of Juneau residents; to identify and secure the beneficial impacts of growth while minimizing negative impacts; to ensure that future growth is of appropriate type, design, and location; to provide adequate open space for light and air; and to recognize the economic value of land and encourage its proper and beneficial use.

The dimensional standards established in CBJ 49.25.400 *Table of Dimensional Standards* support the intent to secure the beneficial impacts of growth, minimize negative impacts and ensure future growth is in the appropriate location. Setback requirements provide for adequate space for light and air. The most appropriate way to meet the intent of Title 49, wherever feasible, is to meet the setbacks requirements.

The proposed footprint will somewhat improve visibility onto the ROW from the driveway adjacent to the rear of the garage. However, cars will still park in the driveway accessed by Spruce Street up to the corner of Alder and Spruce Streets, obstructing visibility around the corner. In order for the benefits of placing the building 5 feet 11 inches from the traveled way to be realized, the driveway must be shifted 4 feet to the south. This could be done by removing the pavement and planting low shrubs or grass. Staff recommends that if this Variance is approved conditions be placed on how close vehicles may park adjacent to Alder Street.

Public safety and welfare will be moderately enhanced by the proposed footprint. Removing the encroachment of the roof eave into the ROW will provide for safer snow removal and reduce the amount of snow shed into the ROW. Sight visibility around the structure from Lot 6A will be improved with the added condition of limiting the proximity of vehicles parked adjacent to Alder Street.

Yes. This criterion is met.

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

Constructing the proposed structure 5 feet 11 inches from the traveled way will not injure nearby property. The addition of the second story will affect neighboring view sheds; however, if the building were moved to meet the setback requirements, a second story would still affect neighboring view sheds but would be allowed with a Building Permit. During a site visit, staff attempted to determine how much of the view from north of 635 Alder would be affected by a second story. Because the area slopes to the south, the impact to the view shed is mitigated and will likely cut off view of downtown buildings (Attachment F). Further, the new design will eliminate the current roof design flaw that is of concern to the neighbors and CBJ Streets.

YES. This criterion is met.

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

A single family residence and garage are both uses allowed in the D-5 zoning district per CBJ 49.25.300 Table of Permissible Uses, section 1.110.

However, approving the requested Variance, VAR2015 0006, without addressing the unpermitted deck will permit unauthorized encroachment into the required setbacks. If the lots were consolidated, the proposed two-bedroom residence would still be allowed. In this instance, the only Variance required – or setback required to be met – would be the street side yard setback, and the granting of the Variance should have sufficient conditions to address the unpermitted deck. With appropriate conditions, this criterion can be met.

No. This 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 applicant would be able to build the proposed structure within the required setbacks given the lot size, lot dimensions and vacant buildable area available. Both the garage and two bedroom dwelling are allowed with appropriate Building Permits.

No. This 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;*

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Compliance with the existing standards would not prohibit the applicant from building the proposed structure on the lot. The proposed design is consistent as to scale, amenities, and appearance of existing development in the neighborhood. As previously stated, the lot exceeds the minimum lot size and does not have a primary use. A two bedroom residence plus garage is consistent with the size of dwellings in the neighborhood. The proposed structure would be allowed outright with the appropriate building permits if built within the required setbacks.

No. This criterion is not met.

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

While no cost estimates have been provided by the applicant in order to determine if compliance with the standard would be *unreasonably* expensive, compliance would require more site work with the proposed design. The driveway would have to be realigned to the garage door or a new design would have to be developed to utilize the existing driveway.

If the proposed structure were built to meet the required setbacks the trees and shrubs would have to be relocated during construction. However, many trees and shrubs must be either removed or relocated with the proposed building footprint.

No. This criterion is not met.

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

While the current garage is considered legally nonconforming, it is being completely removed and the structure will lose its nonconforming status. The lot exceeds the dimensional standards for the D-5 zoning district. The area where all setbacks would be met is level. Reinforcement of the slope south of the driveway must occur whether the structure is built in the setbacks or meets the standards.

Since the complete removal of the current legally nonconforming garage will eliminate that characteristic of the property, a grant of the Variance will result in a net decrease in overall compliance with the Land Use Code. Further, CDD is now aware of the deck that crosses the property line that was built without permits, and without an approved Variance for the deck or lot consolidation and building inspection, the granting of this Variance, VAR2015 0006, would result in a net decrease with Title 19.

No. This criterion is not met.

Board of Adjustment
 File No.: VAR2015 0006
 March 31, 2015
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6. *That a grant of the Variance would result in more benefits than detriments to the neighborhood.*

The design of the new structure will remove the roof eave that encroaches into the Alder Street ROW. The proposed roof design would provide for valleys that run into gutters improving how the snow sheds. The change of the roof orientation in conjunction with an increased setback will result in more benefits than detriments to the neighborhood.

CBJ Streets and General Engineering were solicited for comments on the proposal. Both supported the proposal to increase the distance between the ROW and the structure. CBJ Streets has had concerns about the roof eave that extends into the ROW and would like to see it removed.

When solicited for comments, CBJ Street Division Superintendent, Ed Foster, stated, "This is a much better solution than current, or previous plans. If built as these plans show I have no issues with it, but I would highly object to changes adding any overhangs, patios, fences of any kind between this structure and Alder Street" (Attachment H).

The addition of the second story will affect the view sheds of property owners to the north. The second story will likely cut off the view of some structures, but should not impact mountain views. However, the impact to the view shed would occur even if the structure were built within the required setbacks. The addition of the second story residence (if the lots are not consolidated) will provide a primary use to the lot.

YES. This 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?*

Not applicable.

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File No.: VAR2015 0006
March 31, 2015
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3. *Does the variance as requested, meet the criteria of Section 49.20.250, Grounds for Variances?*

NO. Based on the analysis above, staff finds that the proposal does not meet the criteria of CBJ 49.20.250, Grounds for Variances. Specifically, the proposal does not meet criteria 1, 4 and 5.

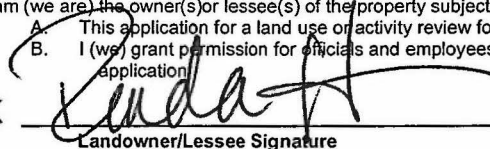
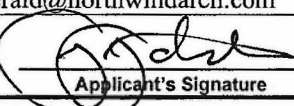
RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **deny** the requested Variance, VAR2015 0006.

If the Board of Adjustment chooses to grant the requested Variance staff recommends the following conditions:

1. The deck requires an approved building permit and required inspections. No Certificate of Occupancy shall be issued until any requirements of the building inspection are complete.
2. A lot consolidation shall be required to eliminate setback encroachments by the deck and new structure.
3. Without a lot consolidation, no Certificate of Occupancy will be issued until the deck receives a Variance to the required setbacks.
4. During construction the driveway shall be realigned with the new garage four feet to the south.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received:
Project Name (City Staff to Assign Name)		
Project Description Replace Garage with new Residential structure with Garage. Seeking Variance for Setbacks for this structure. [See attached variance application narrative by NorthWind Architects, 2/26/2015.]		
PROPERTY LOCATION		
Street Address 635 Alder Street (Adjacent Lot)	City/Zip Juneau, AK 99801	
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Seater Addition, Block 1, Lot 7A		
Assessor's Parcel Number(s) 1C030D030100		
LANDOWNER/ LESSEE		
Property Owner's Name Dave & Renda Himbigner (Himbigner Trust)	Contact Person: Renda Himbigner	Work Phone: 907-723-4202
Mailing Address 635 Alder Street	Home Phone:	Fax Number:
E-mail Address Himbigner@gci.net	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	2/20/15 Date	
X _____ Landowner/Lessee Signature	_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.		
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below		
Applicant's Name Gerald Gotschall, NorthWind Architects, LLC	Contact Person: Gerald Gotschall	Work Phone: 907-586-6150
Mailing Address 126 Seward Street	Home Phone: 907-723-8257	Fax Number:
E-mail Address gerald@northwindarch.com	Other Contact Phone Number(s):	
X  Applicant's Signature	2/26/2015 Date of Application	

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

STAFF APPROVALS	☒	Permit Type	**SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	P	Variance Case (De Minimis and all other Variance case types)		2/28/15	var 15-006
		Wetlands Permits			
		Zone Change Application			
		Other (Describe)			
***Public Notice Sign Form filled out and in the file.					
Comments:					Permit Intake Initials 

ATTACHMENT A

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number VAR 15-006	Date Received
----------------	------------------------------	----------------------------------	---------------

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:
Construct new 2-story Residence with single car garage near 2-car garage being removed. New residence is positioned within setbacks.

Previous Variance Applications? ☒ YES ☐ NO Date of Filing: 2013
 Previous Case Number(s): VAR2013-0021

Was the Variance Granted? ☐ YES ☐ NO (Pulled from agenda.)

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):
Site has existing garage within 2' of street, with failing foundations in need of replacement. Site slopes away from garage at Alder Street. Established garden at center of site is focal point and event place for this & adjacent B&B property (Owners have both properties).

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

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
Established driveway & road access for garage is at top 1/4 of site, to combine a garage with new residence, structure would be built at upper edge and within setback anyway.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
[See also attached narrative.] Existing Garage foundations need to be replaced. To rebuild garage, it should be built with actual residence, on combined foundation. Otherwise, detached garage still in setback with residence in middle of site on garden area. Thus, two structures in new location is added cost for two foundations, loss of garden & event space and established pattern of use of site.

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">VARIANCE FEES</th> <th>Fees</th> <th>Check No.</th> <th>Receipt</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td>\$</td> <td><u>400.00</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Adjustment</td> <td>\$</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Fee</td> <td>\$</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	VARIANCE FEES		Fees	Check No.	Receipt	Date	Application Fees	\$	<u>400.00</u>				Adjustment	\$					Total Fee	\$				
VARIANCE FEES		Fees	Check No.	Receipt	Date																				
Application Fees	\$	<u>400.00</u>																							
Adjustment	\$																								
Total Fee	\$																								

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM



February 26, 2015

To: CBJ - Community Development Dept.
4th Floor Marine View
155 S. Seward Street
Juneau, AK 99801

From: Gerald R Gotschall, AIA
NorthWind Architects

Re: Considerations for Granting Variance to Setbacks
Property: **635 Alder Street, Juneau**



CDD Staff & Members of the Board of Adjustment:

- Existing Lot: Area: ~8134.sf;
- Zoning is D-5; (Min. Lot size for D-5 is 7,000.sf.)
- Seater Addition, Blk 1, Lot 7A; Parcel: 1C030D030100

Working on behalf of our clients, **Renda & Dave Heimbigner**, owners of the above property, we spoke with CBJ regarding the proposed site plan for this project, and discussed the main concerns for planning on this site. We have decided that a Variance to the Setback along the street is the best course of action to reach the goal of the master plan for the site.

Summary for Project for Setback Variance:

The ultimate goal of the project is to construct a two-story residence with a garage & kitchen on the main level and 2-bedroom living quarters on the upper level.

The current garage structure was constructed in the 1942. It is located at street level adjacent to Alder Street and is very close to the two property lines at one corner. The site drops away along the downward facing or south side of the garage. The foundation of the garage and an adjacent retaining wall are slowly failing as water drains around the perimeter and below the foundation, and soils settle down hill.

It is proposed to remove the garage and all foundations and construct a new structure that is set back farther from the street & property lines for the following reasons:

- To arrest the failing retaining wall, replace deteriorated & leaking roof, address potential rot at original walls. Tie existing retaining walls into new construction foundation to preserve driveways on either side of structure.
- To address the site drainage issues under and around the structure from the street and properties above.
- To make higher & better use of the site currently occupied by the garage alone; a full residence would be considered a “conforming” structure, where as a garage alone is not.
- To improving vehicle site lines around the garage at Alder Street
- To improve & control drainage off the roof along Alder Street.

126 Seward Street
Juneau, AK 99801

07.586.6150
..907.586.6181

- To address concerns and improve conditions with building proximity to street.
- To realign to allow for expansion to the South for a complete residence without crossing property lines.

NorthWind
Architects, LLC

In order to reconstruct and expand the structure, it is being moved 4' south from Alder Street and 4' west away from Lot 6A property line.

Although the structure location has moved, the building is still within a setback. Due to the skewed shape of the lot and the fact that it is sloping down away from Alder Street, the building would be in a setback at almost any point on the site. Because of need to tie into the existing driveway to access the garage, it needs to have one corner still at the upper level. There is also an established garden room and extensive landscaping at the center of the site that is a unique feature of the site and it is preferred not to disrupt that area either.

Discussion Addressing the Variance Approval Criteria:

(1) Relaxation of the setback requirement would give relief to the property owners. Yes. Relaxing the setback along Alder Street would allow for best use of the site with the new structure built in similar location to the existing but not on it. The proposed new structure would be slid away from the street making the relationship to the street better than it has been since the street was widened & improved in the early 1980s.

The site slopes away from the one existing street access point at the corner of Spruce & Alder Streets making it difficult to change the access point to the site away from that corner or to provide level parking in another location on the site that would allow access to an enclosed garage.

(2) Public safety & welfare preserved. Yes. By sliding the building away from the street we are *improving* public related conditions as follows:

- **Vehicular visibility & sightlines** around the garage for driving and parking would be improved with the change from 2' to ~6' setback to the street curb and with the roof raised to a second story.
- **Snow removal** along the street was a concern for the plow truck, street maintenance & snow removal operations - the building was close to the curb and the eaves were low. Increasing to a 6' setback from curb & raising the roof at the new structure improves this condition and keeps the building away from the truck plowing zone, as well as allowing for snow plowing to occur quickly & easily.
- Raising the roof eaves to a second story and changing roof design with a new roof will also address the concerns about **snow & water runoff** directly onto the street.
- **Roof runoff collection** will be handled through new gutters & downspouts at the corners and will be directed into City storm drain piping.
- **Moving away from property lines** allows for an expansion to a full residence (conforming use of site) without crossing the property lines, and without changing the parking & street access to the site.

Although not completely out of the setbacks, the site is being *improved* beyond the existing 1942 structure to provide a full residence.

(3) Not injure nearby property: New drainage measures will be installed around the perimeter of the new foundations to help control drainage from the street & hillside above, and for managing the roof drainage away from adjacent properties. A new retaining wall built as a part of this project's foundation will help to stabilize the neighboring property's parking pad.

(4) This variance would not authorize uses not allowed in the district involved. This project as proposed would be a single-family residence with a single car garage, changing from a 73 year old 2-car garage accessory structure. The new building would be an *allowable use* single family residence in a residential neighborhood. There is no change of *use* with this application as it is an allowable use in this D-5 zone.

(5) Compliance with the existing standards would:

(A) Prevent Principal use: No, the new residence would still be a Residential use. However, without this variance, the new house would need to be located over another 25 to 30-feet in two directions, and off the hillside, pushing it into the middle of the established garden area. A detached garage may still be needed at the upper level, within the setbacks, in order to align with the existing vehicle parking pad & street access. This would mean two foundations instead of just the one proposed.

The Owners would prefer to combine these structures for the cost efficiencies of building one structure and to preserve the work they have done on the garden & greenhouse and the existing parking pads & paved driveways over the past 20 years.

(B) Prevent use of property consistent with the Neighborhood: No. Compliance with the existing standards would maintain it as a residential use in a residential neighborhood.

(C) Compliance Overly Expensive: Yes. Without the variance the project would require more extensive site work to locate it off the established building pad, away from the established driveway and street access point.

It would also require two foundations in order to achieve both an enclosed garage/storage area and the residential structure.

The retaining wall for the new residence would also serve to stabilize the existing parking area on Lot 6A and its original retaining wall – even if the house were constructed elsewhere, the retaining & stabilization work would still need to be done at an additional cost.

It would disrupt the existing garden and greenhouse at the center of the lot. It changes the established use pattern of site with the garden as the center of the site and focal point of the adjacent house & extensive outdoor deck & garden event area that supports the Bed & Breakfast activities. Currently the relationship of the B&B

and garage provides the framework and backdrop for the garden area. The new structure would continue to work with the main house to frame the garden but in an improved relation to the street.

Building to the standards (in the center of the lot) would disengage the two structures from each other and removes the garden as a shared center focus to the site. Building along the edge of the site - in the adjusted location away from the street - would still allow the private or event use within the one main flat open space available on the site between the two residential structures.

Building in the center of the lot would be *burdensome* as it disrupts the pattern of use with the garden and would require rebuilding & extensive reorganizing of the site. An enclosed garage that serves the site would be difficult to build separate from the house and still not be conflicting with the setbacks.

(D) Preexisting non-conforming conditions: Yes. The lot for this house is typical within the neighborhood: Small & oddly shaped on a sloping site that has to deal with the existing contours & street layouts, but is not below the minimum lot size of 7,000.sf for D-5 zoning.

The existing garage structure was built very early before modern streets were fully developed or paved in the neighborhood. It is close to the street. A street access easement of ~4-feet was sliced off the property when Alder Street was improved by CBJ in the 1980s. We are compensating for the easement by sliding the garage over to the new location by another ~4' to improve the buffer from the street edge and improve site lines, but will have difficulty sliding the footprint over the full 13' to 20' for the setback because of the site slope, existing driveways, etc.

We feel that we are increasing compliance with Title 49 by adjusting the location away from the street while still maintaining a foot hold on the hillside for the garage.

We would also be constructing the new structure to the current building codes, with new plumbing & electrical services, and engineered structural foundations to increase overall compliance with CBJ Title 19 and the IRC.

(6) More benefits than detriments to the neighborhood: Yes. With this variance, we will be able to rebuild the structure set back farther than the existing structure while still maintaining access to the garage at the established driveway. It does not completely move the building out of the setback, but it does offer the following benefits as a result:

- The scale of the 2-story residence with a single car garage is in keeping with the style of other neighboring properties.
- With the reconstruction, the structure becomes a 'conforming' use as a full residence from a garage-only site.
- The building is improved to current fire & life safety codes.
- The character & condition of the garage building is improved and adding value to the neighborhood with this investment.
- Adds a much needed housing unit in our community.

NorthWind
Architects, LLC

- The value of the property is being improved in an existing, highly desirable neighborhood by adding a carefully designed residence on a site with existing utilities and infrastructure.
- Visibility around the structure for the vehicles and pedestrians is improved with the setback.
- The CBJ road maintenance & snow plowing concerns are addressed as the building is moved away from the street and roof eaves raised out of the plow zone.
- Drainage off the roof will be managed to not drop snow or water onto the street. Drainage will be collected into a City storm drain system where possible. Reconstruction allows for new site drainage collection of underground water from the street & houses above that currently is undermining the retaining wall.

We thank you for your careful consideration of this request. Should you have questions or wish to discuss this proposal, please give us a call, we will be happy to talk more about it at any time.

We feel very strongly about the potential for appropriate, quality design in this community and feel that this is a mutually beneficial request that will enhance the neighborhood far more than it will endanger it as we seek to improve the existing conditions with a new design.

Sincerely,



Gerald R Gotschall, AIA
Project Architect, Principal
NorthWind Architects, LLC

Attachments:

- 11x17 site plan, showing existing footprint & new building location
- Concept direction of plan & elevation of new residence.



Front: 20.00 N
Rear: 20.00 S
Street Side:

Side1: 5.00 E
Side2: 5.00 W

Comments: New cover and supporting column of porch will be more than 5ft away from western side yard property line.

Foundation Setback Verification

Permit Number: **BLD20110205**
Project Address: **635 ALDER ST**
Assessor's Parcel No: **1C030D010080**
Applicant's Name: **TIM EWING**

In accordance with CBJ 19.01.109.6.2.1, building setback lines are to be verified before inspectors can approve forms for concrete pour or placement of other foundation systems. Setbacks are measured from exterior finish materials of closest building component to property line.

Notice: DO NOT POUR CONCRETE OR PLACE OTHER FOUNDATION SYSTEMS

UNTIL INSPECTOR APPROVES SETBACKS BY ONE OF THE FOLLOWING CHECKED OPTIONS:

- ☒ **A. Surveyor's monument(s) / string line** clearly visible at the site. If the foundation and all other building elements are clearly behind the setback line, the inspector may approve the setbacks outright or at owner/contractor's risk. If there is any question, the inspector may require that no pour or foundation placement be permitted without one of the following methods of verification. (Also see "Note" below.) OR
- ☒ **B. Surveyor's Statement of Setback Compliance.** (Surveyor must sign and stamp the bottom portion of this form). No pour or foundation placement is allowed until the statement is received by CBJ, regardless of risk assumed by owner or contractor. Upon receipt of statement, pour or foundation placement may be approved outright or at owner/contractor risk. (See "Note" below.) OR
- ☒ **C. Stamped Surveyor's As-built Survey of Adjacent Building or Structure** if setback can be verified measuring from adjacent structure. (See "Note" below. May only be used when structure is parallel with property line.) OR
- ☒ **D. Stamped Surveyor's As-built Survey of Foundation or Formwork** indicating setbacks, easements and other relevant information. (See "Note" below.) OR
- ☐ **E. Other** _____

INSPECTOR'S APPROVAL & COMMENTS:

*Setbacks approved.
Stamped as built*

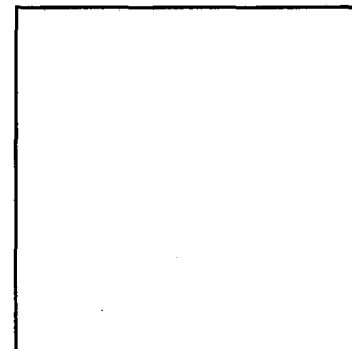
MFS
Inspector's Initials
5-6-11
Date

Note: An as-built survey may still be required prior to issuance of a Certificate of Occupancy if setbacks are close enough to the building to make setback verification questionable. Example: Where the structure is less than 3' to the setback line on steep slopes or forested terrain. The purpose of the monuments and string line, surveyor's statement or foundation as-built is to give the inspector the information necessary to allow a pour or placement based on a surveyor's work, as required by CBJ ordinance and not to cause scheduling delays for the contractor. In some situations, a final as-built may be required before frame or final approval where the distance to the setback line of some element of the structure must be more exactly determined. Inspectors may require this additional as-built based on their observations in the field.

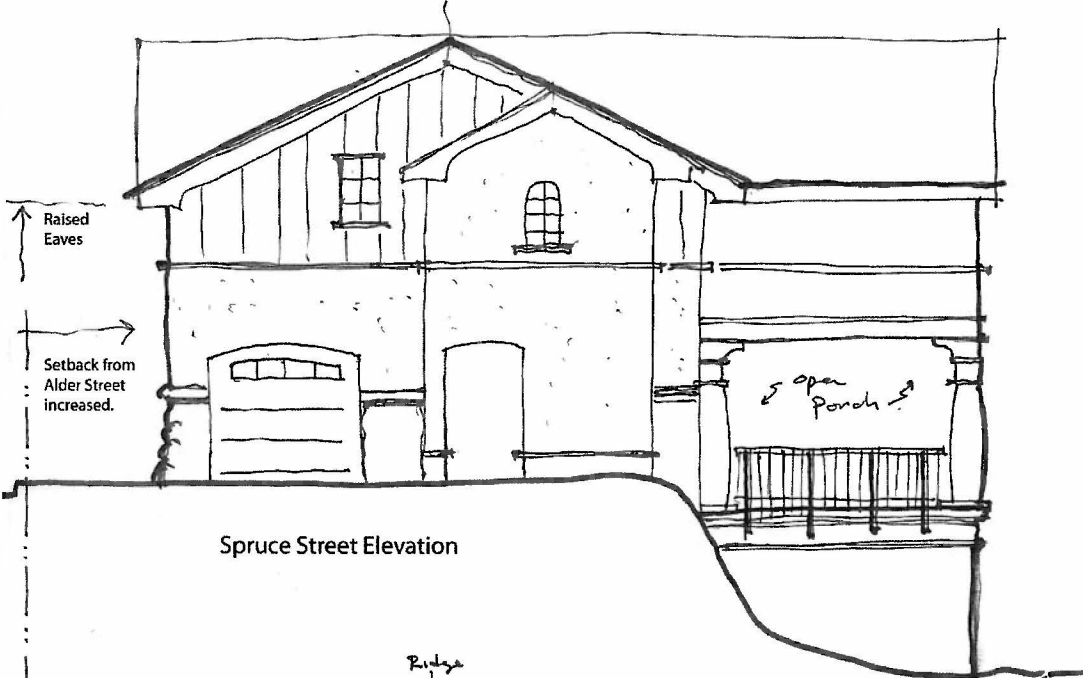
SURVEYOR'S STATEMENT OF SETBACK COMPLIANCE

I hereby certify that I am a surveyor registered to practice in the State of Alaska, and that on _____, I personally verified that the forms or foundation systems on site at: _____, Permit No: _____ are placed so that the finished building, if built to the plans as approved by CBJ, will meet the required setbacks shown above. I have reviewed the plans and zoning requirements as approved by CBJ and have accounted for all exterior finish materials, decks, cantilevers and/or other proposed building projections on the approved plans. To the best of my ability, I staked the property so that the contractor can meet all CBJ zoning requirements per CBJ Titles 19 and 49.

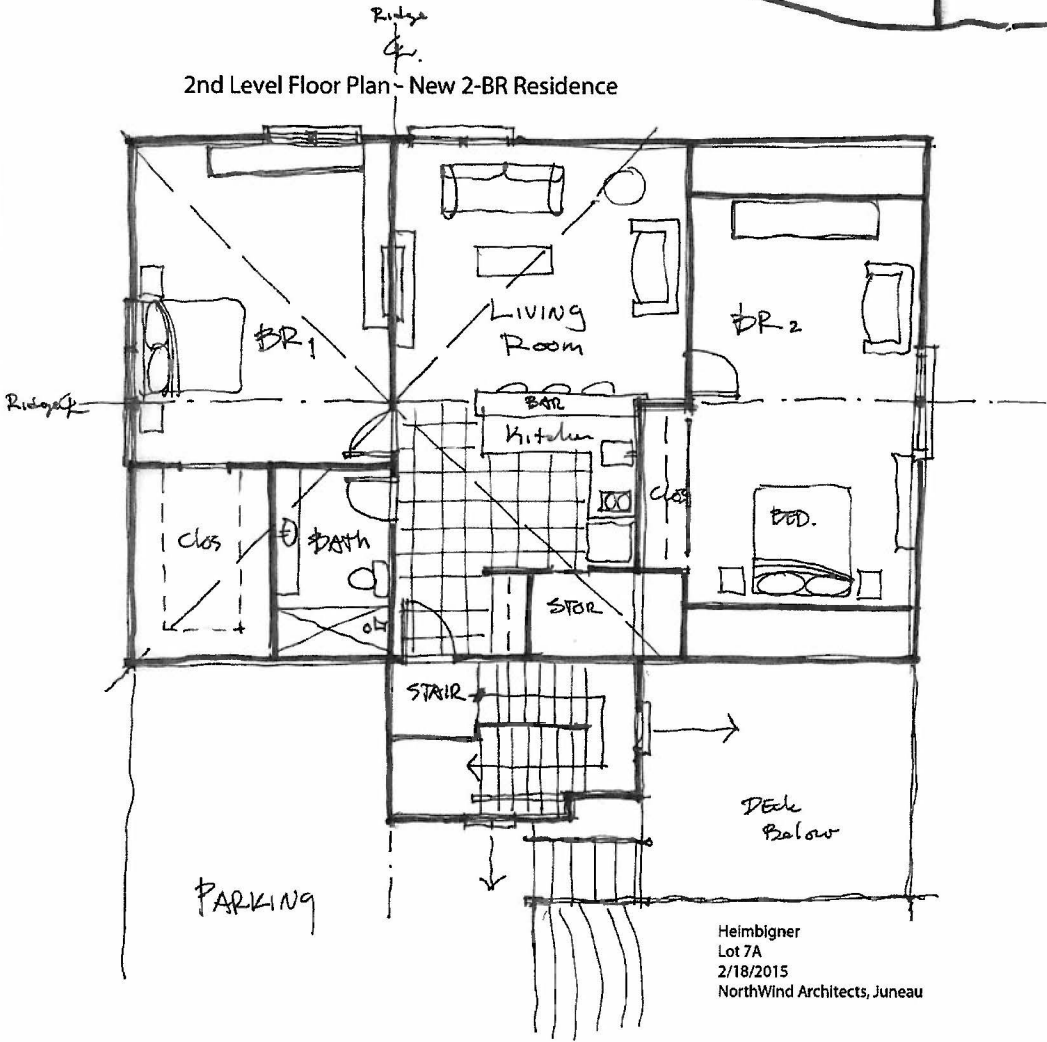
I heretofore affix my professional stamp, this date of _____.



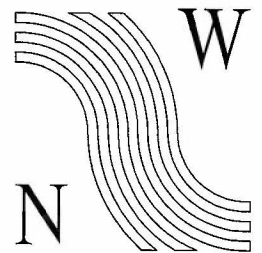
Surveyor's Signed Seal Required



Spruce Street Elevation



Heimbigner
Lot 7A
2/18/2015
NorthWind Architects, Juneau



NorthWind
Architects LLC

126 Seward Street
Juneau, AK 99801
907.586.6150

CONCEPTUAL DESIGN
HEIMBIGNER RESIDENCE

635 ALDER STREET
JUNEAU, ALASKA

SHEET TITLE

OVERALL
SITE PLAN FOR
VARIANCE

DATE Feb. 26, 2015

CHECKED BY GRG

DRAWN BY GRG

SHEET #

A100

ATTACHMENT E





Megan Daniels

From: Ron King
Sent: Thursday, November 07, 2013 1:45 PM
To: Christine McNally
Cc: Travis Goddard
Subject: 635 Alder St Variance

Chrissy, review of the Bean As Built and the CBJ Reconstruction drawing reveals an issue relating to the correct ROW Easement line and the proximity of the garage. Both documents agree the monuments are not property corners of the Shattuck Addition Re-subdivision conflicting with the location drafted in the ROW Easement document (not surveyed).

The Bean as built delineates property line as solid, curb line dashed, the easement by a dotted line and BC monuments displaced from the property corners.

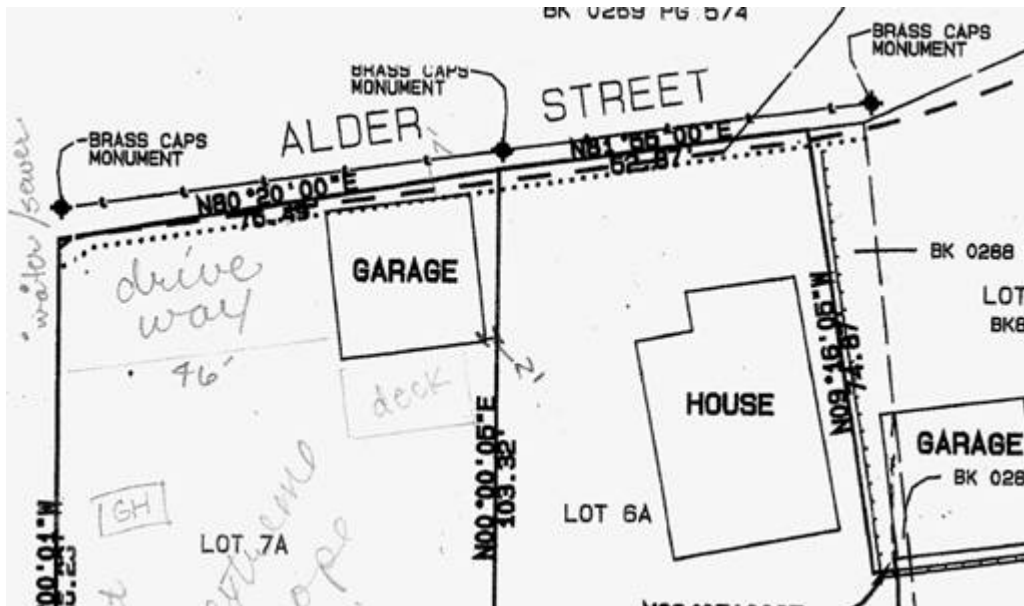
The CBJ plan delineates the property line by a double-dash, curb line solid, no easement delineation and a BC monument (above the see note 1) displace from the property corner.

Both surveys disagree with the ROW Easement Document and none of the documents delineate a distance from the garage. Due to the discrepancies in the surveys and lack of a true dimension from garage to the easement line an as built is required to establish the correct surveyed distance for the variance request.

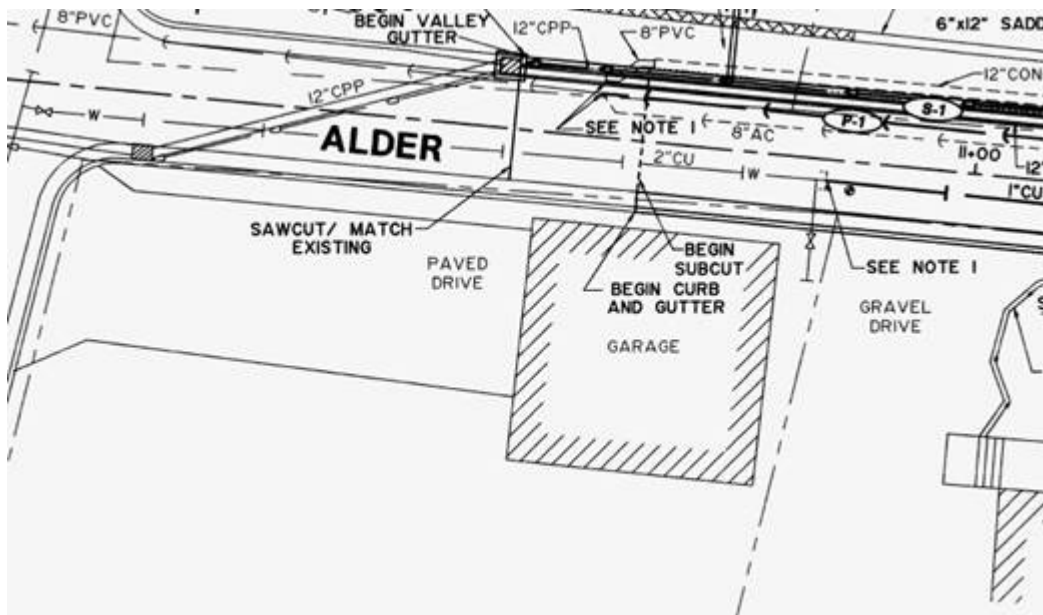
Snow removal. The close proximity of the building to the curb heightens the difficulty for CBJ to plow snow. If the building is allowed to be reconstructed with additions the CBJ will require an agreement holding CBJ harmless from claims relating to damage during normal street snow plowing operations.

Ron King
Chief Regulatory Surveyor
586-0881

BEAN ASBUILT



CBJ PLAN



What I see is a right of way line (solid) and a dotted line that represents the easement. The roadway easement south line is the right of way line. The garage according to this as built encroaches. This is very different than the description in the Variance. You may also not that there are no distances from the garage to the right of way/easement line. An updated as built should be required prior to moving forward. If Bean is accurate then the Heimbigner's need an encroachment permit. The dashed line is probably the curb

Megan Daniels

From: Ed Foster
Sent: Thursday, March 05, 2015 11:07 AM
To: Christine McNally; Ron King
Cc: Jeff Tersteeg
Subject: RE: 635 Alder Street

Christine,

This is a much better solution than current, or previous plans. If built as these plans show I have no issues with it, but I would highly object to changes adding any overhangs, patios, fences of any kind between this structure and Alder St.

Thanks, Ed

From: Christine McNally
Sent: Tuesday, March 03, 2015 11:24 AM
To: Ed Foster; Ron King
Subject: 635 Alder Street

Good morning,

As you may remember the owners of two lots at 635 Alder Street applied for a Variance in 2013 in order to rebuild an aging garage on the same footprint (VAR2013 0021). The case was pulled on the day of the hearing. The owners, through North Wind Architects have reapplied for a Variance to the street side yard setback and the rear yard setback in order to build a two story unit with a garage on the first story and residence on the second story. While these Variances are being treated under separate case numbers I have only attached one here as the applications are virtually identical.

The required street side yard setback is 13 feet. The Variance request is for a reduction to 5' 11" (see site plan in the attached application). The previous request under VAR13-21 was for a zero side yard setback.

The required rear yard setback is 20 feet. The Variance request is for a reduction to 6 feet. The previous request was for a 2 foot setback from the rear lot line.

Please let me know if you have any questions that I can address in order for you to properly comment on this proposal.

Thank you,
 Chrissy

Megan Daniels

From: Amy Paige <paigedunker@alaska.net>
Sent: Monday, March 30, 2015 5:55 PM
To: PC_Comments; Christine McNally
Subject: Testimony Re: VAR2015 0006 and VAR2015 0007

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony regarding the application of Dave & Redna Heimbigner for variances to reduce the street side yard setback and the rear yard setback to construct a two-story residence on PCN 1-C03-0-D01-010-0:

We do not support these variance requests.

Currently the adjacent Heimbigner property has a garage on Alder Street with a zero setback from the street. This already presents a serious obstruction of view for traffic at the corner of Alder Street and Spruce Street.

In addition, the planting of cedar trees along the property line of this lot along Spruce Street presents a very serious obstruction of view of traffic coming up Spruce Street for traffic attempting to exit Alder Street onto Spruce Street. Any additional construction within the minimum required setbacks for street side yard (13') is would present further obstruction and a danger to traffic and is unacceptable.

The structures on the Heimbigner's adjacent lot appear to be covering almost the entire lot. If construction on this lot for which the variances are being requested is allowed to extend into the required minimum setbacks on side, front and rear I believe the result will be a crowded lot and would appear to violate the code for maximum lot coverage (50% for this Zone D-5)

Additionally I believe there are some additional requirements for building on slopes. I have not seen the construction plans, but do know that to lot extends down a considerable slope along Spruce Street which would require special retraining and drainage work that would make crowding the lot line inadvisable.

Do they plan to put a driveway on Spruce Street for the new structure? That would add to the problem for traffic from Alder turning onto Spruce.

We think the public notice should have stated the required current setbacks and made clear how much of a setback variance is being requested.

Thank you for accepting these comments on this application for variances.

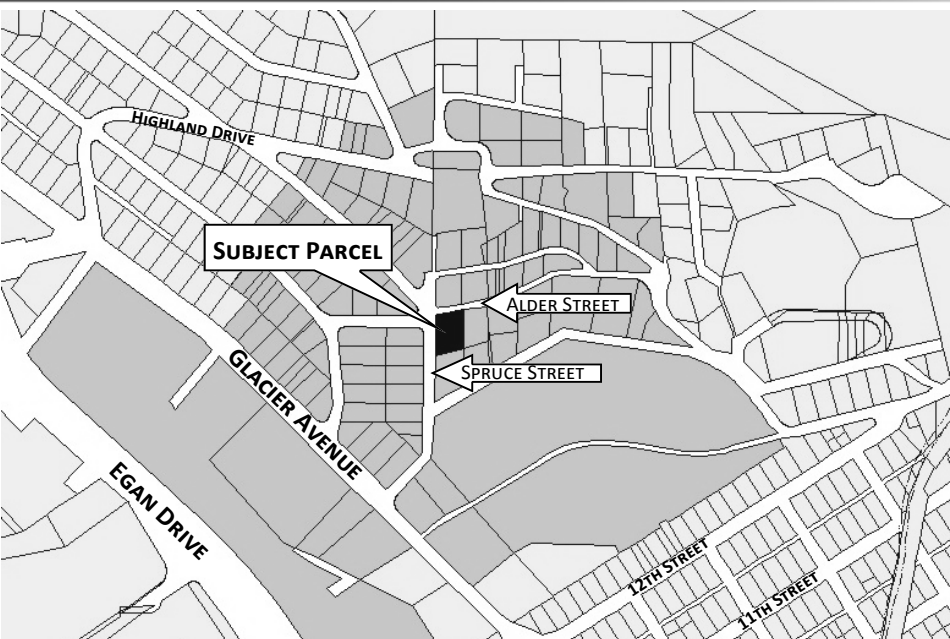
Sincerely,

John Dunker and Amy Paige

592 Seater Street (using access to our property from Alder Street) Property PCN 1C030D010040 Seater Addn BL 1L3



NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: VAR2015 0006: Variance request to reduce street side yard setback to construct two-story residence.
VAR2015 0007: Variance request to reduce rear yard setback to construct two-story residence.

File No:	VAR2015 0006 and VAR2015 0007	Applicant:	Northwind Architects
To:	Adjacent Property Owners	Property PCN:	1-C03-0-D01-010-0
Hearing Date:	April 14, 2015	Owner:	Dave and Redna Heimbigner
Hearing Time:	7:00 PM	Size:	8132 Square Feet (0.189 Acres)
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	D-5
		Site Address:	635 Alder Street
		Accessed Via:	Spruce Street

PROPERTY OWNERS PLEASE NOTE:

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

If you have questions, please contact Chrissy McNally at Christine.McNally@juneau.org or 586-0761.



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

ATTACHMENT J

Date notice was printed: March 25, 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: April 1, 2015

TO: Board of Adjustment

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

FILE NO.: VAR2015 0007

PROPOSAL: Variance request to reduce the rear yard setback from 20 feet to 6 feet.

GENERAL INFORMATION

Applicant: Gerald Gotschall, NorthWind Architects, LLC

Property Owner: David and Renda Heimbigner (Heimbigner Trust)

Property Address: 635 Alder Street

Legal Description: Seater Addition Block 1 Lot 7A

Parcel Code Number: 1-C03-0-D01-010-0

Site Size: 0.1867 Acres

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

Zoning: D-5

Utilities: City water & sewer

Access: Spruce Street

Existing Land Use: Garage

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Surrounding Land Use:	North	- D-5 Single Family Residential
	South	- D-5 Single Family Residential
	East	- D-5 Single Family Residential
	West	- D-5 Single Family Residential

Vicinity Map



ATTACHMENTS

Attachment A:	Variance application
Attachment B:	As-built survey
Attachment C:	2011 foundation setback verification form
Attachment D:	Building design
Attachment E:	Site plan
Attachment F:	View from Hemlock Street looking south
Attachment G:	Comments from Ron King, CBJ Chief Surveyor
Attachment H:	Comments from Ed Foster, CBJ Street Superintendent
Attachment I:	Public comment
Attachment J:	Public notice

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PROJECT DESCRIPTION

The applicant proposes to remove an existing 24' x 24' one-story garage and replace it with a two-story structure consisting of a first floor garage and storage space and second story residence. The current structure sits 0 feet from the Alder Street Right-of-Way and 2 feet from the rear property line (Attachment B).

The applicant, on behalf of the property owners, is seeking approval to construct 6 feet from the rear lot line. This proposal has a concurrent Variance application for a reduction to the street side yard setback of 13 feet to 4 feet, VAR2015 0006. The granting of one Variance is not dependent on the other. VAR2015 0006 is addressed in a separate staff report.

BACKGROUND

The residence at 635 Alder Street is comprised of two lots within the D-5 zoning district. The eastern lot, 6A contains the main residence, which operates as a bed and breakfast. This use was approved with USE2013 0025. This lot is accessed by Alder Street.

The subject lot, 7A is 8,132 square feet. The minimum lot size in the D-5 zoning district is 7,000 square feet. The subject parcel contains a two stall, 576 square foot garage built in 1942. Access to this lot is via Spruce Street. The lot is bordered on the south, west and north by single family residences.

In 1982 the property owner granted an easement to the City and Borough of Juneau for the construction of the Alder Street Right-of-Way. The concurrent Variance, VAR2015 0006, originally requested to reduce the street side yard setback from 13 feet to 5 feet 11 inches, but did not take into consideration the ROW easement. CBJ Chief Surveyor, Ron King, found discrepancies in the As-built survey; CBJ ROW construction site plan and recorded easement document (see Attachment G). The As-built is the most restrictive of the documents showing no distance between the ROW and the garage. Instead of requiring a new survey, Ron King requested the Variance request be a reduction in the side yard setback of 13 feet to 4 feet to more accurately reflect the position of the garage in relation to the ROW.

The garage is a legally nonconforming structure based on two criteria found in Title 49 Land Use Code. First, according to CBJ 49.30.100, nonconforming situations that predated the adoption of current zoning standards may continue. Second, the lot does not currently have a primary use. According to CBJ 49.25.300(a)(4), a lot must have a primary use before it contains an accessory use. In this case, the proposed second story apartment will serve as a primary use for the lot.

According to CBJ 49.30.500(b) *Reconstruction*, a nonconforming building may be rebuilt on the same footprint if;

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“the cost of renewal of the damaged parts exceeds 75 percent of the cost of the replacement of the entire building, exclusive of foundation...”

The intent of this section of the Land Use Code is to reasonably permit these nonconformities to continue, but not to unreasonably encourage their survival. The general policy with respect to nonconforming uses is to provide for their eventual elimination.

In this case, the entire structure, including foundation is being removed so the structure will lose its nonconforming status. Any new construction is required to meet the yard setbacks for the D-5 zoning district. Therefore, the proposed structure requires two Variances for its proposed footprint.

The property owners previously applied for a Variance to both the street side yard and rear yard setback with VAR2013 0021. However, this request proposed to build on the current footprint – 0 feet from the Alder Street Right-of-Way and 2 feet from the rear lot line. Due to neighborhood and agency opposition to the proposal, the applicant withdrew the case.

The residence underwent a remodel in 2011. Those plans included a covered porch that met the setback requirements for Lot 6A (Attachment C). The covered porch was required to have a 5 foot setback from the western property line. The setback verification form required for building inspections stated all setbacks were met.

There is currently a deck with storage space underneath that connects the residence and the garage across the property line. This deck was not permitted. It requires a permit and building inspection. It also requires a Variance to the side yard setback of Lot 6A and the rear yard setback of Lot 7A to be permitted in its current configuration.

As stated in VAR2015 0006, instead of applying for a Variance to the required setbacks for the deck, the other option for the property owners is to consolidate the two lots and have the deck permitted and inspected. CBJ 49.25.510 *Special density considerations* was recently amended to allow detached accessory apartments up to 1,000 square feet if the lot exceeds 125 percent of the minimum lot size. Consolidated, Lot 6A and 7A would total 13,935 square feet. The consolidated lot would be nearly 200 percent of the minimum lot size for the D-5 zoning district and therefore allowed to have an accessory apartment with two bedrooms. Further, a lot consolidation would ensure the required parking for the bed and breakfast is met. If Lot 7A were sold the bed and breakfast would lose access to two of the four required parking spaces.

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ANALYSIS

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 proposal to construct the two-story structure 6 feet from the rear property line would provide relief to the property owner in that they would have the desired design without having to consolidate the lots. The requested Variance would allow for less site work than if the structure were constructed to meet the 20 foot rear yard setback requirement. However, given that the existing slope on the south side of the garage must be reinforced wherever the garage is built these considerations do not constitute substantial relief. As previously mentioned, the lots could be consolidated which would eliminate the need for a Variance to the rear yard setback.

Several structures in the neighborhood have legally nonconforming situations. However, if complete removal of the structures were required, those properties would also be required to meet the setbacks for the D-5 zoning district. Based on CDD records, this is the first proposal of this kind in the neighborhood.

For this proposed structure on Lot 7A, the proximity of the structure to the driveway accessing Lot 6A and Alder Street creates public safety concerns. As previously stated, the property owners originally requested to have a two foot setback from Lot 6A. A primary public and agency concern of that proposal is the obstructed sight distance for vehicles exiting the driveway behind the garage. However, sight distance around the garage will only be improved by moving the structure to the south as proposed with VAR2015 0006. This proposal reflects a compromise from the original proposal and the required setbacks. However, two adjacent property owners contacted CDD staff by phone and email requesting that the new structure meet the required setbacks (Attachment I).

No. This criterion is not met.

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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 found in CBJ 49.05.100 *Purpose and Intent*, is to ensure that growth and development is in accord with the values of Juneau residents; to identify and secure the beneficial impacts of growth while minimizing negative impacts; to ensure that future growth is of appropriate type, design, and location; to provide adequate open space for light and air; and to recognize the economic value of land and encourage its proper and beneficial use.

The dimensional standards established in CBJ 49.25.400 *Table of Dimensional Standards* support the intent to secure the beneficial impacts of growth, minimize negative impacts and ensure future growth is in the appropriate location. Setback requirements provide for adequate space for light and air. The most appropriate way to meet the intent of Title 49, wherever feasible is to meet the setbacks requirements.

The proposed footprint will somewhat improve visibility onto the ROW from the driveway adjacent to the rear of the garage. However, cars will still park in the driveway accessed by Spruce Street up to the corner of Alder and Spruce Streets obstructing visibility around the corner. As stated in the staff report for VAR2015 0006, in order for the benefits of placing the building 6 feet from the rear lot line to be realized the driveway must be shifted 4 feet to the south. The granting of the Variance to the rear yard setback alone does not preserve public safety and welfare.

No. This criterion is not met.

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

The requested Variance would put a greater distance between the driveway of Lot 6A and the proposed structure. This would improve vehicular circulation and parking on Lot 6A.

The proposed second story will affect neighboring view sheds. However, if the building were moved to meet the setback requirements, a second story would still affect neighboring view sheds, but would be allowed with a Building Permit. During a site visit, staff attempted to determine how much of the view from north of 635 Alder would be affected by a second story. Because the area slopes to the south, the impact to the view shed is mitigated and will likely cut off view of downtown buildings but maintain mountain views (Attachment F). Further, the new design will eliminate the current roof design flaw that is of concern to the neighbors and CBJ Streets.

Yes. This criterion is met.

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

A single family residence and garage are both uses allowed in the D-5 zoning district per CBJ 49.25.300 Table of Permissible Uses, section 1.110.

However, approving the requested Variance without addressing the unpermitted deck will permit unauthorized encroachment into the required setbacks. If the lots were consolidated, the proposed two-bedroom residence would still be allowed. In this instance, the only Variance required - or setback required to be met – is the street side yard setback, and the granting of that Variance should have sufficient conditions to address the unpermitted deck. With appropriate conditions this criterion can be met.

No. This criterion is not met.

5. *That compliance with the existing standards would:*

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

The applicant would be able to build the proposed structure within the required setbacks given the lot size, lot dimensions and vacant buildable area available. Both the garage and two bedroom dwelling are allowed with appropriate building permits.

No. This 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;*

Compliance with the existing standards would not prohibit the applicant from building the proposed structure on the lot. The proposed design is consistent as to scale, amenities, and appearance of existing development in the neighborhood. As previously stated, the lot exceeds the minimum lot size and does not have a primary use. A two bedroom residence plus garage is consistent with the size of dwellings in the neighborhood. The proposed structure would be allowed outright with the appropriate building permits if built within the required setbacks.

No. This criterion is not met.

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

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While no cost estimates have been provided by the applicant in order to determine if compliance with the standard would be *unreasonably* expensive, compliance would require more site work with the proposed design. The driveway would have to be realigned to the garage door or a new design would have to be developed to utilize the existing driveway.

If the proposed structure were built to meet the required setbacks the trees and shrubs would have to be relocated during construction. However, many trees and shrubs must be either removed or relocated with the proposed building footprint.

No. This 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.

While the current garage is considered legally nonconforming it is being completely removed and the structure will lose its nonconforming status. The lot exceeds the dimensional standards for the D-5 zoning district. The area where all setbacks would be met is level. Reinforcement of the slope south of the driveway must occur whether the structure is built in the setbacks or meets the standards.

Since the complete removal of the current legally nonconforming garage will eliminate that characteristic of the property, a grant of the Variance will result in a net decrease in overall compliance with the Land Use Code. Further, CDD is now aware of the deck that crosses the property line that was built without permits, without an approved Variance for the deck or lot consolidation and building inspection, the granting of this Variance would result in a net decrease with both Title 19 and Title 49.

No. This criterion is not met.

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

The proposed design and location of the new structure will remove the roof eave that encroaches into the Alder Street ROW. The proposed roof design would provide for valleys that run into gutters improving how the snow sheds. The change of the roof orientation in conjunction with an increased setback will result in more benefits than detriments to the neighborhood.

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CBJ Streets and General Engineering were solicited for comments on the proposal. Both supported the proposal to increase the distance between the ROW and the structure. CBJ Streets has had concerns about the roof eave that extends into the ROW and would like to see it removed.

When solicited for comments, CBJ Street Division Superintendent, Ed Foster, stated, "This is a much better solution than current, or previous plans. If built as these plans show I have no issues with it, but I would highly object to changes adding any overhangs, patios, fences of any kind between this structure and Alder Street" (Attachment H).

As previously mentioned, the addition of the second story will affect the view sheds of property owners to the north. The second story will likely cut off the view of some structures, but should not impact mountain views. However, the impact to the view shed would occur even if the structure were built within the required setbacks. The addition of the second story residence (if the lots are not consolidated) will provide a primary use to the lot.

Yes. This 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?

Not applicable.

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

NO. Based on the analysis above, staff finds that the proposal does not meet the criteria of CBJ 49.20.250, Grounds for Variances. Specifically, the proposal does not meet criteria 1, 2, 4 and 5.

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RECOMMENDATION

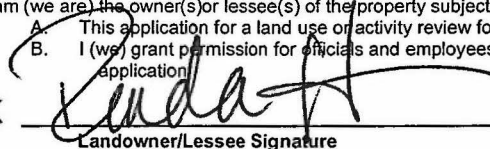
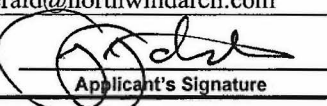
Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **deny** the requested Variance, VAR2015 0007.

If the Board of Adjustment chooses to grant the requested Variance staff recommends the following conditions:

1. The deck requires an approved building permit and required inspections. No Certificate of Occupancy shall be issued until all requirements of the building inspection are complete.
2. Without a lot consolidation, no Certificate of Occupancy shall be issued until the deck receives a Variance to the required setbacks.
3. During construction the driveway shall be realigned with the new garage four feet to the south.

DEVELOPMENT PERMIT APPLICATION

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

INFORMATION	Project Description Replace Garage with new Residential structure with Garage. Seeking Variance for Setbacks for this structure. [See attached variance application narrative by NorthWind Architects, 2/26/2015.]		
	PROPERTY LOCATION		
	Street Address 635 Alder Street (Adjacent Lot)	City/Zip Juneau, AK 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Seater Addition, Block 1, Lot 7A		
	Assessor's Parcel Number(s) 1C030D030100		
	LANDOWNER/ LESSEE		
	Property Owner's Name Dave & Renda Himbigner (Heimbigner Trust)	Contact Person: Renda Heimbigner	Work Phone: 907-723-4202
	Mailing Address 635 Alder Street	Home Phone:	Fax Number:
	E-mail Address Heimbigner@gci.net	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  2/20/15 Landowner/Lessee Signature Date X _____ Landowner/Lessee Signature Date			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name Gerald Gotschall, NorthWind Architects, LLC	Contact Person: Gerald Gotschall	Work Phone: 907-586-6150	
Mailing Address 126 Seward Street	Home Phone: 907-723-8257	Fax Number:	
E-mail Address gerald@northwindarch.com	Other Contact Phone Number(s):		
X  2/26/2015 Applicant's Signature Date of Application			

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

STAFF APPROVALS	☒	Permit Type	**SIGN	Date Received	Application Number(s)
		Building/Grading Permit			
		City/State Project Review and City Land Action			
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
		Mining Case (Small, Large, Rural, Extraction, Exploration)			
		Sign Approval (If more than one, fill in all applicable permit #'s)			
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	P	Variance Case (De Minimis and all other Variance case types)		2/28/15	var 15-006
		Wetlands Permits			
		Zone Change Application			
		Other (Describe)			
***Public Notice Sign Form filled out and in the file.					
Comments:					Permit Intake Initials 

ATTACHMENT A

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

Revised November 2009

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number VAR 15-006	Date Received
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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:
Construct new 2-story Residence with single car garage near 2-car garage being removed. New residence is positioned within setbacks.

Previous Variance Applications? ☒ YES ☐ NO Date of Filing: 2013
 Previous Case Number(s): VAR2013-0021

Was the Variance Granted? ☐ YES ☐ NO (Pulled from agenda.)

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):
Site has existing garage within 2' of street, with failing foundations in need of replacement. Site slopes away from garage at Alder Street. Established garden at center of site is focal point and event place for this & adjacent B&B property (Owners have both properties).

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

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
Established driveway & road access for garage is at top 1/4 of site, to combine a garage with new residence, structure would be built at upper edge and within setback anyway.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
[See also attached narrative.] Existing Garage foundations need to be replaced. To rebuild garage, it should be built with actual residence, on combined foundation. Otherwise, detached garage still in setback with residence in middle of site on garden area. Thus, two structures in new location is added cost for two foundations, loss of garden & event space and established pattern of use of site.

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side. If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">VARIANCE FEES</th> <th>Fees</th> <th>Check No.</th> <th>Receipt</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Application Fees</td> <td>\$</td> <td><u>400.00</u></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Adjustment</td> <td>\$</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total Fee</td> <td>\$</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	VARIANCE FEES		Fees	Check No.	Receipt	Date	Application Fees	\$	<u>400.00</u>				Adjustment	\$					Total Fee	\$				
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Total Fee	\$																								

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM



February 26, 2015

To: CBJ - Community Development Dept.
4th Floor Marine View
155 S. Seward Street
Juneau, AK 99801



From: Gerald R Gotschall, AIA
NorthWind Architects

Re: Considerations for Granting Variance to Setbacks
Property: **635 Alder Street, Juneau**

CDD Staff & Members of the Board of Adjustment:

- Existing Lot: Area: ~8134.sf;
- Zoning is D-5; (Min. Lot size for D-5 is 7,000.sf.)
- Seater Addition, Blk 1, Lot 7A; Parcel: 1C030D030100

Working on behalf of our clients, **Renda & Dave Heimbigner**, owners of the above property, we spoke with CBJ regarding the proposed site plan for this project, and discussed the main concerns for planning on this site. We have decided that a Variance to the Setback along the street is the best course of action to reach the goal of the master plan for the site.

Summary for Project for Setback Variance:

The ultimate goal of the project is to construct a two-story residence with a garage & kitchen on the main level and 2-bedroom living quarters on the upper level.

The current garage structure was constructed in the 1942. It is located at street level adjacent to Alder Street and is very close to the two property lines at one corner. The site drops away along the downward facing or south side of the garage. The foundation of the garage and an adjacent retaining wall are slowly failing as water drains around the perimeter and below the foundation, and soils settle down hill.

It is proposed to remove the garage and all foundations and construct a new structure that is set back farther from the street & property lines for the following reasons:

- To arrest the failing retaining wall, replace deteriorated & leaking roof, address potential rot at original walls. Tie existing retaining walls into new construction foundation to preserve driveways on either side of structure.
- To address the site drainage issues under and around the structure from the street and properties above.
- To make higher & better use of the site currently occupied by the garage alone; a full residence would be considered a “conforming” structure, where as a garage alone is not.
- To improving vehicle site lines around the garage at Alder Street
- To improve & control drainage off the roof along Alder Street.

126 Seward Street
Juneau, AK 99801

07.586.6150
..907.586.6181

- To address concerns and improve conditions with building proximity to street.
- To realign to allow for expansion to the South for a complete residence without crossing property lines.

NorthWind
Architects, LLC

In order to reconstruct and expand the structure, it is being moved 4' south from Alder Street and 4' west away from Lot 6A property line.

Although the structure location has moved, the building is still within a setback. Due to the skewed shape of the lot and the fact that it is sloping down away from Alder Street, the building would be in a setback at almost any point on the site. Because of need to tie into the existing driveway to access the garage, it needs to have one corner still at the upper level. There is also an established garden room and extensive landscaping at the center of the site that is a unique feature of the site and it is preferred not to disrupt that area either.

Discussion Addressing the Variance Approval Criteria:

(1) Relaxation of the setback requirement would give relief to the property owners. Yes. Relaxing the setback along Alder Street would allow for best use of the site with the new structure built in similar location to the existing but not on it. The proposed new structure would be slid away from the street making the relationship to the street better than it has been since the street was widened & improved in the early 1980s.

The site slopes away from the one existing street access point at the corner of Spruce & Alder Streets making it difficult to change the access point to the site away from that corner or to provide level parking in another location on the site that would allow access to an enclosed garage.

(2) Public safety & welfare preserved. Yes. By sliding the building away from the street we are *improving* public related conditions as follows:

- **Vehicular visibility & sightlines** around the garage for driving and parking would be improved with the change from 2' to ~6' setback to the street curb and with the roof raised to a second story.
- **Snow removal** along the street was a concern for the plow truck, street maintenance & snow removal operations - the building was close to the curb and the eaves were low. Increasing to a 6' setback from curb & raising the roof at the new structure improves this condition and keeps the building away from the truck plowing zone, as well as allowing for snow plowing to occur quickly & easily.
- Raising the roof eaves to a second story and changing roof design with a new roof will also address the concerns about **snow & water runoff** directly onto the street.
- **Roof runoff collection** will be handled through new gutters & downspouts at the corners and will be directed into City storm drain piping.
- **Moving away from property lines** allows for an expansion to a full residence (conforming use of site) without crossing the property lines, and without changing the parking & street access to the site.

NorthWind
Architects, LLC

Although not completely out of the setbacks, the site is being *improved* beyond the existing 1942 structure to provide a full residence.

(3) Not injure nearby property: New drainage measures will be installed around the perimeter of the new foundations to help control drainage from the street & hillside above, and for managing the roof drainage away from adjacent properties. A new retaining wall built as a part of this project's foundation will help to stabilize the neighboring property's parking pad.

(4) This variance would not authorize uses not allowed in the district involved. This project as proposed would be a single-family residence with a single car garage, changing from a 73 year old 2-car garage accessory structure. The new building would be an *allowable use* single family residence in a residential neighborhood. There is no change of *use* with this application as it is an allowable use in this D-5 zone.

(5) Compliance with the existing standards would:

(A) Prevent Principal use: No, the new residence would still be a Residential use. However, without this variance, the new house would need to be located over another 25 to 30-feet in two directions, and off the hillside, pushing it into the middle of the established garden area. A detached garage may still be needed at the upper level, within the setbacks, in order to align with the existing vehicle parking pad & street access. This would mean two foundations instead of just the one proposed.

The Owners would prefer to combine these structures for the cost efficiencies of building one structure and to preserve the work they have done on the garden & greenhouse and the existing parking pads & paved driveways over the past 20 years.

(B) Prevent use of property consistent with the Neighborhood: No. Compliance with the existing standards would maintain it as a residential use in a residential neighborhood.

(C) Compliance Overly Expensive: Yes. Without the variance the project would require more extensive site work to locate it off the established building pad, away from the established driveway and street access point.

It would also require two foundations in order to achieve both an enclosed garage/storage area and the residential structure.

The retaining wall for the new residence would also serve to stabilize the existing parking area on Lot 6A and its original retaining wall – even if the house were constructed elsewhere, the retaining & stabilization work would still need to be done at an additional cost.

It would disrupt the existing garden and greenhouse at the center of the lot. It changes the established use pattern of site with the garden as the center of the site and focal point of the adjacent house & extensive outdoor deck & garden event area that supports the Bed & Breakfast activities. Currently the relationship of the B&B

and garage provides the framework and backdrop for the garden area. The new structure would continue to work with the main house to frame the garden but in an improved relation to the street.

Building to the standards (in the center of the lot) would disengage the two structures from each other and removes the garden as a shared center focus to the site. Building along the edge of the site - in the adjusted location away from the street - would still allow the private or event use within the one main flat open space available on the site between the two residential structures.

Building in the center of the lot would be *burdensome* as it disrupts the pattern of use with the garden and would require rebuilding & extensive reorganizing of the site. An enclosed garage that serves the site would be difficult to build separate from the house and still not be conflicting with the setbacks.

(D) Preexisting non-conforming conditions: Yes. The lot for this house is typical within the neighborhood: Small & oddly shaped on a sloping site that has to deal with the existing contours & street layouts, but is not below the minimum lot size of 7,000.sf for D-5 zoning.

The existing garage structure was built very early before modern streets were fully developed or paved in the neighborhood. It is close to the street. A street access easement of ~4-feet was sliced off the property when Alder Street was improved by CBJ in the 1980s. We are compensating for the easement by sliding the garage over to the new location by another ~4' to improve the buffer from the street edge and improve site lines, but will have difficulty sliding the footprint over the full 13' to 20' for the setback because of the site slope, existing driveways, etc.

We feel that we are increasing compliance with Title 49 by adjusting the location away from the street while still maintaining a foot hold on the hillside for the garage.

We would also be constructing the new structure to the current building codes, with new plumbing & electrical services, and engineered structural foundations to increase overall compliance with CBJ Title 19 and the IRC.

(6) More benefits than detriments to the neighborhood: Yes. With this variance, we will be able to rebuild the structure set back farther than the existing structure while still maintaining access to the garage at the established driveway. It does not completely move the building out of the setback, but it does offer the following benefits as a result:

- The scale of the 2-story residence with a single car garage is in keeping with the style of other neighboring properties.
- With the reconstruction, the structure becomes a 'conforming' use as a full residence from a garage-only site.
- The building is improved to current fire & life safety codes.
- The character & condition of the garage building is improved and adding value to the neighborhood with this investment.
- Adds a much needed housing unit in our community.

NorthWind
Architects, LLC

- The value of the property is being improved in an existing, highly desirable neighborhood by adding a carefully designed residence on a site with existing utilities and infrastructure.
- Visibility around the structure for the vehicles and pedestrians is improved with the setback.
- The CBJ road maintenance & snow plowing concerns are addressed as the building is moved away from the street and roof eaves raised out of the plow zone.
- Drainage off the roof will be managed to not drop snow or water onto the street. Drainage will be collected into a City storm drain system where possible. Reconstruction allows for new site drainage collection of underground water from the street & houses above that currently is undermining the retaining wall.

We thank you for your careful consideration of this request. Should you have questions or wish to discuss this proposal, please give us a call, we will be happy to talk more about it at any time.

We feel very strongly about the potential for appropriate, quality design in this community and feel that this is a mutually beneficial request that will enhance the neighborhood far more than it will endanger it as we seek to improve the existing conditions with a new design.

Sincerely,



Gerald R Gotschall, AIA
Project Architect, Principal
NorthWind Architects, LLC

Attachments:

- 11x17 site plan, showing existing footprint & new building location
- Concept direction of plan & elevation of new residence.



Front: 20.00 N
Rear: 20.00 S
Street Side:

Side1: 5.00 E
Side2: 5.00 W

Comments: New cover and supporting column of porch will be more than 5ft away from western side yard property line.

Foundation Setback Verification

Permit Number: **BLD20110205**
Project Address: **635 ALDER ST**
Assessor's Parcel No: **1C030D010080**
Applicant's Name: **TIM EWING**

In accordance with CBJ 19.01.109.6.2.1, building setback lines are to be verified before inspectors can approve forms for concrete pour or placement of other foundation systems. Setbacks are measured from exterior finish materials of closest building component to property line.

Notice: DO NOT POUR CONCRETE OR PLACE OTHER FOUNDATION SYSTEMS

UNTIL INSPECTOR APPROVES SETBACKS BY ONE OF THE FOLLOWING CHECKED OPTIONS:

- ☒ **A. Surveyor's monument(s) / string line** clearly visible at the site. If the foundation and all other building elements are clearly behind the setback line, the inspector may approve the setbacks outright or at owner/contractor's risk. If there is any question, the inspector may require that no pour or foundation placement be permitted without one of the following methods of verification. (Also see "Note" below.) OR
- ☒ **B. Surveyor's Statement of Setback Compliance.** (Surveyor must sign and stamp the bottom portion of this form). No pour or foundation placement is allowed until the statement is received by CBJ, regardless of risk assumed by owner or contractor. Upon receipt of statement, pour or foundation placement may be approved outright or at owner/contractor risk. (See "Note" below.) OR
- ☐ **C. Stamped Surveyor's As-built Survey of Adjacent Building or Structure** if setback can be verified measuring from adjacent structure. (See "Note" below. May only be used when structure is parallel with property line.) OR
- ☐ **D. Stamped Surveyor's As-built Survey of Foundation or Formwork** indicating setbacks, easements and other relevant information. (See "Note" below.) OR
- ☐ **E. Other** _____

INSPECTOR'S APPROVAL & COMMENTS:

*Setbacks approved.
Stamped as built*

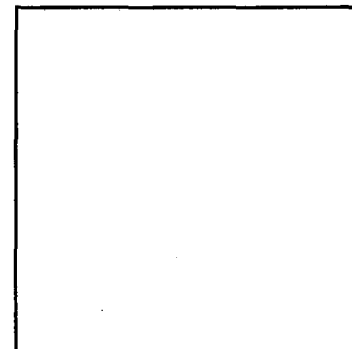
MFS
Inspector's Initials
5-6-11
Date

Note: An as-built survey may still be required prior to issuance of a Certificate of Occupancy if setbacks are close enough to the building to make setback verification questionable. Example: Where the structure is less than 3' to the setback line on steep slopes or forested terrain. The purpose of the monuments and string line, surveyor's statement or foundation as-built is to give the inspector the information necessary to allow a pour or placement based on a surveyor's work, as required by CBJ ordinance and not to cause scheduling delays for the contractor. In some situations, a final as-built may be required before frame or final approval where the distance to the setback line of some element of the structure must be more exactly determined. Inspectors may require this additional as-built based on their observations in the field.

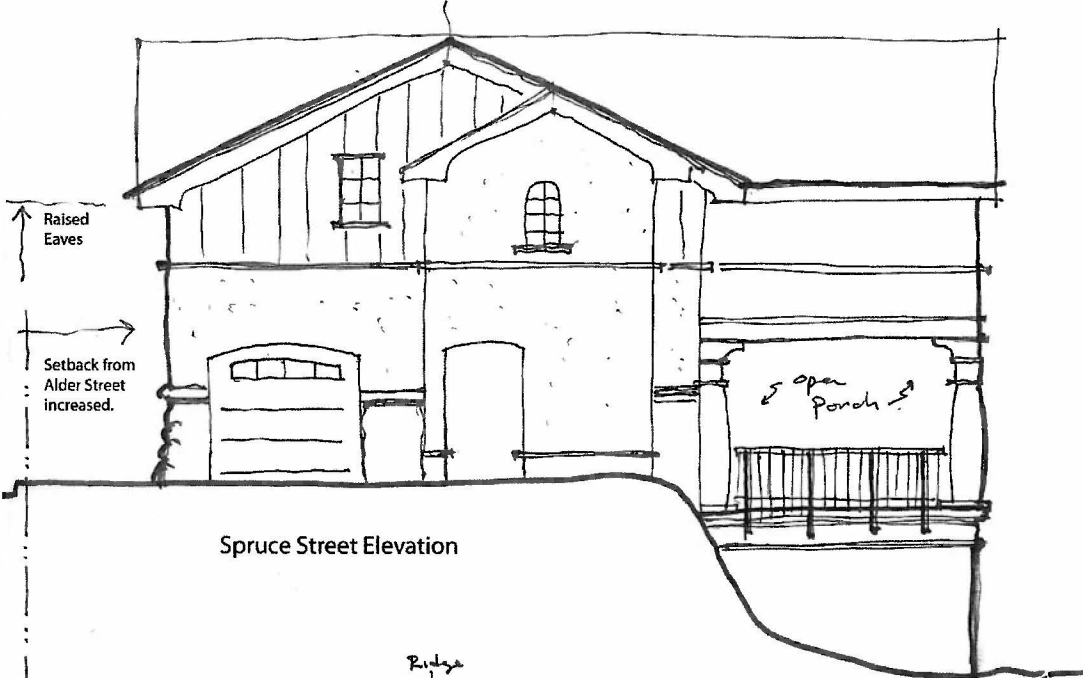
SURVEYOR'S STATEMENT OF SETBACK COMPLIANCE

I hereby certify that I am a surveyor registered to practice in the State of Alaska, and that on _____, I personally verified that the forms or foundation systems on site at: _____, Permit No: _____ are placed so that the finished building, if built to the plans as approved by CBJ, will meet the required setbacks shown above. I have reviewed the plans and zoning requirements as approved by CBJ and have accounted for all exterior finish materials, decks, cantilevers and/or other proposed building projections on the approved plans. To the best of my ability, I staked the property so that the contractor can meet all CBJ zoning requirements per CBJ Titles 19 and 49.

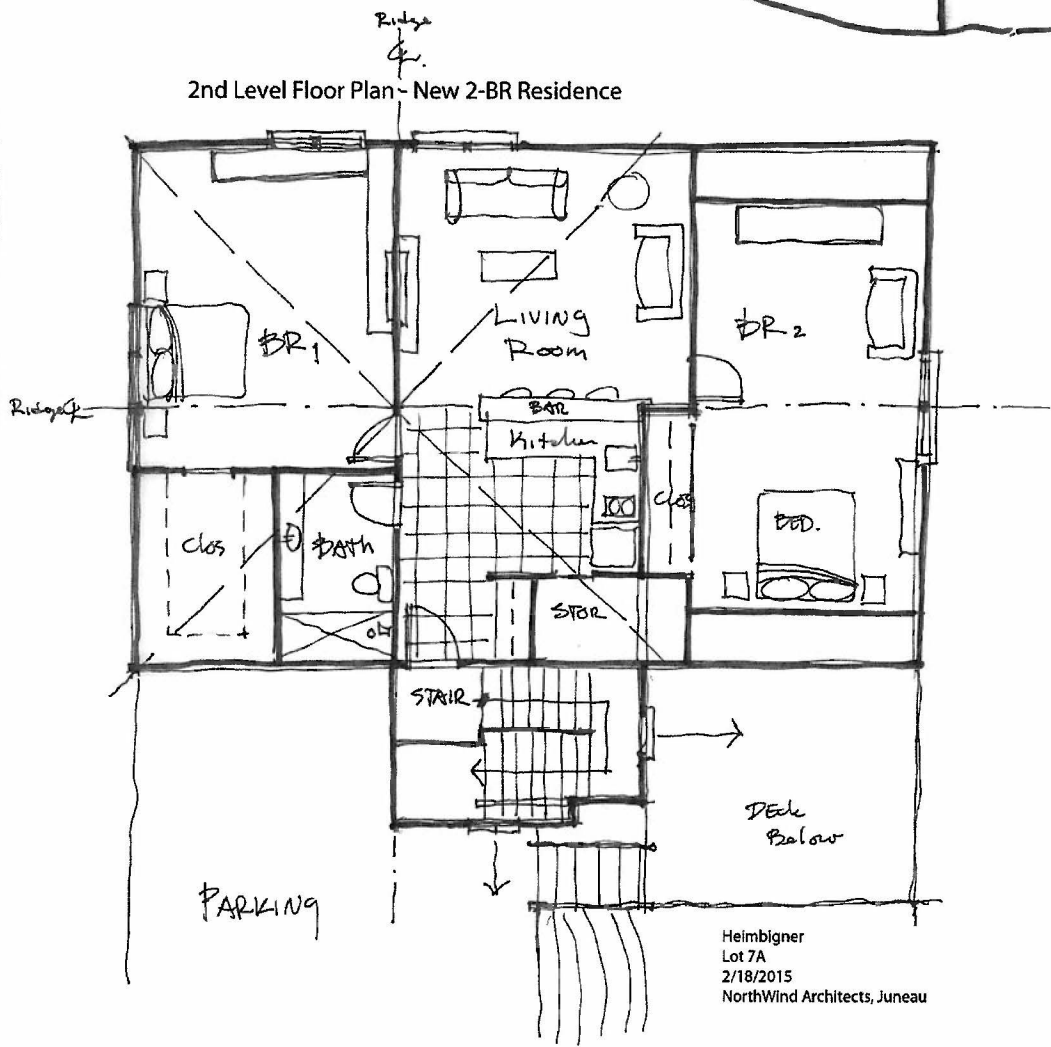
I heretofore affix my professional stamp, this date of _____.

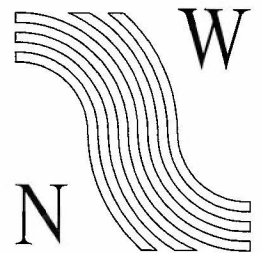


Surveyor's Signed Seal Required



Spruce Street Elevation





NorthWind
Architects LLC

126 Seward Street
Juneau, AK 99801
907.586.6150

CONCEPTUAL DESIGN
HEIMBIGNER RESIDENCE

635 ALDER STREET
JUNEAU, ALASKA

SHEET TITLE

OVERALL
SITE PLAN FOR
VARIANCE

DATE Feb. 26, 2015

CHECKED BY GRG

DRAWN BY GRG

SHEET #

A100

ATTACHMENT E





Megan Daniels

From: Ron King
Sent: Thursday, November 07, 2013 1:45 PM
To: Christine McNally
Cc: Travis Goddard
Subject: 635 Alder St Variance

Chrissy, review of the Bean As Built and the CBJ Reconstruction drawing reveals an issue relating to the correct ROW Easement line and the proximity of the garage. Both documents agree the monuments are not property corners of the Shattuck Addition Re-subdivision conflicting with the location drafted in the ROW Easement document (not surveyed).

The Bean as built delineates property line as solid, curb line dashed, the easement by a dotted line and BC monuments displaced from the property corners.

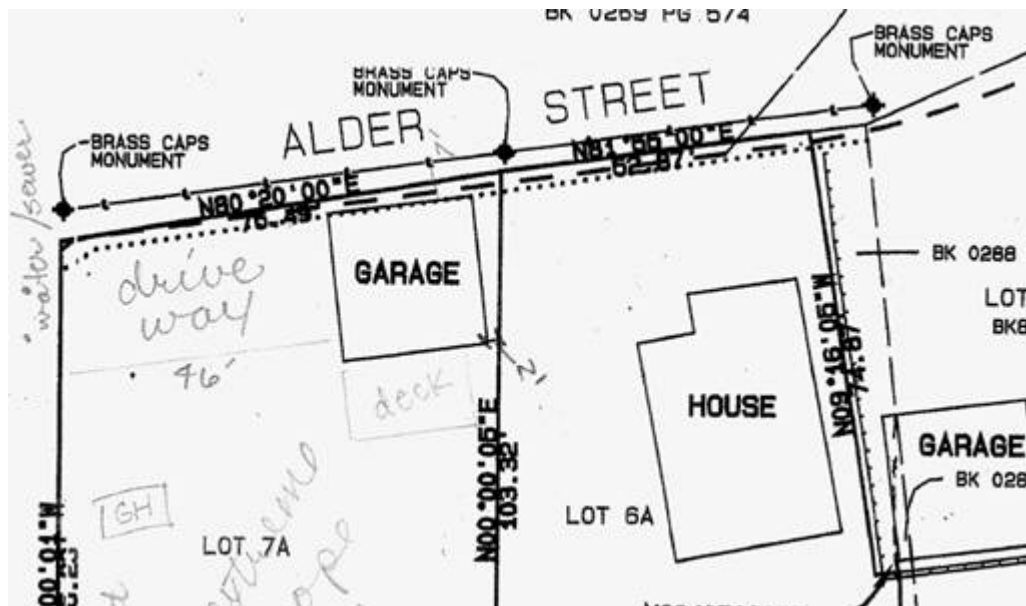
The CBJ plan delineates the property line by a double-dash, curb line solid, no easement delineation and a BC monument (above the see note 1) displace from the property corner.

Both surveys disagree with the ROW Easement Document and none of the documents delineate a distance from the garage. Due to the discrepancies in the surveys and lack of a true dimension from garage to the easement line an as built is required to establish the correct surveyed distance for the variance request.

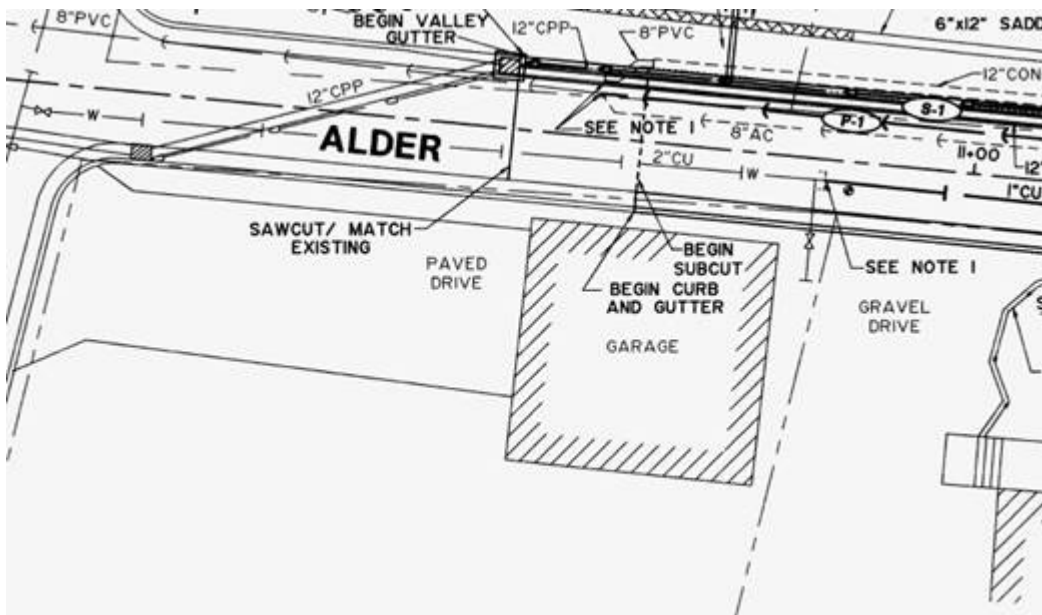
Snow removal. The close proximity of the building to the curb heightens the difficulty for CBJ to plow snow. If the building is allowed to be reconstructed with additions the CBJ will require an agreement holding CBJ harmless from claims relating to damage during normal street snow plowing operations.

Ron King
Chief Regulatory Surveyor
586-0881

BEAN ASBUILT



CBJ PLAN



What I see is a right of way line (solid) and a dotted line that represents the easement. The roadway easement south line is the right of way line. The garage according to this as built encroaches. This is very different than the description in the Variance. You may also not that there are no distances from the garage to the right of way/easement line. An updated as built should be required prior to moving forward. If Bean is accurate then the Heimbigner's need an encroachment permit. The dashed line is probably the curb

Megan Daniels

From: Ed Foster
Sent: Thursday, March 05, 2015 11:07 AM
To: Christine McNally; Ron King
Cc: Jeff Tersteeg
Subject: RE: 635 Alder Street

Christine,

This is a much better solution than current, or previous plans. If built as these plans show I have no issues with it, but I would highly object to changes adding any overhangs, patios, fences of any kind between this structure and Alder St.

Thanks, Ed

From: Christine McNally
Sent: Tuesday, March 03, 2015 11:24 AM
To: Ed Foster; Ron King
Subject: 635 Alder Street

Good morning,

As you may remember the owners of two lots at 635 Alder Street applied for a Variance in 2013 in order to rebuild an aging garage on the same footprint (VAR2013 0021). The case was pulled on the day of the hearing. The owners, through North Wind Architects have reapplied for a Variance to the street side yard setback and the rear yard setback in order to build a two story unit with a garage on the first story and residence on the second story. While these Variances are being treated under separate case numbers I have only attached one here as the applications are virtually identical.

The required street side yard setback is 13 feet. The Variance request is for a reduction to 5' 11" (see site plan in the attached application). The previous request under VAR13-21 was for a zero side yard setback.

The required rear yard setback is 20 feet. The Variance request is for a reduction to 6 feet. The previous request was for a 2 foot setback from the rear lot line.

Please let me know if you have any questions that I can address in order for you to properly comment on this proposal.

Thank you,
Chrissy

Megan Daniels

From: Amy Paige <paigedunker@alaska.net>
Sent: Monday, March 30, 2015 5:55 PM
To: PC_Comments; Christine McNally
Subject: Testimony Re: VAR2015 0006 and VAR2015 0007

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony regarding the application of Dave & Redna Heimbigner for variances to reduce the street side yard setback and the rear yard setback to construct a two-story residence on PCN 1-C03-0-D01-010-0:

We do not support these variance requests.

Currently the adjacent Heimbigner property has a garage on Alder Street with a zero setback from the street. This already presents a serious obstruction of view for traffic at the corner of Alder Street and Spruce Street.

In addition, the planting of cedar trees along the property line of this lot along Spruce Street presents a very serious obstruction of view of traffic coming up Spruce Street for traffic attempting to exit Alder Street onto Spruce Street. Any additional construction within the minimum required setbacks for street side yard (13') is would present further obstruction and a danger to traffic and is unacceptable.

The structures on the Heimbigner's adjacent lot appear to be covering almost the entire lot. If construction on this lot for which the variances are being requested is allowed to extend into the required minimum setbacks on side, front and rear I believe the result will be a crowded lot and would appear to violate the code for maximum lot coverage (50% for this Zone D-5)

Additionally I believe there are some additional requirements for building on slopes. I have not seen the construction plans, but do know that to lot extends down a considerable slope along Spruce Street which would require special retraining and drainage work that would make crowding the lot line inadvisable.

Do they plan to put a driveway on Spruce Street for the new structure? That would add to the problem for traffic from Alder turning onto Spruce.

We think the public notice should have stated the required current setbacks and made clear how much of a setback variance is being requested.

Thank you for accepting these comments on this application for variances.

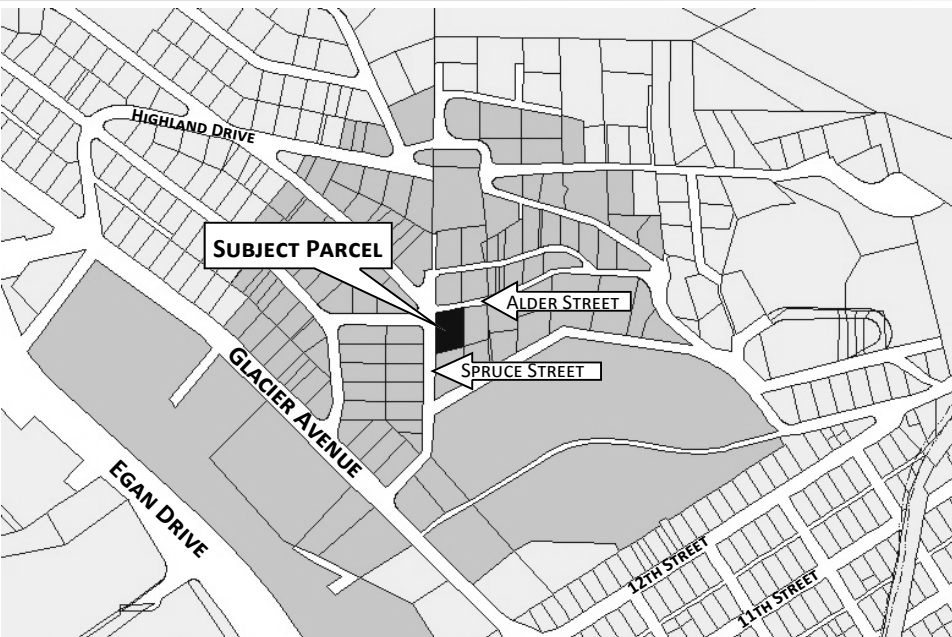
Sincerely,

John Dunker and Amy Paige

592 Seater Street (using access to our property from Alder Street) Property PCN 1C030D010040 Seater Addn BL 1L3



NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: VAR2015 0006: Variance request to reduce street side yard setback to construct two-story residence.
VAR2015 0007: Variance request to reduce rear yard setback to construct two-story residence.

File No:	VAR2015 0006 and VAR2015 0007	Applicant:	Northwind Architects
To:	Adjacent Property Owners	Property PCN:	1-C03-0-D01-010-0
Hearing Date:	April 14, 2015	Owner:	Dave and Redna Heimbigner
Hearing Time:	7:00 PM	Size:	8132 Square Feet (0.189 Acres)
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	D-5
		Site Address:	635 Alder Street
		Accessed Via:	Spruce Street

PROPERTY OWNERS PLEASE NOTE:

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

If you have questions, please contact Chrissy McNally at Christine.McNally@juneau.org or 586-0761.



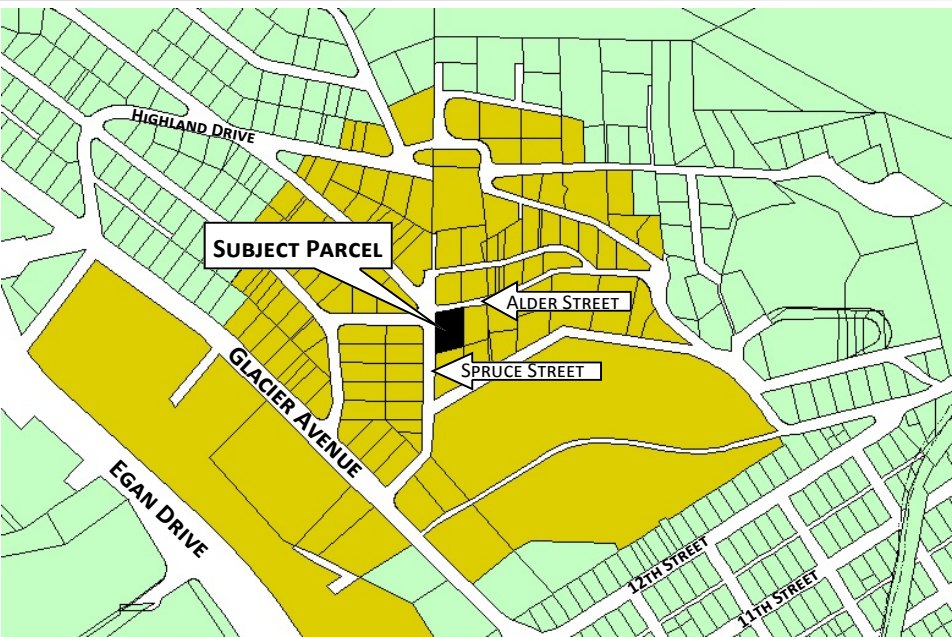
Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

ATTACHMENT J

Date notice was printed: March 25, 2015



NOTICE OF PUBLIC HEARING



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

SHIP TO:



PROPOSAL: VAR2015 0006: Variance request to reduce street side yard setback to construct two-story residence.
VAR2015 0007: Variance request to reduce rear yard setback to construct two-story residence.

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City and Borough of Juneau (CBJ)
Juneau Commission on Sustainability (JCOS)
Meeting Minutes
February 10, 2015
CBJ City Hall Conference Room 224

I. Meeting called to order at 5:36 P.M.

Present: Steve Behnke (Acting Chair), Kate Troll, Kate Bevegne, Duff Mitchell, Darrell Wetherall, Bob Deering, Clint Gundelfinger

Visitors: Tim Felstead (CBJ Planner)

II. Agenda amended to add the Green Team to committee reports.

III. Minutes of the January 14, 2015 meeting approved. Minutes of the January 31, 2015 Annual Meeting approved.

IV. Public Participation - Nancy Waterman (Friends of Recycling) and Linda Deakins (Secretary, Friends of Recycling). Ms. Waterman and Ms. Deakins stated they were in attendance reviewing what the group will do and looking for new potential members. They also announced the Friends of Recycling annual meeting is to be held at 6:00 P.M., April 9, 2015. Ms. Deakins asked if there was a place for recycling in the JCOS. Bob Deering replied that recycling has been on the JCOS radar in the past under the umbrella of solid waste. Steve Behnke asked for a summary of the Friends of Recycling group. Ms. Deakins replied that Friends of Recycling had worked to get the current recycling programs in place; started looking to recycle glass then moved on to several other projects; and that some feel the recycling systems in place do an adequate job and some feel it is not enough. Kate Troll suggested a focus on more regional recycling areas (since the CBJ recognized this need) and raised the question for the potential for food waste composting. Duff Mitchell stated that Petersburg was able to implement these kinds of programs due to tribal funds. Mr. Deering thought there might be other constituents that hadn't been reached out to as potential members.

V. Action Items

A. Elections – Steve Behnke elected to serve as Chair; Duff Mitchell elected to serve as Vice-Chair; Clint Gundelfinger agreed to continue serving as Secretary.

B. Work Plan for 2015 – Steve Behnke gave an explanation of the sub-committees outlined during the January 31, 2015 Annual Meeting with a reiteration of the sub-committee members. The sub-committees include Energy Plan (including building codes/energy codes); Outreach/Accountability; Solid Waste (with monitoring of bio-solids). The group also discussed suggestions for possible members of JCOS. Mr. Behnke raised the question of getting back to a set work session schedule. Duff Mitchell said that it was not always possible to get notice out for short-term needed sub-committee efforts and that it would be helpful if there were some way to become aware of projects sooner, perhaps utilizing the sustainability checklist/checksheet idea suggested at the January 31, 2015 Annual Meeting.

Juneau Commission on Sustainability (JCOS)
Draft Meeting Minutes
February 10, 2015
CBJ City Hall Conference Room 224

C. Annual Report (due June 2015) – It was discussed to use the previous annual reports as an outline including an update from the Green Team. Tim Felstead suggested that it would be good to get the report completed by May so the report could make its way through Human Resources. Clint Gundelfinger agreed to get an outline together based on the past (2014) year’s minutes.

D. Assembly/Planning Commission liaisons as voting members – Steve Behnke discussed the quorum situation. Kate Troll explained that the having Assembly and Planning Commission liaisons as voting members was set up so there would be a direct connection with the CBJ Planning Commission and CBJ Assembly but that now it was not necessary for that purpose given the forward progress JCOS has made. Ms. Troll continued to explain that there was a potential attendance problem for Planning Commission and Assemble members resulting in a lower number of JCOS meeting participants to meet quorum requirements and that other boards/commissions do not have Planning Commission or Assembly voting members. Duff Mitchell wondered that if meeting the quorum requirement was a problem then it may be a member vacancy problem, and that since the Assembly was very receptive to JCOS right now if it elevated JCOS’ stature if we had voting members form the Assembly and Planning Commission. Ms. Troll stated that she didn’t think that there would be any stature lost without these voting members. The question was raised as to why it takes so long to approve members to which Ms. Troll replied that Human Resources actually moves fast regarding board/commission applicants. There was a general group discussion of positives and negatives on either side of the issue. Bob Deering motioned to recommend to CBJ Human Resources that Planning Commission and Assembly liaisons not be voting members of JCOS. The motion was seconded by Kate Bevegni. There was a unanimous vote approving the motion. Kate Troll abstained from voting.

E. Web Page Update – no current update. The Andy Baker presentation on saltwater heat pumps is not available yet.

VI. Information Items -

A. City Liason Report – there are 4 applicants for RFP bid; Steve Behnke and Darrell Wetherall have been involved with scoring/rating of the bid proposals.

B. Items Up for Assembly Action – According to Kate Troll, regarding the report on bio-solids options the Assembly is learning about how limited the options are and are waiting on some analysis on particulars of the dryer/furnace opton. The Assembly has not committed to funding the project and is waiting on different cost options and is asking a lot of questions. Bob Deering made the observation of the studies performed that there was not much done regarding “out of the box” ideas or options from a regional perspective. Ms. Troll stated that the Assembly was receptive to ideas further stating that the project came with a steep price tag and the Assembly wanted to get it done right. Mr. deering suggested that if there is anew approval that JCOS should be made aware of it. Kate Bevegni added that the connection to solid waste in general should be considered because the waste problem is bigger than just bio-solids alone. Ms. Troll added that the Assembly does not want to limit solutions that do not also add to solving the more general waste problem(s).

C. Committee Reports

i. Solid Waste /Biosolids – discussed above. Additionally, Bob Deering asked generally if anyone had heard of Panhandle Produce which wants to set up greenhouses next to landfill to potentially use landfill “natural” gas for heating purposes.

ii. Energy – covered above. There has not yet been a response from the Building Code Committee.

iii. Comprehensive Plan Update – no new information.

iv. Green Team – a presentation is being done to the Finance Dept. on JCAP. We can find out from Beth how it goes. Docks and Harbors asked for a presentation to be delivered.

D. Additional – Bob Deering opened a discussion about amending the meeting schedule to make meeting more accessible to Planning Commission and Assembly members. Kate Troll stated that to that end Mondays and Wednesdays were bad.

VII. Meeting adjourned at 6:55 P.M.

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

February 9, 2015, 5:00 PM.
Assembly Chambers

I. ROLL CALL

Jesse Kiehl called the meeting to order at 5:00pm.

Members Present: Mary Becker; Jesse Kiehl; Jerry Nankervis

Members Absent: Kate Troll

Other Assembly Members Present: Mayor Sanford; Debbie White; Karen Crane; Loren Jones

Liaisons Present: Mike Peterson, Docks & Harbors Board; Bill Peters, Planning Commission

Liaisons Absent: Jeff Wilson, Parks & Recreation Advisory Committee

Staff Present: Greg Chaney, Lands Manager; Jessica Beck, Lands Specialist

II. APPROVAL OF AGENDA

Property Tax Abatement was removed from the agenda at this portion of the meeting. It was later reinstated by the Chair and the Remote Subdivision discussion was removed.

III. APPROVAL OF MINUTES

A. January 26, 2015

The minutes of the January 26, 2015 Lands Committee were approved.

IV. PUBLIC PARTICIPATION

Wayne Coogan: This is related to the (Honsinger Pond & Lemon Creek) gravel pit trade. In the trade there are appraisals. If we trade the gravel pit appraised at its current zoning with a piece of property at a different zoning. I'm assuming he received instructions for zoning as is in addition to prospective zoning, which is not in existence yet. It troubles me that were going to trade property for other property that's value is prospective. The party to the deal has control of the zoning. It seems very messy to me. The easiest way out would be to give the applicant his zoning and let him contribute to the economy with his zoning and take the gravel pit property and liquidate it for cash. If we follow the Economic Plan, it suggests to do just that. It says that you have an economy that is fragile here in Juneau and that we need to provide more industrial property. If we proceed with this land trade, we are ignoring the advice we paid for.

Dave Hanna: I'm here to speak on the same subject as Mr. Coogan - the proposed land trade. Mr. Hanna distributed a letter to all members of the Assembly. We have an issue in the face that we only have two immediately prospectively available large tracts of industrial land in this community and were looking at taking one of them out of circulation. That's one of the biggest impediments to business development in this town right now is lack of land that's available to be utilized. We're proposing to take it out of the tax base. Right now we're looking for more property tax. That is property that the City could sell for cash. They could take that land and put it out there for businesses we feel we're lacking in the community right now. There's a lot of opportunity for the City to capitalize on the property next to Costco. The fourth issue I want to talk about is the fairness. Why should we just turn this property over to somebody when it should be put out there for everybody to bid on. If the city thinks we need it for Airport use, we all saw how difficult it was to get it permitted to extend the runway 500 feet. Let's let Mr. Bicknell do the heavy lifting. He can get it permitted. He can get it developed. If you need a little bit of it for airport use, it would be far cheaper for him to go through this property than have the City go through the process. What's ironic is the fifth point in my letter. That's the fact that if any of you have lived here a long time, have watched that channel evolve over the years, it is an evolving process and relentless process. Many years ago that was bare sand. Then little islands formed out there. Now they have forests on them. The area that is where the fireweed are, just a few short years ago that was inundated by hightide. It no longer is. It has

alders and spruce and they are indeed encroaching into that. In a few short years, the fireweed won't be there unless someone wants to go out there on their hands and knees and pluck every seedling from the ground every fall. What are we going to save? Not what we intended.

Gary Bowen: Thank you for your time. I own a 240 acre claim, opposite Secon's property in Hidden Valley and I plan to develop that land. I need road access to it. Secon is having problems with easements. I hope you can figure it out. I can't afford to chopper in equipment. I've got potential employees to help clear the land. The state has already told me I can sell the timber. I need road access.

Mr. Nankervis: Where in relation to the property that's in question. Are you talking about across the river?

Mr. Bohen: I own the mineral rights on the state land in the corner from Secon's property in Hidden Valley. 240 acres. I've had that for a number of years. It's going to work one way or another. I'll get investors and equipment. People need to go to work. They're tired of being in the soup line.

V. AGENDA TOPICS

A. North Franklin Parking Lot Proposal

Jesse Kiehl declared a conflict of interest and stepped down. Mary Becker took over as Chair for this agenda topic only.

Mr. Hamilton: I would just like to have some clarification on the statute of limitation on the proposal to buy the lot and it's been on the table for quite some time. I would like to know what the statute of limitation is. The parking lot is an economic generator for the community and that end of town. I really don't want to see that lost to the private sector. It's utilized by the local businesses there.

Joanie Waller: In June 2014 I testified to the Assembly asking for more public involvement on the change of the use of this property. I feel like in offering that up for the proposal for the group to build on, it was an automatic change of use. The local residents never had a say in changing it from a parking lot. I feel like just because there's housing shortfalls it doesn't mean that should take precedent over the parking shortfalls. I felt like from the get go, once it got locked up... actually the first time I found about it was from an appraiser. I would like to buy the driveway to the attached lot but I'm not sure what the process is or if I'm shutout from that process or have to buy it from the group.

Mr. Chaney: This has been going on for several months, maybe close to a year. The North Franklin Parking Lot is near the Baranof Hotel. It previously had JAMI and Colonial apartments. The City acquired the property and removed those and put in a parking lot to meet the parking demand. The property was appraised at approximately \$500,000 on April 30th. Juneau Legacy Properties proposed to put in a multi-use building with apartments, retail space and parking. I've been working with Juneau Legacy Properties for the intermediate time. We've gone back and forth with potentially modified plans - they've looked at making the building higher, adding more apartments by making them smaller, and many things have been changing but they've come back to the original proposal. The big problem they've come up with is that they can't get financing if there's a reversion clause. Meaning if we sell the property to them, we can't have any control after that point. Lending institutions won't finance it because they don't want to give a loan on something we can take back. So, in a fee simple sale (without the reversion clause), the buyer can do what they want the next day after it's sold. That's why I've come back to get some direction, to see if fee simple sale, if that's appropriate. When I got direction from the Assembly, I was directed to get some kind of reversion clause so that we would get what we intended or it would return to us. "In His Hands" didn't build what we wanted and we (CBJ) ended up getting it back through tax foreclosure, but it wasn't a pleasant experience. That's my question to you. I've had many calls from neighbors and businesses who have expressed concerns that they didn't have enough opportunity to speak at the time of the proposal.

Mr. Nankervis: When you put out notice, why and what did it entail?

Mr. Chaney: Juneau Legacy Properties came to us and said they would like to put in a multiple-use structure. We went to the Assembly with the proposal. In title 53, we can either get permission to

negotiate directly or we can go out for proposals. The Assembly directed us to seek other proposals. We were given a 30 day time limit before we had to come back. We noticed it like a public hearing, and we probably should have noticed it like a land sale.

Mr. Nankervis: Did we have any other proposals?

Mr. Chaney: We had no other proposals. The Assembly reviewed the proposal and decided to move forward with entering into negotiations with Juneau Legacy Properties. We haven't been able to come up with a plan that works for everybody. The reversion clause is the final issue that hasn't been resolved. I don't feel comfortable selling it without a reversion clause. They can't get financing with one.

Mr. Nankervis: From the people who testified, what is the statute of limitations?

Mr. Chaney: "Statute of limitations" is not the right term, but how long does this go on before we have a cutoff date? There was no calendar set. We don't have a timeline. This is a good point to come back and ask for further direction.

Mr. Nankervis: Easement?

Mr. Chaney: It's interesting; we can see the property isn't a rectangle. It has a little ear that sticks out that provides parking for the adjacent property. Juneau Legacy Properties asked to buy the whole property and we never discussed that as a separate issue.

Mr. Nankervis: If it sold, would that issue reside with the new owner?

Mr. Chaney: We haven't sold it so that agreement could look however you want to.

Mr. Nankervis: Mr. Chaney is looking for some sort of direction and if memory serves me correct, we made that decision to the Committee of the Whole or the Assembly. We've gone from nine people having a say in that to two of us right now. I'm not comfortable making that decision as 50% of that decision. Could we wait until we have more people?

Mr. Chaney: If you want to wait for another meeting, that's your prerogative. Or, if you want to refer it to the Committee of the Whole.

Ms. Becker: Can you remind me what we said about the reversion clause?

Mr. Chaney: It wasn't that specific. I was directed to come up with an arrangement and bring it back for review. We're still negotiating.

Mr. Nankervis: If it went back to the Committee of the Whole, since we were all involved in it, I would be okay with that.

Ms. Becker: I would be okay with that. Unless the Mayor objects, I think this should go to the Committee of the Whole. And he said yes, so we'll do that.

B. Changing the Tax Deferral on Certain Subdivided Properties to a Tax Abatement

Mr. Chaney: This is a taxation issue. The Finance Director had some quick comments on this. He said the "CBJ is doing many things to assist with increasing housing units and affordable housing. I do not recommend we use property tax exemptions as proposed as a part of our housing action. We are just completing an effort to reduce current tax exemptions and it does not appear warranted to start creating them again. From a tax policy perspective exemptions are not an effective way to maintain the balance between what drives increased public service costs and workloads and who should pay. Housing is a priority and there are many ways to facilitate and support this. I would not recommend a tax exemption as proposed at this time."

Mr. Kiehl: We have all had the opportunity to review the letters in our packet. Is there discussion?

Mr. Nankervis: I think this is more appropriately at the Finance Committee.

Motion: Mr. Nankervis: I move we forward this to the Finance Committee for review.

Mr. Kiehl: Thank you. This falls within the Lands Committee topics. I'll take the opportunity to speak in favor of the proposal. This can be one piece in helping out. We're in short supply of measures to drive high density development. Our community is in need of high density development. I think the Lands Committee can make an appropriate recommendation to the Assembly. It would be a recommendation to the Assembly to make a recommendation to the Legislature.

Ms. Becker: I'm in favor of moving it forward because we did talk about this when they did a tax deferral. It's not that we won't ever get our taxes back. It's the first part of the improvements, it will wait until the property is sold and the property owner will pay the tax. The builder won't pay it. We'll

wait until the buyer buys it. I'm in favor of sending to the Assembly with a letter to send to the Legislature.

Motion: Mr. Nankervis: That was I left out in my first motion was to approve it and forward it to the full Assembly.

Hearing no objection, motion passes.

C. Housing First Request for \$90,000 Grant from the Juneau Affordable Housing Fund

Mandy O'Neal Cole, representing the Affordable Housing Commission, said the Commission wrote a letter recommending a \$90,000 grant from the Juneau Affordable Housing Fund for the Housing First project. At our February meeting, we heard from the Housing First working group about their need for some predevelopment funding. They estimate \$90,000 to be used for architectural services and environmental testing. They are preparing a very competitive application for a Special Needs Housing Grant. That application requires additional architectural drawings, soil testing and some things that cost money. The working group doesn't have that cash on hand. Those services are to prepare a stronger grant. They came to us asking for that money as a grant. We have been talking about low interest or no interest loans which means they would pay it back at some time. This is not that case. This is a request for a grant. Their operations costs will be so high that they will need subsidy throughout the life of their project. We argued long and hard to see if this is something we could entertain because we want the money to be a revolving fund. We talked a lot about what the options are for Housing First. They have identified this as the most time sensitive option. We decided that this is something we want to recommend. We think projects that have repayment are the priority. The benefit of having a local housing fund is the ability to be flexible. There will be projects that we hope have repayment. We weighed the benefit to the community versus the loss of \$90,000 that we couldn't recoup. We want the Housing Action Plan to come up with strategies to capitalize the Juneau Affordable Housing Fund. While there are projects that have repayment, there are other projects that can't afford to repay. We also noticed that the housing fund has grown. It has \$545,000 today. That is from repayment of other loans. We were preliminarily approved by this committee for \$75,000 for the Accessory Apartment Grant program. The Housing First \$90,000 would leave us with \$380,000 which is close to what we had in the fund in 2010. Since 2010 we've had 3 preliminary plans for the fund - two of which were withdrawn and one that was funded for predevelopment costs. While having a strategy for repayment is important, we are also really excited that 32 units will be resulted from this \$90,000 investment. We are hoping to find ways to grow the fund, rather than just relying on repayment from borrowers.

Mr. Nankervis: What you're looking is going from \$540,000 to \$380,000 that is both non repayment funds.

Ms. O'Neal Cole: We're hoping to grow it, not just through repayment of loans. It's part of our Housing Action Plan. It could come up with strategies to capitalize the fund that we haven't thought of yet. We had \$400,000 in 2010 and a \$90,000 legislature appropriation. Those were the only sources thus far and we think there are other sources out there.

Mr. Nankervis: Are you under any obligation to disperse this money by a deadline?

Ms. O'Neal Cole: The \$77,000 earmarked for the accessory apartment grant program did have a deadline, but we got it extended by 1 year. That money should be used first but we were able to ask for extensions and are under the impression that they will be given.

Mr. Kiehl: \$75,000 for the Housing Action Plan, is before the \$545,000?

Mr. Chaney: Yes, that would be before the \$545,000.

Mr. Kiehl: Is there some reason why this \$90,000 must come from this fund, as opposed to the \$1.5 million the CBJ has committed?

Mr. Chaney: My understanding is that it would be for preparing for the SNHG grant. The conventional wisdom is that Juneau's ahead because we don't have a Housing First project. Anchorage, looking at the points, they are ahead of us. They are very experienced and have a very competitive application. If Juneau doesn't do something, it's questionable if we'll get it. With this money they can beef up their application.

Ms. O'Neal Cole: If we were judged right now, we would be behind the in the points compared to the other applications. It's not just points based but the points do matter. The \$90,000 would help to bring their points up.

Mr. Kiehl: What I'm driving at is, when the Assembly committed \$1.5 million, it wasn't the last dollar. There ought to be strategies in the Housing Action Plan to refill the Affordable Housing Fund, but it's not there yet. It seems to be entirely responsible and it seems to be within the scope of our \$1.5 million commitment, we could advance \$90,000 for their SNHG grant. It would be appropriate for the Finance Committee to decide which funding source to use for the first \$90,000. I have grave concerns on drawing down on the Affordable Housing Fund.

Ms. O'Neal Cole: We talked about this issue at the Affordable Housing Commission meeting. We were under the impression that the \$1.5 million was not available until after the SNHG grant was approved.

Mr. Kiehl: I must have missed that...

Ms. O'Neal Cole: I suspect that if there was a way to get the \$90,000 in advance of the \$1.5 million, they would be in favor of that.

Ms. Becker: I'm having similar hesitations as Mr. Kiehl. How much is the SNHG grant?

Ms. Lavishchuk: It's \$3 million in funds that is available now for construction, \$1.2 million in operating funds, with \$400,000 available each year for 3 years and a potential of operating support for SNHG project for the duration of the project. The resolution language does say \$1.5 million is contingent upon the SNHG application award. That was our impression.

Ms. Becker: This \$90,000 is just to write the grant?

Ms. Lavishchuk: The \$90,000 is to perform development and design work which will make our project shovel ready. It would involve soils analysis, architectural work. One of the big points in the application are points for energy. This project needs to have a very developed energy system. The Anchorage system has a great energy system. This would help develop plans for a system that is ready.

Ms. Becker: You would use some of it to develop the parts you are putting into the grant? And, there are a number of different aspects of that.

Ms. Lavishchuk: Correct. There is a schedule of work that needs to be done.

Ms. O'Neal Cole: My understanding is that the grant is being written Ms. Lavishchuk and other partners, but these funds are for professional services.

Mr. Kiehl: I have taken the opportunity to look up the Resolution 2708, and it is not contingent.

Mr. Nankervis: In the life of this fund, we have had one loan?

Ms. O'Neal Cole: We have had one \$13,000 loan to St. Vincent for predevelopment. That was the reason behind the Accessory Apartment program. the fund is too small to be great for large projects, but it is of the scale for predevelopment funds, but predevelopment funds are riskier because if the development doesn't happen, then you're left with an inability to repay that fund.

Mr. Kiehl: It would certainly remain my desire to refer this to the Finance Committee. I remain strongly supportive of the Housing First project. Assistance in technical and professional services that could make the grant application a winning application, will probably pay off. The fund source remains a question to me. That would be my suggestion, to refer this to our Finance Committee.

Ms. Becker: Is this time sensitive?

Ms. Lavishchuk: It is incredibly time sensitive. Several things have changed since the Assembly commitment. The Municipality of Anchorage pledged a similar amount. Another thing is that the SNHG grant deadline got pushed to March 31st. March 31st is just around the corner. This is an incredibly competitive process. We are at a disadvantage being a small city trying to compete with Rural Cap, which is a huge organization with lots of experience. Anything we can do to strengthen our application, really increases our chances. One more comment, these funds in other communities, they are revolving funds that do a combination of grants and loans. The \$90,000 are important to us because of the SNHG grant. If the Juneau doesn't get the SNHG grant then the Housing First project will still be a priority so whatever work comes out of it, it can still be used far down the line. The money will not be wasted.

Mr. Nankervis: I believe this is pretty time sensitive. If the SNHG grant doesn't come through, the money will still have been spent on a project that is going to move forward.

Motion: Mr. Nankervis: I move we forward for review and approval to the full Assembly.

Mr. Nankervis: I think it will accomplish what I believe you are trying to do, which is by getting it to Finance will get everyone to look at this. If this gets on the next Assembly agenda, that should give us enough time. That's my thinking behind the motion.

Mr. Kiehl: Just for clarification, you would recommend the committee payment of the grant from the

Affordable Housing Fund?

Mr. Nankervis: Forwarding this to the Assembly as presented.

Ms. Kiefer: I just wanted to let you know that the Finance Committee will be taking up the Housing First 1.5 million dollars and where it will come at the February 18th meeting.

Ms. Becker: Are you saying this \$90,000 should be included with the discussion at the Finance Committee.

Ms. Kiefer: We said we would come back with how to find the \$1.5 million. If you want that as an action item on the Committee agenda, it is already on that agenda.

Ms. Becker: That makes sense to me. Then we can talk about it. I like having it on Finance agenda, then we can have it on our list of what we're going to fund. I would ask that the maker the motion change it from Assembly to the Finance Committee.

Motion: Mr. Nankervis: Now to the Finance Committee.

Hearing no objection, motion passes.

D. Continued Discussion on Ordinance 2015-02; An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Remote Subdivisions Area Map for Hidden Valley Tract B, Located in the Upper Lemon Creek Valley, from "Not Remote" to Remote.

Due to lack of time to discuss this substantial item, it was moved to the March 2, 2015 meeting for discussion.

VI. STAFF REPORTS

I would like to comment that I spoke with a representative from the housing arm of the Rasmussen Foundation last week and he was incredibly impressed with what we're doing here in Juneau. He indicated he would like to work with us further.

VII. COMMITTEE MEMBER / LIAISON COMMENTS AND QUESTIONS

Mr. Peters: Happy to be here for my first meeting and I'm looking forward to working with you.

Mr. Peterson: No report.

VIII. ADJOURNMENT

The meeting adjourned at 5:56pm.

**MINUTES
CITY AND BOROUGH OF JUNEAU
MARIJUANA COMMITTEE
WORK SESSION**

**Thursday, February 26, 2015, 6:00 p.m.
City Hall Assembly Chambers**

I. ROLL CALL

Chair Jesse Kiehl called the meeting to order at 6:06 pm.

Committee members present: Jesse Kiehl, Mary Becker, Debbie White, Mike Satre, Bill Peters, and Gordon Jackson

Other Assemblymembers present: Assemblymember Loren Jones

Staff present: Kim Kiefer, City Manager; Amy Mead, Municipal Attorney; Jane Sebens, Deputy Municipal Attorney; Deb Senn, Law Office Manager; Laurie Sica, Municipal Clerk; Hal Hart, Director, Community Development Department; Bryce Johnson, Chief, Juneau Police Department

II. APPROVAL OF AGENDA

The Agenda was approved with the addition of Public Comment.

III. APPROVAL OF MINUTES

February 12, 2015 Draft Minutes

Motion by Bill Peter's to approve the minutes; Ms. White seconded the motion. The February 12, 2015 minutes were approved.

IV. PUBLIC COMMENT

Zach Bowhay said that legislation was moving through the State legislative process. A bill regarding local regulatory authority was recently introduced. Another bill defined *public*, *edibles* and *THC coating*.

Ben Wilcox said there are responsible citizens who wish to make this process as easy as any other business in Juneau.

Mr. Kiehl closed public testimony at 6:14pm.

V. AGENDA TOPICS

A. Materials arguing that state and local governments may not permit marijuana

Mr. Kiehl said that a selection of material submitted by a constituent is being provided in the packet for the Committee to discuss as a group.

B. Deputy Attorney General James Cole legal memo re Guidance Regarding Marijuana Enforcement dated August 29, 2013

Ms. Mead said the Cole memo gave guidance to the states that have legalized marijuana. There are eight priorities outlined in the Cole memo. The federal government will take the stand that each state may proceed to regulate.

If the federal government decides that the State is failing to regulate with an eye toward the Cole memo priorities, then the feds have a right to prosecute. If a regulation is put in place that fails to identify the priorities in the Cole memo, it could initiate a regulatory action against the State for what is an illegal law. Ms. Mead advised to regulate with an eye toward the priorities and explain how CBJ will meet those priorities.

Ms. Becker said that marijuana on ships, planes, and various transportation methods will not be legal. She asked which of the Cole memo priorities addressed this.

Ms. Mead said that it could be any of the priorities technically. This body or the State would not try to regulate areas kept to federal law, such as those being overseen by the United States Coast Guard. Those are areas outside of CBJ's regulatory authority.

Mr. Kiehl raised the subject of 'misprision of felony' – asking if a federal regulation changes what will be the impact on CBJ laws?

Ms. Mead said the State would likely be involved. If CBJ fails to enact zoning laws left to us by the State, then there is a good argument for failing to adhere to the Cole memo. She advised to regulate with an eye toward the Cole memo as best we can. If more force in federal law occurs, the State law is not a defense. The ability of the federal government to go after individual lawmakers is difficult to foresee.

Mr. Kiehl inquired with regard to the Cole memo priorities, how specifically should CBJ address each of those – the federal property issues for instance. He said use in public has been addressed by CBJ, and the State may address growing in public.

Ms. Mead said we cannot regulate on federal land, we should nod to that prohibition, and prohibit use or growth on prohibited properties.

Mr. Jackson said there are five general areas of law - land use, taxation, regulation at airport, criminal, etc.

Mr. Peters asked if land use would be vetted to the Planning Commission, and then on to the Assembly by ordinance. Discussion continued regarding land use issues.

Ms. Mead said the State legislation is changing quickly, and that Local Regulatory Authority is now optional.

Ms. Mead said that federal law prohibits marijuana use, and marijuana is a controlled substance. CBJ is proceeding in good faith under the guidance provided by Deputy Attorney General Cole to regulate strongly by the federal government priorities.

C. Municipal Attorney Amy Mead legal memo dated February 23, 2015

Mr. Kiehl asked if there was any information that the Committee would like to add to the laundry list.

Ms. Mead said that the list was not complete. As the Committee sets priorities each issue can be addressed fully moving forward.

Mr. Kiehl said a category that came to mind was marijuana use by minors. A criminal element is addressed in the Cole memo. He asked if there would be clarity of CBJ's power to regulate this issue.

Ms. Mead said the Cole memo addressed minor use. The zoning regulations for instance, will keep marijuana from day care and schools. The regulation of edibles and packaging can be expected from the State. She added that signage for the tourist population, clubs and how we will regulate activity visible from street are all things to consider.

Ms. White said that there are miscellaneous zoning issues to tackle first. Site plan issues will be ahead of us, similar to liquor stores or bars as far as distance from schools.

Mr. Jackson said that the Title 49 Committee could address questions relating to marijuana land use laws given to the Marijuana Committee. He asked how CBJ planned to address visitors who will be curious about the status of marijuana laws.

Ms. Becker said it is illegal to have marijuana on board a ship, and people who try are let off at the next port. She asked if places encouraged use by cruisers and the cruisers go back on board and are flown off, would CBJ be liable for their bad behavior.

Ms. Mead said it is illegal to transport marijuana on navigable water. Some may want to leave with marijuana. It may be reasonable to provide public service notice that it is not legal to do so, even though purchase and allowed use are.

Ms. Becker said the person in the bar who sells too much alcohol is held liable.

Ms. Mead said that Dram Shop Laws do not apply for going aboard a ship with marijuana, and that the same reasoning does not apply.

Ms. Kiefer said she would contact the cruise industry to discuss how the cruise industry plans to advise crew and passengers of the current marijuana laws.

Ms. Becker suggested partnering with the cruise industry.

VI. COMMITTEE MEMBER COMMENTS AND QUESTIONS

Mr. Kiehl said the next Marijuana Committee meeting will be in two weeks on March 12th.

Mr. Kiehl said more education was necessary on growing marijuana, outdoor growing in Alaska, how plants are raised, odor control, water and power usage, and impact on wastewater treatment plants - basic questions on industry. He invited those in the audience who have offered to meet with committee members regarding the marijuana industry to do so. He said he would like to hear more about the Colorado and Washington growers.

Ms. Kiefer said Chief Johnson would provide samples of marijuana products for the Committee to view.

Ms. Becker shared a Journal of Medicine article regarding use of marijuana by young people, and asked that a copy be available to all of Committee members.

Mr. Peters said that the CRCL had provided its white paper for reading as well.

VII. ADJOURNMENT

Meeting was adjourned at 6:56pm

**Assembly Standing Committee
Public Works & Facilities Committee Meeting
February 9, 2015, 12:00 – 1:00 p.m.
City Hall Assembly Chambers**

Members Present: Jerry Nankervis (Chair), Karen Crane, Mary Becker, Loren Jones

Other Assembly Members: Mayor Sanford

Planning Commission Representative: Dennis Watson

Staff Present: Rob Steedle (Deputy City Manager), Rorie Watt, Tina Brown, Rich Ritter, Greg Smith, Samantha Stoughtenger, Hal Hart, Ed Foster, Brent Fischer, Dave Crabtree, Carl Uchytel, Gary Gillette

I. Call to Order

Meeting called to order at 12:00 p.m.

II. Approval of Minutes

January 26, 2015 - Approved

III. Public Participation on Non-Agenda Items

None.

IV. Items for Action

A. Transfer Request – Capital Transit

Mr. Watt spoke on this housekeeping measure to transfer funds from the Capital Transit CIP in the amount of \$500,000 into the Capital Transit Maintenance Shop CIP (D71-085) where the funds can be more efficiently spent and tracked.

Mr. Nankervis asked for clarification on “system improvements” Mr. Watt explained that the term referred to electronic fare boxes.

Ms. Crane moved that a transfer from Capital Transit CIP in the amount of \$500,000 into the Capital Transit Maintenance Shop CIP (D71-085) be forwarded to the full Assembly for approval.

Hearing no objections, the motion passed.

B. School Project Closeouts

Mr. Watt, spoke on the transfer request T-952 approved by the Assembly on February 24, 2014, which requested the transfer of all remaining bond funds from the Dzantik'i Heeni Covered Play Area (S02-091; \$199,178) and Adair-Kennedy Turf Field Replacement (S02-097; \$88,844) to two existing CIPs and two new CIPs, pending approval by the Alaska Department of Education and Early Development (ADEED). Of the requested transfers, ADEED only approved one of the transfers in the amount of \$38,000 for the Glacier Valley School Renovation (S02-088). The School Board Facilities Committee has therefore forwarded the recommendations shown in the packet memo.

Discussion ensued.

Ms. Becker moved that the transfer of the balance of bond funds from the Adair-Kennedy Turf Field Replacement (\$88,844) to the Gastineau School Renovation (S02-094) to provide additional funds for the proposed DIA Memorial project, which will require approval by ADEED, be forwarded to the full Assembly for approval.

Hearing no objections, the motion passed.

C. JEDC-Electrified Transportation Vehicle Resolution – **This Item was moved to a future meeting for action.**

With many concerns and questions about the cost and scope of infrastructure development and fairness of designated spaces for electric vehicles, committee members requested Staff take a look at other communities to see how they handled the implementation process and how they have applied for grants to help with electrified transportation vehicles and supporting infrastructure. Mr. Wilkinson of JEDC spoke on the range of costs associated with the charging stations and agreed to provide more information on what JEDC envisions in the way of infrastructure at a later date.

D. Douglas Harbor CIP Interest Appropriation

Mr. Watt stated that Docks and Harbors is requesting \$67,145.08 be appropriated from the Douglas Harbor Phase III project (H51-084) to the Harbors Deferred Maintenance fund (H51-085) in which \$46,391.84 is requested to be used in the Old Douglas Harbor Rebuild project as shown in the memo packet.

Ms. Becker moved that an appropriation of \$67,145.08 from the Douglas Harbor Phase III project (H51-084) into Harbors Deferred Maintenance fund (H51-085) and the request of a transfer in the amount of \$46,391.84 be used in the Old Douglas Harbor Rebuild project be forwarded to the full Assembly for approval.

Discussion ensued.

Hearing no objections, the motion passed.

E. FY2016-2021 Capital Improvement Program (CIP)

Mr. Watt gave an update on the Capital Improvement Program Fiscal Years 2016 through 2021 and answered PWFC questions.

Discussion ensued.

Mr. Jones moved to forward the Capital Improvement Program Fiscal Years 2016 through 2021 to the Finance Community for approval.

Hearing no objections, the motion passed.

V. Information Items

A. DOT Projects Update

Pat Carrol, Engineering Manager with ADOT/PF, gave the PWFC an update on the ADOT's current and upcoming projects. A lengthy list of projects was provided.

Mr. Jones expressed some concern that the Egan Drive, Main Street to 10th, portion of work would be very disruptive to business if construction took place in the summer months.

Mr. Carrol stated that weather is a factor and the summer months are the only opportunity. Mr. Watt stated that CBJ will coordinate utility work ahead of the road work in order to minimize the impact.

Mr. Nankervis thanked Mr. Carrol for the information provided to the committee.

The following two information items were moved to the next PWFC meeting due to time constraints:

B. Public Works Facility Use Planning

C. Cost Estimating

VI. Contracts Division Activity Report

Discussion ensued.

VII. Adjournment – Next Meeting Scheduled

Next meeting is scheduled for March 2, 2015.



TITLE 49 COMMITTEE

PLANNING COMMISSION, CITY AND BOROUGH OF JUNEAU

MARCH 17, 2015 MEETING, 5:30 PM TO 7:00 PM

COMMUNITY DEVELOPMENT DEPARTMENT (CDD) CONFERENCE ROOM

DRAFT MEETING MINUTES

Committee Members Present:

Nicole Grewe (Chair), Bill Peters, Paul Voelckers, Michael Levine

Committee Members Absent:

Gordon Jackson (alternate)

Staff Present:

Beth McKibben, Planning Manager

Laura Boyce, Senior Planner

Rob Palmer, Law Department

Public or Other Present:

None

Reading of Agenda

- Motion by Bill Peters: To approve the agenda for the March 17, 2015 meeting.
- Vote: Motion carried.
- Resolved: Agenda for the meeting of March 17, 2015 meeting approved without modification.

Approval of Minutes

- Motion by Bill Peters: To approve the minutes for January 27, 2015 meeting with technical edits as provided by Voelckers.
- Vote: Motion carried.
- Resolved: Minutes for January 27, 2015 meeting approved with technical edits as provided by Voelckers.

Agenda Topics

- Permitting of Day Care Facilities
 1. Memo submitted by McKibben and Boyce (dated 3.13.15) guided discussion focused on need for child care facilities, current T49 land use code provisions, and potential T49 revisions to encourage the development of more child care facilities across the borough.
 2. Discussion occurred regarding prior T49 committee work to amend the Table of Permissible uses for child and adult care services. Per staff recollection, traffic was consideration in prior T49 deliberations. Grewe also noted historical discussion regarding the compatibility of larger day care facilities in all residential zones.
 3. Discussion occurred regarding building walkable neighborhoods with schools, day care facilities, and other amenities and services available in neighborhoods. Preference expressed regarding locating larger day care facilities on the margins of neighborhoods rather than inside neighborhood cores.

4. General agreement to reconsider the classification structure for day care facilities. Current structure is up to 8, 9 to 12, and 13 or above (kids). Perhaps consider amending to up to 12, 13 – 20, 21 – 41, and 42 to 60 per staff-presented “Child Care Facilities Map”.
5. General agreement to also reconsider child care facilities of larger size allowed in lower-density residential zones per conditional use permit (amending Table of Permissible uses).
6. Points of concern also expressed regarding encourage development of more child care facilities across the borough, need (or not) to align with state permitting structure, and appropriateness of large facilities in lower-density residential zones.
7. No motions presented, but rather discussion tabled to April 10 meeting pending additional data/information regarding traffic concerns, potential draft land use code language, and other additional research needed.

Committee Member Comments and Questions

- Committee Documentation – Comments via Grewe regarding formalization of meeting agendas, minutes, and other required committee work documentation.
- T49 Workplan – Additional discussion regarding past, present, and upcoming T49 agenda topics, proposed code changes, and overall priorities. Grewe will review historical notes regarding incomplete T49 work from prior years and will present summary to T49 and full planning commission for additional consideration. General agreement to revisit unfinished work and outline future agenda topics. General concern also expressed regarding limited staff time and competing priorities. Further discussion to occur at April meeting. Current-day agenda topics include eagle nests, marijuana, planning unit development (PUD), signage enforcement, and required planning commission attendance.
- Marijuana – Peters inquired about role of T49 committee in amending the land use code to accommodate marijuana. T49 committee may/may not be consulted by the joint Assembly/Planning Commission subcommittee on marijuana. Peter expressed interest in having any proposed land use code changes run through T49 for further review, vetting, and public engagement.
- Regular meeting schedule proposed of second Friday of every month from 11:30 AM to 1:00 PM. Additional meetings as needed and per request of planning staff and/or planning commission.
- Next meeting scheduled for April 10, 11:30 AM at location TBD.

Meeting adjourned at 7:15 PM

FINAL MINUTES
WETLANDS REVIEW BOARD
REGULAR MEETING

February 19, 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, Hal Geiger

Board Members Absent: Lisa Hoferkamp, Dan Miller, Ben Haight

A quorum was present.

Staff Members Present: Teri Camery, CBJ Senior Planner

Public Present:

Meeting called to order at 5:20 p.m.

II. January 29, 2015 Regular Meeting minutes approved

III. Agenda was approved

IV. Public Participation on Non-Agenda Items

None

V. Board Comments.

Ms. Sumner noted that CBJ is listed as a partner with the SEAKGIS website but doesn't know if the LiDAR has been posted because she couldn't find it on the site. Ms. Camery will check to see if the imagery has been posted as well. Mr. Campbell noted that the Board had made a formal motion to request the LiDAR and imagery be made public, so this is good news.

VI. **Agenda Items**

1) Juneau Wetlands Management Plan Update and Field Season Report Discussion

The Bosworth Botanical Consulting (BBC) 2014 Field Season Report was received just a few days before last month's meeting, so the report could not be sent in the packet to the Board until this meeting. Ms. Camery noted that she has sent requested revisions to BBC on the report, with a special emphasis on documentation of Dr. Adamus' quality control measures. She expects to

receive the final revised report in a few more days. The Board is not formally reviewing this document; it is presented to the Board for information and discussion only.

Ms. Camery reviewed the highlights of Bosworth Botanical Consulting's 2014 Field Season Report. Ms. Camery explained that BBC ended the 2014 wetland assessment field season in mid-October. BBC completed a total of 345 assessments and they are far ahead of schedule. The report thoroughly documents the revisions that were made to interpretations of the WESPAK-SE assessment method to adapt to unusual conditions that BBC encountered in the field.

Approximately 20 assessments are left, so BBC expects to the 2015 field season to end as early as mid-May, rather than August as listed in the schedule, depending on weather conditions. Ms. Camery reviewed the next steps on the grant scope of work, including the 2015 field season work, off-site assessments, and JWMP Update preliminary draft report, which is due in October 2015. The preliminary draft requires formal review by the WRB and also the Habitat Mapping Working Group. The Board will also review the final draft. The project is on schedule for completion by May 2016. The project is significantly under budget in most budget categories, and Bosworth Botanical Consulting has done excellent work.

Mr. Medina asked about whether Goldbelt Inc. had authorized permission for on-site assessments. Ms. Camery said no, and noted that Goldbelt was opposed to doing off-site assessments on their property as well. She said that CBJ does not need permission for off-site assessments, since these assessments are completed using information from adjacent public sites and from the 2013 LiDAR and imagery. She said that the Manager's Office and others within the city strongly supported obtaining off-site assessments of the Goldbelt property to facilitate city planning efforts and road development on the back side of Douglas.

Ms. Camery again noted that she has been working with two enthusiastic private property owners on their private property assessments, and believes they will be strong advocates for the JWMP Update in the future. She said that CBJ Engineering and CBJ Lands are already actively using the results of several assessments. She noted that the overall update will be approximately 90-95 percent public lands. However if through this process CBJ is able to demonstrate how to use the assessments effectively in planning, perhaps CBJ could obtain additional funding in the future to conduct more private property assessments and expand the plan.

Ms. Camery also noted that Ms. McNally expects to have draft stream maps available to present to the Board and Planning Commission later this summer.

VII. Pending Permits and Updates

Lemon Creek Gravel Extraction. Following up on the Board's request at the January meeting, Ms. Camery checked into site visit options but found that there was limited or no public parking in areas where gravel extraction could be viewed. An additional problem is that the site visit would have to be scheduled during work hours, which would make it difficult to have a quorum. She mentioned the email that she sent to the Board regarding this issue a few weeks ago which explained the problem. As an alternative, Ms. Camery has contacted SECON, U.S. Fish and

Wildlife Service, and the Alaska Department of Fish and Game to attend the Board's March meeting for a discussion on ongoing habitat restoration efforts on the creek as related to gravel extraction. Ms. Camery will not be here for that meeting, so Ms. McNally will follow-up and finalize the meeting. Ms. Camery noted that SECON conducted mining in the stream last week and this week, and it was excellent news that she was not aware of it until she contacted SECON, because she normally receives a flood of public complaints from the neighbors on the activity. She explained that for the past two years she has met with SECON to go over each project condition (38 total) to ensure compliance, and this year she was also able to meet directly with SECON's contractors. That seems to have made a difference.

Ms. Wright noted that she visited the gravel extraction site last week and was pleased with SECON's measures to protect the stream and isolate extraction areas. She shared photographs with the Board.

Auke Bay Loading Facility. Ms. Camery said that she has been working with CBJ Docks and Harbors and USFWS to develop a plan for vegetating the rip-rap at the site, which would provide habitat benefits and visual screening for the neighborhood. She said that this development is long past the permitting stage, so it would have to be completed with donations and volunteers. She said that she is looking for a site scheduled for clearing that would have meadow plants such as fireweed, salmonberry, thimbleberry, elderberry and beach rye. These plants would provide habitat and screening, but would not damage the rip-rap the way that trees could if the trees blew over. She said Docks and Harbors supports the idea and John Hudson at USFWS has impressive experience with rip-rap vegetation projects in other areas of the community. She said there is growing consensus that all rip-rap projects should be immediately vegetated both for habitat and screening reasons, and this site has strong support.

VIII. Planning Commission Liaison Update.

None.

IX. Next meeting: Thursday March 19, 5:15 p.m., City Hall room 224. Mr Geiger noted that he will not be able to attend.

The meeting was adjourned at approximately 5:45 p.m.