Agenda

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

April 14, 2015
Assembly Chambers
7:00 PM

I. ROLL CALL

II. APPROVAL OF MINUTES

- **A.** March 10, 2015 Special Assembly and Planning Commission Meeting Draft Minutes
- **B.** March 10, 2015 Regular Planning Commission Meeting Draft Minutes

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

IV. PLANNING COMMISSION LIAISON REPORT

V. RECONSIDERATION OF THE FOLLOWING ITEMS

VI. CONSENT AGENDA

- **A.** CSP2015 0004, Land trade of 0,9 acres of land between Christ Evangelical Lutheran Church and the City and Borough of Juneau to provide right-of-way access for Pederson Hill Subdivision.
- **B.** CSP2015 0005, A City Consistency permit for a short telecommunication tower on Mendenhall Peninsula, north of Engineer's Cutoff.
- **C.** PDF2015 0001, Final plan review for 12 unit Planned Unit Development
- **D.** SMP2015 0002 & SMF2015 0002, A combined Preliminary and Final plat review for a major subdivision involving the consolidation of 6 lots into 2 along Jordan Avenue near Nugget Mall.
- **E.** VAR2015 0004, Variance request to side yard setback to allow a garage to be rebuilt.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

- **A.** AME2015 0001, A rezone request to change 5.13 acres from Industrial to Mixed Use
- **B.** AME2015 0002, A rezone request to change 4.5 acres from Waterfront Industrial to Industrial
- **C.** AME2015 0003, Text amendment to 49.45 increasing the sign enforcement fee.
- **D.** AME2015 0005, Rezone request to change 19.71 acres from D-5 to a mix of D-18 and LC (Light Commercial).
- **E.** TXT2009-00001, Proposed Title 49 and Title 4 changes regarding the subdivision of land.

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

XII. DIRECTOR'S REPORT

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XV. ADJOURNMENT

MINUTES

Planning Commission Special Meeting

CITY AND BOROUGH OF JUNEAU

A Joint Work Session of the Juneau Assembly and the Juneau Planning Commission

March 10, 2015

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I. FLAG SALUTE

II. ROLL CALL

Merrill Sanford, Mayor, called the Special Meeting of the City and Borough of Juneau (CBJ) Assembly and Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 5:34 pm.

Assembly members present: Merrill Sanford, Mayor; Mary Becker, Debbie White, Jesse Kiehl, Karen Crane, Maria Gladziszewski, Jerry Nankervis, Loren Jones (telephonically)

Assembly members absent: Kate Troll

Commission members present: Mike Satre, Chairman; Dennis Watson, Vice Chairman; Bill Peters, Michael LeVine, Nicole Grewe, Gordon Jackson, Dan Miller, Paul Voelckers, (5:55 p.m.); Ben Haight, (6:36 p.m.)

Commission members absent:

Staff present: Kim Kiefer, City Manager; Amy Mead, City Attorney; Robert Palmer, Assistant Attorney II; Hal Hart, Planning Director; Beth McKibben, Planning Manager; Laura Boyce, Senior Planner

III. PUBLIC PARTICPATION ON NON-AGENDA ITEMS – None

IV. INFORMATION ITEMS

- Joint Work Session of the Assembly and Planning Commission

Mayor Sanford said one purpose of this meeting was to make sure there were clear

understandings on both the part of the Planning Commission and the Assembly, and that the channels of communication remain open and clear.

Subdivision Ordinance Update
The staff provided an update on the Subdivision Ordinance. Ms. Mead said the Planning Commission completed its review of the Subdivision Ordinance and forwarded it to the Law Department for its review. Because the Ordinance had been under review for such a long period of time, (since 2007) it had lost all connection to the current Code, said Ms. Mead. As a solution the Law Department has separated the substantive policy changes from the reorganizational piece, said Ms. Mead.

Ms. Mead said she is about two thirds of the way completed placing the substantive pieces into the current Code. They plan on submitting the Ordinance for review to the Planning Commission at its April 14, (2015) meeting, and it will subsequently be introduced to the Assembly at its April 27, (2015) meeting, said Ms. Mead.

Ms. Boyce explained that this Ordinance is a proposed change to Title 49 which addresses changes to the rules regarding subdivisions. Many of these pieces regarding the Code regarding subdivisions come from the 1960's, said Ms. Boyce. Many of the changes made since that time are piecemeal approaches and many are out of date, she said.

The initial idea was to combine all of the processes of the Code into one chapter so that it could be handed out to developers for clarity of the process, said Ms. Boyce. However, that consolidation of Code into one chapter will not happen at this time.

Proposed changes outlined by Ms. Boyce:

- ✓ A way to cancel applications
- ✓ A new public notice requirement for minor subdivisions to notify adjacent property owners that something will occur on the property next to them
- ✓ Solidify the construction plan and approval process
- ✓ Issue a notice of decision for minor subdivisions after review of the preliminary plat
- ✓ Change the threshold of minor subdivisions from one to four lots to 13 lots with Director in-house approval
- ✓ Change the threshold of major subdivisions from five or more lots to 14 lots or more with Planning Commission approval at both preliminary and final plat stage
- ✓ Presumption that if a major subdivision meets all the requirements of the zoning district that it can be approved
- ✓ Expansion of the parking section to cover more parking scenarios
- ✓ Common wall side setback clarification
- ✓ Expansion of right-of-way vacations so they are covered under Director approval in most instances
- ✓ Lot consolidations regardless of the number of lots affected would be reviewed as a minor subdivision

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- ✓ Lot design requirements could be waived by either the Director or the Planning Commission for lots that would serve a public purpose such as a park
- ✓ Limits proposed to the lengths of panhandle lots
- ✓ Linkage of the street standard requirements to the trips generated by the development
- ✓ There are now certain instances where a right-of-way could be waived
- ✓ The Director could permit up to 13 lots allowing a gravel shared driveway as a right-of-way which would essentially be a private road, which would be a special permit the applicant would apply for with an agreement by all the property owners that the road would be maintained by them, not the City

There will be a handout compiled for potential developers listing all of the various places in the Code that would be relevant for their development, said Ms. Boyce. The process in Chapter 15 is being clarified to be easier for the users, said Ms. Boyce.

This will be brought to the Subdivision Review Committee next, said Ms. Boyce.

Assembly/Commission Comments and Questions
Mayor Sanford said he wanted to make it very clear that both the Planning Commission Chairman and himself wanted to see these changes accomplished in a timely fashion. He said they want to see this completed within the next couple of months.

Chairman Satre said he felt it was disappointing from his perspective and from that of some of the Commissioners that a final chapter could not be implemented within the Ordinance for the sake of reference for developers. He said the changes themselves recommended sound very good but that long-term they need to look at getting this into a single chapter.

Mr. Jones said that he would need more time to review the Ordinance before voting upon it. He said he has no understanding of what the content of the Ordinance is, and that he would caution becoming a slave to the calendar just in order to pass it.

Mr. Watson said he had discomfort with a pass-out document since a Word document rarely got changed. He said the language in the Ordinance had been simplified and was made much easier to understand by the public.

Mr. Kiehl said that he was going to need some help with the concept of right-of-ways and driveways. He said he felt some of the changes were more than streamlining, but significant policy shifts.

Mr. Miller said it is currently a very convoluted Code even for the staff which works with it every day. He said he felt the new Subdivision Ordinance would be extremely helpful for both the staff and the public.

Chairman Satre said he hoped the Assembly would look at the Subdivision Review Ordinance as a bigger policy call rather than looking at shifting specific numbers one way or another.

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Mr. Voelckers said he felt that perhaps development has been stymied in the community somewhat and that hopefully this Ordinance would help alleviate that by reducing some of the practical, smaller, impediments to development.

Ms. Mead explained that currently when drafting policy changes staff begins that process with the Law Department rather than first drafting the policy and then coming to the Law Department for its review.

Ms. Grewe said as both a Planning Commissioner and as a planner she felt the Commission should be able to put words on paper without always having to consult the Department of Law first.

Ms. Mead said that the Law Department has no place in the policy decisions at all. She said they wanted to make sure that the actions of the bodies were legal, and that the Code has consistency, which is where they ran into problems with the Subdivision Ordinance.

Assembly/Commission Communication
Mayor Sanford said the Assembly understands and respects the role of the Planning Commission. Regarding the Planning Commission decision on North Douglas which the Assembly sent back; he felt the main concern of the Assembly on that issue was public notice. He said he felt it may be time to review that section of the Code and for it to be updated if needed.

Chairman Satre said he felt this was a an important issue to be considered but very difficult to be changed on an individual application level. He said in general the Commission fully understands that when an item goes to the Assembly that it can be appealed. When it comes to a zoning change said Chairman Satre, the Commission has made a recommendation. That zoning change can only be implemented through ordinance, and that is in the court of the Assembly, he said. It does not need to come back to the Commission, said Chairman Satre. The Assembly can reject the recommendation of the Commission, or it can make any change to that recommendation.

Mr. Kiehl said speaking for himself in the above instance, the goal was to keep the avenues of communication open between the Assembly and the Commission.

V. ASSEMBLY/COMMISSION COMMENTS AND QUESTIONS - None

VI. ADJOURNMENT

The meeting was adjourned at 6:53 p.m.

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MINUTES

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

March 10, 2015

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I. ROLL CALL

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

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

Commissioners absent:

Staff present: Hal Hart, Planning Director; Beth McKibben, Planning Manager; Chrissy McNally, Planner I, Jonathan Lange, Planner II, Allison Eddins, Planner I, Gary Gillette, Port Engineer, Docks and Harbors

II. APPROVAL OF MINUTES

- February 10, 2015 – Planning Commission Committee of the Whole Meeting
- February 10, 2015 – Regular Planning Commission Meeting

MOTION: *by Mr. Miller, to approve the February 10, 2015, Regular Planning Commission meeting minutes and the February 10, 2015, Planning Commission Committee of the Whole meeting minutes with any minor modifications by any Commission members or by staff.*

The motion was approved with no objection.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT - None

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

Mr. LeVine asked that Item A (CSP review of Glacier Highway Pavement Rehabilitation from Lena Cove to Tee Harbor State Project #67564) be removed from the Consent Agenda and placed on the Regular Agenda for purposes of discussion.

VAR2015 0003:	Variance request to work within 330 feet of an eagles nest for the Glacier Highway Pavement Rehabilitation Project #67564.
Applicant:	State of Alaska
Location:	Glacier Highway from Lena Cove to Tee Harbor

Staff Recommendations

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2015 0003. The Variance permit would allow for road rehabilitation within 330 feet of active Bald Eagles nests along 1.5 miles of Glacier Highway, beginning at Lena Loop Road and ending at Point Stephens Road. After reviewing the Eagle Take Permit conditions mandated by USFWS (See Attachment F), staff has determined that no additional conditions are necessary.

CSP2015 0001:	CSP review of Glacier Highway Pavement Rehabilitation from Lena Cove to Tee Harbor State Project #67564.
Applicant:	State of Alaska
Location:	Glacier Highway from Lena Cove to Tee Harbor

Staff Recommendations

Staff recommends that the Planning Commission adopt the findings in this staff report and recommend to the Assembly that CSP2015 0001 is consistent with adopted local plans and policies, as required by CBJ 49.15.540 and AS 35.30.010.

Staff further recommends that two advisory conditions be placed on the finding of consistency in order to provide all possible notice to the applicant and the project contractor that a construction noise permit will be required for heavy equipment work during night-time hours as provided at CBJ 42.20.095(b) and that notice of any street closure must be provided to both JPD and CCF/R.

Advisory Conditions:

1. CBJ 42.20.095(b) Construction of buildings and projects. It is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment, before 7:00 a.m. or after 10:00 p.m., Monday through Friday, or before 9:00 a.m. or after 10:00 p.m., Saturday and Sunday, unless a permit shall first be obtained from the City and Borough of Juneau Building Official. Such permit shall be issued by the Building Official only upon a determination that such operation during

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hours not otherwise permitted under this section is necessary and will not result in unreasonable disturbance to surrounding residents.

2. At least three business days prior to any traffic revision or road closure of any public street or portion thereof, the contractor shall provide written notification of the traffic revision plan to the CBJ Fire Marshall and Chief of Police. Failure to provide such notice may result in suspension of any CBJ-issued permits for such work, and is punishable by fine as an unlawful street closure under CBJ 72.17.010.

CSP2015 0002:	A City Project review for an expansion of the Southeast Alaska Food Bank on leased City owned land.
Applicant:	City and Borough of Juneau
Location:	10020 Crazy Horse Drive

Staff Recommendations

Based upon the proposed plan (identified as Attachments A and B), and the findings and conclusions stated above, the Community Development Department Director recommends the Planning Commission **RECOMMEND APPROVAL** to the Assembly for the request.

MOTION: *by Mr. Watson, to approve Consent Agenda Items B., VAR2015 0003; C., CSP2015 0001; D., CSP2015 0002 with staff's findings, analysis and recommendations, and asked for unanimous consent.*

The motion was approved by unanimous consent.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

VAR2015 0002:	A Variance request to dredge and reconstruct the southern portion of Douglas Boat Harbor within 330 feet of an eagle nest located on Mayflower Island.
Applicant:	City and Borough of Juneau
Location:	115 Dock Street

Staff Recommendations

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested Variance, VAR2015 0002. The Variance permit would allow for the renovation of Douglas Harbor within 330 feet of an eagle nest on public land. The permit would be subject to the following advisory condition:

1. Hours of operation shall comply with CBJ § 42.20.095(b*) Construction of buildings and projects.*

Mr. Haight stepped down from discussion and action on this item.

Mr. LeVine said that he understands this is an extension of a variance which has been granted in the past. He said that his first question is in reference to the conditions based upon the variance. The variance in the past had conditions placed upon it where this time the variance has no conditions placed upon it, said Mr. LeVine. Since there are no conditions placed this time he said he was interested in the staff's confidence in the conclusion that the eagles would come to no harm due to the construction activity. His second question was that based upon the fact that the City had applied for a Fish and Wildlife Service permit if the City should grant a variance before the Fish and Wildlife Service permit had been granted.

Ms. McNally said they had typically relied upon the Fish and Wildlife Service to guide them in their approval of variances for eagle nests. She said in review of this particular variance that she did speak to the Fish and Wildlife Service and she did speak with Fish and Game, and was told that the conditions applied to the two previous variances do not apply to the eagle nest but to anadromous streams. She added that the City does not have the ability within its department to enforce Fish and Wildlife Service conditions. They do rely on the Fish and Wildlife Service permit for the protection of eagles, said Ms. McNally.

Mr. LeVine clarified that the City is not first required to obtain a Fish and Wildlife Service permit.

Ms. McNally verified that this was so.

Mr. LeVine asked on what conclusions in the report was it based that the eagles would not be harmed.

Ms. McNally responded it was based upon the advisory conditions that the City is able to enforce. She added those were the restriction of the hours of operation.

Mr. LeVine said while he is not particularly concerned about this particular pair of nesting eagles, that he is concerned about the assertion that these eagles will not be harmed based upon no actual information to make that judgment. Making the assertion that there are not funds available to protect the eagles is not the same thing as saying they are not going to be harmed, said Mr. LeVine.

Mr. Gillette said they were told it could take about 90 days to obtain the Fish and Wildlife Service permit they have applied for. They will have to abide by whatever conditions are on that permit for the project, he said. Fish and Game does not require a permit for the nesting eagles, he said. He added that it is unclear whether the City has the authority to issue any conditions relative to protections of the eagles.

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Mr. Voelckers asked if there was any practical possibility that pile would be driven between 7:00 p.m. and 10:00 p.m. in the evening.

Mr. Gillette responded that it is stipulated in the Ordinance that work can be done between 7:00 a.m. and 10 p.m.

MOTION: *by Mr. Watson, to approve VAR2015 0002 accepting staff's findings and recommendations, and asked for unanimous consent.*

The motion was approved by unanimous consent.

X. BOARD OF ADJUSTMENT - None

XI. OTHER BUSINESS - None

XII. DIRECTOR'S REPORT

Ms. McKibben reported that reviewing the eagle variance process is on the staff's list of projects to review. Ms. McKibben said that she and Ms. Camery have worked with the Fish and Wildlife Service and have some draft language to bring to the Title 49 Committee. That will come before the Title 49 Committee when Fish and Wildlife Service staff are available to attend a meeting.

Next Tuesday (March 17, 2015) a Title 49 Committee meeting is scheduled to discuss childcare, said Ms. McKibben.

Mr. Hart announced that Ms. McKibben has been promoted to Planning Manager.

In April Mr. Hart said they would like to bring Sue Douglas before the Commission to discuss senior housing.

The Auke Bay Plan should be adopted next week, said Mr. Hart. The next step will be implementation of that plan, he added. One thought is a public-private partnership involving financial contribution by developers, said Mr. Hart.

Chairman Satre said he is glad to see progress being made on the eagle's nest ordinance because it is badly needed.

Access to Planning Commission and Community Development Department information is now terribly difficult to find on the CBJ website, said Chairman Satre. He said it has been changed and hopes that this is simply a part of a process and that it will be remedied soon. He added this is a big hindrance to imparting information to the public.

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Ms. McKibben responded that she believes this may be part of a new process of uploading staff reports to the website.

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Commission on Sustainability and Wetlands Review Board
Mr. Haight said there will be a meeting tomorrow (March 11, 2015) with The Commission on Sustainability followed by a Wetlands Review Board meeting on Thursday night (March 19, 2015).

Public Works and Facilities Committee
Mr. Watson said the Public Works and Facilities Committee met on Monday (March 2, 2015). It listened to a presentation by a representative from AEL&P on the electrification for certain locations around the community for electric cars. There is a small City paving project in the McGinnis subdivision. One small portion which was under contention will remain unpaved, said Mr. Watson.

Lands Committee
The Lands Committee met last week, said Mr. Peters, and the bulk of the meeting was spent discussing the parcel of land in the back of Lemon Creek. It was decided to move that project forward to the Assembly for full consideration, he said.

Subdivision Review Committee
The subdivision Review Committee is scheduled to meet next week, said Mr. Voelckers, and it was scheduled to discuss PUD's (Planned Unit Developments) he said, but instead it is going to discuss the amended Subdivision Ordinance.

Marijuana Committee
The Marijuana Committee met two weeks ago, said Mr. Chairman Satre, for an overview of federal guidelines for states and municipalities on implementing legalization of marijuana. They will hold another meeting Thursday night (March 12, 2015). They will be conducting meetings every other Thursday night, said Chairman Satre.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Miller said he appreciated the fresh perspective brought by Mr. LeVine regarding the eagle's nest ordinance issue.

Mr. Miller said to him it was telling that during the joint meeting with the Assembly tonight those Assembly members who had either served on the Planning Commission or who were associated with the housing industry were anxious to implement the Subdivision Ordinance. It will simply take some education for those members who have not already been exposed previously to those avenues, said Mr. Miller.

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Mr. Jackson said he found it extremely helpful to sit down and talk with the Assembly face-to-face.

Mr. Peters said he would like to know when the issue of public notice would be brought back to the Commission for discussion.

Chairman Satre explained under questioning for clarification from Ms. McKibben that while the current public notice requirement is met there are instances where it is inadequate, and the question is how should those needs be met.

Ms. Grewe suggested this be deferred to the Title 49 Committee and that public notice requirements from neighboring communities such as Ketchikan and Sitka be reviewed as well. She added that the current written public notice should be reviewed and new ways of issuing that notice be considered.

Mr. Voelckers said that as he recalled from work with the wireless ordinance that different types of functions called for different types of notice. Identifying the parties in circumstances when they could be affected 15 miles down the channel could call for different types of notice, he said.

XV. ADJOURNMENT

The meeting was adjourned at 8:07 p.m.

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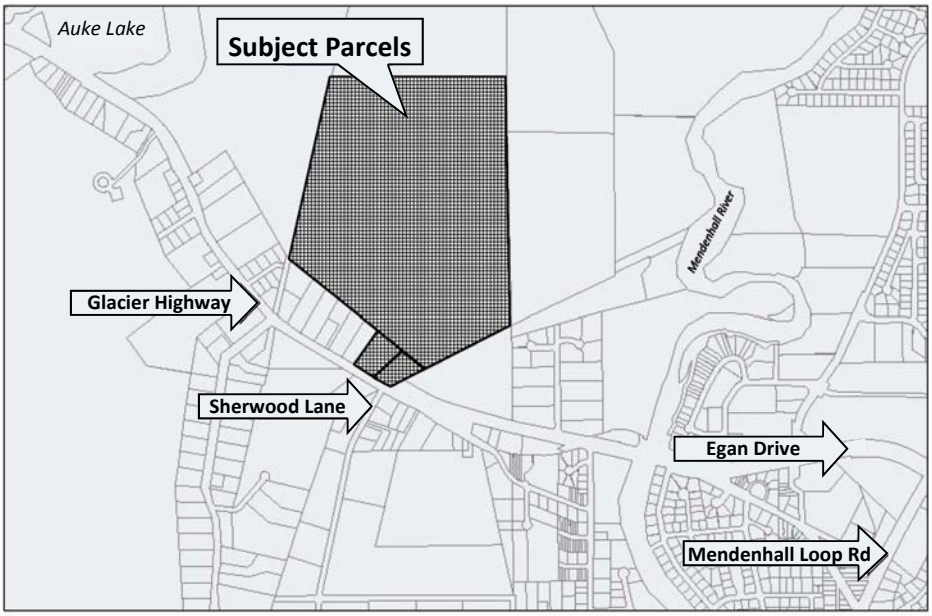
NOTICE OF PUBLIC HEARING



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

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: **Land trade of 0.9 acres of land between Christ Evangelical Lutheran Church and the City and Borough of Juneau to provide right-of-way access for Pederson Hill Subdivision**

File No:	CSP2015 0004	Applicant:	CBJ Lands and Resources
To:	Adjacent Property Owners	Property PCN:	4-B22-0-101-010-0 4-B22-0-102-001-1 4-B22-0-102-001-2
Hearing Date:	April 14, 2015	Owner:	City and Borough of Juneau; Christ Evangelical Lutheran Church
Hearing Time:	7:00 PM	Zoned:	D-10
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Site Address:	10300 Glacier Highway
		Accessed Via:	Glacier Highway

PROPERTY OWNERS PLEASE NOTE:

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

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Date notice was printed: March 16, 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: March 31, 2015

TO: Planning Commission

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

FILE NO.: CSP2015 0004

PROPOSAL: Land trade between Christ Evangelical Lutheran Church and CBJ to facilitate Pederson Hill development.

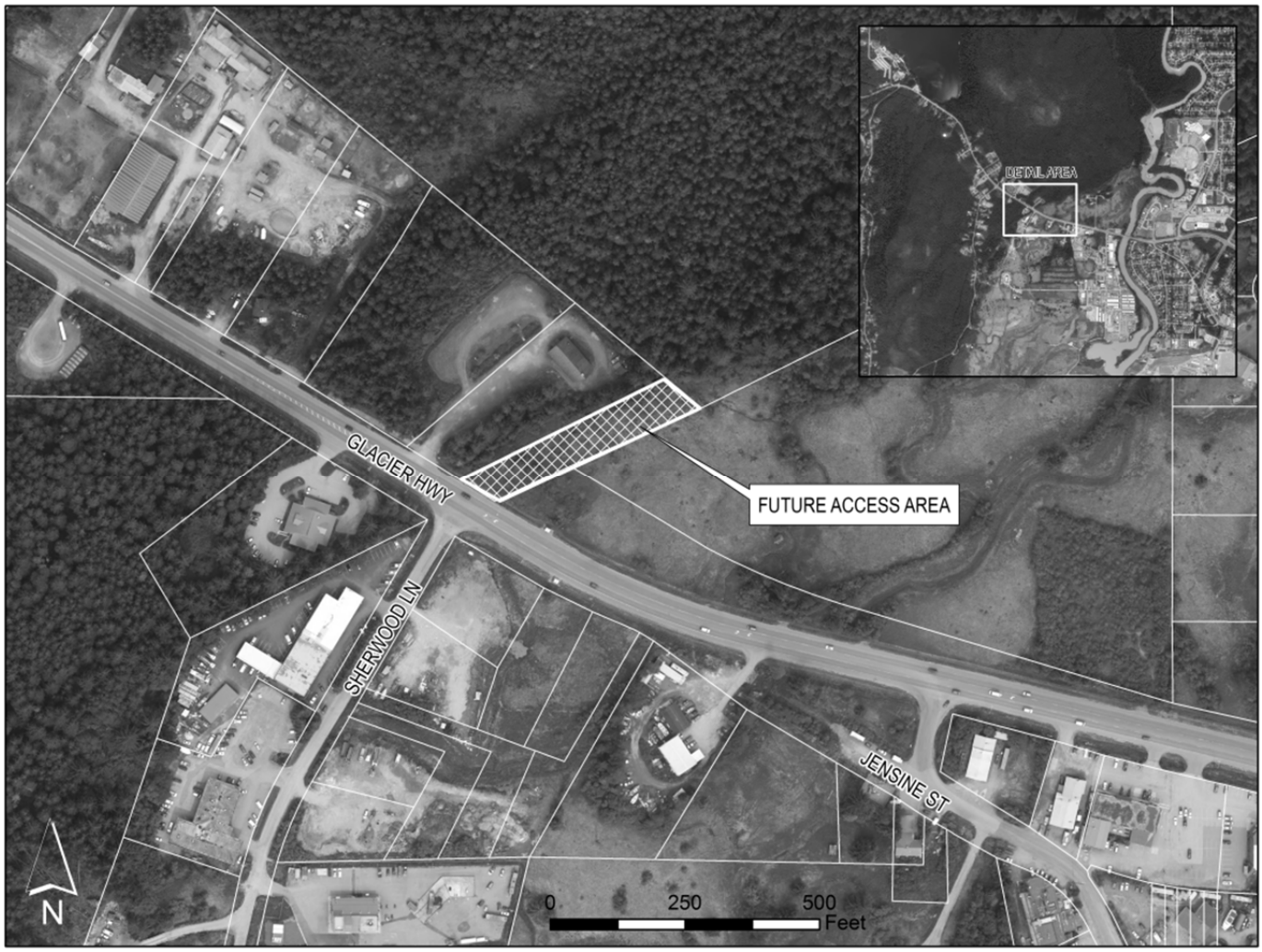
GENERAL INFORMATION

Applicant:	City and Borough of Juneau (CBJ)
Property Owner:	City and Borough of Juneau & Christ Evangelical Lutheran Church of Juneau
Property Address:	10300 Glacier Highway
Legal Description:	USS 3873 and Lots 1A & 1B of McGhee Subdivision
Parcel Code No.:	4-B22-0-102-001-1, 4-B22-0-101-010-0, and 4B22-0-102-001-2
Site Size:	Total land trade area = 1.8 Acres
Comprehensive Plan Future Land Use Designation:	Medium Density Residential (MDR)
Zoning:	D-10 & D-10 SF (SF = Single Family)
Utilities:	CBJ Water & Sewer
Access:	Glacier Highway
Existing Land Use:	Church

Surrounding Land Use:

North - D-10; Vacant CBJ land
South - D-10; Misc. Offices, Sherwood Lane
East - D-10; Vacant private land; Glacier Hwy
West - D-10; Church; Glacier Hwy

Vicinity Map



ATTACHMENTS

Attachment	A	Conceptual Pederson Hill Sub. Layout
Attachment	B	CBJ Lands & Resources Memo
Attachment	C	Memorandum of Understanding
Attachment	D	Proposed As-Built Survey

PROPOSAL

As part of developing the future Pederson Hill residential subdivision, the CBJ seeks a land trade with the Christ Evangelical Lutheran Church to create a new access point for a future Right-of-Way (ROW) to intersect Glacier Highway opposite of Sherwood Lane (See vicinity map). This ROW will help create access to the future residential subdivision. Attachment A provides a conceptual layout of this subdivision. A memo describing this proposal can be read under Attachment B.

The land swap is a CBJ land disposal/ acquisition, and therefore, requires Planning Commission recommendation per CBJ 49.10.170 (c) and the CBJ Land Management Code 53.09.260(b) for later Assembly action. The CBJ Lands and Resources Division filed the subject City Consistency Review as the process for Planning Commission review and recommendation.

Concurrent with this review, the CBJ Lands and Resources Division filed a proposed subdivision application showing the change in property lines resulting from the land swap (case No. SMN2015 0004).

BACKGROUND

The 2012 Pederson Hill Access Study evaluated areas around Pederson Hill (also known as Hill 560) that could be suitable for future housing development and new road access to provide desperately needed housing in the community. This study showed conceptual access routes, future interior streets and subdivision lines. The study projects a total of 200 single family detached houses and 100 multi-family units. The area planned for this development is primarily on CBJ lands.

Although the Pederson Hill area presents many challenges for development, such as wetlands, steep slopes and anadromous streams (fish spawning), there are some suitable or less difficult areas for future roads and buildings. Future wetland and stream delineations, soil samples, site engineering, etc. will occur in later stages of planning.

Given the size and cost of building the needed infrastructure, the Pederson Hill development will be built in phases. The access study identifies three phases, each of which run north of and parallel with Glacier Highway. In total, the whole development will stretch from Wildmeadow Lane north to Wilma Avenue. Each phase establishes new access points directly onto Glacier Highway or through an existing secondary road.

The Pederson Hill development was initiated last summer with the rezoning of approximately 150 acres of CBJ land. Two large CBJ parcels were rezoned from D-1(T)D-5 to D-10 and D-10SF. The density increased from 1 dwelling unit per acre to 10 dwelling units per acre. This density provides efficient use of land, consistency with the Comprehensive Plan, housing opportunities and is supporting nearby CBJ Capital Transit.

Most recently, the CBJ Lands and Resources Division and the Christ Evangelical Lutheran Church signed a Memorandum of Understanding which identifies a land swap of 0.9 acres and a new sewer and driveway hook-up for the future road. This Memorandum of Understanding helped to obtain needed ROW space which led to the filing of the subject City Consistency Review and can be read under Attachment C.

ANALYSIS

Although, the Pederson Hill Access Study shows five new access points to Glacier Highway or existing secondary streets, the CBJ Lands and Resources Division recently concluded that only two of those five are needed for the future development. One access point is planned near the Christ Evangelical Lutheran Church (subject proposal), and the other will be across from Engineer's Cutoff Road. These two access points will reduce costs for roads, utilities, site engineering, and land purchases. These access points are shown in Attachment A. Speaking with Greg Chaney, CBJ Lands and Resources Manager, this conceptual development layout supersedes the layout shown in the Pederson Hill Access Study. As the Pederson Hill development expands farther up the hill, additional routes along Glacier Highway may be needed in the future.

The subject City Consistency review is only for the land swap. No construction drawings or detailed analyses of the future road have been prepared at this time.

CONFORMITY WITH ADOPTED PLANS

Land Use Code, Title 49

A preliminary review of the proposed subdivision to ensure compliance with subdivision regulations (i.e. minimum lot size, dimension, etc.) and other dimensional standards (i.e. yard setbacks, lot coverage, etc.) has been completed and was found to be in compliance with the D-10 zoning district standards. An as-built survey is provided under Attachment D showing the existing church, driveway, and other structures. Consolidating the two church parcels and stretching the CBJ parcel southward to Glacier Highway complies with the subdivision regulations of the Land Use Code. A detailed plat review is currently being undertaken by CBJ staff to ensure compliance with Title 04.

Comprehensive Plan

The 2013 Comprehensive Plan indicates a housing shortage and large demand for affordable

housing. The Pederson Hill residential development is meant to provide smaller, less expensive housing. According to the memo provided under Attachment B, the future properties will be designed to attract the development of small homes, which is not currently being provided in the community. Below is a paragraph from the Housing chapter of the Plan that speaks to a percentage of the community that is burdened from the expensive housing in Juneau.

> "The three indicators of a housing crisis are the presence of households that (1) are paying more than 30% of their household income for shelter, thereby deemed "overburdened" by housing costs; (2) live in overcrowded conditions, that is, more than one person per room within the home; and/or (3) live in unsafe and/or unsanitary housing units, that is, without a full kitchen and bath. The 2008 American Community Survey by the U.S Census reports that nearly 4,000 of the 12,187 Juneau households spent more than 30% of their household incomes on household costs in 2008. This includes 1,350 households that spent more than 50% of their incomes on household costs. According to the 2010 *CBJ Housing Needs Assessment* report by the Juneau Economic Development Council (JEDC), 38% of Juneau renters and 39% of homeowners do not have affordable housing." Emphasis added. Page 25.

Pederson Hill was specifically identified as lands under CBJ ownership which could offer new housing development opportunities. See below.

> **Adequate Supply of Land for Housing**
> "The City and Borough of Juneau encompasses 3,248 square miles, of which 1,616 square miles are land, 928 are icefield and 704 are water. Of the land area, approximately 14,956 acres are zoned for residential use, of which approximately 8,900 acres are vacant, representing 60 percent of all residentially-zoned land in the city and borough. However, in 2008, only 1,315 acres were zoned for densities of 10 residential units per acre (or greater, which is the minimum density needed to produce housing affordable to moderate to lower-income households. Of these 1,315 acres, 484 acres were vacant, representing 40% of the land zoned for moderately high density residential development. Subsequent up-zonings of residential areas on Pederson Hill and along North Douglas Highway, as well as changes to density limits in the Land Use Code, have increased the amount of land allowed to be developed at ten units per acre or more. It would appear that there is sufficient vacant land designated at densities that can produce affordable housing." Emphasis added. Page 33.
>
> "Only three of the 12 CBJ-owned buildable sites are in areas served by roadways with Levels of Service C or better; these three are located near the University on the Mendenhall Peninsula and east of Auke Lake on Pederson Hill. These three sites are also located within walking distance of existing public transit routes that can assist in reducing the parking requirements and resulting costs of development." Emphasis added. Page 36.

The following policies of the Comprehensive Plan are germane to the proposal:

> **POLICY 4.1. TO FACILITATE THE PROVISION AND MAINTENANCE OF SAFE, SANITARY AND AFFORDABLE HOUSING FOR CBJ RESIDENTS.** Page 36.
>
> **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**. Page 37.
>
> **POLICY 4.6. TO FACILITATE AND ASSIST IN THE DEVELOPMENT OF AFFORDABLE HOUSING.** Page 40.
>
> **Guideline Consideration for Subarea 3: Auke Bay, Mendenhall Peninsula, and West Mendenhall Valley:**
> **16. Consider the transportation improvements recommended in Chapter 8 of this Plan. Investigate the feasibility of a roadway extending from Glacier Highway and running east of Auke Lake through the Pederson Hill area to the Mendenhall Back Loop Road; this may be designed as a collector street serving development of the Pederson Hill area and could also be considered as a possible bypass of the Auke Bay area.** Page 179.

The proposed land swap providing for a new ROW for the future Pederson Hill housing development is consistent with those policies and will ultimately help provide more housing options for the community.

CBJ Capital Improvement Program

The Capital Improvement Program (CIP) is a plan of public improvements for a 6-year outlook that is broken into line items by department. Under the approved 2015-2020 CIP for CBJ Lands and Resources, there is a project titled "Pederson Hill Subdivision & Infrastructure – Ph 1" with an FY 2016 allocated amount of $7.5 million. Due to recent CBJ budget constraints, this amount has been reduced. As the budget loosens, additional funding for this project is expected.

HABITAT

According to Hill 560-Wetland Delineation and Functional Analysis dated 2009, there are mapped wetlands and drainages uphill (north) of the Christ Evangelical Lutheran Church. That analysis appeared to address CBJ lands, not private. Also, the adopted 1994 Juneau Wetlands Management Plan shows possible wetlands in the area of the future ROW near Glacier Highway on the property of the Christ Evangelical Lutheran Church.

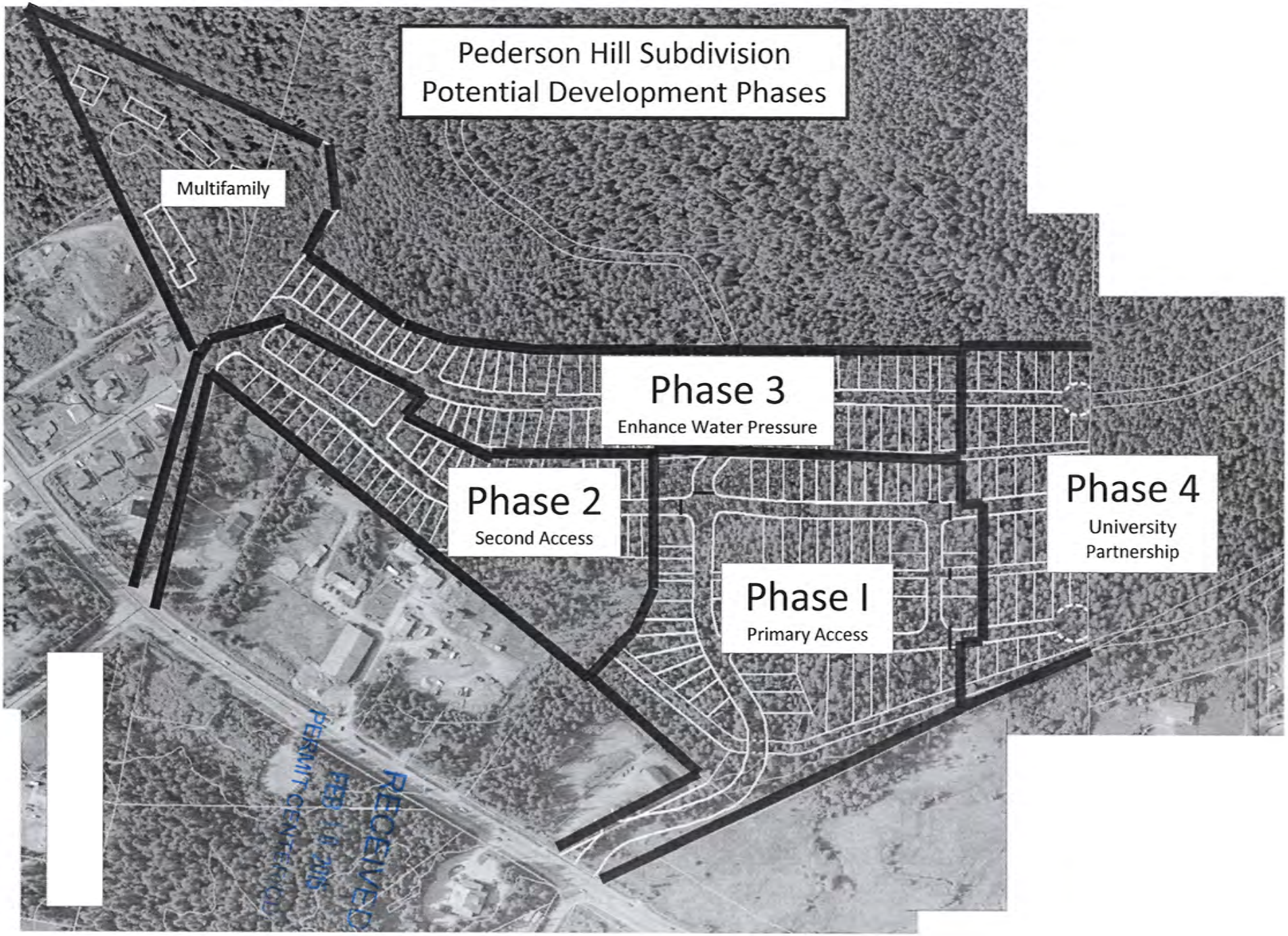
If required, US Army Corps of Engineers (COE) permission will be obtained prior to the construction of the future road and infrastructure.

FINDINGS

CDD staff finds the proposed City Consistency Review meets all applicable Land Use Codes and is consistent with adopted plans and studies.

RECOMMENDATION

Staff recommends the Planning Commission forward the subject City Consistency Project review to the Assembly with a recommendation of approval.



ATTACHMENT A

Memorandum

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

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FEB 10 2015
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From: Division of Lands and Resources

To: Planning Commission and Assembly

Date: February 6, 2015

Re: City Project Review
Land Trade with Christ Evangelical Lutheran Church to Provide Right-of-Way Access for Pederson Hill Subdivision

---

In 2012 DOWL HKM completed the *Pederson Hill Access Study*. This report addressed City owned property at the base of Pederson Hill and identified land that was suitable for residential housing. The report found that a band of development was possible at the base of Pederson Hill on CBJ property. Within this region, the area opposite Sherwood Lane and behind Swampy Acres was found to be the most favorable for development. Lands staff has been working with Community Development, CBJ Engineering, Christ Evangelical Lutheran Church, DOWL consultants and the local neighborhood for the last year to develop conceptual plans for a single family subdivision in this location. A significant outcome of this effort has been the recent rezoning of this region to D10SF. This is a single family residential district that will allow a density of 10 dwelling units per acre.

The proposed Pederson Hill Subdivision is an ambitious project that will ultimately bring roughly 100 units of multifamily and 200 residential lots to the market. Multi-family lots will be large properties that allow density to be clustered in the most suitable areas. The residential lots will be similar in size to the 4,000 to 5,000 square foot lots in the historic Juneau and Douglas neighborhoods. Small residential lots are not being developed by the private sector in the Borough. Therefore, this subdivision won't be direct competition with private developments. One significant goal of this proposal is to provide a supply of small, lower priced lots that will encourage small house construction. All other things being equal, a small house on a small lot will be less expensive than a larger home on a large lot.

A sketch showing the ultimate build out of the proposed subdivision is shown on Figure 1.

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Figure 1. Sketch of possible subdivision at full build out. Two proposed access points are labeled A & B.

Dimensional Standards

Typical in this subdivision

The property is zoned D10SF
Minimum Lot Size 3,600 square feet
Minimum Lot Width 40'
Minimum Lot Depth 85'

Typical Lot Depicted: 5,000 square feet
Average Lot Width 50'
Average Lot Depth 100'
Main Access Right-Of-Way 60' wide
Other Rights-of-Way 50' wide
Pedestrian Stairway Width 20'-25' wide

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Land Trade Proposed

There is one access right-of-way that has been platted however it has not been constructed (Figure 1, A). This unnamed right-of-way is near Hamilton Street and opposite Engineer's Cutoff. Although the alignment is appropriate for future access to the subdivision, it enters the property at a relatively high elevation. Developing the subdivision from this location poses two significant problems. Lift stations will be needed to pump sewage uphill and domestic water pressure needs to be enhanced at this elevation. The combination of these factors will significantly increase the cost of development.

The *Pederson Hill Access Study* identified another primary access route for this subdivision. (Figure 1, B) This road alignment is lower in elevation and would enter the site near Christ Evangelical Lutheran Church. This site is directly across Glacier Highway from Sherwood Lane and the Department of Transportation identified this as the preferred location for access. This location would create a four way intersection on a relatively level stretch of Glacier Highway with excellent sight distance. Since the site the church is proposing to trade is lower in elevation than CBJ's property, gravity driven storm water and sewer drainage could be accommodated at this location. Given all of these factors, this site would be the best location to initiate development of this subdivision.

The property that would accommodate this alignment is currently owned by the Lutheran Church. During the last year, CBJ Lands and Resources staff have been discussing mutually agreeable terms for the CBJ to acquire this property for a right-of-way alignment. DOWL Engineering has created a draft plat showing the lot line adjustment needed for the land trade (Attachment 1). At this time a Memorandum of Understanding outlining terms of a potential land trade has been signed by Greg Chaney, CBJ Lands Manager and Dean Dawson, President of Christ Evangelical Lutheran Church (Attachment 2). There are three main elements involved in the agreement:

- **Each party to the agreement will trade 0.9 acres.**

  The CBJ will receive 0.9 acres that borders Glacier Highway and stretches to CBJ's property line. This alignment is configured to be wide enough to build an intersection opposite Sherwood Lane and provide for a street alignment below the church building. In exchange the church would receive a 0.9 acre parcel along their northeastern property line. This 0.9 acre lot would provide the church with a buffer from the new subdivision and accommodate future church expansion.

- **CBJ will connect the church to City sewer.**

  The church is currently utilizing an onsite wastewater disposal system. The existing leach field is very close to the new right-of-way location. A new sewer main will be installed in the right-of-way as part of required subdivision improvements so the City can provide this connection for relatively little expense as part of the project.

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- **CBJ will construct a new access driveway for the church.**
  A driveway currently provides access to Glacier Highway for the church parking lot. Since DOT requires number of access points on an arterial to be kept to a minimum, the church driveway will have to be connected to the new CBJ right-of-way when the new road is built. The revised driveway configuration will be incorporated into the new road construction project.

Pederson Hill Major Subdivision Phased Development

Cost estimates to complete this project are still being developed however it is likely that funding will not be available to build this subdivision all at once. Therefore it is being proposed in phases. Phase 1 can be seen on Attachment 3. Size and extend of subsequent phases will be scaled depending on available funding. CBJ Lands and Engineering are looking for opportunities to develop public/private partnerships within this framework.

Comprehensive Plan

CBJ 49.10.170 (c) states:

> *City and Borough land acquisitions, disposals and projects.* The Commission shall review and make recommendations to the Assembly on land acquisitions and disposals as prescribed by Title 53, or Capital Improvement Project by any City and Borough agency. The report and recommendation of the Commission shall be based upon the provisions of this title, the Comprehensive Plan, and the Capital Improvements Program.

This proposal complies with Guidelines and Considerations for CBJ Comprehensive Plan Sub Area 3 (Map F):

9. Encourage in-fill, small house development in the West Mendenhall Valley...

This proposal complies with Guidelines and Considerations for CBJ Comprehensive Plan Sub Area 4 (Map F):

1. Maintain the density of existing neighborhoods while encouraging in-fill development of low to moderate-income affordable housing.
4. Utilize CBJ-selected lands for high-density residential development, recognizing constraints of sensitive lands.

This project is incorporated in CIP D14-051: Peterson Hill Land Survey and Plan.

Memorandum of Understanding

Between
City and Borough of Juneau
And
Christ Evangelical Lutheran Church of Juneau

The parties listed above have reached the following understanding:

- For the purpose of completing an equitable land trade shown on the attached draft plat, Christ Evangelical Lutheran Church intends to trade 39,253 square feet (0.9 acres) of property southeast of the church, to be used by the CBJ primarily for a subdivision access road and associated utilities. In return, the CBJ intends to trade 39,254 square feet (0.9 acres) of property along the church's northeast property line. The City and Borough of Juneau (CBJ) intends to pay all costs associated with this subdivision.

- CBJ intends to connect Christ Evangelical Lutheran Church's sanitary sewer line to the new subdivision's sewer main line when it is installed at no cost to the church.

- CBJ intends to provide a new driveway to the lower church parking lot when the new subdivision access road is constructed. All expenses associated with the installation of the new driveway will be paid by the CBJ.

The parties understand that this tentative agreement is intended to facilitate a subdivision application that will result in an equitable land trade. However the subdivision and land trade will have to be reviewed by the CBJ Planning Commission and approved by the CBJ Assembly. This document represents a good faith intention but does not bind either party.

Dean Dawson 1/26/15 Jan 23 2015

Authorized Signature — Date — Greg Chaney
Christ Evangelical Lutheran Church — Lands Manager, City and Borough of Juneau

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FEB 10 2015
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DEAN DAWSON
Printed Name

PRESIDENT
Title

NOTES

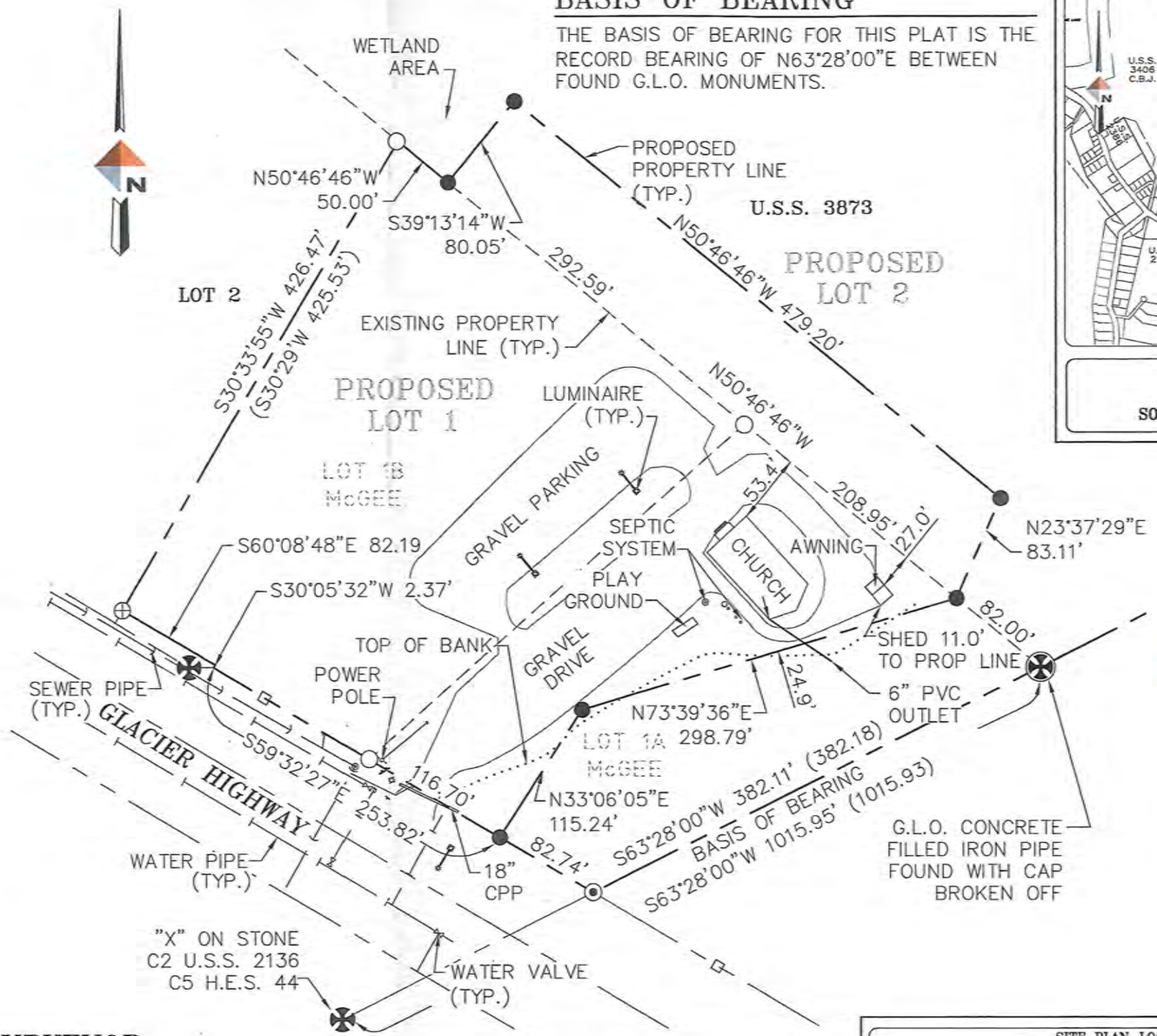
1. ALL DISTANCES ARE MEASURED IN U.S. SURVEY FEET.
2. WHERE DIFFERENT FROM MEASURED OR CALCULATED, RECORDED DIMENSIONS ARE SHOWN IN PARENTHESES.
3. RECORD INFORMATION DERIVED FROM. JUNEAU PLAT No. 85-27, A RESUBDIVISION OF LOT 1 U.S.S 3260 & A FRACTION OF U.S.S. 2136, CREATING LOTS 1A AND LOT 1B McGHEE SUBDIVISION. JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.
4. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
5. WATER AND SEWER PROVIDED BY CBJ PUBLIC UTILITIES. SEWER IS NOT CONNECTED AT THIS TIME.

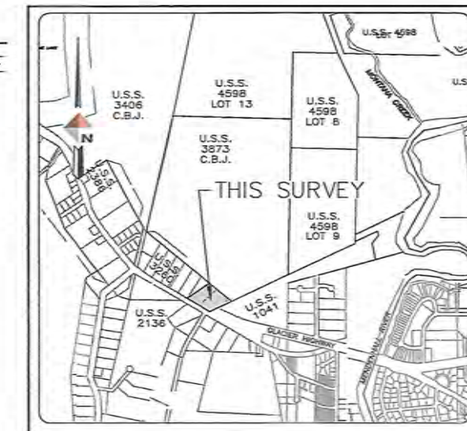
LEGEND

- G.L.O/B.L.M. MONUMENT FOUND THIS SURVEY.
- G.L.O. MONUMENT FOUND THIS SURVEY. REPLACED WITH 3.25" ALUMINUM PRIMARY MONUMENT.
- 5/8" REBAR WITH YELLOW PLASTIC SURVEYCAP (7712S) SET THIS SURVEY.
- 3/4" IRON PIPE MONUMENT FOUND THIS SURVEY.
- 5/8" REBAR WITH 2.5" ALUMINUM SURVEYCAP (10811S) MONUMENT FOUND THIS SURVEY.
- 5/8" REBAR WITH YELLOW PLASTIC SURVEYCAP (6650S) FOUND THIS SURVEY.
- CONCRETE R.O.W. MONUMENT FOUND THIS SURVEY.

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF N63°28'00"E BETWEEN FOUND G.L.O. MONUMENTS.





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

RECEIVED
FEB 10 2015
PERMIT CENTER/CDD

CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION OF THE FOLLOWING DESCRIBED PROPERTY:

LOT 1, PEDERSON HILL I SUBDIVISION, A SUBDIVISION OF LOTS 1A AND 1B McGHEE SUBDIVISION, AND U.S.S. 3873.

AND THAT ALL WALKS, ROADS, IMPROVEMENTS, ENCROACHMENTS AND OVERLAPS ARE SHOWN CORRECTLY TO THE BEST OF MY KNOWLEDGE.

DATED: FEB 2015

100 50 0 100 200
SCALE IN FEET

STATE OF ALASKA
49th
William T. Pence
No. 7712-S
2/6/15
REGISTERED PROFESSIONAL LAND SURVEYOR

SITE PLAN-LOCATION SURVEY

LOT 1

PROPOSED PEDERSON HILL I SUBDIVISION
A SUBDIVISION OF LOTS 1A & 1B
McGHEE SUBDIVISION AND U.S.S. 3873
JUNEAU RECORDING DISTRICT, CITY AND BOROUGH OF JUNEAU, ALASKA

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

SCALE:	DATE:	PROJECT NO:	FILE NO:	SHEET NO:
1"= 100	FEB 2015	J70687		1 OF 1

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF RECOMMENDATION
Date: April 16, 2015
File No.: CSP2015 0004

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

Application For:	Land trade between Christ Evangelical Lutheran Church and CBJ to facilitate Pederson Hill development.
Legal Description or ROW name:	USS 3873 and Lots 1A and 1B McGhee Subdivision
Property Address:	10300 Glacier Highway
Parcel Code No.:	4-B22-0-102-001-1, 4-B22-0-101-010-0 and 4-B22-0-102-001-2
Hearing Date:	April 14, 2015

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 31, 2015 and recommended that the City Manager direct CBJ staff to design and build the project.

Attachments: March 31, 2015 memorandum from Eric Feldt, Community Development, to the CBJ Planning Commission regarding CSP2015 0004.

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

Project Planner: _____ _____
Eric Feldt, Planner — Michael Satre, Chair
Community Development Department — Planning Commission

_____ 4/22/15
Filed With City Clerk — Date

cc: Plan Review

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

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 25, 2015

TO: Planning Commission

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

FILE NO.: CSP2015 0005

PROPOSAL: A City Consistency permit for a short telecommunication tower on Mendenhall Peninsula, north of Engineer's Cutoff.

GENERAL INFORMATION

Applicant:	CBJ Lands and Resources
Property Owner:	CBJ Lands and Resources
Property Address:	N/A
Legal Description:	USS 3817 Lot 1; North half of the Mendenhall Peninsula
Parcel Code No.:	4-B23-0-101-017-0
Site Size:	416.66 Acres property (1/3 acre site)
Comprehensive Plan Future Land Use Designation:	Urban Low Density Residential (ULDR)
Zoning:	Rural Reserve (RR)
Utilities:	No Public Utilities
Access:	Air or Foot path
Existing Land Use:	Telecommunication Towers
Surrounding Land Use:	North - Vacant CBJ land; No Road Access; RR South - Vacant CBJ land; No Road Access; RR East - Vacant CBJ land; No Road Access; RR West - Vacant CBJ land; No Road Access; RR

Vicinity Map

ATTACHMENTS

Attachment	A	SCS Biography
Attachment	B	Project Plans
Attachment	C	Site Pictures

PROPOSAL

Southeast Communication Services (SCS) seeks to provide wireless internet data coverage to the areas of Auke Bay and southern portions of the Mendenhall Valley by acquiring a lease with the City & Borough of Juneau (CBJ) to install an approximately 40-foot tower in a remote area of the interior of the Mendenhall Peninsula, north of Engineer's Cutoff. The subject City Consistency Project review has been filed for this project.

ANALYSIS

Attachment A provides a short description of SCS. The applicant submitted detailed plans of the tower, foundation, and wind speed calculations under Attachment B. These are attached for illustrative purposes. Analysis of those elements will be completed during the Building Permit review process. The proposed tower will be approximately 40 feet tall, lattice design, non-illuminated, and elevate a small satellite dish to distribute the internet data signal. The tower will connect to an existing electrical cable for power. A small battery back-up system will be installed for use during power outages.

The location of the proposed tower is at an established tower site near the center of the northern half of the Mendenhall Peninsula on CBJ land. Approximately 1/3 of an acre has been used for previous tower installations. See vicinity map for exact site location. This site is over 1,000 feet away from the nearest residential property along Fritz Cove and Engineer's Cutoff. Tall trees and other vegetation surround the site. See Attachment C for pictures of the site. There will be little to no clearing of trees during construction of the project. The site is on a high elevated area of the peninsula, which makes it ideal for line-of-sight service technology.

The site is only accessible by foot or air (likely helicopter). The public use Blueberry Trail runs near the site and connects with Engineer's Cutoff.

Since the site is located more than 1,000 feet from an established neighborhood association, it conforms with Table 1 of 49.65.950 of the Wireless Communication Facility ordinance, and therefore, requires an approved Building Permit only.

CONFORMITY WITH ADOPTED PLANS

Land Use Code, Title 49

Land Uses are controlled by Title 49, CBJ Land Use Code. This code regulates land uses by zoning district. The subject site is located in the Rural Reserve (RR) zoning district, which allows

wireless communication towers and infrastructures with appropriate permits. As stated earlier, the tower and associated elements will be reviewed through the Building permit process.

Comprehensive Plan

The following policies of the Comprehensive Plan are germane to the proposal:

> **POLICY 12.11. TO PLAN FOR AND TO ESTABLISH LAND USE CONTROLS ON WIRELESS COMMUNICATIONS FACILITIES IN A MANNER THAT IS APPROPRIATE FOR THE COMMUNITY AND WITHIN THE PARAMETERS ESTABLISHED BY FEDERAL LAW.**
>
> 12.11 – SOP1 Facilitate the provision of high quality, consistent wireless communication services to residents, businesses, and visitors.
>
> 12.11 – SOP3 Accommodate the growing need and demand for wireless communication services.
>
> 12.11 – DG1 Encourage developers and tenants of WCF to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
>
> 12.11 – DG2 Encourage the location and co-location of WCF on existing structures to minimize the need for additional structures.
>
> 12.11 – IA6 Include provisions that encourage the use of locations identified in the CBJ *Wireless Master Plan* as preferred locations for wireless communications infrastructure in any ordinance that regulates WCFs.

The subject City Consistency Permit is required to ensure that the proposed use of a wireless telecommunication facility is appropriate at this location. The proposal is consistent with the policies of the Comprehensive Plan due to the following reasons: the site is remote and doesn't impact nearby property, surrounding vegetation will help hide the tower, the tower is not illuminated and will not be easily seen, and locating next to existing towers is an efficient use of land despite collocation not being available due to inadequate support of existing towers.

Further, the Comprehensive Plan identifies land use designations to guide future growth in the community. The site and surrounding area are designated as Urban/ Low Density Residential (ULDR). This designation recommends future development consisting of single family, duplex, zero-lot line and other forms of relatively low to suburban housing types at densities of 1-6 units/ acre; commercial is to be a scale similar to residential. The site has been established for wireless telecommunication infrastructure, and the proposed use will not substantially increase the overall use of the site. Although the existing and proposed towers are not residential in nature, the site and size of the towers have little to no impact to the neighborhoods along the Mendenhall Peninsula.

CBJ Wireless Telecommunications Master Plan

The Master Plan provides policies and direction for future wireless telecommunication infrastructure to ensure the safety and health of the public, property value and neighborhood harmony preservation, and consistency with State and Federal statutes. The following policies of the plan are germane to the City Consistency Project review.

> **POLICY 3.** TO PROTECT THE NATURAL ENVIRONMENT WITH THE DEVELOPMENT OF WIRELESS COMMUNICATION FACILITIES.
>
> **POLICY 4.** TO PROTECT THE PUBLIC INTEREST AND NEIGHBORHOOD HARMONY WITH WIRELESS COMMUNICATION FACILITIES.
>
> **POLICY 5.** PROMOTE LAND USE EFFICIENCY WITH THE COLLOCATION OF WIRELESS COMMUNICATION FACILITIES TO EXISTING STRUCTURES.

The proposal is consistent with the above policies for the following reasons: 1) The project does not impact any habitat protected under the Land Use Code, 2) The remoteness of the site lessens its impact to neighborhoods, and 3) Although, the applicant cannot collocate on the existing tower, the proposed tower will use the previously disturbed site. Further, according to the Master Plan, there are 'poor' service areas in parts of Auke Bay which will benefit from the proposed project. Staff finds the project consistent with the policies set forth in the Master Plan and improving wireless internet service.

HABITAT

Little to no vegetation clearing will be needed for the project. No habitats listed in the Land Use Code will be negatively affected by this project.

FINDINGS

The proposed project is consistent with the policies of the Comprehensive Plan, Title 49, and WCF Master Plan based on the established use of the site as a wireless communication facility, the remoteness, surrounding vegetation, and use of the previously disturbed site.

RECOMMENDATION

Staff recommends the Planning Commission forward the subject City Consistency Project review to the Assembly with a recommendation of approval.

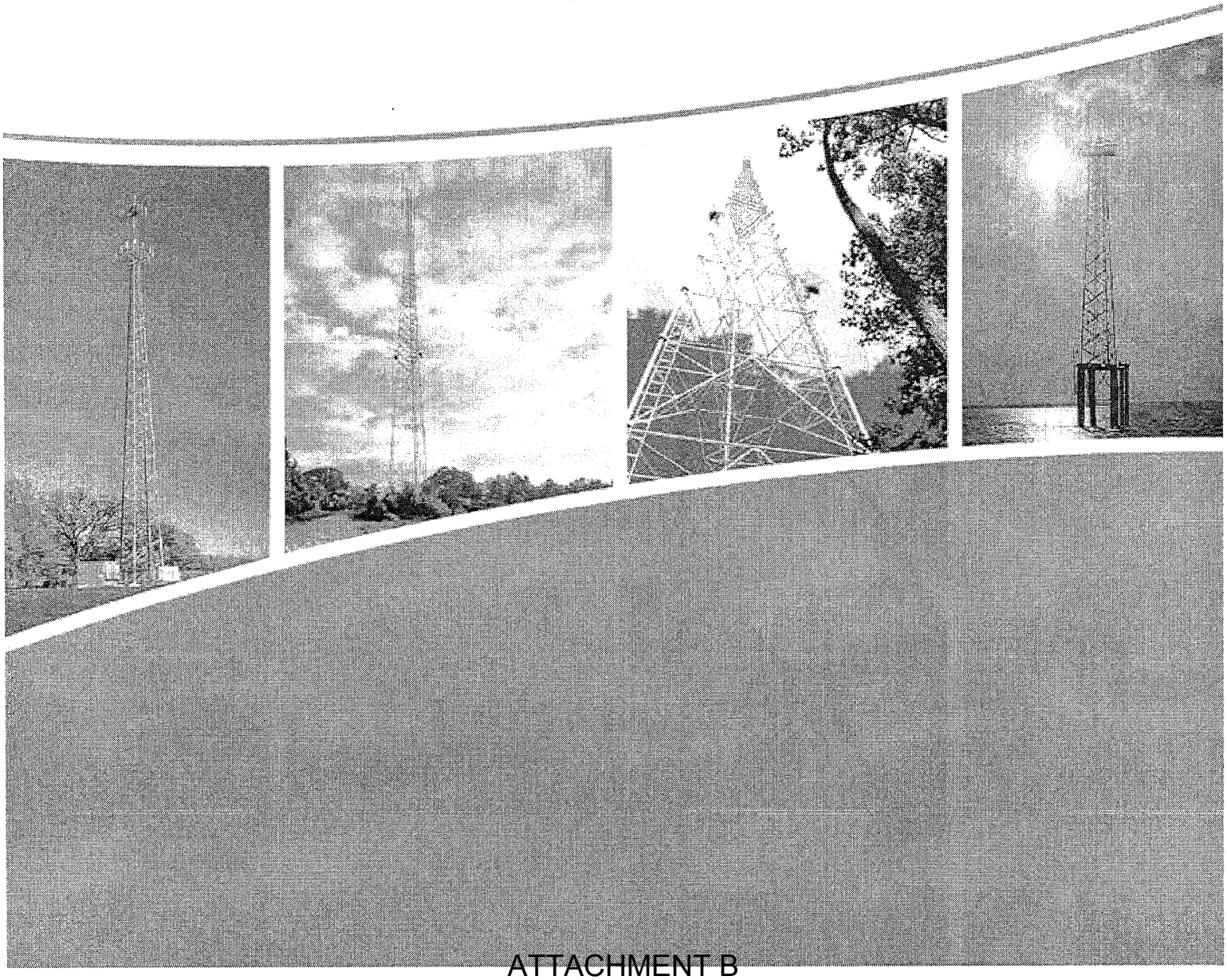
About SCS

SCS has been providing a full range of IT services in Southeast Alaska since 2004. Along with holding some of the most prestigious certifications in the industry the staff of SCS has over 25 years of industry experience. Our years of experience supporting IT in health care, the auto industry, tourism, retail, hospitality, the military and State of Alaska gives us the knowledge to support many different aspects of Business and IT needs.

Over the last few years SCS created a wireless backbone from the valley to down town Juneau to provide back up and off site storage services to existing clients. We saw a need for people living aboard boats in the harbors to get easy internet access. Current providers were either not providing service or didn't have the capability. We realized we could use our existing infrastructure to provide those people with internet access. The Snowcloud was born. As we brought more and more users on to the system we realized we didn't have to stop with just the harbors, we could reach houses and businesses in the down town and Douglas areas. Our network grew from there and is still growing. We are currently working on service to all of Douglas, Lemon Creek and the Valley.

We feel our unique blend of cutting edge technology, know how and high priority to customer service will set us apart from the competition. Our current customers enjoy our service and are not afraid to say so!

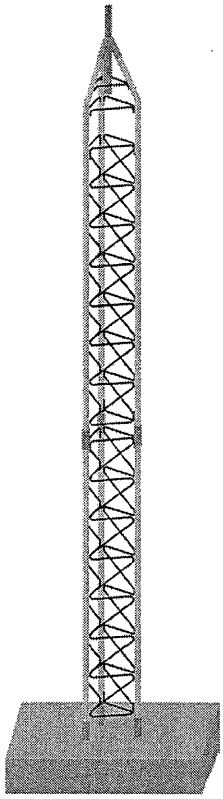
SELF-SUPPORTING TOWERS



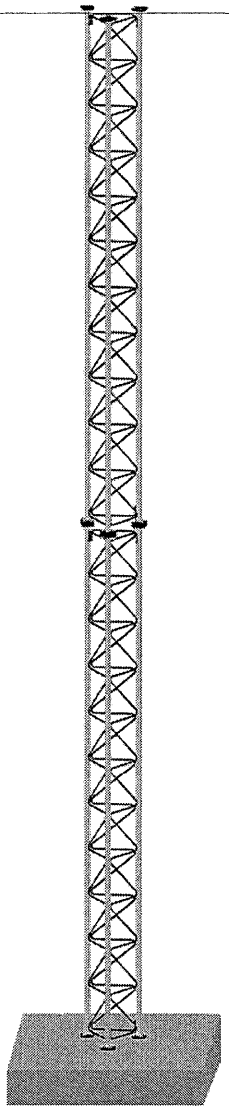
ATTACHMENT B

UPDATED includes REV. F & REV. G Standard Designs

G-SERIES SELF-SUPPORTING



Typical Self-Supporting 25G, 45G and 55G Tower



Typical Self-Supporting 45GSR and 65G Tower

GENERAL USE

The self-supporting G-Series towers offer an easy, low-cost solution to get light weight antennas in the air quickly. By using the G-Series tower as a self-supporting structure, you minimize land area usage. They are functional in a wide variety of wind speeds. See ROHN's standard designs to help identify the right structure for your project. These are the same sturdy, robust tower sections that ROHN has fabricated for years. Each larger model allows for more loading capacity.

FEATURES

- Completely hot-dip galvanized after fabrication
- Cross bracing is formed by a continuous solid rod bracing fashioned into a zig-zag pattern for strength
- Pre-engineered loading charts meet varying individual specs and site conditions
- Typical uses include: small dishes, broadband, security and two-way communication
- All towers have 'fixed' bases

KITS

The kit part numbers for ROHN Self-Supporting G-Series towers include:

- Short base for embedment in concrete
- Rev F ground kit
- All tower sections and connection hardware
- Tapered top (25G and 45G towers)
- Top plate (55G towers)
- Cap plate kit (65G towers)

Per Rev G requirements, any structure greater than 10' requires a climber safety device. Please see page 209 for ordering information.

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ATTACHMENT B

G SERIES
REV. F ALLOWABLE ANTENNA AREAS (SQ. FT.)

NO ICE

70 MPH Fastest Mile

70 MPH Fastest Mile Wind Speed - No Ice								
	25G		45G		55G		65G	
Height	FT²	Part No.	FT²	Part No.	FT²	Part No.	FT²	Part No.
10′	19.7	25SS010	42.5	45SS010	75.0	55SS010	95.0	65SS010
20′	14.2	25SS020	22.0	45SS020	43.0	55SS020	95.0	65SS020
30′	6.4	25SS030	12.0	45SS030	26.0	55SS030	76.2	65SS030
35′	3.6	25SS035	8.7	45SS035	21.9	55SS035	61.2	65SS035
40′	1.5	25SS040	5.1	45SS040	15.0	55SS040	48.8	65SS040
45′			2.3	45SS045	11.4	55SS045	39.0	65SS045
50′					6.5	55SS050	29.3	65SS050
55′					4.0	55SS055	24.4	65SS055
60′					0.8	55SS060	18.4	65SS060
70′							8.7	65SS070
80′							0.9	65SS080

80 MPH Fastest Mile

80 MPH Fastest Mile Wind Speed - No Ice								
	25G		45G		55G		65G	
Height	FT²	Part No.	FT²	Part No.	FT²	Part No.	FT²	Part No.
10′	14.3	25SS010	30.0	45SS010	57.0	55SS010	95.0	65SS010
20′	9.0	25SS020	16.0	45SS020	30.0	55SS020	85.0	65SS020
30′	3.7	25SS030	7.5	45SS030	17.0	55SS030	55.8	65SS030
35′	1.4	25SS035	4.7	45SS035	14.5	55SS035	44.0	65SS035
40′			1.4	45SS040	8.0	55SS040	34.1	65SS040
45′					5.9	55SS045	26.2	65SS045
50′					1.5	55SS050	19.7	65SS050
55′							14.5	65SS055
60′							9.4	65SS060
70′							1.3	65SS070

90 MPH Fastest Mile

90 MPH Fastest Mile Wind Speed - No Ice								
	25G		45G		55G		65G	
Height	FT²	Part No.	FT²	Part No.	FT²	Part No.	FT²	Part No.
10′	10.5	25SS010	25.0	45SS010	45.0	55SS010	95.0	65SS010
20′	6.9	25SS020	11.0	45SS020	23.0	55SS020	65.0	65SS020
30′	1.7	25SS030	4.0	45SS030	12.0	55SS030	40.0	65SS030
35′			1.9	45SS035	9.4	55SS035	32.2	65SS035
40′					4.0	55SS040	24.1	65SS040
45′					2.2	55SS045	17.7	65SS045
50′							14.5	65SS050
55′							7.7	65SS055
60′							3.3	65SS060

Note: Antenna areas, ft.², assume all round antenna members.

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ATTACHMENT B

G SERIES
REV. G EFFECTIVE PROJECTED AREA (SQ. FT.)

90 MPH 3-Second Gust

90 MPH 3-Second Gust Wind Speed															
Height	25G			45G			45GSR			55G			65G		
	EPA		Part No.	EPA		Part No.	EPA		Part No.	EPA		Part No.	EPA		Part No.
	Exp.B	Exp.C		Exp.B	Exp.C		Exp.B	Exp.C		Exp.B	Exp.C		Exp.B	Exp.C	
10'	26.8	21.3	25SS010	60.0	47.5	45SS010	95	84	45SR010	80	79	55SS010	95	95	65SS010
20'	18.5	13.4	25SS020	31.3	22.7	45SS020	95	71	45SR020	56	42	55SS020	95	95	65SS020
30'	7.9	4.1	25SS030	16.1	8.4	45SS030	87	58	45SR030	34	21	55SS030	95	71	65SS030
35'	4.4	1.2	25SS035	9.8	3.8	45SS035	76	52	45SR035	25	14	55SS035	80	54	65SS035
40'	1.3	-	25SS040	4.9	-	45SS040	60	40	45SR040	17	8	55SS040	62	41	65SS040
45'				0.7	-	45SS045	48	31	45SR045	11	3	55SS045	48	30	65SS045
50'							38	23	45SR050	5	-	55SS050	37	21	65SS050
55'							29	16	45SR055				28	14	65SS055
60'							22	11	45SR060				20	7	65SS060

100 MPH 3-Second Gust

100 MPH 3-Second Gust Wind Speed															
Height	25G			45G			45GSR			55G			65G		
	EPA		Part No.	EPA		Part No.	EPA		Part No.	EPA		Part No.	EPA		Part No.
	Exp.B	Exp.C		Exp.B	Exp.C		Exp.B	Exp.C		Exp.B	Exp.C		Exp.B	Exp.C	
10'	20.7	16.4	25SS010	47.4	39.5	45SS010	82	66	45SR010	78	63	55SS010	95	95	65SS010
20'	14.0	9.9	25SS020	23.2	16.9	45SS020	74	55	45SR020	43	32	55SS020	95	95	65SS020
30'	5.3	2.2	25SS030	9.7	4.8	45SS030	66	43	45SR030	24	14	55SS030	81	55	65SS030
35'	2.1	-	25SS035	5.1	0.7	45SS035	59	38	45SR035	17	8	55SS035	61	40	65SS035
40'				1.2	-	45SS040	46	30	45SR040	10	3	55SS040	47	29	65SS040
45'							35	22	45SR045	5	-	55SS045	35	20	65SS045
50'							27	15	45SR050				26	13	65SS050
55'							20	9	45SR055				17	6	65SS055
60'							13	4	45SR060				11	1	65SS060

110 MPH 3-Second Gust

110 MPH 3-Second Gust Wind Speed															
Height	25G			45G			45GSR			55G			65G		
	EPA		Part No.	EPA		Part No.	EPA		Part No.	EPA		Part No.	EPA		Part No.
	Exp.B	Exp.C		Exp.B	Exp.C		Exp.B	Exp.C		Exp.B	Exp.C		Exp.B	Exp.C	
10'	16.5	12.7	25SS010	39.4	31.9	45SS010	67	53	45SR010	63	51	55SS010	95	95	65SS010
20'	10.6	7.2	25SS020	18.3	12.3	45SS020	59	43	45SR020	34	25	55SS020	95	81	65SS020
30'	3.1	0.4	25SS030	6.5	1.9	45SS030	51	32	45SR030	17	9	55SS030	65	43	65SS030
35'				1.7	-	45SS035	45	27	45SR035	11	4	55SS035	48	30	65SS035
40'							35	22	45SR040	5	-	55SS040	35	21	65SS040
45'							26	15	45SR045				25	13	65SS045
50'							19	9	45SR050				17	7	65SS050
55'							13	4	45SR055				10	-	65SS055
60'							7	-	45SR060				4	-	65SS060

NOICE

Note: Antenna areas, ft.², assume all round antenna members.

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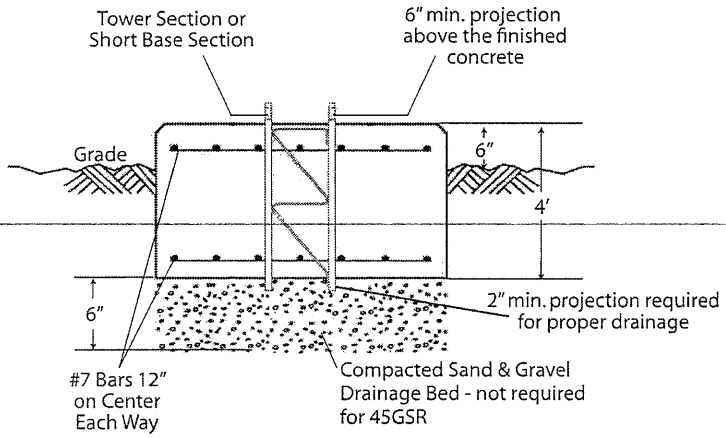
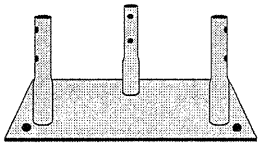
ATTACHMENT B

SELF-SUPPORTING G-SERIES FOUNDATIONS

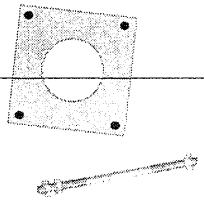


ELEVATION VIEW
25G (shown), 45G & 55G
SELF-SUPPORTING TOWER FOUNDATION

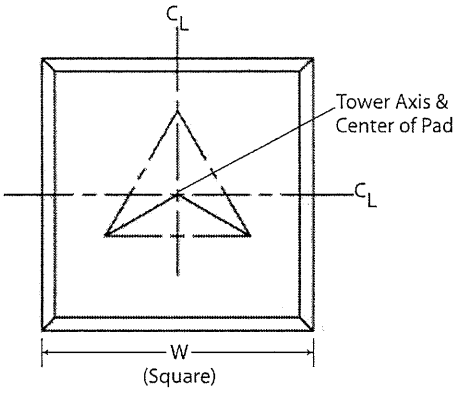


CONCRETE BASE PLATE WITH ANCHORS
25GSSB
FOR USE WITH SELF-SUPPORTING 25G TOWERS.

ALTERNATIVE TO USING SHORT BASE. BASE BOLTS & TEMPLATE MUST BE ORDERED SEPARATELY.

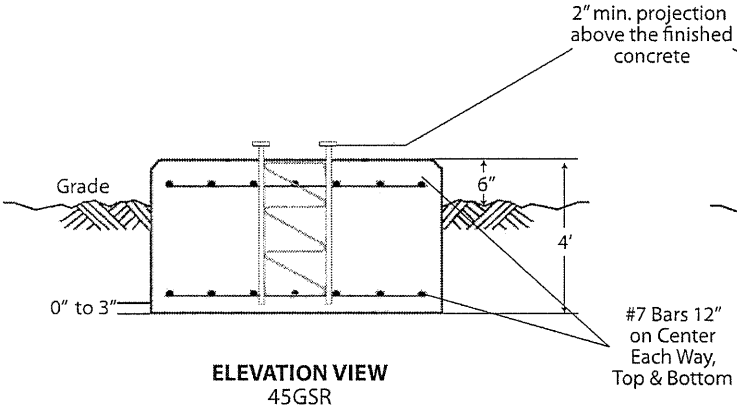


BASE BOLTS & TEMPLATE
KH8175A
FOR USE WITH 25GSSB IN SELF-SUPPORTING 25G TOWER APPLICATIONS. KIT INCLUDES (1) TEMPLATE & (4) BASE BOLTS.

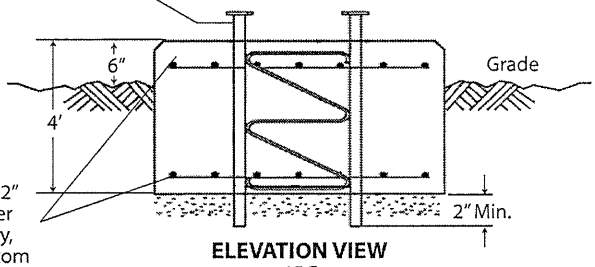


PLAN VIEW

Tower	Mat Width (W)	Concrete Volume (Cu. Yds.)
25G	4' - 0"	2.4
45G	5' - 3"	4.1
55G	6' - 0"	5.3
45GSR 65G	7' - 9"	8.9



ELEVATION VIEW
45GSR
SELF-SUPPORTING TOWER FOUNDATION



ELEVATION VIEW
65G
SELF-SUPPORTING TOWER FOUNDATION

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ATTACHMENT B

SELF-SUPPORTING G-SERIES DESIGN NOTES

1. Tower designs are in accordance with approved national standard ANSI/EIA-222-F and ANSI/TIA-222G, Structure Class I, Exposures B and C, Topographic Category I.
2. All towers must have "fixed" bases. Pinned bases may not be used.
3. Designs assume transmission lines symmetrically placed as follows:
   25G Tower - One 5/8" Line on each face (Total =3)
   45G Tower - One 7/8" Line and one 1/2" line on each face (Total = 3 @ 7/8" & 3 @ 1/2")
   55G & 65G Towers - Two 7/8" Lines on each face (Total =6)
4. Antennas and mounts assumed symmetrically placed at tower apex.
5. Rev F tabulated allowable antenna areas assume all round antenna members.
6. Allowable flat-plate antenna areas, based on EIA RS-222-C, may be obtained by multiplying Rev. F Antenna areas shown by 0.6.
7. Standard foundation designs are based on Rev. F normal soil and Rev. G presumptive clay soil parameters.

Refer to pages 147-153 for General Installation and Foundation Notes.

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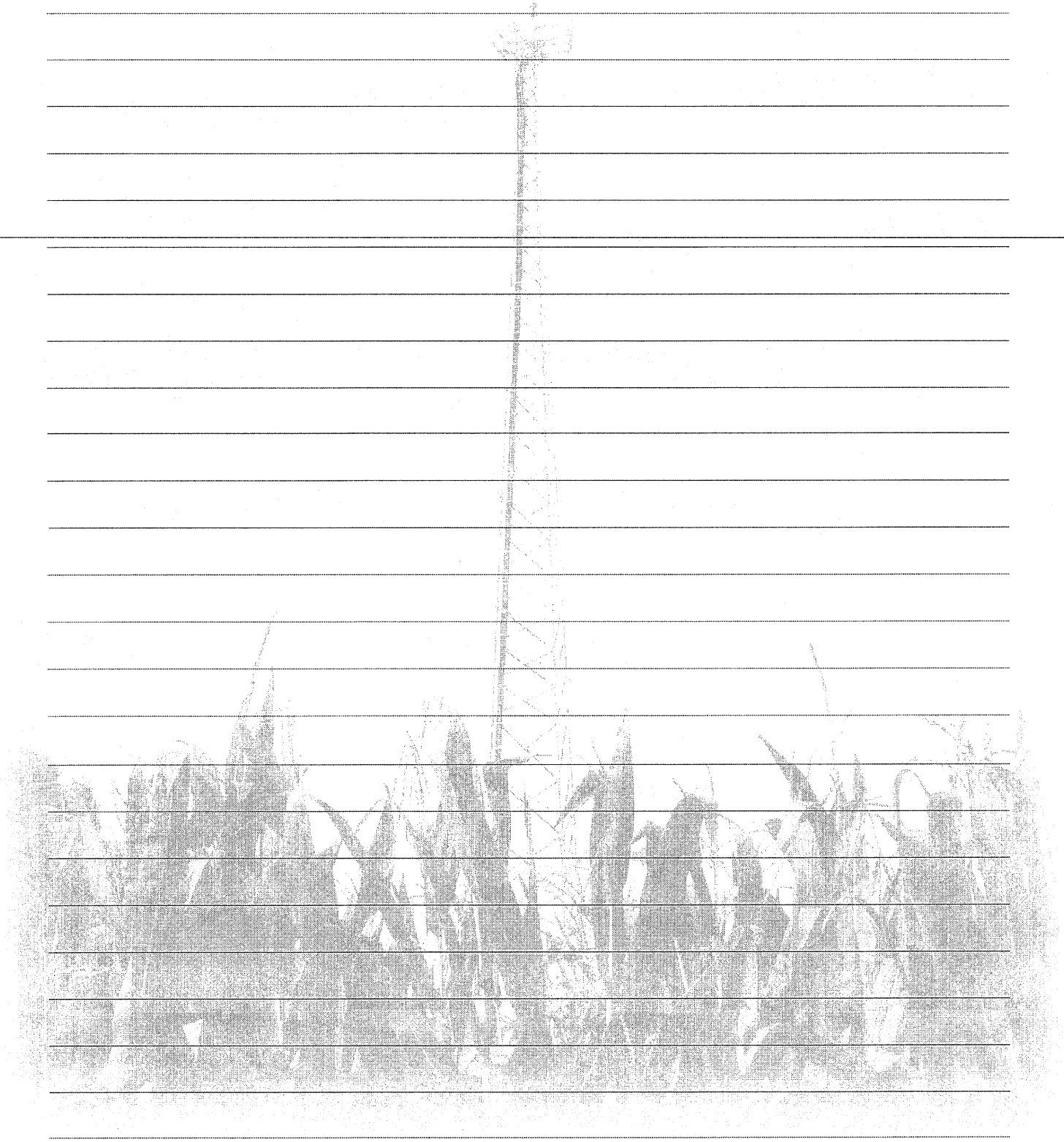
ATTACHMENT B

NOTES



ATTACHMENT B

STANDARD 65G SELF-SUPPORTING CAMERA TOWERS (all-welded)

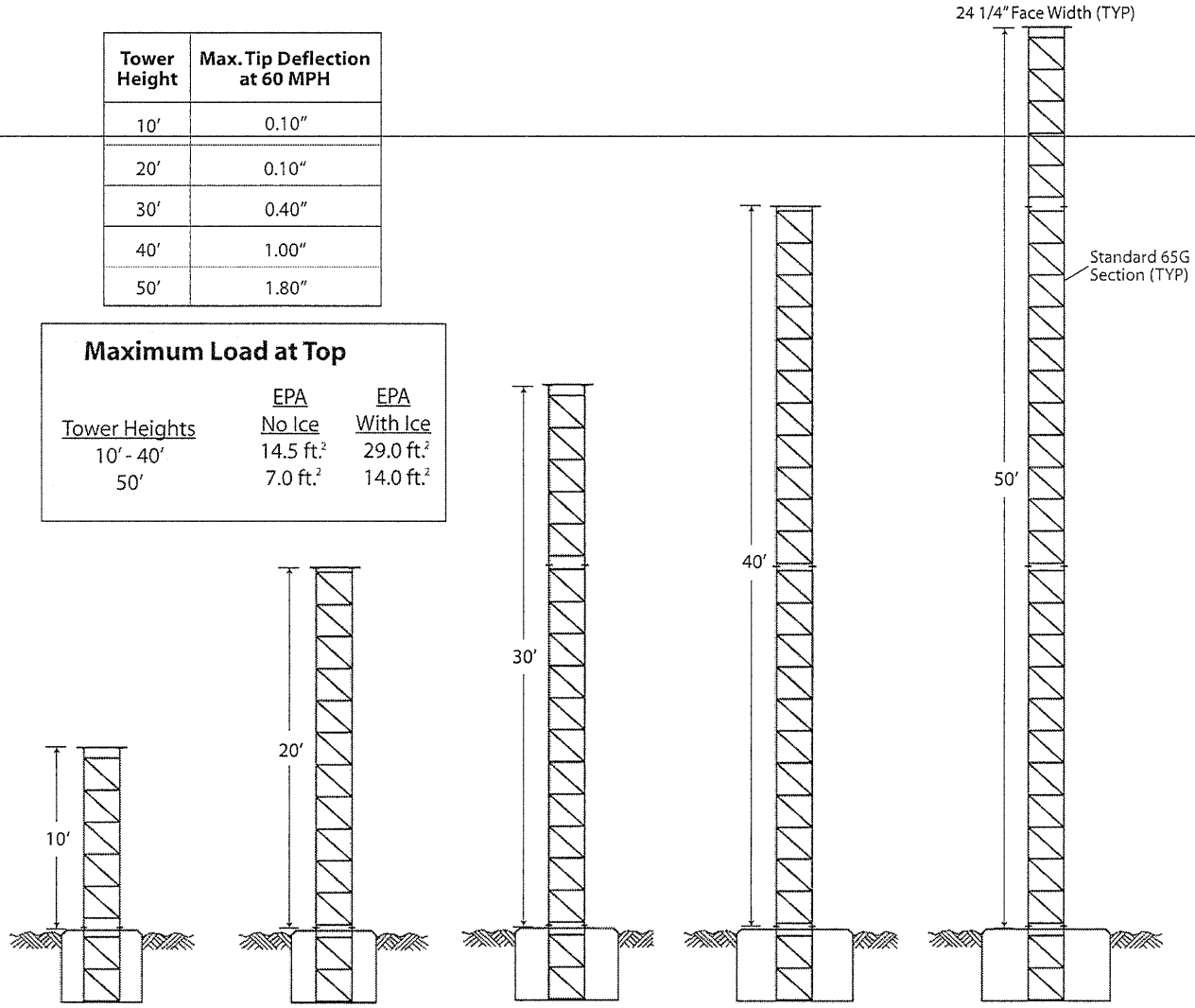
REV. G: 110 MPH 3-SEC GUST WIND SPEED (NO ICE),
40 MPH 3-SEC GUST WIND SPEED (3/4" ICE),
CLASS II, EXPOSURE C, TOPO CATEGORY 1
SEISMIC COEFFICIENT $S_S \leq 1.0$

ALL WELDED

Tower Height	Max. Tip Deflection at 60 MPH
10′	0.10″
20′	0.10″
30′	0.40″
40′	1.00″
50′	1.80″

Maximum Load at Top

Tower Heights	EPA No Ice	EPA With Ice
10′ - 40′	14.5 ft.²	29.0 ft.²
50′	7.0 ft.²	14.0 ft.²



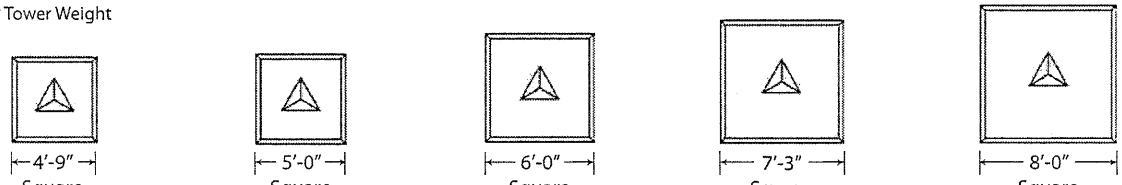
65SS010CT
328 lbs.*
*Tower Weight

65SS020CT
502 lbs.*

65SS030CT
695 lbs.*

65SS040CT
868 lbs.*

65SS050CT
1061 lbs.*



4′-9″	5′-0″	6′-0″	7′-3″	8′-0″
Square	Square	Square	Square	Square
3.3 cu. yds. concrete	3.7 cu. yds. concrete	5.3 cu. yds. concrete	7.8 cu. yds. concrete	9.5 cu. yds. concrete

Includes short base section, tower sections, Rev G grounding material and 3/16" top mounting plate with attachment hardware.
Per Rev. G requirements, any structure greater than 10′ requires a climber safety device.
Please see page 173 for ordering information.

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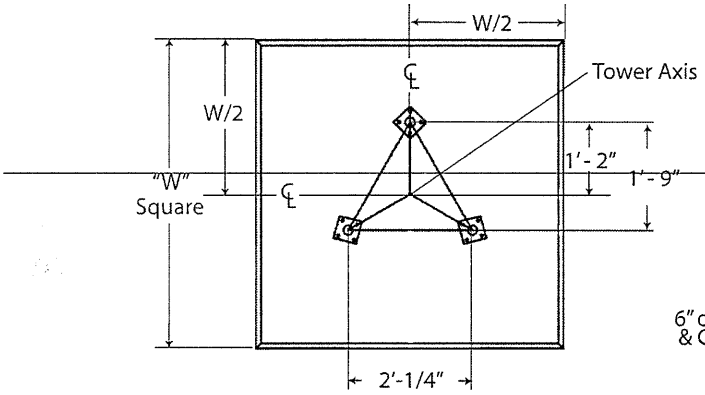
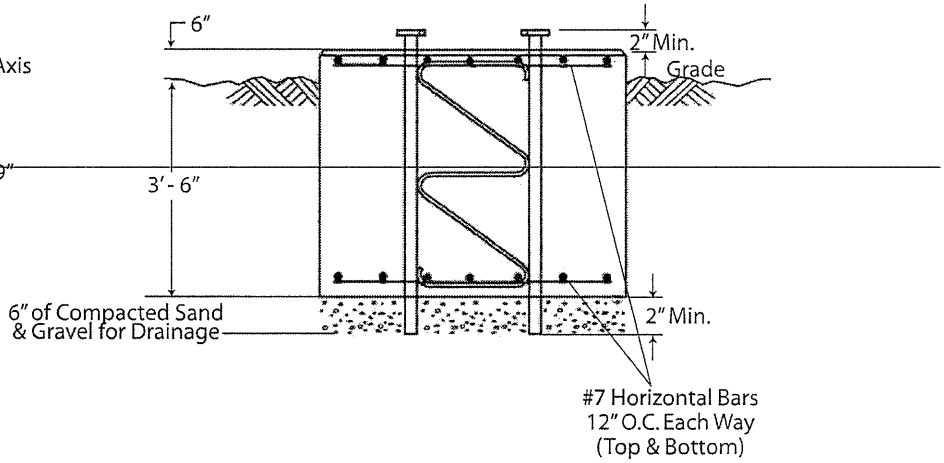
ATTACHMENT B

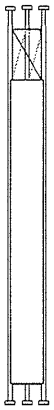
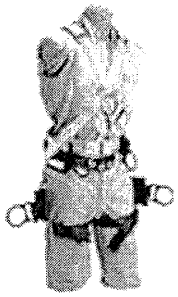
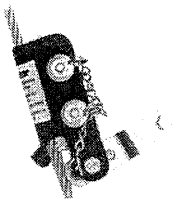
65G CAMERA TOWERS
STANDARD FOUNDATION DETAILS



See tower elevation page for "W" dimension.



ACCESSORIES

 **ANTI-CLIMB PANELS** VW915A ORDERED SEPARATELY	 **CLIMBING HARNESS** TTFBH-4D JOURNEYMAN HARNESS TTFBH-C/P PROFESSIONAL HARNESS	 **SAFETY CABLE SLIDER WITH CARABINEER** TT-WG-500-W/SMC	**SAFETY CABLE SYSTEM** TT05065 FITS ALL TOWER HEIGHTS

GENERAL NOTES

1. Tower designs are in accordance with ANSI/TIA/222-G.
2. Camera and mount assumed symmetrically placed at tower top.
3. Tower design assumes one 7/8" line on each tower face.
4. Assembly drawings and standard foundation details are provided with the tower.
5. Standard foundation illustrated is for general information only and is based on Rev G presumptive clay soil parameters.

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ATTACHMENT B

STANDARD VG SELF-SUPPORTING CAMERA TOWERS (field bolted)

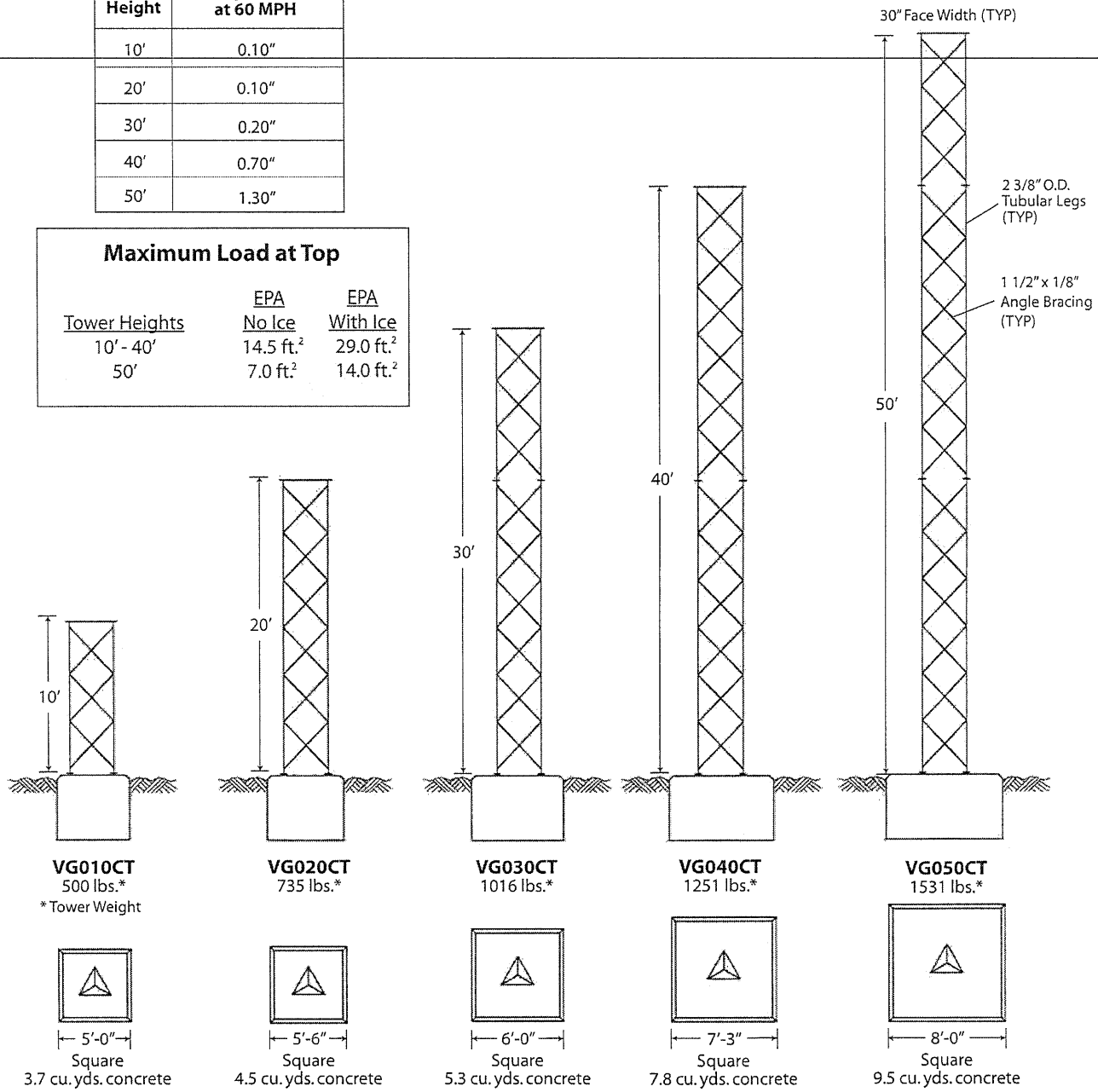
REV. G: 110 MPH 3-SEC GUST WIND SPEED (NO ICE),
40 MPH 3-SEC GUST WIND SPEED (3/4" ICE),
CLASS II, EXPOSURE C, TOPO CATEGORY 1
SEISMIC COEFFICIENT $S_S \leq 1.0$

KNOCKED DOWN

Tower Height	Max. Tip Deflection at 60 MPH
10′	0.10″
20′	0.10″
30′	0.20″
40′	0.70″
50′	1.30″

Maximum Load at Top

Tower Heights	EPA No Ice	EPA With Ice
10′ - 40′	14.5 ft.²	29.0 ft.²
50′	7.0 ft.²	14.0 ft.²



Includes anchor bolts, templates, tower sections, Rev G grounding material, 1/2″ top mounting plate with attachment hardware and step bolts.
Per Rev. G requriements, any structure greater than 10′ requires a climber safety device.
See page 175 for ordering information.

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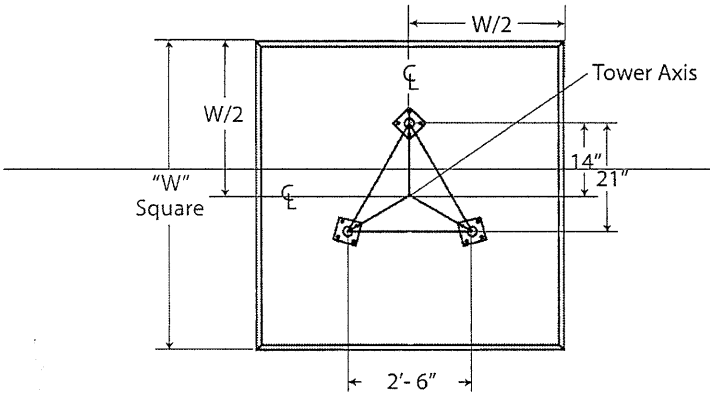
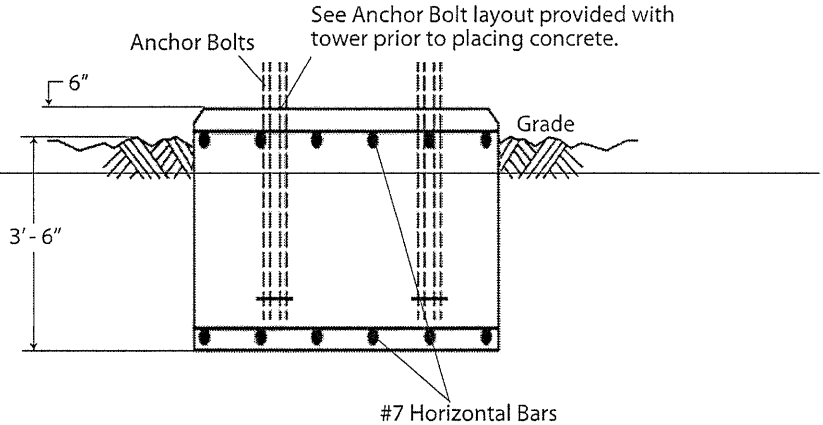
ATTACHMENT B

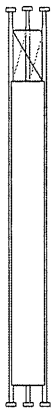
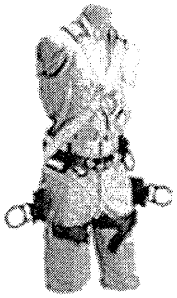
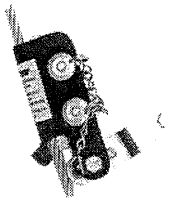
VG CAMERA TOWERS
STANDARD FOUNDATION DETAILS



See tower elevation page for "W" dimensions.



ACCESSORIES

 **ANTI-CLIMB PANELS** VW917A ORDERED SEPARATELY	 **CLIMBING HARNESS** TTFBH-4D JOURNEYMAN HARNESS TTFBH-C/P PROFESSIONAL HARNESS	 **SAFETY CABLE SLIDER WITH CARABINEER** TT-WG-500-W/SMC	**SAFETY CABLE SYSTEM** TT050SSL FITS ALL TOWER HEIGHTS

GENERAL NOTES

1. Tower designs are in accordance with ANSI/TIA/222-G.
2. Camera and mount assumed symmetrically placed at tower top.
3. Tower design assumes one 7/8" line on each tower face.
4. Assembly drawings and standard foundation details are provided with the tower.
5. Standard foundation illustrated is for general information only and is based on Rev G presumptive clay soil parameters.

Refer to pages 147-153 for Foundation General Notes.

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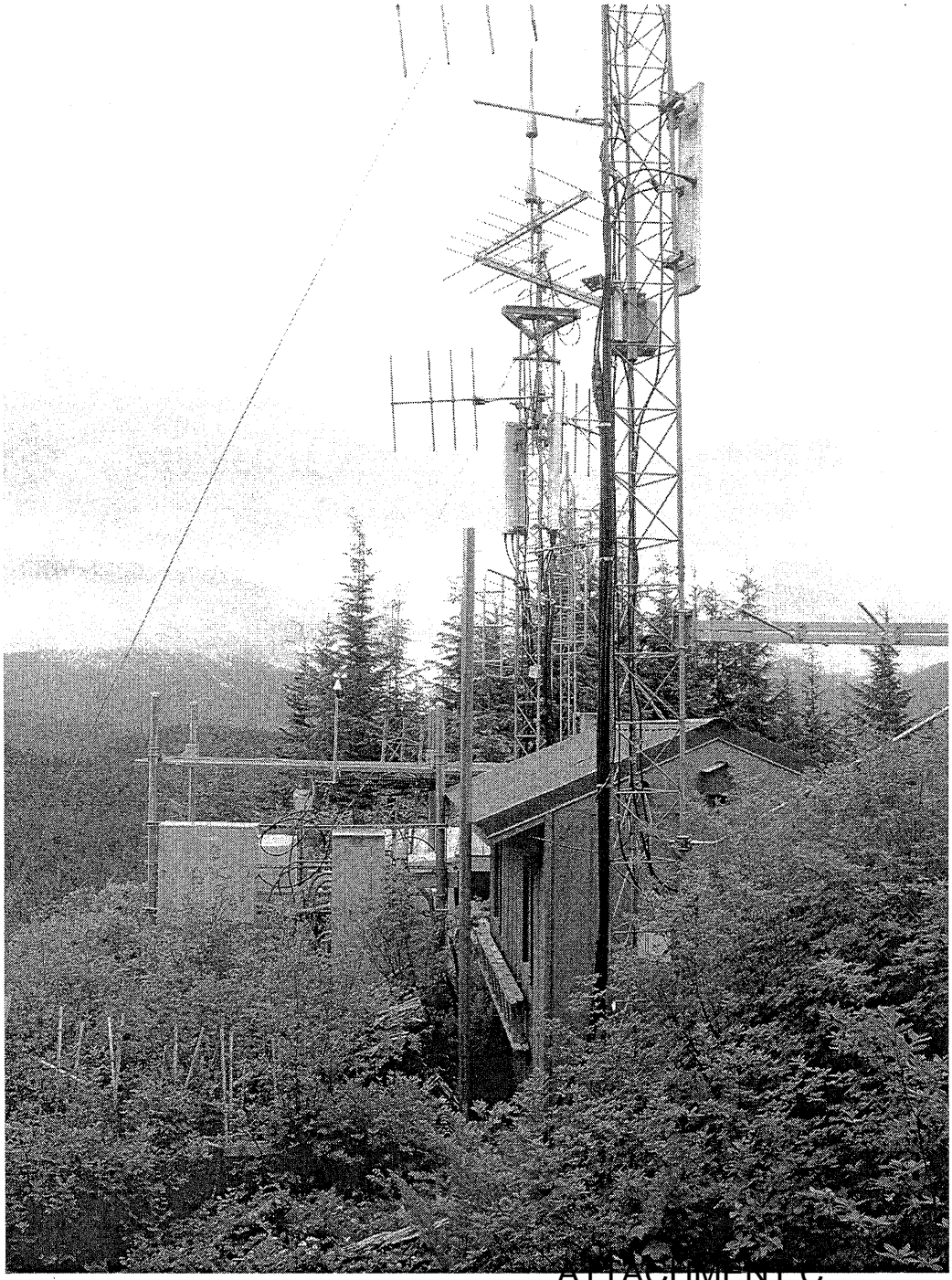
ATTACHMENT B

existing tower on this location

ATTACHMENT C

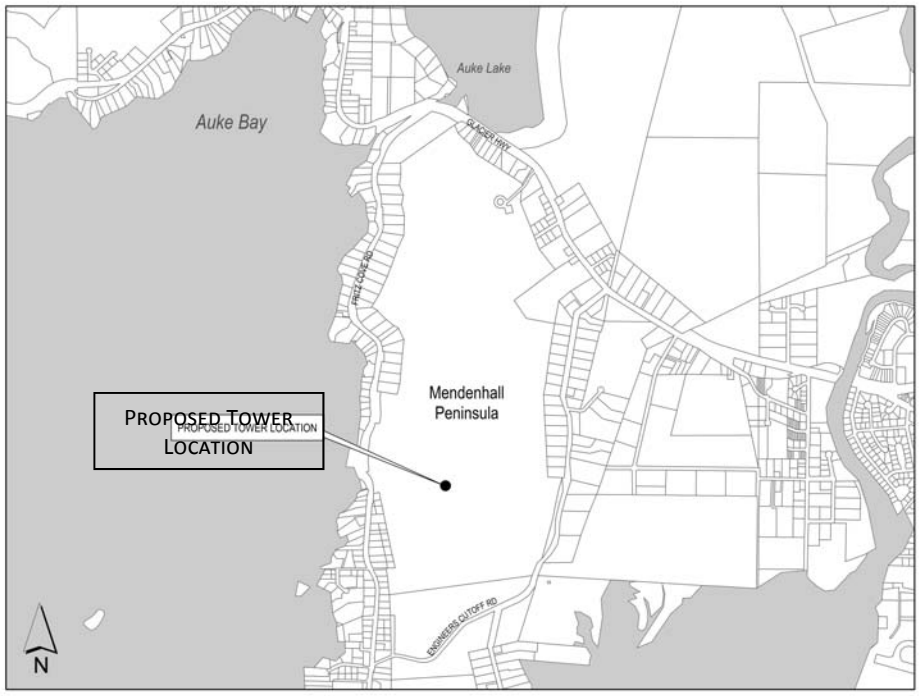
Existing Tower at The proposed location



ATTACHMENT C

existing Tower at The proposed Location

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: City Consistency Review for a new Wireless Telecommunications Tower on Mendenhall Peninsula

File No:	CSP2015 0005	Applicant:	City and Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	4-B23-0-101-017-0
Hearing Date:	April 14, 2015	Owner:	City and Borough of Juneau Lands and Resources Division
Hearing Time:	7:00 PM	Size:	416 Acres
Place:	Assembly Chambers	Zoned:	RR - Rural Reserve
	Municipal Building	Site Location:	North half of Mendenhall Peninsula
	155 South Seward Street	Accessed Via:	Engineers Cutoff 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.

If you have questions, please contact Eric Feldt at Eric.Feldt@juneau.org or 586-0764.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Date notice was printed: March 19, 2015

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF RECOMMENDATION
Date: April 16, 2015
File No.: CSP2015 0005

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

Application For:	A City Consistency permit for a short telecommunication tower on Mendenhall Peninsula, north of Engineer's Cutoff.
Legal Description or ROW name:	USS 3817 Lot 1; North half of the Mendenhall Peninsula
Property Address:	N/A
Parcel Code No.:	4-B23-0-101-017-0
Hearing Date:	April 14, 2015

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 25, 2015, and recommended that the City Manager direct CBJ staff to design and build the project.

Attachments: March 25, 2015 memorandum from Eric Feldt, Community Development, to the CBJ Planning Commission regarding CSP2015 0005.

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

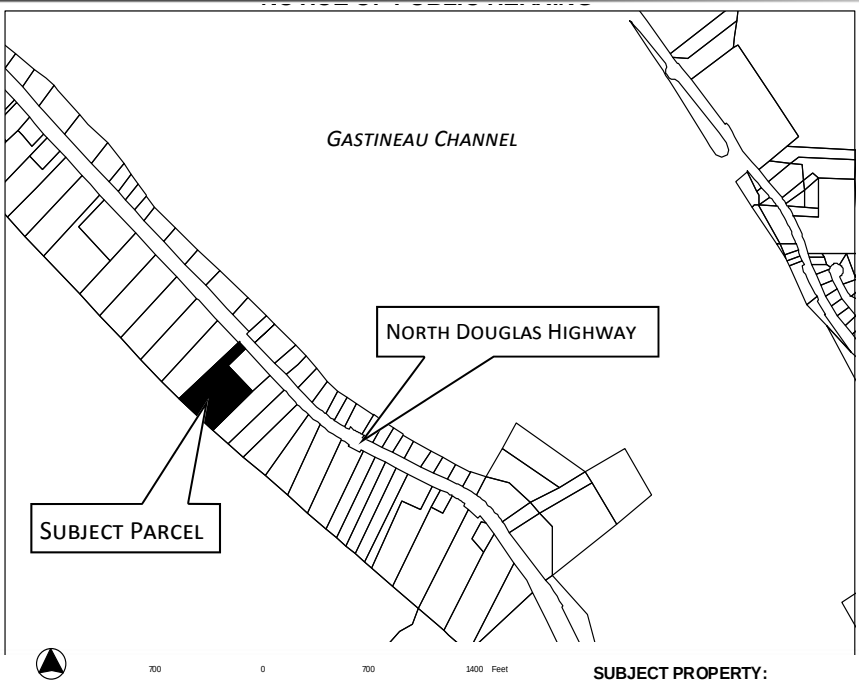
Project Planner: _____ _____
Eric Feldt, Planner — Michael Satre, Chair
Community Development Department — Planning Commission

_____ 4/22/15
Filed With City Clerk — Date

cc: Plan Review

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

NOTICE OF PUBLIC HEARING



SUBJECT PROPERTY:

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: Final plan review for 12 unit Planned Unit Development

File No:	PDF2015 0001	Applicant:	Corvus Design
To:	Adjacent Property Owners	Property PCN:	6-D07-0-101-017-2
Hearing Date:	April 14, 2015	Owner:	Douglas Island Development, LLC.
Hearing Time:	7:00 PM	Size:	3.19 acre parcel
Place:	Assembly Chambers	Zoned:	D-3
	Municipal Building	Site Address:	5405 North Douglas Highway
	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 Chrissy McNally at Christine.McNally@juneau.org or 586-0761.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Date notice was printed: March 11, 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: March 24, 2015

TO: Planning Commission

FROM: Chrissy McNally, Planner
Community Development Department

FILE NO.: PDF2015 0001

PROPOSAL: Final plan approval for a 12 unit Planned Unit Development in the D-3 zoning district.

GENERAL INFORMATION

Applicant: Corvus Design

Property Owner: Douglas Island Development, LLC

Property Address: 5405 N. Douglas Highway

Legal Description: USS 2960 Lot 7B

Parcel Code Number: 6-D07-0-101-017-2

Site Size: 3.19 acres

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

Zoning: D-3

Utilities: Public water and sewer

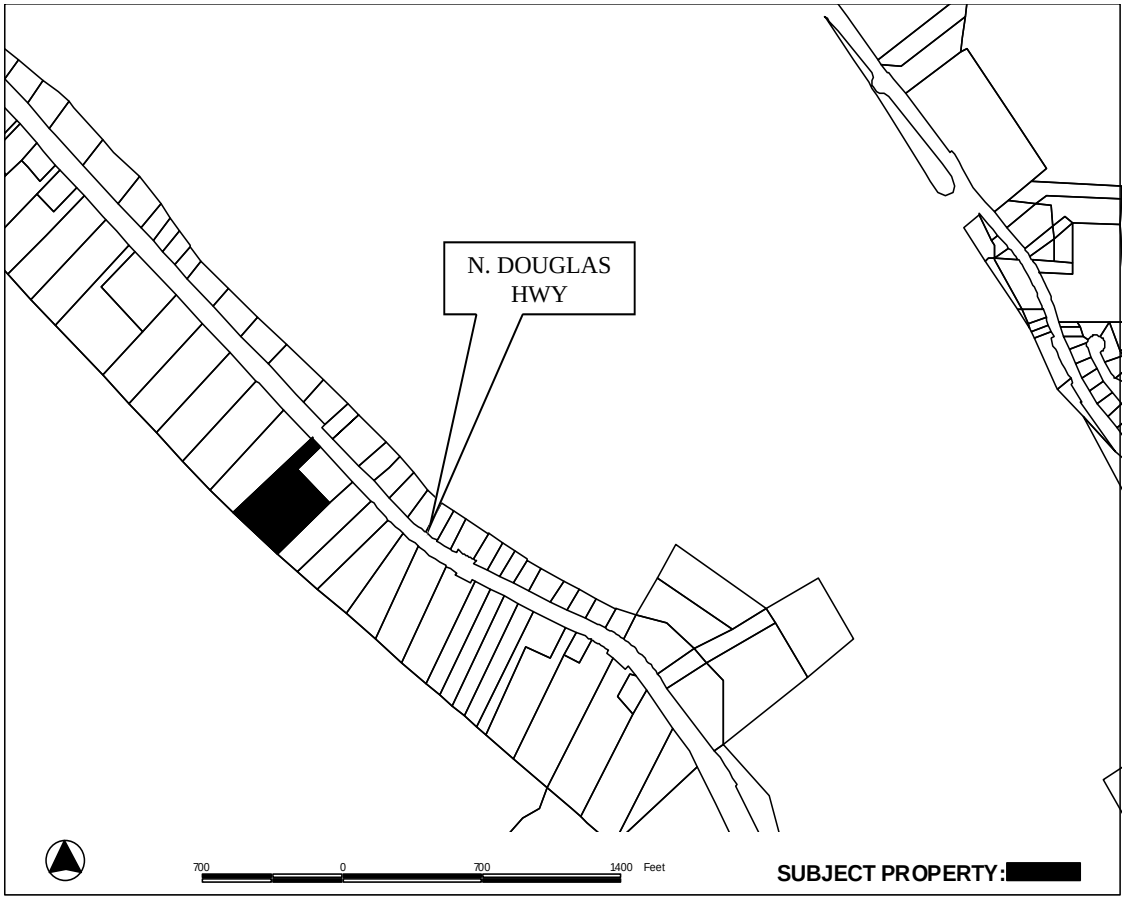
Access: North Douglas Highway

Existing Land Use: Vacant

Surrounding Land Use: North - D-1/D-3/Single Family/Duplex

South - D-3/Single Family/Duplex
East - D-3/Single Family/Duplex
West - D-1/Single Family/Duplex

Vicinity Map



Attachments

Attachment A: Final plan review application
Attachment B: PDP2014 0001 Notice of decision
Attachment C: Proposed plat USS 2960 Lot 7A1 and 7B1
Attachment D: VAR2014 0028 Notice of decision
Attachment E: Site plan
Attachment F: House design
Attachment G: Homeowners' Association Articles of Incorporation
Attachment H: Public notice

PROJECT DESCRIPTION

The applicant requests approval for the Final Plan for a 12 unit Planned Unit Development on a 3.19 acre parcel along North Douglas Highway in the D-3 zoning district. A plat adjusting the boundary line to create the 3.19 acre parcel accompanies this application in accordance with CBJ 49.15.620 *Planned unit development review process*; any change in the number or boundaries of lots is to be included in the preliminary and final plan submissions. The proposed PUD consists of 12 single family dwelling units on common property managed by a homeowners association (HOA). The site will be accessed by a common driveway and utilities will tie into CBJ water and sewer in the North Douglas Right-of-Way.

BACKGROUND

On December 9, 2014 the Planning Commission approved the preliminary plan PUD proposal submitted by the applicant. No modifications were made to staff's analysis, findings or conditions of approval (Attachment B).

Planned Unit Development Process

A planned unit development is reviewed according to a two-step process: preliminary plan approval and final plan approval. The Commission shall approve a planned unit development preliminary plan if it meets the requirements of section 49.15.330 (Conditional Use criteria) and:

(1) *The design effectively provides for clustered buildings, mixed uses, or mixed housing types;*

(2) The development protects natural features and avoids natural hazards by reserving them as undisturbed open space;

(3) The development is consistent with the land use code;

(4) The development incorporates boundary buffers sufficient to separate adjacent property from dissimilar uses;

(5) Utilities proposed for connection to the City and Borough system meet City and Borough standards, and all others are consistent with sound engineering practices, as determined by the City and Borough Engineering Department;

(6) The configuration of the development provides for economy and efficiency in utilities, housing construction, streets, parking and circulation;

(7) If the approval is for a phased development, that each phase is consistent with the preliminary development plan and design of the entire planned unit development; and

(8) Adequately addresses the cumulative impacts of the phased development on the neighborhood and the natural environment.

Upon completion of all conditions of the preliminary plan, the developer shall submit an application, fee, and final plan for PC approval. The PC shall approve the final plan if it substantially conforms to the approved preliminary plan and all requirements of this article (design standards, phased development, etc). The final plat would be recorded following the completion of all required improvements or bonding for such. At this stage, the Planning Commission (PC) is being asked to approve the final plan.

ANALYSIS

CBJ49.15.640 Final Planned Unit Development Plan Approval:

(a) Application. Upon completion of all conditions of the preliminary plan, the developer shall submit an application, fee, and a final plan for commission approval.

The conditions of the preliminary plan approval as required by the Planning Commission under PDP2014 0001 include:

1. *Prior to final plat approval a plat note will state, "Lot 7B1 is permitted to be developed with twelve single family dwelling units. No additional dwelling units are allowed on the lot beyond what is indicated."*
2. *Prior to final plat approval a plat note stating "there shall be no disturbance or development within 25 feet of the exterior boundary of the North Douglas PUD."*
3. *Prior to final plat approval a pedestrian access easement will be noted along the southeast boundary of Lot 7A1.*
4. *Prior to the issuance of a grading permit the developer must submit a Temporary Erosion Control plan.*
5. *Re-vegetation of disturbed slopes shall be completed within three growing seasons.*
6. *Prior to the issuance of a grading permit the developer must identify location of at least three fire hydrants and whether the minimum flow of 2,500 GPM can be met. Alternatively, if the developer chooses to install a sprinkler system in each unit, which will be reviewed during the building permit review.*
7. *With the exception of parks and public trails, all development within this PUD must be setback from the exterior boundary of this development at least 25 feet.*
8. *Unless granted a Variance, the proposed driveway must be redesigned to avoid the 25 foot no development buffer.*
9. *The articles of incorporation and bylaws of the homeowners' association, required*

under AS 34.08 or CBJ 49.15 Article VI, shall be prepared by a lawyer licensed to practice in the state.

10. *The association documents shall specify how common facilities shall be operated and maintained. The documents shall require homeowners to pay periodic assessments for the operation, snow removal, maintenance and repair of common facilities. The documents shall require that the governing body of the association adequately maintain common facilities.*
11. *The project shall incorporate the BMPs from the Manual of Stormwater Best Management Practices, produced by the CBJ in partnership with the USF&WS, 2008.*

Based on staff's evaluation the applicant has complied with all conditions attached to the preliminary plan approval (PDP2015 0001) with the exception of Condition #5 which will be addressed as part of the Building Permit review. The amended plat is included in this report as Attachment C.

<u>Condition #2 of the approved preliminary plan states:</u>

Prior to final plat approval a plat note stating "there shall be no disturbance or development within 25 feet of the exterior boundary of the North Douglas PUD."

The applicant has since had the plat amended to include this note (Attachment C). However, since the writing of the HOA articles of incorporation, the name of the PUD has changed to Sunset Heights Planned Unit Development. Staff recommends this note be amended to read "there shall be no disturbance or development within 25 feet of the exterior boundary of the Planned Unit Development on Lot 7B1 of this survey". Otherwise, this condition has been met by the applicant.

<u>Condition #6 of the approved preliminary plan states:</u>

Prior to the issuance of a grading permit the developer must identify the location of at least three fire hydrants and whether the minimum flow of 2,500 GPM can be met. Alternatively, the developer chooses to install a sprinkler system in each unit, which will be reviewed during the building permit review.

Based on consultation with Capital City Fire and Rescue, CBJ Engineering and CBJ Planning staff the applicant decided to install sprinklers in each unit.

<u>Condition #8 of the approved preliminary plan states:</u>

Unless granted a Variance, the proposed driveway must be redesigned to avoid the 25 foot no development buffer.

The applicant applied and was granted a Variance for the driveway to encroach into the 25 foot perimeter buffer (Attachment D).

Conditions #9 and #10: Homeowners' Association

(b) Homeowners' association.

(1) The articles of incorporation and bylaws of the homeowners' association, required under AS 34.08, or this chapter, shall be prepared by a lawyer licensed to practice in the state.

(2) The association documents shall specify how common facilities shall be operated and maintained. The documents shall require homeowners to pay periodic assessments for the operation, snow removal, maintenance and repair of common facilities. The documents shall require that the governing body of the association adequately maintain common facilities.

(3) If planned unit development utilities or streets are not accepted for maintenance by the City and Borough, the homeowners' association documents shall clearly indicate that a special assessment may be levied in the future for extraordinary repairs or to perform necessary work in order to connect or dedicate common facilities to the City and Borough system. If the planned unit development is phased, the association documents shall specify how the cost to build, operate, and maintain improved common open space and common facilities shall be apportioned among homeowners of the initial phase and homeowners of later phases.

(4) The homeowners' association documents shall be recorded with the approved final plat, as required by state law, or both.

The applicant has included the HOA articles of incorporation with this application (Attachment G). The document was prepared by Baxter, Bruce & Sullivan law firm and reviewed by CDD staff and CBJ Law Department and found to comply with all requirements found in this section.

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. We find 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 §49.15.640

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 3, 2015 and April 13, 2015 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 on March 13, 2015. 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. Based on the above analysis and review of the final plan and preliminary plan conditions, 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. There is no evidence to suggest that the development will substantially decrease the value of 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. Based on the preceding staff analysis, the proposed development is in general conformity with the 2013 Comprehensive Plan.

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

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

Not Applicable.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the Final Plan for the Sunset Heights Planned Unit Development. The permit would allow the development of a 12 unit Planned Unit Development in accordance with the plans submitted in this application. Approval of the final plan would also allow for the recording of the plat for Lot 7A1 & Lot 7B1 of USS 2950.

Approval is subject to the following conditions:

1. Prior to final plat recording note #9 shall be amended to read “there shall be no disturbance or development within 25 feet of the exterior boundary of the Planned Unit Development on Lot 7B1 of this survey”.
2. Re-vegetation of disturbed slopes shall be completed within three growing seasons.

DEVELOPMENT PERMIT APPLICATION

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

PROJECT / APPLICANT INFORMATION

Project Description
A phased12 unit residential Planned Unit Development on a 3.19 acre parcel zoned D-3 on North Douglas.

PROPERTY LOCATION

Street Address	City/Zip
5405 North Douglas Highway	Juneau, AK 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
USS 2960, Lot 7B1 (proposed)

Assessor's Parcel Number(s)
6-D07-0-101-017-2

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
Douglas Island Development, LLC	Joanne Schmidt	907-723-6803
Mailing Address	**Home Phone:**	**Fax Number:**
5405 North Douglas Highway, Juneau, AK 99801		
E-mail Address	**Other Contact Phone Number(s):**	
joanne.schmidt@gci.net	Austyn Schmidt 907-723-3315	

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: 3-06-2015

X _____ Landowner/Lessee Signature — Date: 3-6-2015

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:
Corvus Design	Christopher Mertl	907-988-9000
Mailing Address	**Home Phone:**	**Fax Number:**
119 Seward Street, Suite 15, Juneau, AK 99801		
E-mail Address	**Other Contact Phone Number(s):**	
cmertl@corvus-design.com		

X _____ Applicant's Signature — Date of Application: MARCH 6 2015

---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)		3/6/15	PDF15-001
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	Variance Case (De Minimis and all other Variance case types)			
	Wetlands Permits			
	Zone Change Application			
	Other (Describe) _____			

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

Comments:

Permit Intake Initials: CM

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

MAJOR SUBDIVISION OR PLATTING APPLICATION

(CHANGING OR CREATING 5 OR MORE LOTS)

Project Number	Project Name (15 characters)	Case Number	Date Received
	Sunset Heights Planned Dvlt Dev.	PDF 15-001	3/6/15

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 _____

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

BE COMPLETED BY THE APPLICANT

LEGAL DESCRIPTION(S) OF PROPERTY TO BE SUBDIVIDED OR PLATTED:

USS 2960

Number of Existing Parcels 1 Total Land Area _____ Number of Resulting Lots or Parcels 1

EXISTING BUILDING(S) OR STRUCTURES ON THE LAND: ☐ YES ☐ NO

CURRENT USE OF LAND OR BUILDING(S): vacant

PROPOSED USE OF LAND OR BUILDING(S): 12 unit PUD with common facilities

UTILITIES AVAILABLE:

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

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):

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.

SUBDIVISION/PLATTING/PUD FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ 1020			
Admin. of Guarantee	$			
Adjustment	$			
Pub. Not. Sign Fee	$ 50			
Pub. Not. Sign Deposit	$ 100			
Total Fee	$ 1170	105	C4162257	3/6/15

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Final Plat

After completion of all conditions and Commission acceptance of the preliminary plat in accordance with Conditional Use permit procedures, the final plat shall be submitted for review and approval according to the following:

1. After acceptance of an application and a final plat, the director shall schedule the final plat for Commission action.
2. If Commission action on the final plat is scheduled to occur more than 12 months after approval of the preliminary plat, public notice of impending Commission action on the final plat may be required (see Public Notice Requirements under the Preliminary Plat section).
3. The Commission shall approve the final plat if the plat substantially conforms to the approved preliminary plat and all applicable conditions have been satisfactorily completed.
4. The Commission may place such conditions upon granting of final plat approval as are necessary to preserve the public welfare in accordance with subdivision regulations.

PLEASE NOTE: An Authorization to Subdivide form will be required between the dates of January 1 and June 30 for any subdivision activity. The Authorization to Subdivide form allows for the appropriate property tax billing to occur when a parcel is subdivided between January 1 and June 30.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

North Douglas Planned Unit Development

Project Narrative

Background: Douglas Island Development, LLC is proposing the development of a residential Planned Unit Development (PUD) to be located at 5405 North Douglas Highway, Juneau, AK 99801. The legal description of the parcel is USS 2960, Lot 7B1 and the Assessor's Parcel Number is 6-D07-0-101-017-2. The site is zoned D-3 and a PUD within this zoning is allowed under 49.15.610(a) however requires a Conditional Use Permit. The PUD is to be a twelve (12) unit residential development with common facilities located on an undeveloped 3.19 acre site. The proposed development will be phased construction with four (4) units developed in each of the three phases and the requirements for phased development under 49.15.650 will be met to understand the cumulative effects of the development. The PUD is proposed to meet the requirements of CBJ Ordinance 49.15.670. A pre-application conference was held on January 23, 2014 and subsequent meeting on October 3, 2014 with Chrissy McNally.

DESIGN STANDARDS

Zoning: The property is an undeveloped lot zoned D-3. A PUD is allowed under 49.15.610(a) however requires a Conditional Use Permit.

Minimum Site: Lot 7B1 is 139,059 square feet (3.19 acres). Lot 7B1 (and 7A1) was platted by JW Bean in November 2014 and a major subdivision application submitted for boundary adjustment for the lots previously identified Lots 7A and 7B. The plat adjustment was submitted to meet the minimum lot size requirements for a PUD on Lot 7B1 (previously Lot 7B) as indicated in 49.15.670(b)which is a minimum of 3.19 acres (138,956 sqft) in order to allow for 12 residential units.

Lot: 3.19 acres (138,956 sqft) is the minimum size allowable to support 12 residential units. Lot 7B1 exceeds this area. The follow summarizes CBJ Dimensional Standards (49.25.400) for the applicable D-3 zoning regulations:

Setbacks	Required	Proposed
Min. Front	25'	175'
Min. Rear	25'	35'
Min. Side	10'	25'
Max. Lot Coverage	35%	7%

Building Height and Spacing:

	Allowable	Proposed
Max. Structure Height	35'	33.5'
Min. Dwelling Spacing	10'	15'

Perimeter Buffer:

	Required	Proposed
Min. Perimeter Buffer	25'	10-25'

Attachment A

There are no buildings within the perimeter buffer (min. 25') however due to the steepness in terrain and the need to engineer a safe road with acceptable slopes, roads are within 10 feet of the property line in two locations. All fill and disturbance in these two areas of concern as limited to within the property lines.

Common Open Space:

	Required	Proposed
Min. Common Open Space	40%	40% (low slope: usable); 67% (total open space)
Min. Contiguous Open Space	70%	100%

Density:

	Allowable	Proposed
Units/per acre	4	4

Twelve, 3 story single family units of 2,548 square feet each. Three phased construction with four units per phase.

Access, Pedestrian and Vehicular Circulation and Parking:

	Required	Proposed
Parking Per Dwelling	2	2+

The driveway/road will be an 18' wide two lane gravel roadway. Based on direction from CBJ on January 23, 2014, a traffic impact analysis is not required for 12 units or less. All vehicular circulation and parking requirements in 49.40 will be met.

Primary pedestrian access from the public right of way (Douglas Highway) to the dwellings and common open space will be via roadway due to steep terrain. A steep gravel pedestrian path provides an alternative route from Douglas Highway to the housing and common open space along the southeast property line parallel the drainage.

Services: Water and sewer will be tied into the CBJ public system found on the west side of North Douglas Highway that runs adjacent to the property. The utility services will be gravity fed 8" PVC for sewer and 6" HDPE for the water and shall be developed to meet CBJ code standards. The project includes four sanitary manholes.

Emergency services include a new fire hydrant adjacent to the phase two housing development. The road/driveway is designed for emergency access. The second phase of development provides a dedicated turnaround for emergency vehicles (See Sheet 1: Site Civil). There is an existing fire hydrant found adjacent to North Douglas Highway on the northeast corner of the property.

Stormwater: All stormwater is conveyed to the existing stormwater ditch system on the west side of North Douglas Highway. **The North Douglas Highway stormwater system is currently receiving all stormwater associated with this site in its current condition and has not had any negative/limiting impacts to the existing stormwater system**. Stormwater from the south portion of the site is transported via open ditch to the existing ditch that flows from the site to Lot 8 and then back onto the site. Where the existing ditch re-enters the property the ditch will be realigned to follow the property line before entering the existing North Douglas Highway stormwater ditch. Stormwater from the north

portion of the site also flows via open ditch. Where needed to pass under the driveway/road, the ditch enters 24" culverts (either CPP or CMP). These culverts direct stormwater to the existing ditch found on the northeast portion of the property before entering the existing North Douglas Highway ditch. The two existing 24" CMP culverts that cross under North Douglas Highway will continue to serve the property as they currently do and no additional stormwater has been created as a result of this project.

Architecture: The foot print of the building is small to maximize the amount of units on the lot. Livable square footage amounts to 1,683 with a total square footage of 2,548. The buildings are intended to create a sense of privacy for the occupants while still in close proximity to the neighboring buildings which is mainly achieved by placing high, yet wide windows on those sides of the building. In contrast, the openings on the water view side of the building have been maximized to provide light and a view. The exterior will consist of two different finishes which will be metal or lap siding. The finishes will be used to create a break in the massing and add interest to the building. The shed roofs will be metal panels. There will be a variety of colors to choose from for both the siding and roofing.

Common Facilities: A small neighborhood park/playground (approximately 5,000 sqft) provides the common facilities and includes the following:

- Picnic shelter (approx. 12'x12' timber structure)
- Playground structure (swings, slide, climber and mulch rubber safety surfacing)
- Community garden plots and garden shed
- Site furnishings (benches, picnic table and BBQ facilities)
- Hardscape courtyard for general use with landscaping

Level turfed areas at the back of the housing equals approximately 21,000 sqft or 13% of the total site.

Landscaping: Approximately 37,000 sqft of the site (23%) will be undisturbed where the existing native vegetation will remain. Approximately 102,125 sft of the site will be in vegetation (native trees/shrubs, lawns, landscaping) and represents 67% of the total site. Areas of ornamental landscaping will be located at the front of the units and adjacent to the neighborhood park/playground. Ornamental landscaping will include medium sized trees, shrubs and perennials. Lawns will be seeded with a turf seed mix. These areas will receive planting soil to ensure plant viability. All sloped disturbed areas will be seeded with a native grass and wildflower mix designed for the site to control erosion and reestablish vegetation.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION
Date: December 11, 2014
File No.: PDP2014 0001

Corvus Design
119 Seward Street Suite 15
Juneau, Alaska 99801

Application For:	Preliminary plan approval for a 12 unit Planned Unit Development in the D-3 zoning district.
Legal Description:	USS 2960 LT 7B
Property Address:	5405 N. Douglas Highway
Parcel Code No.:	6-D07-0-101-017-2
Hearing Date:	December 9, 2014

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated December 1, 2014 and approved the Planned Unit Development for 12 units to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to final plat approval a plat note will state, "Lot 7B1 is permitted to be developed with twelve single family dwelling units. No additional dwelling units are allowed on the lot beyond what is indicated."
2. Prior to final plat approval a plat note stating "there shall be no disturbance or development within 25 feet of the exterior boundary of the North Douglas PUD."
3. Prior to final plat approval a pedestrian access easement will be noted along the southeast boundary of Lot 7A1.
4. Prior to the issuance of a grading permit the developer must submit a Temporary Erosion Control plan.
5. Re-vegetation of disturbed slopes shall be completed within three growing seasons.
6. Prior to the issuance of a grading permit the developer must identify location of at least three fire hydrants and whether the minimum flow of 2,500 GPM can be met. Alternatively, if the developer chooses to install a sprinkler system in each unit, which will be reviewed during the building permit review.
7. With the exception of parks and public trails, all development within this PUD must be setback from the exterior boundary of this development at least 25 feet.
8. Unless granted a Variance, the proposed driveway must be redesigned to avoid the 25 foot no development buffer.
9. The articles of incorporation and bylaws of the homeowners' association, required under AS 34.08 or CBJ 49.15 Article VI, shall be prepared by a lawyer licensed to practice in the state.
10. The association documents shall specify how common facilities shall be operated and maintained. The documents shall require homeowners to pay periodic assessments for the operation, snow removal, maintenance and repair of common facilities. The

Attachment B

documents shall require that the governing body of the association adequately maintain common facilities.

11. The project shall incorporate the BMPs from the Manual of Stormwater Best Management Practices, produced by the CBJ in partnership with the USF&WS, 2008.

Attachments: December 1, 2014 memorandum from Chrissy McNally, Community Development, to the CBJ Planning Commission regarding PDP2014 0001.

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, December 9, 2014

Expiration Date: The permit will expire 18 months after the effective date, or June 9, 2016 if no Final Plan has been submitted in accordance with the preliminary plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner: _____
Chrissy McNally, Planner
Community Development Department

_____
Michael Satre, Chair
Planning Commission

_____
Filed With City Clerk

12/11/14
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.

LEGEND

- B.L.M. 2-1/2" BRASS MONUMENT RECOVERED THIS SURVEY
- PRIMARY MONUMENT IN CASING RECOVERED THIS SURVEY DOT
- SECONDARY MONUMENT SET THIS SURVEY REBAR & ALUMINUM CAP, BY JW BEAN
- SECONDARY MONUMENT RECOVERED THIS SURVEY REBAR & PLASTIC CAP, BY MARK STRODE
- SECONDARY MONUMENT FOUND & REMOVED THIS SURVEY REBAR & CAP, JW BEAN
- SECONDARY MONUMENT RECOVERED THIS SURVEY AS SHOWN REBAR & CAP, JW BEAN

SURVEYED
UNSURVEYED
CENTERLINE
SURVEY TIE
VACATED LOT LINE
EASEMENT
EASEMENT

J.W. BEAN L.S. 3650

TYPICAL SECONDARY MON.
2" ALUMINUM CAP
5/8" REBAR, 36" LONG

BASIS OF BEARING

BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF S42°38'28"E FOR A FOUND 2 1/4" BRASS CAP BEING WITNESS MEANDER CORNER TO CORNER 1, LOT 6, U.S.S. 2960 TO A FOUND 2 1/4" BRASS CAP BEING WITNESS MEANDER CORNER TO CORNER 2, LOT 6, U.S.S. 2960 AS SHOWN ON U.S. SURVEY NO. 2960

RECORD DIMENSIONS DIFFERENT FROM MEASURED OR CALCULATED DIMENSIONS ARE SHOWN IN PARENTHESIS. ALL RECORDED INFORMATION THIS SURVEY FROM U.S. SURVEY NO. 2960 UNLESS OTHERWISE NOTED.

R = RIGHT-OF-WAY MAP (PROJECT NO. S-0959(A)

R1 = PLAT NO. 2011-24

STATEMENT OF OWNERSHIP:

WE HEREBY CERTIFY THAT STRATEGIC CAPITAL INVESTMENTS, LLC., IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH OUR FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

Date _____, 2015

Owner _____
AUSTYN SCHMIDT
MEMBER

Owner _____
JOANNE SCHMIDT
MEMBER

NOTARY ACKNOWLEDGMENT:

STATE OF ALASKA)
) S.S.
FIRST JUDICAL DISTRICT)

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2015 BEFORE THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED MEMBERS AUSTYN & JOANNE SCHMIDT,
TO ME KNOWN AND KNOW TO ME TO BE THE PERSONS THEY REPRESENT THEMSELVES TO BE AND THE MEMBERS AUSTYN & JOANNE SCHMIDT RESPECTIVELY OF THE
STRATEGIC CAPITAL INVESTMENTS, LLC.
WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS THE FREE ACT AND DEED OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED, AND FULLY AUTHORIZED TO DO SO.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

Notary Public for Alaska _____

My Commission Expires _____

CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY & BOROUGH OF JUNEAU AND IS APPROVED BY THE CITY AND BOROUGH OF JUNEAU DEPARTMENT OF COMMUNITY DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE JUNEAU RECORDING DISTRICT, JUNEAU, ALASKA.

Dated: _____, 2015.

_____
Director
City & Borough of Juneau
Department of Community Development

Attest:

_____
Clerk
City & Borough of Juneau

CERTIFICATE OF REGISTERED LAND SURVEYOR

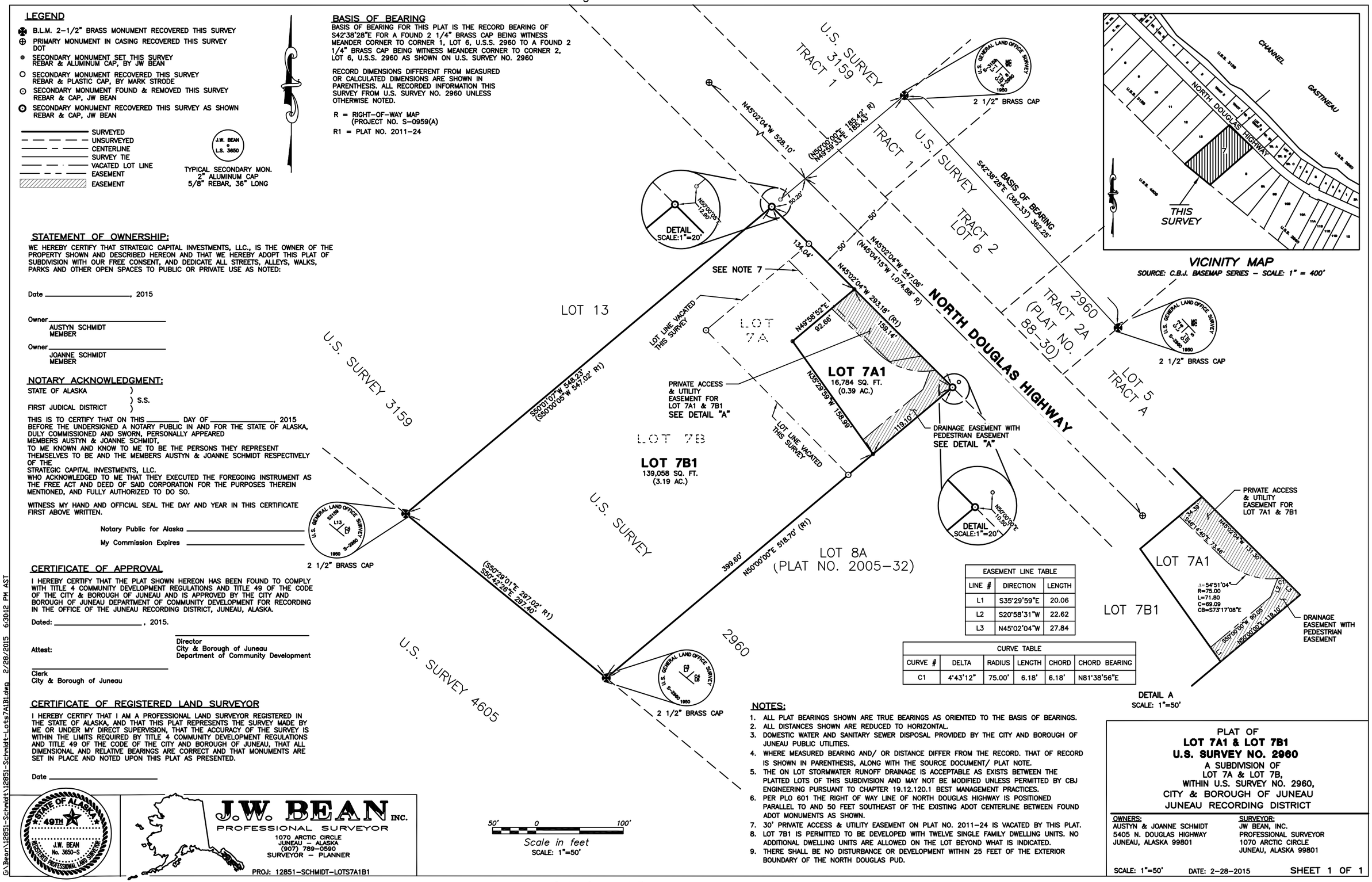
I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4 COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE 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.

Date _____

STATE OF ALASKA 49TH
J.W. BEAN No. 3650-S REGISTERED PROFESSIONAL LAND SURVEYOR

J.W. BEAN INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU – ALASKA
(907) 789-0590
SURVEYOR – PLANNER

PROJ: 12851-SCHMIDT-LOTS7A1B1



EASEMENT LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S35°29'59"E	20.06
L2	S20°58'31"W	22.62
L3	N45°02'04"W	27.84

CURVE TABLE					
CURVE #	DELTA	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	4°43'12"	75.00'	6.18'	6.18'	N81°38'56"E

NOTES:

1. ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
2. ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
3. DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
4. WHERE MEASURED BEARING AND/ OR DISTANCE DIFFER FROM THE RECORD. THAT OF RECORD IS SHOWN IN PARENTHESIS, ALONG WITH THE SOURCE DOCUMENT/ PLAT NOTE.
5. THE ON LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CHAPTER 19.12.120.1 BEST MANAGEMENT PRACTICES.
6. PER PLO 601 THE RIGHT OF WAY LINE OF NORTH DOUGLAS HIGHWAY IS POSITIONED PARALLEL TO AND 50 FEET SOUTHEAST OF THE EXISTING ADOT CENTERLINE BETWEEN FOUND ADOT MONUMENTS AS SHOWN.
7. 30' PRIVATE ACCESS & UTILITY EASEMENT ON PLAT NO. 2011-24 IS VACATED BY THIS PLAT.
8. LOT 7B1 IS PERMITTED TO BE DEVELOPED WITH TWELVE SINGLE FAMILY DWELLING UNITS. NO ADDITIONAL DWELLING UNITS ARE ALLOWED ON THE LOT BEYOND WHAT IS INDICATED.
9. THERE SHALL BE NO DISTURBANCE OR DEVELOPMENT WITHIN 25 FEET OF THE EXTERIOR BOUNDARY OF THE NORTH DOUGLAS PUD.

PLAT OF
LOT 7A1 & LOT 7B1
U.S. SURVEY NO. 2960
A SUBDIVISION OF
LOT 7A & LOT 7B,
WITHIN U.S. SURVEY NO. 2960,
CITY & BOROUGH OF JUNEAU
JUNEAU RECORDING DISTRICT

OWNERS:
AUSTYN & JOANNE SCHMIDT
5405 N. DOUGLAS HIGHWAY
JUNEAU, ALASKA 99801

SURVEYOR:
JW BEAN, INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU, ALASKA 99801

SCALE: 1"=50' DATE: 2-28-2015 SHEET 1 OF 1

G:\Bean\12851-Schmidt\12851-Schmidt-Lots7A1B1.dwg 2/28/2015 6:30:12 PM AST

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: January 28, 2015
File No.: VAR2014 0028

Corvus Design
119 Seward Street Suite 15
Juneau, Alaska 99801

Application For:	Variance request to allow a driveway to encroach into the required 25 foot Planned Unit Development perimeter buffer.
Legal Description:	USS 2960 Lot 7B
Property Address:	5405 N. Douglas Highway
Parcel Code No.:	6-D07-0-101-017-2
Hearing Date:	January 27, 2015

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated January 15, 2015 and approved the Variance to be conducted as described in the project description and project drawings submitted with the application.

Attachment: January 15, 2015 memorandum from Chrissy McNally, Community Development, to the CBJ Board of Adjustment regarding VAR2014 0028.

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, January 27, 2015
Expiration Date:	The permit will expire 18 months after the effective date, or July 27, 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.

Corvus Design
File No: VAR2014 0028
January 28, 2015
Page 2 of 2

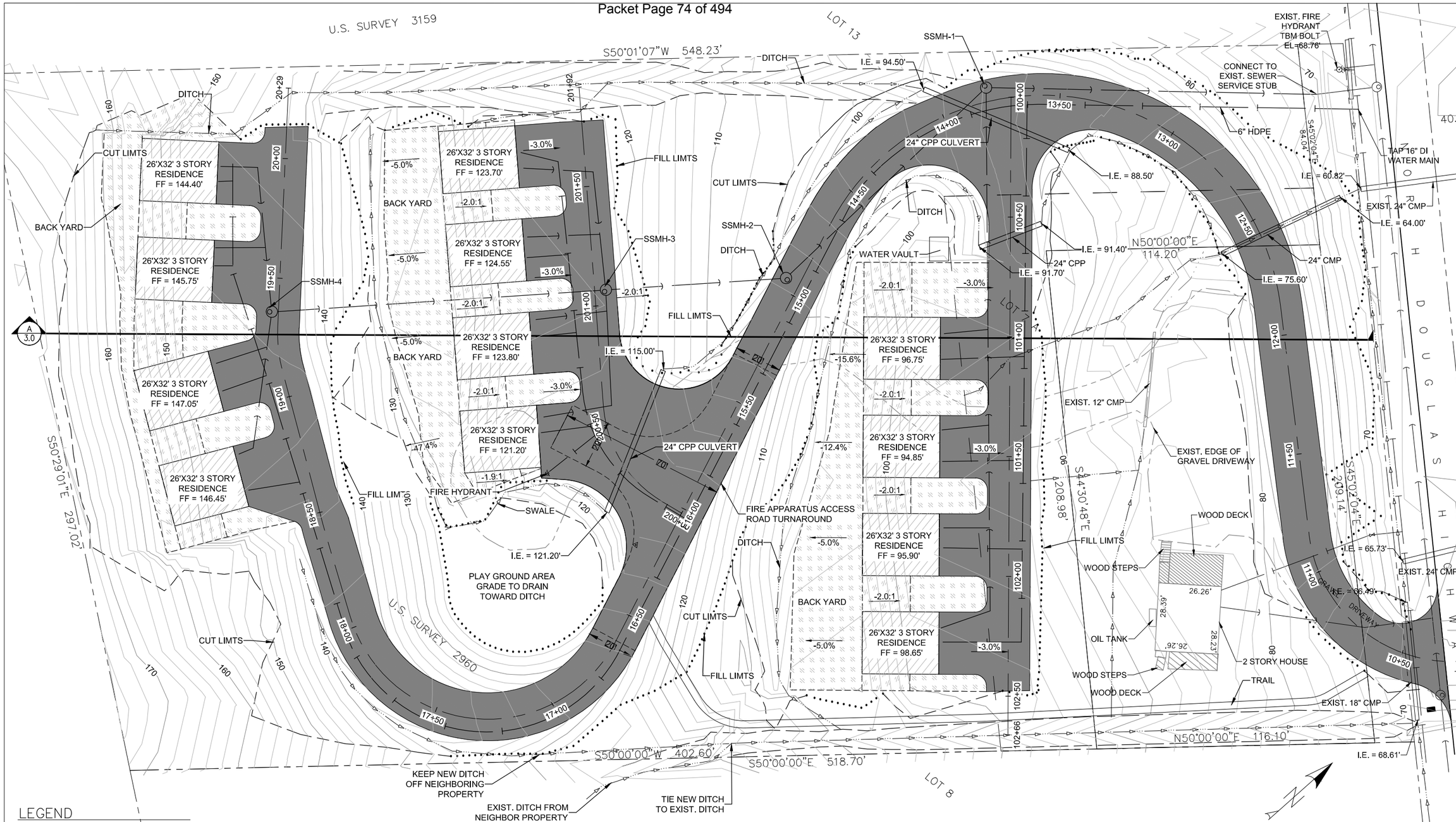
Project Planner: _____
Chrissy McNally, Planner
Community Development Department

_____
Michael Satre, Chair
Planning Commission

_____ 1/30/15
Filed With City Clerk Date

cc: Plan Review

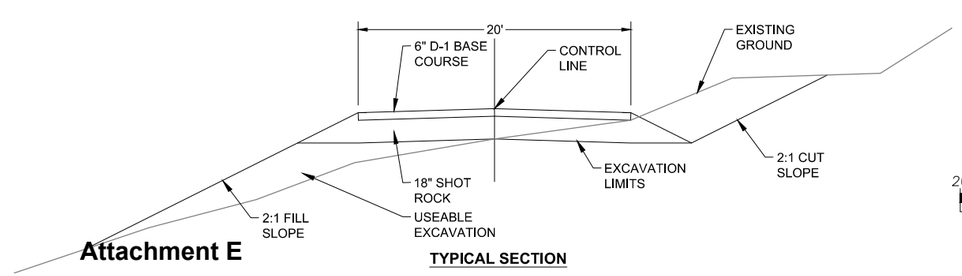
NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or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



LEGEND

- PROPERTY LINE
- SEWER LINE
- WATER LINE
- CUT LIMITS
- FILL LIMITS
- GRADE BREAK
- DITCH LINE
- PROPOSED GRAVEL DRIVEWAY AND PARKING AREA
- FIRE HYDRANT
- WATER VALVE
- SANITARY SEWER MANHOLE

NOTES:
1. EXISTING TOPOGRAPHIC SURVEY WAS PERFORMED BY J.W. BEAN. THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY.
2. PROPOSED CONTOURS ARE MERGED WITH EXISTING CONTOURS TO REPRESENT FINISHED GRADE.
3. FOLLOW THE PREPARED SWPPP FOR EROSION AND SEDIMENT CONTROL MEASURES.
4. AN ALASKAN REGISTERED LAND SURVEYOR SHALL RESET MONUMENTS IF THEY ARE DISTURBED DURING CONSTRUCTION.
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CURRENT CBJ STANDARD DETAILS AND STANDARD SPECIFICATIONS.



TYPICAL SECTION

20 10 0 20 40 60
SCALE IN FEET

Attachment E

USS 2960
5405 N. DOUGLAS HIGHWAY
JUNEAU AK 99801

DOUGLAS ISLAND DEVELOPMENT, LLC
NORTH DOUGLAS PUD
JUNEAU, ALASKA

SITE CIVIL PLAN

STATE OF ALASKA 49th Naomi R. Hobbs No.CE9959 11-26-14 REGISTERED PROFESSIONAL ENGINEER

SHEET 1 OF 4

Attachment F

1 VIEW 1

2 VIEW 2

RECEIVED
OCT 24 2014
PERMIT CENTER/CDD

Jensen
Yorba
Lott
Inc.

522 West 10th Street
Juneau, Alaska 99801
Phone 907-586-1070
Fax 907-586-3959
jensenyorbalott.com

NORTH DOUGLAS
DEVELOPMENT

REVISIONS

SHEET TITLE
PERSPECTIVE VIEWS

DATE: OCTOBER 2014
FILE: 14003

A303

10/6/2014 3:08:39 PM Jsers\adeguzman\Documents\My Revit Projects\14003-Douglas Dev-concept_adeguzman.rvt

JUNEAU RECORDING DISTRICT

DECLARATION
FOR
SUNSET HEIGHTS PLANNED COMMUNITY

DOUGLAS ISLAND DEVELOPMENT LLC, an Alaska Limited Liability Company (hereinafter "Declarant"), whose address is 5405 North Douglas Highway, Juneau, Alaska 99801, hereby submits the real property in Juneau, Alaska described in Schedule A-1 to the provisions of the Uniform Common Interest Ownership Act, Chapter 34.08 of the Alaska Statutes, for the purposes of creating **SUNSET HEIGHTS PLANNED COMMUNITY, a Planned Community.**

ARTICLE I

Definitions

In the Documents, the following words and phrases shall have the following meaning:

Section 1.1 – Act. The Uniform Common Interest Ownership Act, AS 34.08, as it may be amended from time to time.

Section 1.2 – Allocated Interests. The Common Expenses liability, and Votes in the Association, allocated to Units in the Common Interest Community. The Allocated Interests are described in Article VIII of this Declaration and are shown on Schedule A-2.

Section 1.3 – Association. SUNSET HEIGHTS HOMEOWNERS ASSOCIATION, INC., a non-profit corporation organized under AS 10.20. It is the Association of Unit Owners pursuant to AS 34.08.310 and AS 34.08.990(3) of the Act.

Section 1.4 – Bylaws. The Bylaws of the Association, as they may be amended from time to time. Neither the Bylaws nor any amendments to the Bylaws need to be recorded in the Juneau Recording District.

Section 1.5 – Common Elements. Each portion of the Common Interest Community other than a Unit as defined herein and as more fully described on Schedule A-1 attached hereto. The Common Elements will be owned by the Association.

Section 1.6 – Common Expenses. The expenses or financial liabilities for the operation of the Common Interest Community. These include:

(a) Expenses of administration, maintenance, repair or replacement of the Common Elements;

(b) Expenses declared to be Common Expenses by the Documents or by the Act;

(c) Expenses agreed upon as Common Expenses by the Association; and

(d) Such reasonable reserves as may be established by the Association, whether held in trust or by the Association, for repair, replacement or addition to the Common Elements or any other real or personal property acquired or held by the Association or for which the Association has maintenance or repair responsibilities.

Section 1.7 – Common Interest Community. The real property described in Schedule A-1, subject to the Declaration for SUNSET HEIGHTS PLANNED COMMUNITY.

Section 1.8 – Declarant. DOUGLAS ISLAND DEVELOPMENT, LLC, an Alaska limited liability company.

Section 1.9 – Declaration. This document, including any amendments, and attached exhibits.

Section 1.10 – Development Rights. The rights reserved by the Declarant under Article VI of the Declaration to create Units, Common Elements, and Limited Common Elements and Improvements within the Common Interest Community.

Section 1.11 – Director. A member of the Executive Board of the SUNSET HEIGHTS PLANNED COMMUNITY HOMEOWNERS ASSOCIATION, INC.

Section 1.12 – Documents. The Declaration, Plat and Plans which have been recorded and filed, the Articles of Incorporation, the Bylaws, and the Resolutions as recorded in the book of Resolutions of the Association, as they may be amended from time to time. Any exhibit, schedule, or certification accompanying a Document is a part of that Document.

Section 1.13 – Eligible Insurer. An insurer or guarantor of a first Security Interest in a Unit which has notified the Association in writing of its name and address and that it has insured or guaranteed a first Security Interest in a Unit. Such notice shall be deemed to include a request that the Eligible Insurer to given the notice and other rights described in Article XVI.

Section 1.14 – Eligible Mortgagee. The holder of a first Security Interest in a Unit which has notified the Association in writing of its name and address and that it holds a first Security Interest in a Unit. Such notice shall be deemed to include a request that the Eligible Mortgagee be given the notices and other rights described in Article XVI.

Section 1.15 – Executive Board. The Board of Directors of the Association.

Section 1.16 – Improvements. Any construction, structure, fixture or facility existing or to be constructed on the land included in the Common Interest Community including, but not limited to buildings, fences, trees and shrubbery planted by the Declarant, a Unit Owner or the Association, paving, utility wires, pipes, and light-poles.

Section 1.17 – Limited Common Elements. The portion of the Common Elements allocated for the exclusive use of one or more but fewer than all the Units by the Declaration or by operation of Subsections (2) and (4) of AS 34.08.100, and as more fully described in Article V of this Declaration.

Section 1.18 – Majority or Majority of Unit Owners. The owners of at least 67% of the Votes in the Association.

Section 1.19 – Manager. A person, firm or corporation employed or engaged to perform management services for the Common Interest Community and the Association.

Section 1.20 – Notice and Comment. The right of a Unit Owner to receive notice of an action proposed to be taken by the Association, and the right to comment thereon. The procedures for Notice and Comment are set forth in Section 23.1 of this Declaration.

Section 1.21 – Notice and Hearing. The right of a Unit Owner to receive notice of an action proposed to be taken by the Association, and the right to be heard thereon. The procedures for Notice and Hearing are set for in Section 23.2 of this Declaration.

Section 1.22 – Period of Declarant Control. A period of time prior to the earliest of (1) 60 days after conveyance of 80 percent of the Units that may be created to Unit Owners other than the Declarant; (2) two (2) years after Declarant has ceased to offer Units for sale in the ordinary course of business; or (3) two (2) years after any right to add new Units was last exercised..

Section 1.23 – Person. An individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, government subdivision or agency, or other legal or commercial entity.

Section 1.24 – Plat. The Plat filed with the Declaration as Schedule A-3, as it may be amended from time to time.

Section 1.25 – Property. The land and all Improvements, easements, rights and appurtenances which have been submitted to the provisions of the Act by this Declaration, sometimes hereinafter also referred to as the "Project".

Section 1.26 – Public Offering Statement. The current document prepared pursuant to the Act, AS 34.08.520-540, as it may be amended from time to time, and provided to purchasers prior to the time of execution of a purchase agreement.

Section 1.27 – Rules. Rules for the use of the Units and Common Elements and for the conduct of persons within the Common Interest Community, adopted by the Executive Board pursuant to this Declaration. Such Rules, if any, are as found in the Book of Resolutions for the Association, as such resolutions may be amended from time to time.

Section 1.28 – Security Interest. An interest in real estate or personal property, created by contract or conveyance, which secures payment or performance of an obligation. The term includes a lien created by mortgage, deed of trust, trust deed, security deed, contract for deed, land sales contract, lease intended as security,

assignment of lease or rents intended as security, pledge of an ownership interest in the Association, and any other consensual lien or title retention contract intended as security for an obligation.

Section 1.29 – Special Declarant Rights. Rights reserved for the benefit of the Declarant to (A) complete Improvements indicated on Plats filed with the Declaration; (B) maintain sales offices, management offices, signs advertising the Common Interest Community, and models; (C) use easements through the Common Elements for the purpose of making Improvements within the Common Interest Community; or (D) appoint or remove an officer of the Association or any Executive Board member during any period of Declarant control.

Section 1.30 – Trustee. The entity which may be designated by the Executive Board as the Trustee for the receipt, administration, and disbursement of funds derived from insured losses, condemnation, awards, special assessments for uninsured losses, and other like sources as defined in the Bylaws. If no Trustee has been designated, the Trustee will be the Executive Board from time to time constituted, acting by majority vote, as executed by the President and attested by the Secretary.

Section 1.31 – Unit. Unit means a "Unit" as defined in Section 34.08.990(32) of the Act the boundaries of which are described in Section 4.2 of this Declaration, and consists of the twelve (12) Units shown on Schedule A-1. A Unit includes the title and a right to possession and improvements therein in the air space above the physical surface of the land (as such term is used) within the vertical boundaries extending up from the boundary lines as designated on the Plat. The land below the Unit remains unsubdivided and is a Common Element.

Section 1.32 – Unit Owner. The Declarant or other Person who owns a Unit. Unit Owners does not include a Person having an interest in a Unit solely as security for an obligation. The Declarant is the initial owner of any Unit created by this Declaration.

Section 1.33 – Votes. The votes allocated to each Unit as shown on Schedule A-2. Any specified percentage, portion or fraction of Unit Owners, unless otherwise stated in the Documents means the specified percentage in aggregate of such portion of the Votes.

ARTICLE II

Name and Type of Common Interest Community and Association

Section 2.1 – Common Interest Community. The name of the Common Interest Community is SUNSET HEIGHTS PLANNED COMMUNITY. The Common Interest Community is a Planned Community.

Section 2.2 – Association. The name of the Association is SUNSET HEIGHTS HOMEOWNERS ASSOCIATION, INC., a non-profit Corporation organized under the laws of the State of Alaska, and vested with those powers enumerated in AS 34.08.320(a).

ARTICLE III

Description of Property

The entire Common Interest Community is situated in the Juneau Recording District, First Judicial District, State of Alaska, and is located on land described in Schedule A-1.

ARTICLE IV

Maximum Number of Units: Boundaries

Section 4.1 – Maximum Number of Units. The Common Interest Community, upon creation, contains four (4) Units. The Declarant reserves the right to create up to a total of twelve (12) Units.

Section 4.2 – Boundaries. Boundaries of each Unit created by the Declaration as shown on the Plat designated as numbered Units are described as follows:

(a) Perimeter and Lower Boundaries. The Unit is the real property consisting of the space above the surface of the "land" and the rights of possession therein within the vertical planes intersecting the surface of the earth at the boundary lines of each Unit as described below and as shown on Schedule A-3 to the Declaration. Except for the spaces lying twenty (20) feet below the base elevation of the Unit as shown on the Plat attached as Schedule A-3, all of the underlying land remains undivided and a Common Element, with the spaces lying below the boundaries of the Unit and within the Improvements as they may from time to time be located therein being Limited Common Elements appurtenant to the Unit.

(b) Exclusions. Except when specifically included by other provisions of this Article, the following is excluded from each Unit: the spaces and Improvements lying outside of the boundaries described in this Section 4.2, subsection (a) above.

(c) Easements for Support. Each Unit Owner of a Unit has an easement for support for any portion of a fence on or near the boundary of any adjoining Common Element or Limited Common Element appurtenant to a Unit. Fences serving two Units or both a Unit and a Common Element will be shared through a mutual non-exclusive easement of enjoyment for all purposes for which the fence and its replacements are intended.

(d) Inconsistency with Plans: If any definition of boundaries is inconsistent with the Plans of the Project, then this definition will control.

ARTICLE V

Limited Common Elements

Section 5.1 – Limited Common Elements. The Limited Common Elements for each Unit will include the spaces and Improvements within the spaces lying directly below each Unit within the extension of the plans of the vertical perimeter of the boundaries of the Unit extended to the center of the earth. The Limited Common Elements include:

(a) The Improvements within the space below the lower boundary of the Unit as defined in Section 4.2(a) which contain any sewer system, water system, foundation footings, slab, electrical wiring, lawns, planted shrubs, pavement, television/cable/internet, telephone and electrical lines or equipment, vaults, boxes, and underground Improvements serving that Unit exclusively; and

(b) If a chute, flue, pipe, duct, wire, or conduit lies partially within and partially outside the designated boundaries of a Unit, the portion serving only the Unit is a Limited Common Element, allocated solely to the Unit, the use of which is limited to the Unit, and any portion thereof serving more than one Unit or a portion of the Common Elements is a part of the Common Elements.

(c) Fences located on a Unit boundary line, the use of which is limited to the Unit(s) whose yard(s) adjoins said fence.

ARTICLE VI

Maintenance, Repair and Replacement

Section 6.1 – Common Elements.

(a) Maintenance, Repair and Replacement of the Common Elements. The Association shall maintain, repair and replace all of the Common Elements. The Common Elements in Sunset Heights Planned Community include but are not limited to the community roadways, sidewalks, entry-gates, community mailboxes and street lighting, community water and sewer distribution lines and lift station, community playground and community gardens.

(b) Association Maintenance of Certain Unit Areas. The following portions of a Unit shall be maintained by the Association:

(i) Driveway and walkway snow removal.

(ii) Unfenced yard areas.

(iii) To the extent not owned and maintained by a supplier of a utility, including buried telecommunication, electric and gas facilities, the maintenance, repair or replacement of Improvements appurtenant to a Unit will be the responsibility of the appurtenant Unit Owner.

Section 6.2 – Units.

(a) Except as described in Section 6.1(b) above, the Unit and all Improvements therein, including but not limited to Unit Owner installed flower beds, shrubs, trees and landscape improvements including but not limited to raised or decorative planting beds, fountains and fences, shall be maintained, repaired and replaced by the Unit Owner.

(b) The Executive Board may in its sole discretion accept responsibility for the maintenance, repair and replacement of landscaping improvements located within a Unit. Common Expenses associated with such maintenance, repair or replacement will be assessed against the Unit Owner or Unit Owners benefitted. A Unit Owner may also contract directly with the Association's landscape contractor for landscape maintenance.

Section 6.3 – Access. Any person authorized by the Executive Board shall have the right of access to all portions of the Property for the purpose of correcting any condition threatening a Unit or the Common Elements, and for the purpose of performing installations, alterations or repairs, and for the purpose of reading, repairing, replacing utility meters and related pipes, valves, wires and equipment provided that request for entry are made in advance and that any such entry is at a time reasonably convenient to the affected Unit Owner. In the case of an emergency, no such request or notice is required and such right of entry shall be immediate, whether or not the Unit Owner is present at the time.

Section 6.4 – No alteration, additional component or element without consent of the Executive Board. No Improvement alterations made to the Common Elements without the written consent of the Executive Board.

ARTICLE VII

Development Rights and Other Special Declarant Rights

Section 7.1 – Reservation of Development Rights. The Declarant reserves the following Development Rights:

(a) The right by amendment, to create Units and Common Elements within the Property shown on Schedule A-3 as "Development Rights Reserves".

(b) The right by amendment to withdraw property designated as "Development Rights Reserved" as shown on Schedule A-3 to this Declaration, as may be amended from time to time; provided, however, that the withdrawn property shall comply with City and Borough of Juneau Land Use Code.

(c) The right to construct underground utility lines, pipes, wires, ducts, conduits and other facilities across the Property for the purpose of

furnishing utility and other services to buildings and Improvements to be constructed on the Property. The Declarant also reserves the right to grant easements to public utility companies and to convey Improvements within those easements anywhere in the Common Interest Community for the above-mentioned purposes. If the Declarant grants any such easements, Schedule A-1 will be amended to include reference to the recorded easement.

Section 7.2 – Limitations on Development Rights. The Development Rights reserved in Section 7.1 are limited as follows:

(a) The Developments Rights may be exercised at any time, but not more than seven (7) years after the recording of this Declaration.

(b) Not more than eight (8) additional Units may be added to the community under the Development Rights.

(c) The quality of construction of any Buildings and other Improvements to be created on the Property shall be consistent with the quality of those constructed pursuant to this Declaration as initially recorded.

(d) All Units created pursuant to the Development Rights will be restricted to residential use in the same manner and to the same extent as the Units created under this Declaration as initially recorded.

(e) No Development Rights may be exercised unless approved pursuant to Section 17.5 of this Declaration.

Section 7.3 – Phasing of Development Rights. No assurances are made by the Declarant regarding the portions of the Property Subject to Development Rights where the Declarant will exercise its Development Rights or the order in which such portions, or all of the area, will be developed. The exercise of Development Rights as to some portions will not obligate the Declarant to exercise them as to other portions.

Section 7.4 – Special Declarant Rights. The Declarant reserves the following Special Declarant Rights, to the maximum extent permitted by law, which may be exercised, where applicable, anywhere within the Common Interest Community:

(a) To complete Improvements indicated on Plats filed with the Declaration.

(b) To exercise a Development Right reserved in this Declaration.

(c) To maintain sales offices, management offices, signs advertising the Common Interest Community, and models.

(d) To use easements through the Common Elements for the purpose of making Improvements within the Common Interest Community.

(e) To appoint or remove any Officer of the Association or any Executive Board member during any Period of Declarant Control subject to the provisions of subsection 7.10(b) of this Declaration and AS 34.08.330(e).

Section 7.5 – Models, Sales Offices and Management Offices. As long as the Declarant is a Unit Owner, the Declarant and its duly authorized agents, representatives, and employees may maintain any Unit owned by the Declarant or any portion of the Common Elements as a model Unit or sales office or management office.

Section 7.6 – Warranty Work and Repairs; Declarant's Easement. The Declarant reserves the right to perform warranty work and repairs and construction work and to store materials in secure areas, in Units and Common Elements, and the further right to control all such work and repairs, and the right of access thereto, until its completion. All work may be performed by the Declarant without the consent or approval of the Executive Board.

Section 7.7 – Signs and Marketing. The Declarant reserves the right to post signs and displays in the Common Elements to promote sales of Units, and to conduct general sales activities, in a manner that will not unreasonably disturb the rights of the Unit Owners.

Section 7.8 – Association or Executive Board Actions Subject to Declarant's Approval. Declarant may voluntarily surrender the right to appoint and remove officers and members of the Executive Board before the termination of the Period of Declarant Control, but in that event, the Declarant may require, for the duration of the Period of Declarant Control, that specified actions of the Association or the Executive Board, as described in a recorded instrument executed by the Declarant, be approved by the Declarant before they become effective.

Section 7.9 – Declarant's Personal Property. The Declarant reserves the right to retain all personal property and equipment used in sales, management, repair, and maintenance of the Project that has not been represented as property of the Association. The Declarant reserves the right to remove, within one year after the sale of the last Unit, from the Property any and all goods and improvements used in development, marketing and repair, whether or not they have become fixtures.

Section 7.10 – Declarant Control of the Association.

(a) Subject to Subsection (b), there will be a Period of Declarant Control of the Association, during which the Declarant or persons designated by them may appoint and remove the officers and members of the Executive Board. The Period of Declarant Control terminates no later than the earlier of:

i. Sixty (60) days after conveyance of 80 percent of the units that may be created to Unit Owners other than the Declarant;

ii. Two (2) years after Declarant has ceased to offer Units for sale in the ordinary course of business.

iii. Two (2) years after any right to add new Units was last exercised.

iv. Declarant may voluntarily surrender the right to appoint and remove officers and members of the Executive Board before termination of that period, but in that event the Declarant may require, for the duration of the Period of Declarant Control, that specified actions of the Association or Executive Board, as described in a recorded instrument executed by the Declarant, be approved by the Declarant before they become effective.

(b) Not later than sixty (60) days after conveyance of one quarter of the Units that may be created to Unit Owners other than a Declarant, at least one member and not less than one-quarter of the members of the Executive Board shall be elected by Unit Owners other than the Declarant. Not later than sixty (60) days after conveyance of one-half of the Units that may be created to Unit Owners other than a Declarant, not less than one-third of the members of the Executive Board must be elected by Unit Owners other than the Declarant.

(c) Not later than the termination of the Period of Declarant Control, the Unit Owners shall elect an Executive Board of at least three (3) members, at least a majority of whom shall be Unit Owners. The Executive Board shall elect the officers. The Executive Board members and officers shall take office upon election.

(d) Notwithstanding any provisions of the Declaration or Bylaws to the contrary, the Unit Owners, by a two thirds vote of all persons present and entitled to vote at any meeting of the Unit Owners at which a quorum is present, may remove a member of the Executive Board with or without cause, other than a member appointed by the Declarant.

Section 7.11 – Limitations on Special Declarant Rights. Unless sooner terminated by a recorded instrument executed by the Declarant, any Special Declarant Right may be exercised by the Declarant until the earliest of the following events occur:

(a) So long as the Declarant is obligated under any warranty or obligation.

(b) So long as the Declarant holds a Development Right to create additional Units or Common Elements.

(c) So long as the Declarant owns any Units.

(d) So long as Declarant holds a Security Interest on any Units, or

(e) For seven (7) years after the recording of the Declaration, whichever is sooner.

Earlier termination of certain rights may occur by statute.

Section 7.12 – Interference with Special Declarant Rights. Neither the Association nor any Unit Owner may take any action or adopt any rule that will interfere with or diminish any Special Declarant Right without the prior written consent of the Declarant.

ARTICLE VIII

Allocated Interests

Section 8.1 – Allocation of Interest. The table showing Unit numbers and their Allocated Interests is attached as Schedule A-2. These interests have been allocated in accordance with the formulas set out in this Article VIII.

Section 8.2 – Formulas for the Allocation of Interest. The interests allocated to each Unit have been calculated based on the following formulas:

(a) Liability for the Common Expenses. Units 1 through 4 shall be allocated one share of liability for Common Expenses. Allocations are subject to rounding off to result in one hundred percent (100%) allocation Nothing contained in this Subsection shall prohibit certain Common Expenses from being apportioned to particular Units under Article XVII of this Declaration.

As additional Units are added to the Common Interest Community pursuant to the exercise of development rights, each Unit shall be allocated one (1) share of liability for Common Expenses.

(b) Votes. Each Unit in the Common Interest Community shall have one (1) equal Vote. Any specified percentage of Unit Owners, unless otherwise stated in the Documents, means the specified percentage of all the Votes as allocated in Schedule A-2.

Section 8.3 – Assignment of Allocated Interests Upon Creation of Units Pursuant to Exercise of Development Rights. The effective date for assigning Allocated Interests to Units created Pursuant to Section 7.1 of the Declaration shall be the date on which the amendment creating the Unit is recorded in the records of the Juneau Recording District.

ARTICLE IX

Restrictions on Use, Alienation and Occupancy

Section 9.1 – Use and Occupancy Restrictions. Subject to the Special Declarant Rights reserved under Article VII, the use restrictions in this Article IX apply to all Units and to the Common Elements. Where approval is required in this Article by the Executive Board, it may be given by a committee appointed by the Executive Board having jurisdiction over such matters, if any.

Section 9.2 – General Use and Occupancy Restrictions. The following use and occupancy restrictions apply to the Units and Common Elements:

(a) Each Unit is restricted to residential use as a single-family residence including home professional pursuits not requiring regular visits from the public or unreasonable levels of mail, shipping, trash or storage. No sign indicating commercial or professional uses may be displayed outside a Unit.

(b) The use of Units and Common Elements is also subject to any additional use restrictions as set forth in the Bylaws and Rules of the Association.

(c) Each Unit Owner shall keep his Unit in a good state of preservation and cleanliness.

(d) No person shall commit waste of Improvements or interfere with their proper use by others, or commit any nuisances, vandalism, or boisterous or improper behavior which interferes with or limits the enjoyment of the Common Elements by others.

(e) No noxious, offensive, dangerous or unsafe activity shall be carried out within a Unit nor shall anything be done, either willfully or negligently, which may be or become an annoyance or nuisance to other Unit Owners or occupants.

(f) No improper, offensive or unlawful use may be made of the Units, and Unit Owners shall comply with and conform to all applicable laws and regulations of the states and of the State of Alaska, and all ordinances, rules and regulations of the City and Borough of Juneau. The violating Unit Owner shall hold the Association and other unit Owners harmless from all fines, penalties, costs and prosecutions for the violation thereof or non-compliance therewith.

(g) Except for automotive repair conducted within the garage area of a Unit, no automotive repair is permitted on the Property.

(h) Overnight parking on the Community streets is prohibited. The Association may adopt rules with regard to Common Element guest parking spaces.

(i) Except for vehicles belonging to the Declarant and its subcontractors or a dealer, builder or contractor constructing dwellings, no commercial vehicles or heavy equipment such as bulldozers and graders may be kept in the Community. Commercial vehicles shall mean any vehicle having more than two axles or having a gross vehicle weight in excess of 11,000 pounds.

(j) Campers, motorhomes and other recreational vehicles shall not be parked within a Unit except that guest campers and motorhomes may be parked for up to three (3) days on a driveway in a Unit. All-terrain vehicles, jet-skis and snow-machines shall be stored in the garage. The use of snow-machines and all-terrain vehicles is prohibited in the Community. The Association may adopt rules further regulating guest parking of recreational vehicles.

(k) No animals, livestock or poultry shall be kept in a Unit, except that domestic dogs, cats, fish and birds may be kept as household pets within a Unit, provided they are not kept, bred or raised therein for commercial purposes or in unreasonable quantities. "Unreasonable Quantities" shall be deemed to limit the total number of pets to four (4), of which no more than two (2) shall be dogs and/or cats. The Executive Board may prohibit the maintenance of any animal that constitutes a nuisance to any other Unit Owner. Dogs and cats belonging to Unit Owners, occupants of Units, or their licensees or invitees, must be kept within a fenced rear yard on the dwelling within the Unit except that they may be taken out of the Unit or fenced yard area on a leash held by a person capable of controlling the animal. The Board may authorize the removal of animals in the Community found to be in violation of the animal restrictions contained herein.

(l) The obstruction or rechanneling of drainage flows after the original location and installation of drainage swales, storm sewers, or storm drains is not permitted, except that the Declarant and the Association shall have such right; provided, the exercise of such right shall not materially diminish the value of or unreasonably interfere with the use of any Unit without the Owner's consent.

Section 9.3 – Restrictions on Alienation.

(a) A Unit may not be conveyed pursuant to a time sharing plan as defined under AS 34.08.550.

(b) No Owner shall be permitted to rent or lease a Unit for transient or hotel purposes. No Owner may lease or rent less than the entire Unit, and no dwelling may be leased except by written lease with a term in excess of sixty (60) days. Any lease or rental agreement shall provide that the terms thereof shall be subject in all respects to the provisions of the Declaration, the Bylaws, and the Rules (including the Book of Resolutions), and that any failure by the lessee to comply with the terms of such documents shall be a default under the lease or rental agreement. All leases and rental agreements shall be in writing and a copy given to the Executive Board.

Section 9.4 – Association Right to Exercise Unit Owner's Landlord Rights. The Association will have the right and power to exercise the landlord's right of summary process against any tenant of a Unit Owner, who violates the restrictions of the Documents, provided the Unit Owner has received Notice and Hearing, and is given a reasonable opportunity to cure the violation following the hearing.

Section 9.5 – Dwellings under Construction on Units. Construction equipment and materials may be stored on a Unit. The Declarant, its agents, employees, assigns and contractors, pursuant to its easement reserved under the Act, shall have the right to enter and use the Common Elements to connect utilities, construct drainage structures and adjust drainage by excavation or fill, construct drives and roads and Improvements allowed pursuant to the site plan approved by the City and Borough of Juneau Planning and Zoning Commission and do all things reasonably necessary to complete the Improvements as may be necessary to otherwise discharge its obligations. The Declarant and any building will remain properly insured and will hold the Association harmless from any loss, claim or damage occasioned by its construction activities.

ARTICLE X

Easements and Licenses

Section 10.1 – Recorded Easements and Licenses. All recorded easements or licenses to which the Common Interest Community is presently subject are listed in Schedule A-5 to this Declaration.

Section 10.2 – Owner's Easement of Enjoyment in Common Elements. Every Unit Owner, his heirs, successors, executors, administrators and assigns forever, in common with each other, shall have a right and easement of enjoyment in and to the Common Elements, and such easement shall be appurtenant to, and shall run with, the title to every Unit. Such easement shall include, among other consistent rights, the non-exclusive right to pass and repass across the Common Elements, to use the Common Elements pursuant to the provisions of the Declaration, and the right to prevent the restriction or alienation of the Common Elements.

Section 10.3 – Limitation on Owner's Easement. The rights and easements of enjoyment created hereby shall be subject to the following, which rights are deemed to be necessary and desirable to facilitate the orderly administration of the Common Interest Community:

(a) The right of the Association, in accordance with its Articles and Certificate of Incorporation and the Bylaws, following written approval by the holders of Security Interests pursuant to Article XVII to borrow money for the purpose of improving, maintaining and operating the Common Elements and in aid thereof to mortgage, hypothecate, pledge, assign or grant a Security Interest in the assets of the Association, including, without limitation, its liens and receivables for Assessments.

(b) The right of the Association to take such steps as are reasonably necessary to protect the rights of the Unit Owners in the Common Elements against foreclosure.

(c) The right of the Association, as provided and limited in its Articles and Certificates of Incorporation and Bylaws, to suspend the enjoyment rights (except rights of egress and ingress) of any Unit Owner for any period during which any Assessment remains unpaid, and for a period not exceeding thirty (30) days for any infraction of the Declaration, Bylaws or Rules, and to levy liquidated minimum damages in the amount of one-half (1/2) of the monthly assessment for each offense for such infractions as well as specific damages as may occur, all of which shall become Assessments.

(d) The right of the Association to charge reasonable fees for the use of the Common Elements, where such use shall involve additional expense to the Association and shall be different or unique from use offered to other Unit

Owners as a whole, or shall involve unique services or instructions, which fees shall be Assessments.

(e) The right of the Association to dedicate or transfer the rights to use, control, maintain or enjoy, all or any part of the Common Elements to a public agency, authority or utility, provided that no such dedication or transfer shall be effective unless there has been a vote of approval by the Unit Owners entitled to cast three-fourths (3/4) of the Votes and approval of the holders of Security Interests pursuant to Article XVII. A certificate of compliance with these provisions shall be attested to by the President and certified by the Secretary and recorded in the Juneau Recording District. The agency obtaining such rights shall assume, to the extent lawful, the obligations and duties of the Association related to such part of the Common Elements so dedicated or construed. Written notice of the proposed action shall be sent to every Unit Owner and Eligible Mortgagee at least ninety (90) days in advance of any action taken.

(f) The right of the Association to impose and grant easements over, under and across the Common Elements, for the purposes of fulfilling the general plan of development, providing ingress and egress, power, electricity, telephone, sewer, water, and other utility and lighting services, irrigation, drainage, television transmission facilities, security services and facilities, and other structures, services and devices in connection therewith, and the like, as the Association deems necessary and proper.

(g) The right of the Association to grant licenses and concessions for the use of the Common Elements, including licenses to non-Unit Owners.

(h) The right and duty of the Association to maintain, preserve and administer the Common Elements for the mutual benefit, health and safety of the Common Interest Community and each of its Owners, including properly maintaining all private drives on the facilities, swales and ways, drainage detention basins, dams or impoundments, and landscaped areas, to such standard as set by the Association for the mutual benefit and safety of the Owners and the neighboring community.

(i) The duty of the Association to maintain the storm drainage systems on the property for the benefit of the Common Interest Community, and such surrounding areas as may be affected by such storm drainage in accordance

with the site grading and drainage plan approved by the City/Borough authorities and filed in the City/Borough records.

Section 10.4 – Walks, Passways, Pipes, Ducts, Cables, Wires, Conduits, Public Utility Lines and Other Elements. Each Unit Owner has an easement in common with all other Unit Owners for use of all walks, passways, pipes, wires, ducts, cables, drainage ways, conduits, public utility lines, sanitary drainage system facilities and other service elements, if any, located in the Common Elements at the time of issuance of the first Certificate of Occupancy or thereafter placed thereon by the Association and servicing his or her Unit. Each Unit is subject to an easement in favor of the other Unit Owners in the Common Elements for use of such walks, passways, drainage ways, pipes, ducts, cables, wires, conduits, public utility lines, sanitary sewerage facilities, and other elements, if any, serving other Units or Common Elements. In addition, each Unit shall be subject to, and shall have such easements of support from and over the Common Elements as may be necessary for the quiet enjoyment of such Unit and the maintenance of facilities.

ARTICLE XI

Allocation and Reallocation of Limited Common Elements

No Limited Common Element depicted on the Plat or Plans may be reallocated by an amendment to the Declaration pursuant to this Article XI except as part of a relocation of boundaries of Units pursuant to Section 13 of this Declaration.

Such amendment shall require the approval of all holders of Security Interests in the affected Units, which approval shall be endorsed thereon. The person executing the amendment shall provide an executed copy thereof to the Association which, if the amendment complies with the provisions of this Declaration and the Act, shall record it. The amendment shall contain words of conveyance and must be recorded and indexed in the names of the parties and the Common Interest Community.

The parties executing the amendment shall be responsible for the preparation of the amendment and shall reimburse the Association for its reasonable attorneys' fees in connection with the review of the amendment and for the recording costs.

ARTICLE XII

Additions, Alterations and Improvements by Unit Owners

Section 12.1 – Additions, Alterations and Improvements by Unit Owners.

(a) No Unit Owner shall construct a structure, nor shall any Unit Owner make any structural addition, structural alteration, or structural improvement in or to the Common Interest Community without the prior written consent thereto of the Executive Board. A Unit Owner may not change the appearance of the Common Elements, or the exterior appearance of a Unit or any other portion of the Common Interest Community, without permission of the Association.

(b) A Unit Owner may submit a written request to the Executive Board for approval to do anything that he or she is forbidden to do under this Declaration or Resolution(s) of the Association. The Executive Board shall answer any written request for such approval, after Notice and Hearing, within thirty (30) days after the request thereof. If, after such plans and specifications have been approved, the improvements are altered, erected or maintained otherwise than as approved by the Board, such alteration, erection and maintenance shall be deemed to have been undertaken without the approval of the Board having been obtained as required by the Declaration. The approval of the Board of any plans or specifications submitted for approval as herein specified shall not be deemed to be a waiver by the Board of its right to object to any of the features or elements embodied in such plans and specifications, if or when the same features or elements are embodied in any subsequent plans and specifications submitted for approval herein as provided for use on other Units. No member of the Board shall be liable to any person for his or her decision or failure to act in making decisions as a member of said Board. Upon approval of the Executive Board, it shall be conclusively presumed that the location and height of any improvement does not violate the provisions of this Declaration.

(c) After a Unit Owner has obtained the written consent by the Executive Board for any addition, alteration or improvement to his or her Unit, the Unit Owner shall obtain any necessary government permits required for such addition, alteration or improvement and the cost of such permit(s) shall be paid by the Unit Owner. There will be no liability created on the part of the Association or any of its members, except for the Unit Owners effecting such addition, alternation or improvement, to any contractor, sub-

contractor or materialman on account of such addition, alteration or improvement or to any person having any claim for injury to person or damage to property arising therefrom.

(d) All additions, alterations and improvements to the Units and Common Elements shall not, except pursuant to prior approval by the Executive Board, cause any increase in the premiums of any insurance policies carried by the Association or by the owners of any Units other than those affected by such change.

(e) Any construction commenced without the written consent of the Executive Board will result in the assessment of a $100.00 (One Hundred Dollars) per day penalty against the Unit Owner violating the provisions of this Article.

ARTICLE XIII

Amendments to Declaration

Section 13.1 – General. Except as otherwise provided by law or elsewhere in this Declaration, this Declaration including the Schedules thereto, may be amended only by Vote or agreement of Unit Owners of Units in which at least sixty-seven percent (67%) of the Votes in the Association are allocated; provided, however, that if any technical amendments(s) to this Declaration or other Association Documents are required by any lender (FHA, HUD, AHFC, VA, etc.), such amendments shall require only the approval of the Executive Board of the Association.

Section 13.2 – When Unanimous Consent Required. Except to the extent expressly permitted or required by provisions of the Act and this Declaration, an amendment may not increase the number of Units, change the number of Units, change the boundaries of a Unit, the Allocated Interests of a Unit, or the uses to which a Unit is restricted, in the absence of a unanimous (100%) consent of the Unit Owners in the Association.

Section 13.3 – Execution of Amendments. An amendment to the Declaration required by AS 34.08.250 of the Act to be recorded by the Association, which has been adopted in accordance with this Declaration and AS 34.08.250 of the Act, must be prepared, executed, recorded and certified on behalf of the Association by an officer of the Association designated for that purpose or, in the absence of such designation, by the President of the Association.

Section 13.4 – Recordation of Amendments. Each amendment to the Declaration must be recorded in the Juneau Recording District, First Judicial District at Juneau. The amendment is effective only upon recording.

Section 13.5 – Special Declarant Rights. No amendment shall be made to any Document, including this Declaration during the Period of Declarant Control without the prior written permission of the Declarant.

Section 13.6 – Consent of Holders of Security Interests. Amendments are subject to the consent requirement of Article XVI.

Section 13.7 – Limitation of Challenges. An action to challenge the validity of an amendment adopted by the Association pursuant to this Article may not be brought more than one (1) year after the amendment is recorded.

Section 13.8 – Amendments to Create Units. To exercise any Development Right reserved under Section 7.1 of this Declaration, the Declarant shall prepare, execute and record an amendment to this Declaration. The Declarant shall also record either new Plats necessary to conform to the requirements of Subsections (a), (b) and (d) of Section 170 of the Act or new certifications of Schedule A-3 previously recorded if the Schedule otherwise conforms to the requirements of those Subsections.

The amendment to the Declaration shall assign an identifying number to each new Unit created and reallocate the Allocated Interests among all Units. The amendment shall describe any Common Elements and any Limited Common Elements created thereby and designate the Unit to which each Limited Common Element is allocated to the extent required by Subsection 160(a) of the Act.

ARTICLE XIV

Amendments to Bylaws

The Bylaws may be amended only by vote of two-thirds (2/3) of the members of the Executive Board, following Notice and Comment to all Unit Owners, at any meeting duly called for such purpose, except as provided in Article XIII, Section 13.1 above.

ARTICLE XV

Termination

Termination of the Common Interest Community may be accomplished only in accordance with AS 34.08.260.

ARCITLCE XVI

Mortgagee Protection

Section 16.1 – Introduction. This Article establishes certain standards and covenants which are for the benefit of the holders, insurers and guarantors of certain Security Interests. This Article is supplemental to, and not in substitution for, any other provisions of the Documents, but in the case of conflict, this Article shall control.

Section 16.2 – Percentage of Eligible Mortgagees. Whenever in this Declaration the approval or consent of a specified percentage of Eligible Mortgagees is required, it shall mean the approval or consent of Eligible Mortgagees holding Security Interest in Units which in the aggregate have allocated to them such specified percentage of Votes in the Association when compared to the total allocated to all Units then subject to Security Interest held by Eligible Mortgagees.

Section 16.3 – Notice of Actions. The Association shall give prompt written notice to each Eligible Mortgagee and Eligible Insurer of:

(a) Any condemnation loss or any casualty loss which affects the Common Elements, if such loss exceeds $10,000.00, or any damage to an improvement or a Unit on which there is a first Security Interest held, insured, or guaranteed by such Eligible Mortgagee or Eligible Insurer, as applicable, if such damage exceeds $10,000.00;

(b) Any delinquency in the payment of Common Expense assessments owed by an Owner whose Unit is subject to a first Security Interest held, insured, or guaranteed, by such Eligible Mortgagee or Eligible Insurer, which remains uncured for a period of sixty (60) days;

(c) Any lapse, cancellation, or material modifications of any insurance policy or fidelity bond maintained by the Association;

(d) Any proposed action which would require the consent of a specified percentage of Eligible Mortgagees as specified in Section 16.4(b) of this Article; and

(e) Any judgment rendered against the Association.

Section 16.4 – Consent Required.

(a) Document Changes. Notwithstanding any lower requirement permitted by the Declaration or the Act, no amendment of any material provision of the Documents by the Association or Unit Owners described in this subsection 16.4(a) may be effective without approval in writing of at least sixty-seven percent (67%) of the Unit Owners (or any greater Unit Owner vote required in this Declaration or the Act) and until approved in writing by at least fifty-one percent (51%) of the Eligible Mortgagees (or any greater Eligible Mortgagee approval required by this Declaration). The foregoing approval requirements do not apply to amendments effected by the exercise of any Development Right. A "material" provision includes, but is not limited to, any provisions affecting:

(i) Assessments, assessment liens or priority of assessment liens;

(ii) Voting rights; except those changes specified in Article XIII of this Declaration;

(iii) Reserves for maintenance, repair and replacement of Common Elements;

(iv) Responsibility for maintenance and repairs;

(v) Reallocation of interests in the Common Elements (except that when Limited Common Elements are reallocated by agreement between Unit Owners, only those Unit Owners and only the Eligible Mortgagee with a Security Interest on such Units must approve such action).

(vi) Rights to use Common Elements;

(vii) Boundaries of Units;

(viii) Convertibility of Units into Common Elements or Common Elements into Units;

(ix) Expansion or contraction of the Common Interest Community, or the addition, annexation or withdrawal of property to or from the Common Interest Community; except that specified in Article VII of this Declaration;

(x) Insurance or fidelity bonds, including the use of hazard insurance proceeds for losses to any property in the Common Interest Community for other than the repair, replacement or reconstruction of such property except as provided by AS 34.08.440(h);

(xi) Leasing of Units;

(xii) Imposition of restrictions on a Unit Owner's right to sell or transfer his or her Unit;

(xiii) Establishment of self-management when professional management had been required previously by any Eligible Mortgagee;

(xiv) Restoration or repair of the project after hazard damage or partial condemnation in a manner other than that specified in the Documents;

(xv) Termination of the Common Interest Community for reasons other than the substantial destruction or condemnation, as to which a sixty-seven percent (67%) Eligible Mortgagee approval is required and

(xvi) The benefits of mortgage holders, insurers or guarantors.

(b) Actions. Notwithstanding any lower requirements permitted by the Declaration or the Act, the Association may not take any of the following actions without the approval of at least fifty-one percent (51%) of the Eligible Mortgagees:

(i) Convey or encumber the Common Elements or any portion thereof (as to which an eight percent (80%) Eligible Mortgagee approval is

required). (The granting of easements for public utilities or for other public purposes consistent with the intended use of the Common Elements by the Common Interest Community will not be deemed a transfer within the meaning of this clause);

(ii) The establishment of self-management when professional management has been required previously by any Eligible Mortgagee;

(iii) The restoration or repair of the Property after hazard damage or partial condemnation in a manner other than that specified in the Documents;

(iv) The merger of this Common Interest Community with any other Common Interest Community;

(v) The granting of any easements, leases, licenses and concessions through or over the Common Elements (excluding, however, any utility easements serving or to serve the Common Interest Community and excluding any leases, licenses or concessions for no more than one year);

(vi) The assignment of the future income of the Association, including its right to receive Common Expense assessments; or

(vii) Any action taken not to repair or replace the Property.

(c) Actions requiring other than 51% mortgagee approval. The following actions by the Association require consent of Eligible Mortgagees as specified below:

(i) An eighty percent (80%) Eligible Mortgagee approval is required to convey or encumber the Common Elements or any portion thereof. (The granting of easements for public utilities or for other public purposes consistence with the intended use of the Common Elements by the Common Interest Community will not be deemed a transfer within the meaning of this clause);

(ii) The Association may not change the period for collection of regularly budgeted Common Expenses assessment to other than monthly without the unanimous (100%) consent of Eligible Mortgagees.

(d) Failure to Respond. The failure of an Eligible Mortgagee to respond within thirty (30) days to any written request of the Association for approval of an action or amendment to the Declaration shall constitute an implied approval of the action or amendment, provided that notice was delivered by certified or registered mail, with a "return receipt" requested.

(e) Amendment for Secondary Lending. Notwithstanding anything above to the contrary, any amendments to the Association's documents required by any secondary lender to obtain financing for the Project shall only require the approval of the Executive Board.

Section 16.5 – Development Rights. No Development Rights may be exercised or voluntarily abandoned or terminated by the Declarant unless all persons holding Security Interests in the Development Rights consent to the exercise, abandonment, or termination.

Section 16.6 – Inspection of Books. The Association shall permit any Eligible Mortgagee or Eligible Insurer to inspect the books and records of the Association during normal business hours and, upon request, furnish such Eligible Mortgagees or Eligible Insurers annual reports and other financial data.

Section 16.7 – Financial Statements. The Association shall provide any Eligible Mortgagee or Eligible Insurer which submits a written request, with a copy of an annual financial statement within ninety (90) days following the end of each fiscal year of the Association. Such financial statement shall be audited by an independent certified public accountant if any Eligible Mortgagee or Eligible Insurer requests it, in which case the Eligible Mortgagee or Eligible Insurer shall bear the cost of the audit.

Section 16.8 – Enforcement. The provisions of this Article are for the benefit of Eligible Mortgagees and Eligible Insurers and their successors, and may be enforced by any of them by any available means, at law, or in equity.

Section 16.9 – Attendance at Meetings. Any representative of an Eligible Mortgagee or Eligible Insurer may attend any meeting which a Unit Owner may attend.

Section 16.10 – Appointment of Trustee. In the event of damage or destruction within the Common Interest Community or condemnation of all or a portion of the Common Interest Community, any Eligible Mortgagee may require that insurance or condemnation proceeds be payable to a Trustee. Such Trustee may be required to be a corporate trustee licensed by the State of Alaska. Proceeds will thereafter be distributed pursuant to Section 21.4 or pursuant to a condemnation award. Unless otherwise required, the members of the Executive Board acting by majority vote through the President may act as Trustee.

Section 16.11 – Priority on Insurance and Condemnation Proceeds. No provision of the Documents of the Association shall be deemed to give priority to an Owner or any other party over any rights of an Eligible Mortgagee pursuant to the terms of its Security Instrument in the case of distribution of insurance proceeds or condemnation proceeds, whether such proceeds pertain to a Unit or Common Elements.

Section 16.12 – Rights to Reimbursement. Eligible Mortgagees of Units in Sunset Heights Planned Community may, jointly or singly, pay taxes or other charges, which are in default and which may or have become a charge against any Common Element owned by the Association and may pay overdue premiums on hazard insurance policies, or secure new hazard insurance coverage on the Common Elements, Eligible Mortgagees making such payments shall be owed immediate reimbursement from the Association.

ARTICLE XVII

Assessment and Collection of Common Expenses

Section 17.1 – Apportionment of Common Expenses. Except as provided in Section 17.2, all Common Expenses shall be assessed against all Units in accordance with their percentage share of the Common Expense liability as shown on Schedule A-2 to this Declaration.

Section 17.2 – Common Expenses Attributable to Fewer than all Units.

(a) Any Common Expense for services provided by the Association to an Individual Unit at the request of the Unit Owner shall be assessed against the Unit which benefits from such service.

(b) Any insurance premium increase attributable to a particular Unit by virtue of activities in or construction on the Unit shall be assessed against that Unit.

(c) An assessment to pay a judgment against the Association may be made only against the Units in the Common Interest Community at the time the judgment was entered, in proportion to their Common Expense liabilities.

(d) If a Common Expense is caused by the misconduct of a Unit Owner, the Association may assess that expense exclusively against the Unit.

(e) Fees, charges, late charges, fines, collection costs, and interest charged against a Unit Owner pursuant to the Documents and the Act are enforceable as Common Expense assessments.

(f) Any charge for utilities serving less than all of the Units, e.g., water or sewer booster pumps, shall be assessed to the Units that benefit from such service.

Section 17.3 – Lien.

(a) The Association has a lien on a Unit for an assessment levied against the Unit or fines imposed against its Unit Owner from the time the assessment or fines become due. Fees, charges, late charges, fines and interest charged pursuant to the Act, as it may be amended from time to time, and any of the Association's Documents, are enforceable as assessments under this Section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

(b) A lien under this Section is prior to all other liens and encumbrances on a Unit except: (1) a lien and encumbrance recorded before the recordation of the Declaration, (2) a first security interest on the Unit recorded before the date on which the assessment sought to be enforced became delinquent; and (3) a lien for real estate taxes and other governmental assessments or charges against the Unit. A lien under this Section is also prior to all security interests described in Subdivision (2) of this Subsection if the Common Expense assessment based on the periodic budget adopted by the Association, AS 34.08.460(a) would have become due in the absence of acceleration during the six (6) months immediately preceding the institution

of an action to enforce the Association's lien. This does not affect the priority of mechanics' or materialmen's liens, or the priority of a lien for other assessments made by the Association. A lien under this Section is not subject to the provisions of AS 09.38.010, as it may be amended from time to time.

(c) Recording of the Declaration constitutes record notice and perfection of the lien. Further recording of a claim of lien for assessments under this Section is not required.

(d) A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within three (3) years after the full amount of the assessment becomes due; provided, that if an Owner of a Unit subject to a lien, under this Section files a petition for relief under the U.S. Bankruptcy Code, the period of time for instituting proceedings to enforce the Association's lien shall be tolled until thirty (30) days after the automatic stay of proceedings under § 362 of the U.S Bankruptcy Code is lifted.

(e) This Section does not prohibit an action to recover sums from which Subparagraph (a) of this Section creates a lien or foreclosure or prohibit an Association from taking a deed in lieu of foreclosure.

(f) When the Association acquires a judgment or decree in any action brought under this Section, such judgment or decree shall include an award to the Association for actual collection costs and reasonable attorney's fees.

(g) A judgment or decree in an action brought under this Section is enforceable by execution under AS 09.35.010, as it may be amended from time to time.

(h) The Association's lien must be foreclosed as a lien is foreclosed under AS 34.35.005, as it may be amended from time to time.

(i) In any action by the Association to collect assessments or to foreclose a lien for unpaid assessments, the court may appoint a receiver of the Unit Owner to collect all sums alleged to be due from the Unit Owner prior to or during the pendency of the action. The court may order the receiver to pay any sums held by the receiver to the Association during the pendency of the action to the extent of the Association's Common Expense assessments

based on a periodic budget adopted by the Association pursuant to Section 17.4 of this Article.

(j) The purchaser at a foreclosure sale initiated by the holder of a Security Interest in a Unit is not liable for any unpaid assessments against the Unit which became due before the sale, other than the assessments which are prior to that Security Interest under Subsection 17.3(b) above. Any unpaid assessments not satisfied from the proceeds of sale become Common Expense for which all the Unit Owners, including the purchaser, may be assessed. For the purpose of this paragraph "the purchaser" shall include but not be limited to, any holder of a Security Interest in a Unit which obtains title to a Unit.

(k) Any payments received by the Association to discharge a Units Owner's obligation may be applied to the oldest balance due.

(l) The Association may acquire, hold, lease, mortgage and convey a Unit foreclosed upon pursuant to this Section for unpaid assessments.

(m) A lien under this Section shall not be affected by any sale or transfer of a Unit except as provided in Subsection (j) above.

Section 17.4 – Budget Adoption and Ratification. Within thirty (30) days after adoption of a proposed budget for the Common Interest Community, the Executive Board shall provide a summary of the budget to each Unit Owner, and shall set a date for a meeting of the Unit Owners to consider ratification of the budget not less than fourteen (14) or more than thirty (30) days after mailing of the summary. Unless at the meeting a majority of all Unit Owners reject the budget, the budget is ratified, whether or not a quorum is present. If the proposed budget is rejected, the periodic budget last ratified by the Unit Owners continues until the Unit Owners ratify a budget proposed by the Executive Board.

Section 17.5 – Non-budgeted Common Expense Assessments. If the Executive Board votes to levy a Common Expense assessment not included in the current budget, other than one enumerated in Section 17.2 of this Article, in an amount greater than fifteen percent (15%) of the current annual operating budget, the Executive Board shall submit such Common Expenses to the Unit Owners for their consideration and comment in the same manner as a budget under Section 17.4 above, provided, however, that such

assessment can be considered at a special meeting as long as the notice required for annual meetings is provided to the Unit Owners.

Section 17.6 – Certificate of Payment of Common Expense Assessments. The Association, upon written request, shall furnish to a Unit Owner a statement in recordable form setting out the amount of unpaid assessments against his or her Unit. The statement must be furnished within ten (10) business days after receipt of the request and is binding upon the Association, the Executive Board and each Unit Owner.

Section 17.7 – Monthly Payment of Common Expenses. All Common Expenses assessed under this Article XVII shall be due and payable on the first day of each and every month and shall become delinquent if not paid by the 5th day of each and every month.

Section 17.8 – Acceleration of Common Expense Assessments. In the event of default for a period of ten (10) days by any Unit Owner in the payment of any Common Expense assessment levied against his or her Unit, the Executive Board shall have the right, after Notice and Hearing, to declare all unpaid assessments for the pertinent fiscal year to be immediately due and payable. The holder of a first Security Interest in a Unit which has acquired title to any unit as a result of a foreclosure of its Security Interest shall be exempt from the application of this Subsection.

Section 17.9 – Commencement of Common Expense Assessments. Common Expense assessments shall begin on the first day of the month in which conveyance of the first Unit to a Unit Owner other than the Declarant occurs.

Section 17.10 – No Waiver of Liability for Common Expenses. No Unit Owner may exempt himself or herself from liability for payment of the Common Expenses by waiver of the use of enjoyment of the Common Elements or by abandonment of the Unit against which the assessments are made.

Section 17.11 – Personal Liability of Unit Owners. The Owner of a Unit at the time of a Common Expense assessment or portion thereof is due and payable is personally liable for the assessment. Personal liability for the assessment shall not pass to a successor in title to the Unit unless he or she agrees to assume the obligation.

Section 17.12 – Penalties and Fines. The Board may impose fines or take disciplinary action against any Unit Owner for violation of any provision of the Condominium Documents and the unrecorded Rules. Penalties may include, but are not

limited to, fines, temporary suspension of voting rights or other appropriate discipline, provided the Member is given notice and a hearing before the imposition of any fine or disciplinary action. The Board shall have the power to adopt a schedule of reasonable fines and penalties for violations of the terms of this Declaration, and for violations of any Rules. Written copies of Rules and the schedule of penalties shall be furnished to Unit Owners.

Section 17.13 – Capitalization of the Association. Declarant will establish a working capital fund in an amount at least equal to two (2) months' installments of the Annual Assessment for each Unit in the Common Interest Community. Upon the first conveyance of record title to a Unit from Declarant, the Unit Owner shall contribute to the working capital and reserves of the Association in an amount equal to two months' installments of the Annual Assessment at the rate in effect at the time of sale, and upon the sale of each Unit from the Declarant to a Unit Owner, Declarant will receive a refund of the contribution to the working capital fund made by Declarant for such Unit. The Association shall maintain the working capital funds in segregated accounts to meet unforeseen expenditures or to acquire additional equipment or services for the benefit of the Members. Such payments to this fund shall not be considered advance payments of Annual Assessments and except for refunds of Declarant, shall not be refundable.

ARTICLE XVIII

Right to Assign Future Income

The Association may assign its future income, including its right to receive Common Expense assessments, only by the affirmative vote of Unit Owners of Units to which at least fifty-one percent (51%) of the votes in the Association are allocated, at a meeting called for that purpose and subject to Article XVI hereof with regard to obtaining Eligible Mortgagees' consent. No assignment may be made during the Period of Declarant Control without the permission of the Declarant.

ARTICLE XIX

Persons and Units Subject to Documents

Section 19.1 – Compliance with Documents. All Unit Owners, tenants, mortgagees and occupants of Units shall comply with the Documents, including the Book of Resolutions, as it may be amended from time to time. The acceptance of a deed or the exercise of any incident of ownership or the entering into of a lease or the entering into of

occupancy of a Unit constitutes agreement that the provisions of the Documents are accepted and ratified by such Unit Owners, tenant, mortgagee or occupant, and all such provisions recorded in the records of the Juneau Recording District, First Judicial District, State of Alaska, are covenants running with the land and shall bind any persons having at any time any interest in such Unit.

Section 19.2 – Adoption of Rules. The Executive Board may adopt Rules (Resolutions) regarding the use and occupancy of Units and Common Elements, and the activities of occupants, subject to Notice and Comment.

ARTICLE XX

Insurance

Section 20.1 – Coverage. To the extent reasonably available, the Executive Board shall obtain and maintain insurance coverage as set forth in this Article. If such insurance is not reasonably available and the Executive Board determines that any insurance described herein will not be maintained, the Executive Board shall cause notice of that fact to be hand-delivered or sent prepaid by United States mail to all Owners and Eligible Mortgagees at their respective last known addresses.

Section 20.2 – Property Insurance.

(a) Property insurance shall be maintained on any personal property or insurable Common Element Improvements owned by the Association. Selecting the deductible and allocation of responsibility for payment of the deductible shall be according to the policy established by the Executive Board.

(b) The insurance shall afford protection against "all risks" of direct physical loss commonly insured against.

(c) The name of the insured shall be substantially as follows: "SUNSET HEIGHTS PLANNED COMMUNITY HOMEOWNERS ASSOCIATION, INC., for the uses and benefit of the individual Owners."

(d) **Unit Owners shall maintain property insurance covering the permanent structures located within their Unit.** Additionally Unit Owners are encouraged to insure personal property stored on their Unit.

Section 20.3 – Liability Insurance. Liability insurance, including medical payments insurance, in an amount determined by the Executive Board but in no event less than $1,000,000, covering all occurrences commonly insured against (death, bodily injury and property damage) arising out of or in connection with the use, ownership or maintenance of the Common Elements, and the activities of the Association.

(a) Other Provisions. Insurance policies carried pursuant to this Section shall provide that:

(i) Each Unit Owner is an insured person under the policy with respect to liability arising out of the interest of the Unit Owner in the Common Elements or membership in the Association.

(ii) The insurer waives the right to subrogation under the policy against a Unit Owner or member of the household of a Unit Owner;

(iii) An act or omission by a Unit Owner, unless acting within the scope of the Unit Owner's authority on behalf of the Association, will not void the policy or be a condition to recovery under the policy;

(iv) If, at the time of a loss under the policy, there is other insurance in the name of a Unit Owner covering the same risk covered by the policy, the policy of the Association provides primary insurance; and

(v) The insurer issuing the policy may not cancel or refuse to renew it until thirty (30) days after notice of the proposed cancellation or non-renewal has been mailed to the Association, each Unit Owner and each holder of a Security Interest to whom a certificate or memorandum of insurance has been issued at their last known addresses.

Section 20.4 – Fidelity Bonds. A blanket fidelity bond is required for anyone who either handles or is responsible for funds held or administered by the Association, whether or not they receive compensation for their services. The bond shall name the Association as obligee and shall cover the maximum funds that will be in the custody of the Association or the manager at any time while the bond is in force, and in no event less than the sum of three (3) months' assessments plus reserve funds. The bond shall include

a provision that calls for thirty (30) days' written notice to the Association, to each holder of a Security Interest in a Unit, to each servicer that services a FNMA-owned, VA-owned, FHLMC-owned, or AHFC-owned mortgage on a Unit and to the insurance trustee, if any, before the bond can be canceled or substantially modified for any reason.

Section 20.5 – Unit Owner Policies. An insurance policy issued to the Association does not prevent a Unit Owner from obtaining insurance for his or her own benefit.

Section 20.6 – Workers' Compensation Insurance. The Executive Board shall obtain and maintain Workers' Compensation Insurance to meet the requirements of the laws of the State of Alaska.

Section 20.7 – Directors' and Officers' Liability Insurance. The Executive Board shall obtain and maintain directors' and officers' liability insurance, if available, covering all of the Directors and Officers of the Association in such limits as the Executive Board may, from time to time, determine.

Section 20.8 – Other Insurance. The Association may carry other insurance which the Executive Board considers appropriate to protect the Association or the unit Owners.

Section 20.9 – Premiums. Insurance premiums shall be a Common Expense.

ARTICLE XXI

Damage to or Destruction of Common Elements

Section 21.1 – Duty to Restore. If any portion of the Common Elements for which insurance is required under AS 34.08.440 of the Act or for which insurance carried by the Association is in effect, whichever is more extensive, that is damaged or destroyed must be repaired or replaced promptly by the Association unless:

(a) The Common Interest Community is terminated;

(b) Repair or replacement would be illegal under a state statute or municipal ordinance governing health or safety; or

(c) Eighty percent (80%) of the Unit Owners vote not to rebuild.

Section 21.2 – Cost. The cost of repair or replacement of the Common Elements in excess of insurance proceeds and reserves is a Common Expense.

Section 21.3 – Plans. The Property must be repaired and restored in accordance with either the original plans and specifications or other plans and specifications which have been approved by the Executive Board, a majority of Unit Owners and fifty-one percent (51%) of Eligible Mortgagees.

Section 21.4 – Replacement of Less Than the Entire Property.

(a) The insurance proceeds attributable to the damaged Common Elements shall be used to restore the damaged area to a condition compatible with the remainder of the Common Interest Community;

(b) Except to the extent that other persons will be distributes, the remainder of the proceeds must be distributed to each Unit Owner or lien holder, as their interests may appear, in proportion to the Common expense liability of all the Units.

Section 21.5 – Insurance Proceeds. The insurance Trustee, or if there is no insurance Trustee, then the Executive Board of the Association, acting by the President, shall hold any insurance proceeds in trust for the Association, Unit Owners and lien holders as their interests may appear. Subject to the provisions of Section 21.1, the proceeds shall be disbursed first for the repair or restoration of the damaged Common Elements. The Association, Unit Owners and lien holders are not entitled to receive payment of any portion of the proceeds unless there is a surplus of proceeds after the Common Elements have been completely repaired or restored, or the Common Interest Community is terminated.

Section 21.6 – Certificates by the Executive Board. The Trustee, if any, may rely on the following certifications in writing made by the Executive Board:

(a) Whether or not damaged or destroyed Property is to be repaired or restored; and

(b) The amount or amounts to be paid for repairs or restoration and the names and addresses of the parties to whom such amounts are to be paid.

Section 21.7 – Title Insurance Policies. If payments are to be made to Unit Owners or mortgagees, the Executive Board, and the Trustee, if any, shall obtain and may rely on a title insurance policy based on a search of the records of the District Recorder's Office, Juneau Recording District, First Judicial District, State of Alaska, from the date of the recording of the original above-described Declaration stating the names of the Unit Owners and the mortgagees.

ARTICLE XXII

Rights to Notice and Comment

Notice and Hearing

Section 22.1 – Right to Notice and Comment. Before the Executive Board amends the Bylaws or the Rules, whenever the Documents require that an action be taken after "Notice and Comment", and at any other time the Executive Board determines, the Unit Owners have the right to notice of the proposed action and the right to comment orally or in writing. Notice of the proposed action shall be given to each Unit Owner in writing and shall be delivered personally or by mail to all Unit Owners at such address as appears in the records of the Association, or published in a newsletter or similar publication which is routinely circulated to all Unit Owners. The notice shall be given not less than five (5) days before the proposed action is to be taken. It shall invite comment to the Executive Board orally or in writing before the scheduled time of the meeting. The right of Notice and Comment does not entitle a Unit Owner to be heard at a formally constituted meeting.

Section 22.2 – Right to Notice and Hearing. Whenever the documents require that an action be taken after "Notice and Hearing", the following procedure shall be observed: The party proposing to take the action (e.g., the Executive Board, a committee, an officer, the manager, etc.) shall give written notice of the proposed action to all Unit Owners or occupants of Units whose interest would be significantly affected by the proposed action. The Notice shall include a general statement of the proposed action and the date, time and place of the hearing. The notice shall be given not less than five (5) days before the hearing date. At the hearing, the affected person shall have the right, personally or by a representative, to give testimony orally, in writing or both (as specified in the notice), subject to reasonable rules of procedure established by the party conducting the meeting to assure a prompt and orderly resolution of the issues. Such evidence shall be considered in making the decision but shall not bind the decision makers. The affected

person shall be notified of the decision in the same manner in which notice of the meeting was given.

Section 22.3 – Appeals. Any person having a right to Notice and Hearing shall have the right to appeal to the Executive Board from a decision of persons other than the Executive Board by filing a written notice of appeal with the Executive Board within ten (10) days after being notified of the decision. The Executive Board shall conduct a hearing within thirty (30) days, giving the same notice and observing the same procedures as were required for the original meeting.

ARTICLE XXIII

Executive Board

Section 23.1 – Minutes of Executive Board Meeting. The Executive Board shall permit any Unit Owner to inspect the minutes of the Executive Board meetings during normal business hours. The minutes shall be available for inspection within fifteen (15) days after any such meeting.

Section 23.2 – Powers and Duties. The Executive Board may act in all instances on behalf of the Association, except as provided in this Declaration, the bylaws or the Act. The Executive Board shall have, subject to the limitations contained in this Declaration and the Act, the powers and duties necessary for the administration of the affairs of the Association and of the Common Interest Community which shall include, but be limited to, the following:

(a) Adopt and amend Bylaws, Rules and Regulations;

(b) Adopt and amend budgets for revenues, expenditures and reserves;

(c) Collect assessments for Common Expenses from Unit Owners;

(d) Hire and discharge managing agents;

(e) Hire and discharge employees and agents, other than managing agents, and independent contractors;

(f) Institute, defend or intervene in litigation or administrative proceedings or seek injunctive relief for violation of the Association's Declaration, Bylaws

or Rules in the Association's name on behalf of the Association or two (2) or more Unit Owners on matters affecting the Common Interest Community;

(g) Make contracts and incur liabilities;

(h) Regulate the use, maintenance, repair, replacement and modification of the Common Elements;

(i) Cause additional improvements to be made as part of the Common Elements;

(j) Acquire, hold, encumber and convey in the Association's name any right, title or interest to real property or personal property, but Common Elements may be conveyed or subject to a Security Interest only pursuant to AS 34.08.430;

(k) Grant easements for any period of time, including permanent easements, and leases, licenses and concessions for no more than one (1) year, through or over the Common Elements;

(l) Impose and receive a payment, fee or charge for the use, rental or operation of the Common Elements, and for services provided to Unit Owners;

(m) Impose a reasonable charge for late payment of assessments and, after Notice and Hearing, levy reasonable fines for violations of this Declaration, Bylaws, Rules and Regulations of the Association;

(n) Impose a reasonable charge for the preparation and recordation of amendments to this Declaration, resale certificates required by AS 34.08.590, or a statement of unpaid assessments;

(o) Provide for the indemnification of the Association's officers and Executive Board and maintain directors' and officers' liability insurance;

(p) Assign the Association's right to future income, including the right to receive Common Expense assessments;

(q) Exercise any other powers conferred by this Declaration or the Bylaws;

(r) Exercise any other power that may be exercised in this state by legal entities of the same type as the Association;

(s) Exercise any other power necessary and proper for the governance and operation of the Association; and

(t) By resolution, establish committees of Directors, permanent and standing, to perform any of the above functions under specifically delegated administrative standards, as designated in the resolution establishing the committee. All committees must maintain and publish notice of their actions to Unit Owners and the Executive Board. However, actions taken by a committee may be appealed to the Executive Board by any Unit Owner within forty-five (45) days of publication of such notice, and such committee action must be ratified, modified or rejected by the Executive Board at its next regular meeting.

Section 23.3 – Executive Board Limitations. The Executive Board may not act on behalf of the Association to amend this Declaration, to terminate the Common Interest Community or to elect members of the Executive Board or determine the qualifications, powers and duties, or terms of office of Executive Board members, but the Executive Board may fill vacancies in its membership for the unexpired portion of a term.

ARTICLE XXIV

Open Meetings

Section 24.1 – Access. All meetings of the Executive Board, at which action is to be taken by vote at such meeting will be open to the Unit Owners, except as provided in Section 24.3 below.

Section 24.2 - Notice. Notice of every such meeting will be given not less than twenty-four (24) hours prior to the time set for such meeting, by posting such notice in a conspicuous location in the Common Interest Community, except that such notice will not be required if an emergency situation requires that the meeting be held without delay.

Section 24.3 – Executive Sessions. Meetings of the Executive Board may be held in executive session, without giving notice and without the requirement that they be open to Unit Owners where the action taken at the executive session involves personnel,

pending litigation, contract negotiations, or enforcement actions or where no action is taken at the executive session requiring the affirmative vote of Directors.

ARTICLE XXV

Condemnation

If part or all of the common Interest Community is taken by any power having the authority of eminent domain, all compensation and damages for and on account of the taking shall be payable in accordance with AS 34.08.740.

ARTICLE XXVI

Miscellaneous

Section 26.1 – Captions. The captions contained in the Documents are inserted only as a matter of convenience and for reference, and in no way define, limit or describe the scope of the Documents nor the intent of any provision thereof.

Section 26.2 – Gender. The use of the masculine gender refers to the feminine and neuter genders and the use of the singular includes the plural, and vice versa, whenever the context of the Documents so requires.

Section 26.3 – Waiver. No provision contained in the Documents is abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches which may occur.

Section 26.4 – Invalidity. The invalidity of any provision of the Documents does not impair or affect in any manner the validity, enforceability or effect of the remainder, and in such event, all of the other provisions of the Documents shall continue in full force and effect.

Section 26.5 – Conflict. The Documents are intended to comply with the requirements of the Act and Chapter 10.20 of the Alaska Statutes (Non-Profit Corporation Law). In the event of any conflict between the Documents and the provisions of the statutes, the provisions of the statutes shall control. In the event of any conflict between this Declaration and the other Document, this Declaration shall control.

Section 26.6 – Rights of Action. The Declarant, Association and any aggrieved Unit Owner shall have a right of action against Unit Owners for failure to comply with the provisions of the Documents, or with decisions of the Association which are made pursuant to the Documents. Unit Owners shall also have such rights of action against the Association.

In an action to enforce the provisions of the Declaration, the prevailing party shall be entitled to recover court costs, liquidated damages and actual attorney fees.

Section 26.7 – Security. The Association may, but shall not be obligated to, maintain or support certain activities within the Common Interest Community designed to make the Property safer than it otherwise might be.

NEITHER THE ASSOCIATION, NOR THE DECLARANT, NOR ANY SUCCESSOR DECLARANT, SHALL BE CONSIDERED AN INSURER OR GUARANTOR OF SECURITY WITHIN THE COMMON INTEREST COMMUNITY, NOR SHALL THEY BE HELD LIABLE FOR ANY LOSS OR DAMAGE BY REASON OF FAILURE TO PROVIDE ADEQUATE SECURITY OR OF INEFFECTIVENESS OF SECURITY MEASURES UNDERTAKEN. EACH UNIT OWNER ACKNOWLEDGES, UNDERSTANDS AND COVENANTS TO INFORM ITS TENANTS AND UNIT OCCUPANTS THAT THE ASSOCIATION, ITS EXECUTIVE BOARD AND COMMITTEES, DECLARANT AND ANY SUCCESSOR DECLARANT ARE NOT INSURERS AND THAT EACH PERSON USING THE COMMON INTEREST COMMUNITY ASSUMES ALL RISKS FOR LOSS OR DAMAGE TO PERSONS, TO UNITS AND TO THE CONTENTS OF UNITS RESULTING FROM ACTS OF THIRD PARTIES.

Section 26.8 – Execution of Documents. The President or Secretary of the Association is responsible for preparing, executing, filing, and recording amendments to the Documents.

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be executed this _____ day of _____, 2015.

Declarant:

DOUGLAS ISLAND DEVELOPMENT LLC, an Alaska Limited Liability Company

By:_____
Austyn Schmidt

By:_____
Joanne Schmidt

STATE OF ALASKA)
: ss
FIRST JUDICIAL DISTRICT)

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 Austyn Schmidt and Joanne Schmidt, to me known to be the members of Douglas Island Development, LLC, an Alaska Limited Liability Company, the limited liability company that executed the foregoing instrument, and they acknowledged the said instrument to be the free and voluntary act and deed of said limited liability company, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above-written.

_____
Notary Public for Alaska
My Commission Expires:_____

After recording return to: Baxter Bruce & Sullivan P.C.
P.O. Box 32819
Juneau, Alaska 99803

SCHEDULE A-1

DESCRIPTION OF LAND

Lot 7B1, U. S. Survey 2960, according to Plat 2015-_____, Juneau Recording District, First Judicial District, State of Alaska.

Said property is subject to the following:

1. Any and all provisions of any ordinance, borough regulation, or public or private law, inclusive of zoning, inland wetlands, building and planning laws, rules and regulations in and for the City and Borough of Juneau.

2. Taxes of the City and Borough of Juneau, including taxes resulting from any reassessment or reallocation from the creation of the Common Interest Community, which became due and payable after the date of the delivery of the Unit deed.

3. Reservations and exceptions as contained in the United States Patent and acts relating thereto.

4. Reservation of an easement for highway purposes as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1, thereto, dated July 17, 1952 and Amendment No. 2, thereto, dated September 15, 1956, filed in the Federal Register.

5. The effects of the notes which appear on the plats of said planned community.

6. Easements as dedicated and shown on the plats of said planned community.

7. The terms and provisions contained in the document entitled "Driveway Access, Maintenance and Hold Harmless Agreement" recorded September 30, 2011 at Serial No. 2011-005703-0.

SCHEDULE A-2

TABLE OF INTERESTS

PHASE 1

Phase 1 Unit No.	Square Footage of Unit	Percent of Share Common Expenses	Vote in the Affairs of the Association
1		25%	1
2		25%	1
3		25%	1
4		25%	1
		100%	

Except during the period of Declarant control, each Unit in the Common Interest Community shall have one (1) equal Vote. Pursuant to the provisions of the Articles of Incorporation of Sunset Heights Homeowners Association, Declarant shall be a Class B member entitled to three (3) votes for each unit owned until eighty percent (80%) of the units have been sold. Any specified percentage of Unit Owners, unless otherwise stated in the Documents, means the specified percentage of all the Votes as allocated in Schedule A-2.

SCHEDULE A-3

PLAT

See Plat No. 2015-_____, filed _____ __, 2015.

SCHEDULE A-4

FLOOR PLANS

See Plat No. 2015-_____, filed _____ __, 2015.

SCHEDULE A-5

RECORDED EASEMENTS AND LICENSES

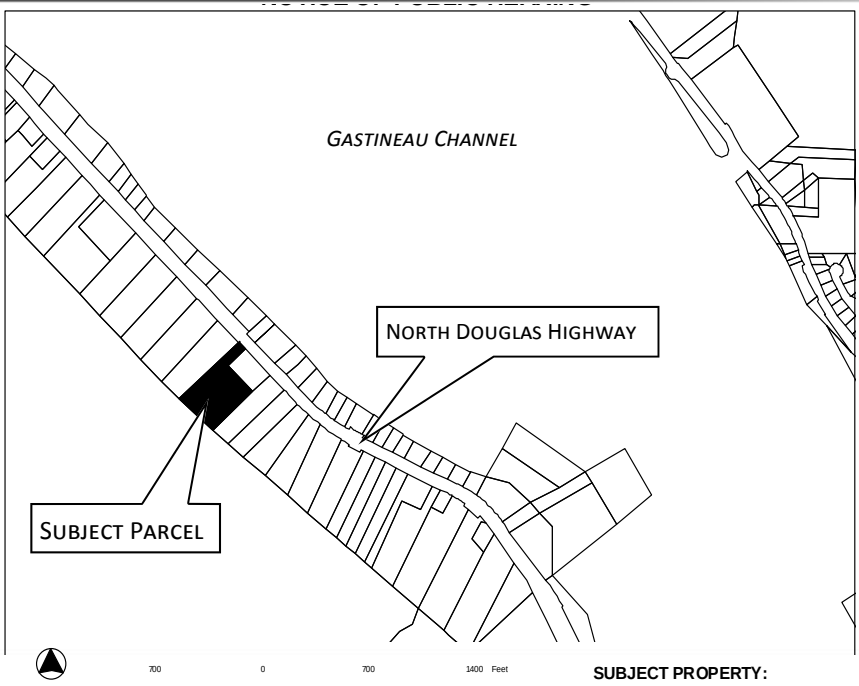
Servient Tenements:

None, except as created in this Declaration.

Dominant Tenements:

"Driveway Access, Maintenance and Hold Harmless Agreement" recorded September 30, 2011 at Serial No. 2011-005703-0, and as created in this Declaration.

NOTICE OF PUBLIC HEARING



SUBJECT PROPERTY:

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: Final plan review for 12 unit Planned Unit Development

File No:	PDF2015 0001	Applicant:	Corvus Design
To:	Adjacent Property Owners	Property PCN:	6-D07-0-101-017-2
Hearing Date:	April 14, 2015	Owner:	Douglas Island Development, LLC.
Hearing Time:	7:00 PM	Size:	3.19 acre parcel
Place:	Assembly Chambers	Zoned:	D-3
	Municipal Building	Site Address:	5405 North Douglas Highway
	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 Chrissy McNally at Christine.McNally@juneau.org or 586-0761.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Attachment H

Date notice was printed: March 11, 2015

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION
Date: April 15th, 2015
File No.: PDF2015 0001

Corvus Design
Attn.: Chris Mertyl
119 Seward Street, Suite 15
Juneau, Alaska 99801

Application For:	Final plan approval for a 12 unit Planned Unit Development in the D-3 zoning district.
Legal Description:	USS 2960 Lot 7B
Property Address:	5405 North Douglas Highway
Parcel Code No.:	6-D07-0-101-017-2
Hearing Date:	April 14th, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated March 24, 2015 and approved the final plan for a 12 unit Planned Unit Development in the D-3 zoning district to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to final plat recording note #9 shall be amended to read "there shall be no disturbance or development within 25 feet of the exterior boundary of the Planned Unit Development on Lot 7B1 of this survey".
2. Re-vegetation of disturbed slopes shall be completed within three growing seasons.

Attachments: March 24, 2015 memorandum from Chrissy McNally, Community Development, to the CBJ Planning Commission regarding PDF2015 0001

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 14th, 2015

Expiration Date: The permit will expire 18 months after the effective date, or October 14th, 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: _____
Chrissy McNally, Planner
Community Development Department

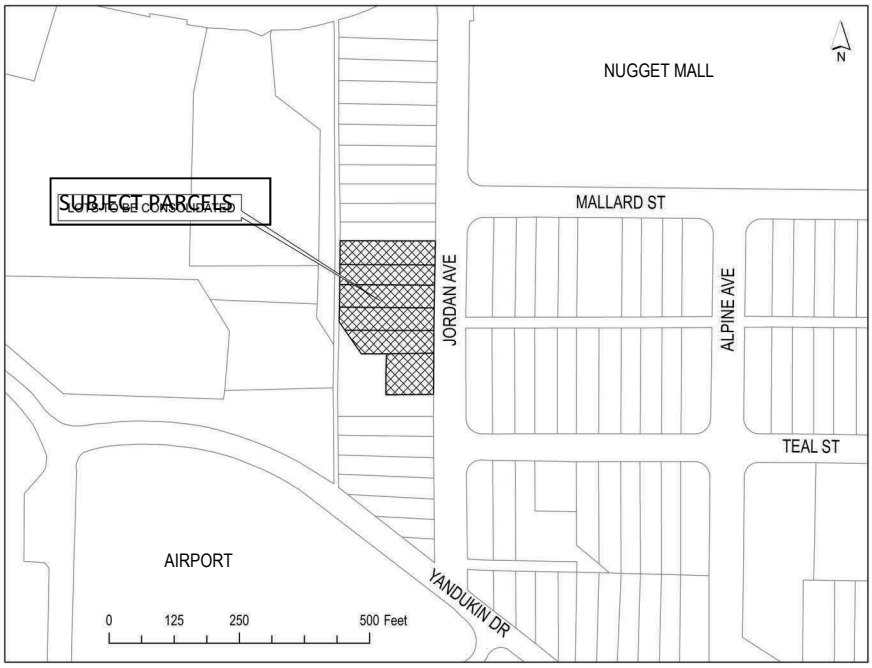
_____
Michael Satre, Chair
Planning Commission

_____ 4/22/15
Filed With City Clerk Date

cc: Plan Review

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

NOTICE OF PUBLIC HEARING



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

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: **A combined Preliminary and Final plat review for a major subdivision involving the consolidation of 6 lots into 2 along Jordan Avenue near Nugget Mall.**

File No:	SMP2015 0002 & SMF2015 0002	Applicant:	R & S Construction, LLC
To:	Adjacent Property Owners	Property PCN:	Multiple
Hearing Date:	April 14, 2015	Owner:	R & S Construction, LLC
Hearing Time:	7:00 PM	Size:	42,774 Square Feet
Place:	Assembly Chambers	Zoned:	General Commercial
	Municipal Building	Site Address:	2035 & 2037 Jordan Avenue
	155 South Seward Street	Accessed Via:	Jordan Avenue
	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 Eric Feldt at eric.feldt@juneau.org or at 586-0764.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Date notice was printed: March 17, 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 2, 2015

TO: Planning Commission

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

FILE NO.s: SMP2015 0002 & SMF2015 0002

PROPOSAL: A combined Preliminary and Final Plat review for a major subdivision involving the consolidation of six lots into two along Jordan Avenue near Nugget Mall.

GENERAL INFORMATION

Applicant: R & S Construction, LLC

Property Owner: R & S Construction, LLC

Legal Description: Lots 2, 3, 4, 5a, 6a, and 7 Block D Valley Centre

Parcel Code No.: 5-B15-0-103-003-0 thru 5-B15-0-103-008-0

Site Size: 0.98 acres (42,688 SQ FT)

Comprehensive Plan
Land Use Designation: Commercial

Zoning: GC – General Commercial

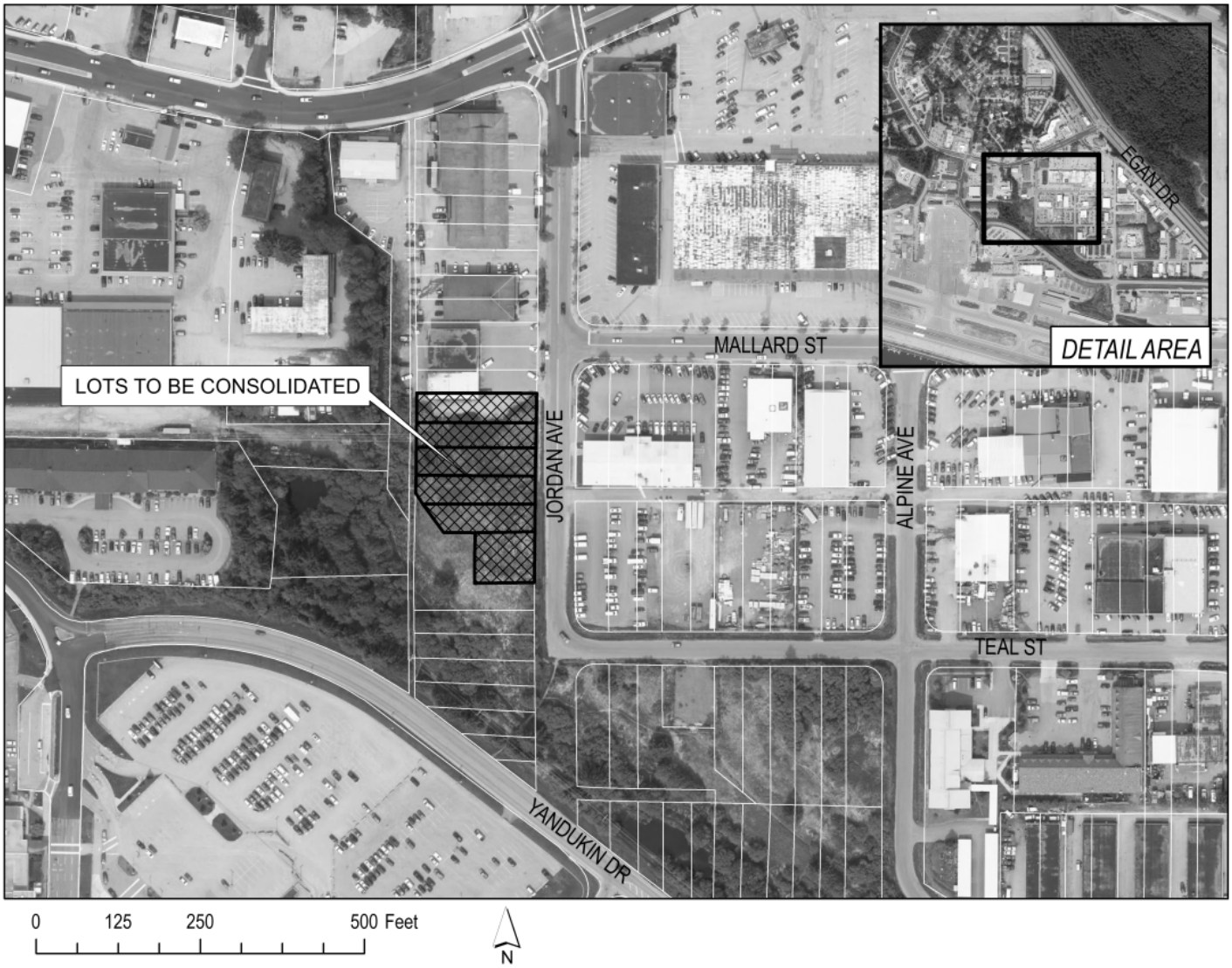
Utilities: CBJ Water & Sewer

Access: Jordan Avenue

Existing Land Use: Multi-family Dwellings

Surrounding Land Use:
North – GC; F.O.E.; Jordan Ave
South – I; Vacant Land; Jordan Ave
East – GC; Glacier Seafoods; Mallard St
West – GC; Central Council T&H; Glacier Hwy

Vicinity Map



ATTACHMENTS

Attachment	A	Proposed Subdivision Plat
Attachment	B	Proposed As-built Survey

PROPOSAL

The applicant is filing a major subdivision permit for the consolidation of six lots into two along Jordan Avenue near the Nugget Mall in the southern Mendenhall Valley area. The proposed plat is provided in Attachment A. CDD staff has combined the required Preliminary and Final Plat reviews into the subject report. These two reviews have their own case number for filing purposes: SMP2015 0002 (Preliminary) and SMF2015 0002 (Final).

The applicant is required to consolidate the six lots because their recently-constructed buildings were allowed to be built over property lines with the condition that occupancy permits would be granted after the lots were consolidated. Approval of the proposed subdivision will result in two buildings on one lot and one building on a second lot.

BACKGROUND

Throughout this report, the 'site' refers to the cumulative area of all six properties.

Construction of boat condominiums has recently been gaining popularity in the community. This type of condominium generally consists of a large 1½-story garage bay to accommodate a boat or large storage space and a single-family dwelling unit above. These buildings are almost three stories in height. With the popularity of storage units and the need for more housing, boat condominiums appear to capture both market demands.

Last year, the applicant received permits to develop a vacant tract of land with three boat condominium buildings having a total of 14 units. A Grading permit was issued to prep the site (BLD2014-370). Two Building permits were issued for two 6-plexes (BLD2014-388 and BLD2014-451). A third Building permit was issued for a duplex (BLD2014-585). Pictures of these buildings are provided in Figures 1 & 2. As of the date of this report, the construction of the two six-plexes and parking areas are nearly complete.

During the conceptual stage of this development, the applicant explained that the two 6-plexes on proposed Lot 1 would have a Homeowners Associations (HOA) to oversee the operation and maintenance of the property and buildings. The duplex on proposed Lot 2 is separate from the HOA and has different ownership. The duplex and both 6-plexes were built in phases, with the duplex being constructed and finished after both 6-plexes. This created two construction phases and separate Building permits. CDD staff determined that the permitting of the duplex and two 6-plexes would be two separate projects. Therefore, the first project of 12 condominiums would be a minor development and only require a Building permit.

As shown on the as-built survey (Attachment B), the buildings cross several property lines. With a condition that the crossed property lines be vacated prior to issuing occupancy permits, CBJ staff was able to issue the Building permits to enable the applicant to prep the site and install foundations for all buildings before winter.

ANALYSIS

Since the proposed subdivision affects five or more property lines, this action requires an approved Major Subdivision permit (49.15.430). CDD staff combined the two platting reviews because of the following reasons: the proposed subdivision decreases the number of properties; doesn't increase the intensity or density of the overall site; and that the utilities, access points, and infrastructure are in place with the construction of the boat condominiums. It is not uncommon for major subdivision reviews to be combined into one report to save on review time and expense.

The proposed subdivision results in the new naming convention of Lots 1 and 2 of Jordan Meadows Subdivision. Proposed Lot 1 is 0.69 acres and contains two condominium buildings with a total of eight units. Proposed Lot 2 is 0.29 acres in size and contains one building (duplex). Both lots will use a shared, single driveway for access onto Jordan Avenue. This driveway gives access to all parking areas (surface lots and garages).

Figure 1: The boat condominium on the left is on proposed Lot 2 and the green boat condominium is on proposed Lot 2 along Jordan Avenue. The shared driveway is located between the_buildings. Photograph taken by CDD staff on 3/6/15.

dimension of 20 feet wide X 60 feet deep. Proposed Lots 1 & 2 exceed the minimum lot size and dimensions.

With an allowed density of 50 units per acre in the GC district, the maximum allowed number of dwelling units on proposed Lot 1 is 34 units based on a lot size of 0.69 acres and 14 units on proposed Lot 2 based on a lot size of 0.29 acres. The number of existing units on each lot is well below the maximum allowed.

The yard setbacks in the GC district are 10 feet along all property lines. Reviewing the attached as-built survey, each of the three condominium buildings comply with required setbacks.

Utilities

Water and sewer lines will be installed from Jordan Avenue ROW through the shared driveway and connect to each building. Electrical and communication lines will be provided from along the back portion of proposed Lot 2 and will provide service to all condominiums. These lines are shown in the as-built survey (Attachment B). Since these lines cross property lines of proposed Lots 1 & 2, an access and maintenance easement shall be recorded along with the subdivision plat.

Figure 2: Picture of the interior of proposed Lot 1. The parking lot is striped, the large garage doors are in place, and the 2nd-story dwelling spaces have partial openings for balconies. The duplex on proposed Lot 2 is shown in the background. Photograph taken by CDD staff on 3/6/15.

The surface water runoff on proposed Lot 1 drains to toward underground catch basins in the shared driveway. Proposed Lot 2 water runoff drains towards a drainage catch basin located under

the center of the parking area which is connected to the driveway drain. This drain connects to an existing CBJ drainage system in the Jordan Avenue ROW.

Wetlands
Wetlands previously existed on the site but were filled to accommodate the development per approved US Army Corps of Engineers (COE) permit # POA-2014-155.

Habitat
Jordan Creek is near the western side of the site. The 50-foot streamside yard setback from the creek does not encumber the site. There is no habitat on the property that is regulated under Title 49. The 50-foot setback line is shown on the as-built survey (Attachment B).

Access
Vehicular Access to proposed Lots 1 & 2 is through a 27-foot wide shared driveway. An access and maintenance easement for the driveway will be recorded along with the plat. There is an access easement along the north section of the site that crosses into the adjacent parcel to the north. This will allow both properties to access and maintain their buildings close to the shared lot line. A separate access and maintenance easement document will be recorded along with the plat.

Sometime during the construction, the applicant paved over a large section of the street shoulder of Jordan Avenue in front of the duplex. This created a very wide driveway. CBJ staff noticed this and informed the applicant that the driveway exceeds the allowed standard width, creates issues with drainage, and enables back-out parking in a commercial zoning district (prohibited per 49.40.230(b)(1)). CBJ staff and the applicant have discussed ways to correct this issue and will be addressed through installation of a new sidewalk and drainage infrastructure. These improvements are associated with the building permits.

Pedestrian Access
There are sidewalks on both sides of Jordan Avenue in front of the 6-plex. These sidewalks end in front of the duplex. Prior to the construction of the boat condominiums, there was a trail in lieu of a sidewalk along the west side of Jordan Avenue. This trail was not maintained by the CBJ, but it did provide pedestrian access to other trails and sidewalks in the area. As stated under Access, the applicant is responsible for installing a new sidewalk in front of the duplex in the Jordan Avenue ROW to preserve the pedestrian connection in the area.

Traffic Analysis
A traffic analysis is not required for this project due to the low number of dwelling units.

Vegetative Cover
According to CBJ 49.50.300, each lot must have a minimum of 10% vegetative cover. This equates to 2,998 square feet for proposed Lot 1 and 1,279 square feet for proposed Lot 2. As of the date of

this memorandum, the applicant has not preserved and/ or installed vegetation meeting the minimum requirement for either lot. Construction was started in the fall and is not yet complete. The applicant has informed CDD staff that they will submit a bond to cover the expense of purchasing and installing vegetation. This will enable the CBJ to issue occupancy permits for each building. The bond will be held by CBJ and returned to the applicant after they install the required vegetation. Submitting a bond for vegetative cover is not an uncommon practice due to Juneau's climate.

Consistency with Adopted Plans

Comprehensive Plan

The 2013 Comprehensive Plan land use maps designate the site as Commercial, which is defined as: lands devoted to retail, office, food services, neighborhood and community commercial centers, and mixed-used with residential densities between 18 and 60 units/ acre. The proposed lot consolidation does not change the use or increase the intensity from what has been permitted. The use of boat condominium on the site is consistent with the allowed uses in the Commercial land use designation.

Non-Motorized Transportation Plan

Although the Non-Motorized Transportation Plan does not specifically identify improvements to the existing pedestrian connections along Jordan Avenue in this neighborhood, it does recommend connecting gaps in pedestrian infrastructure to ensure an interconnected pedestrian network. This is stated in one of the primary goals of the Plan. See below.

> Goal #3
> Improve Juneau's non-motorized transportation network and decrease the number of bicycle and pedestrian related accidents by identifying unsafe conditions, network gaps and deficiencies and making necessary improvements to sidewalks, bike lanes, paved shoulder lanes, separated paths, intersections and crosswalks. Emphasis added.

As stated earlier, the applicant will re-install the removed pedestrian element in front of the duplex. This will be consistent with the Non-Motorized Transportation Plan.

FINDINGS

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

1. Whether the application is complete; and,
2. Whether the proposed use is appropriate according to the Table of Permissible Uses;
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 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 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 3, 2015 and April 13, 2015 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. Public health and safety have been addressed during the review of the Building permits for the boat condominiums and the requirement of installation of the sidewalk.

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 properties into two will not decrease the value of or be out of harmony with property in the neighborhood.

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

Yes. The proposed lot consolidation is consistent with the 2013 Comprehensive Plan.

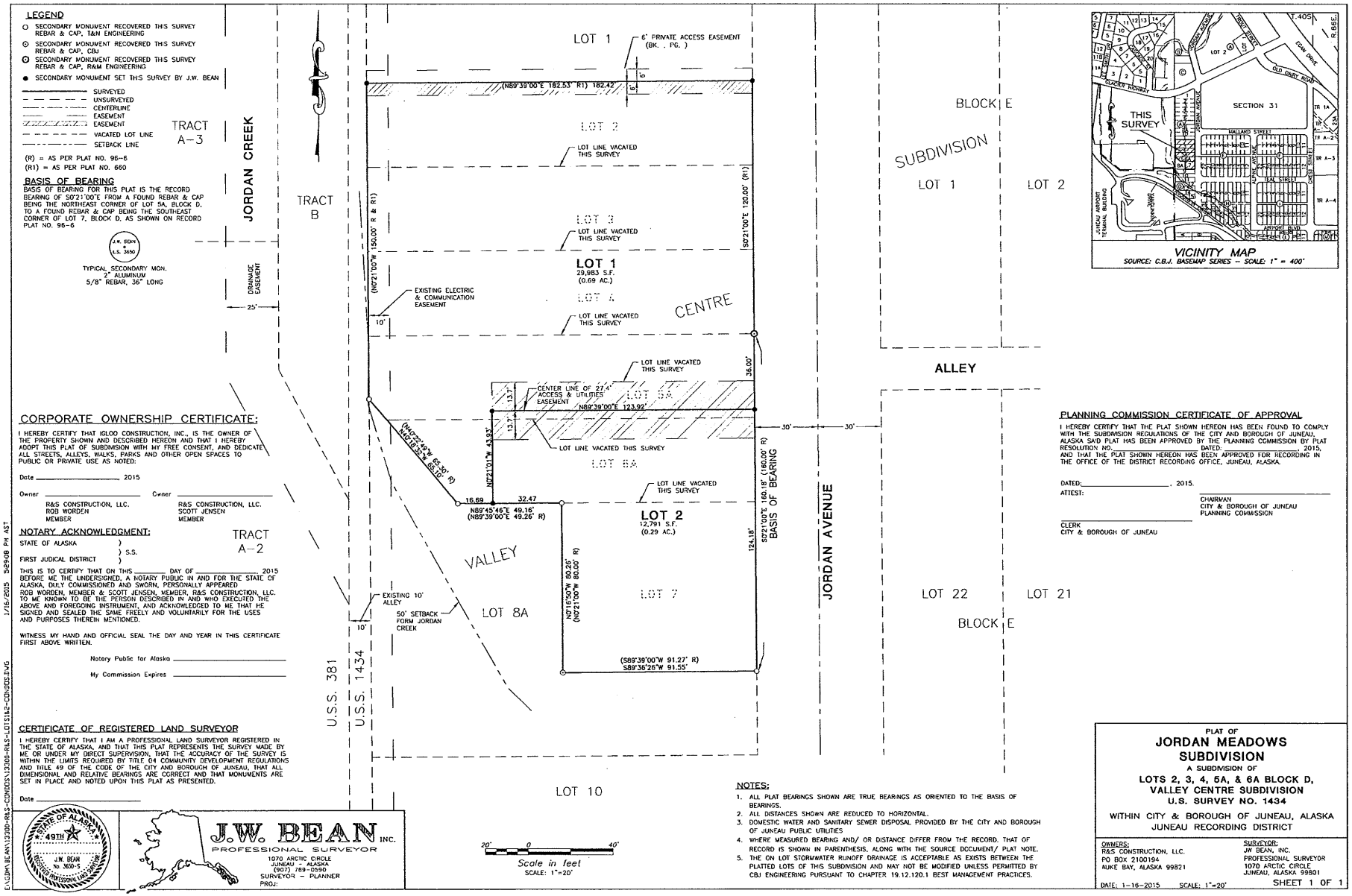
Per CBJ §49.70.900 (b)(3), General Provisions, the Director makes the following Juneau Coastal Management Program consistency determination:

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

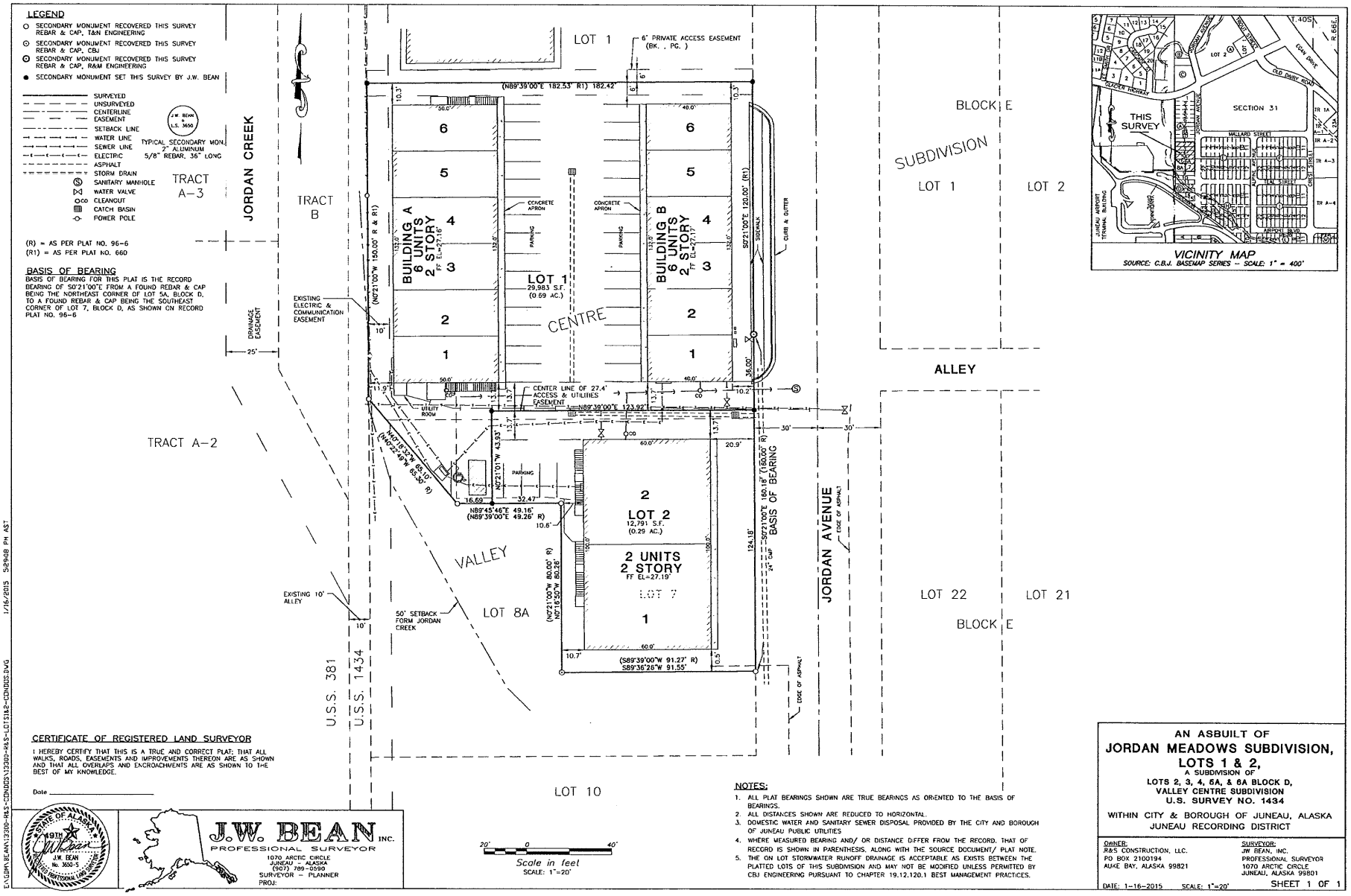
N/A. The project does not impact habitat regulated by the Juneau Coastal Management Program.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Preliminary and Final Plat review. The permit would allow the consolidation of six lots into two.



ATTACHMENT A



ATTACHMENT B

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION
Date: April 16, 2015
File No.: SMP2015 0002 and SMF2015 0002

R & S Construction, LLC.
PO Box 210194
Auke Bay, AK 99821

Application For:	A combined Preliminary and Final Plat review for a major subdivision involving the consolidation of six lots into two along Jordan Avenue near Nugget Mall.
Legal Description:	Valley Centre Block D Lots 2, 3, 4 and 7 Valley Centre Greenbelt Block D Lots 5a, 6a
Property Address:	2035 Jordan Avenue 2037 Jordan Avenue
Parcel Code No.:	5-B15-0-103-003-0 5-B15-0-103-004-0 5-B15-0-103-005-0 5-B15-0-103-006-0 5-B15-0-103-007-0 5-B15-0-103-008-0
Hearing Date:	April 14, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 2, 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 2, 2015 memorandum from Eric Feldt, Community Development, to the CBJ Planning Commission regarding SMP2015 0002 and SMF2015 0002.

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 14, 2015.

Expiration Date: The permit will expire 18 months after the effective date, or December 14, 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 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

Michael Satre, Chair
Planning Commission

_____ 4/22/15

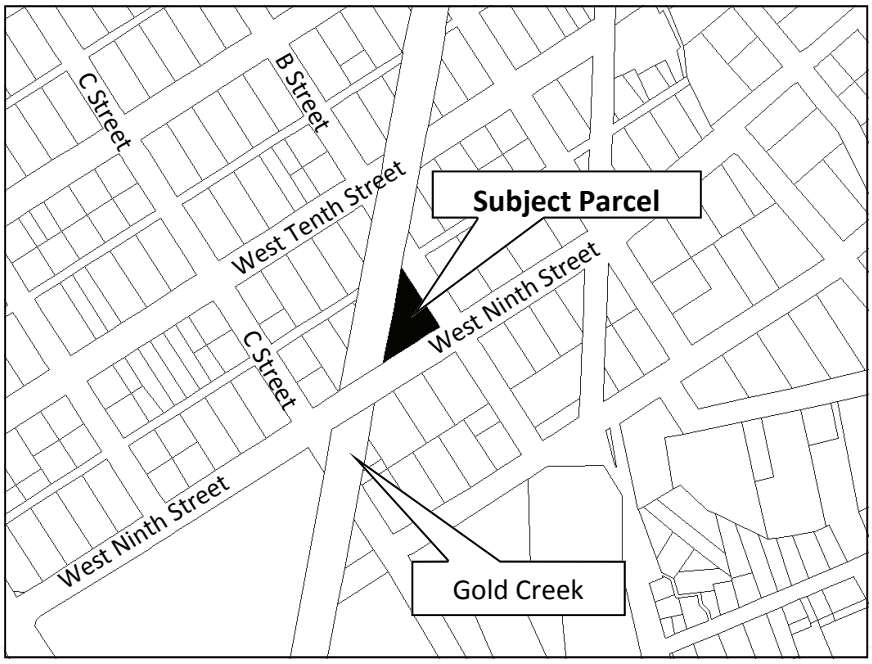
Filed With City Clerk

Date

cc: Plan Review

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

NOTICE OF PUBLIC HEARING



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

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: Variance request to side yard setback to allow a garage to be rebuilt.

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

File No:	VAR2015 0004	Applicant:	Barbara Craver & Mark Kirchhoff
To:	Adjacent Property Owners	Property PCN:	1-C06-0-C13-010-0
Hearing Date:	April 14, 2015	Owner:	Barbara Craver & Mark Kirchhoff
Hearing Time:	7:00 PM	Size:	0.12 Acres
Place:	Assembly Chambers	Zoned:	D-5
	Municipal Building	Site Address:	506 West Ninth Street
	155 South Seward Street	Accessed Via:	West Ninth Street & B Street
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

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

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

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Date notice was printed: March 11, 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 2, 2015

TO: Board of Adjustment

FROM: Allison Eddins, Planner
Community Development Department

FILE NO.: VAR2015 0004

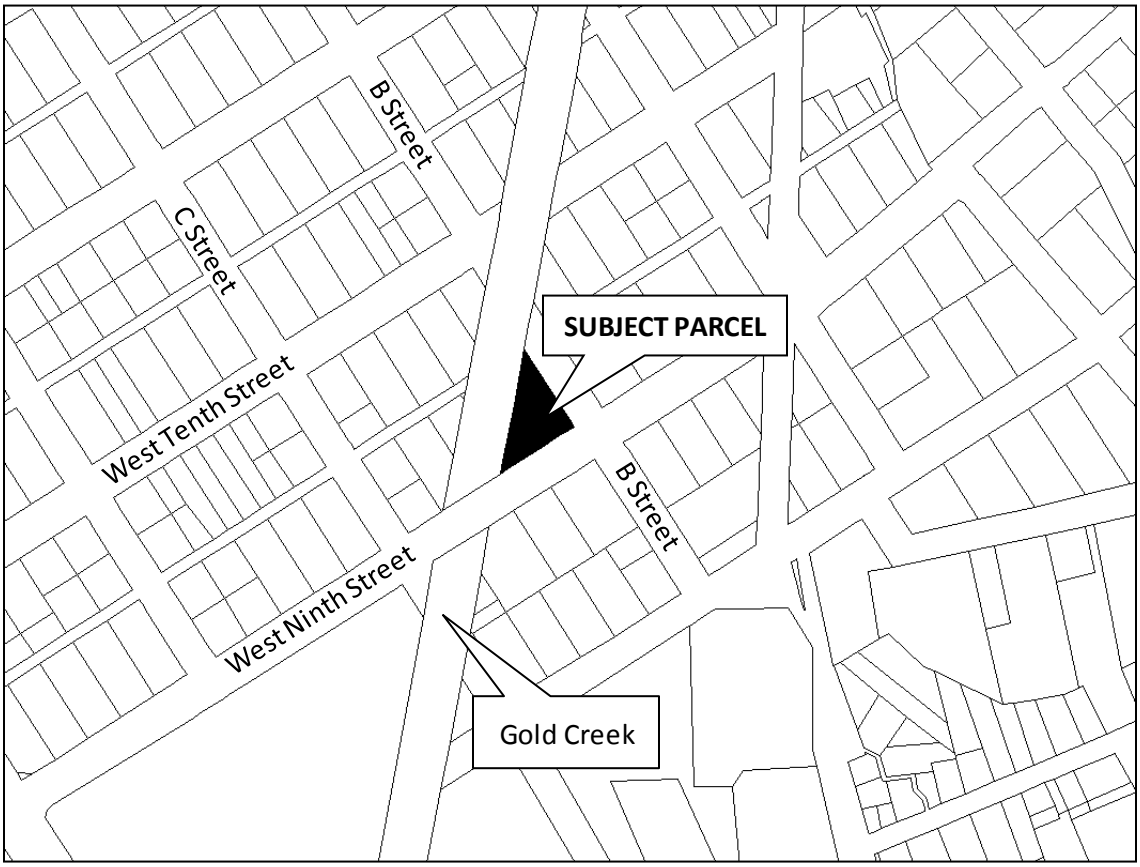
PROPOSAL: Variance request to reduce the required 13 foot side yard setback to a 1 foot for reconstruction of an existing garage.

GENERAL INFORMATION

Applicant:	Barbara Craver and Mark Kirchhoff
Property Owner:	Barbara Craver and Mark Kirchhoff
Property Address:	506 W. Ninth Street
Legal Description:	Casey Shattuck Block 213 Lots 9 and 10
Parcel Code Number:	1-C06-0-C13-010-0
Site Size:	5,287 square feet
Comprehensive Plan Future Land Use Designation:	MDR/ SF (Map M)
Zoning:	D-5
Utilities:	City water and sewer
Access:	B Street
Existing Land Use:	Single Family Residential

Surrounding Land Use: North – Single Family Residential (D5)
South – Single Family Residential (D5)
East – Single Family Residential (D5)
West – Single Family Residential (D5)

Insert Vicinity Map Here



ATTACHMENTS

Attachment A: Application
Attachment B: Project Narrative
Attachment C: Existing As-Built Survey
Attachment D: Neighborhood Aerial View
Attachment E: Architectural Renderings
Attachment F: Notice of Public Hearing
Attachment G: Table VI-2 of the Juneau Coastal Management Plan
Attachment H: Gold Creek Easement

PROJECT DESCRIPTION

The applicant is seeking a variance to the street side yard setback requirement in order to build a new garage in the same footprint as the existing garage. For D-5 zoning, the street side yard setback is 13 feet. The applicant is seeking to encroach 12 feet into the setback. This will put the garage 1 foot from the street side yard property line.

BACKGROUND

The applicant in this case owns Lots 9 and 10, Block 213 of the Casey Shattuck Subdivision. The lots are located on the southwest corner of B and 9th Streets. The lots back up to Gold Creek, and this feature gives the lots a triangular shape. The lots are accessed by vehicle on B Street. The area was platted in the early 1900s and the assessor's data base indicates that the home and garage were built in 1941.

The garage is a legally non-conforming structure based on CBJ 49.30.100, which states that non-conforming situations that predated the adoption of the current zoning standards may continue. According to CBJ 49.30.500(b) Reconstruction, a non-conforming building may be rebuilt on the same footprint if "*a building is damaged by any change so that the cost of renewal of the damaged parts exceeds 75 percent of the cost of the replacement of the entire building, exclusive of the foundation…*" The intent of this section of the Land use Code is to reasonably permit these non-conformities to continue, but not to unreasonably encourage their survival. The general policy with respect to non-conforming structures 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.

In 2014, the owners received a building permit to convert the garage into a garage and shop space. Before construction began, the owners and the building contractor decided that the garage was too deteriorated to salvage and that the best option would be to completely rebuild.

In addition to the home and garage, the property also features a small shed that is next to the garage and a small deck that is directly behind the garage. The shed and the deck are not shown on the As-Built Survey that is attached to this report (Attachment C). This is because neither structure required a building permit; both structures are less than the minimum square footage that requires a building permit before construction. However, once the new garage is

constructed the applicant will provide a new As-Built Survey that will show the location of all structures on the lot.

ANALYSIS

The area is zoned D-5. This zoning district has a minimum lot size of 7,000 square feet; the subject lots are a total of 5,287 square feet. The average lot size for this block is 2,612 square feet. When the lots were platted in 1913, Juneau had no minimum lot size requirements. The current setback requirements for a D-5 zone are as follows: 20 feet for the front lot line, 20 feet for the rear lot line, and 13 feet for the street side lot line. According to Title 49.25.430 Section (3) for multiple frontage lots, the code states "*On lots with existing buildings that have nonconforming setbacks, setbacks for yards shall be established based on the yard that most closely meets the respective setback requirement".* The home is setback 10 feet from the property line along 9th Street, but only setback 7 feet from the property line along B Street. The 10 foot setback along 9th Street most closely meets the 20 foot setback requirement for a front yard setback. Based on Title 49 requirements, Staff has determined that the property line running along 9th Street should be considered the front lot line, making B Street the side street lot line.

The home and garage, both built in 1941, do not meet the current setback requirements. Both are legal non-conforming uses. When the structures were built, Juneau had no zoning standards or setback requirements. The existing garage is setback 1 foot from the street side lot line, which runs along B Street (See Attachment C). The subject property's home is setback 10 feet from the front property line on 9th Street. The home and garage across the street, on the southeast corner of B Street and 9th Street, are setback 7 feet and 2 feet respectively. The majority of structures in this neighborhood are legal non-conforming structures in that they are built closer to the property lines than the current code allows. This is very typical of homes built in this era. Allowing property owners to maintain this type of development will help to preserve the character of the neighborhood. CBJ 49.25.430(K) states "*A new building may have a front yard setback equal to the average front yard setback of the three closest adjacent buildings….."* Although Title 49 does not have an exception like this for street side lot lines, granting this street side setback variance would be in keeping with the intent of Title 49.

In addition to the sub-standard lot size of the subject Lots 9 and 10, the Gold Creek flume easement runs along the entire length of the side yard lot line (Attachment H). The Gold Creek easement reduces the buildable area where permanent structures may be located on the lot making the current location of the garage the only feasible location for the new garage to be built. If the applicant is granted the setback variance, it would permit them to reconstruct the garage in the same footprint as the existing garage, which is just outside of the 50 foot easement. If the garage were required to meet the current street side yard setback of 13 feet, it would encroach into the easement.

According to *49.70.950 Habitat (f) all structures and foundations located adjacent to streams or lakes listed in Table VI-2 of Appendix C of the Juneau Coastal Management Plan, shall have a 50 foot setback from each side of the stream or lake measured from the ordinary high water mark.* Table VI-2 does not mention Gold Creek in the list of streams and lakes that require a 50 foot setback (See Attachment G). Ed Foster, Streets Superintendent provided an agreement dated January 1969 in which the Army Corp. of Engineers handed over operation and maintenance of the Gold Creek Flood Control Project to the City and Borough of Juneau. According to the CBJ Streets Department Gold Creek does have an enforceable easement of 50 feet.

The CBJ Streets Superintendent notified staff that the small shed and deck behind the garage both encroach into the Gold Creek easement. Although Staff agrees that the shed and deck encroach into the easement, they are not the issue that is being addressed in this particular Variance case. The applicant has been made aware of the encroachment and has been advised that in the future she may be asked by the Streets Department to remove the structures from the 50 foot setback.

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 requested relaxation would give substantial relief to the property owner. The current garage is 63 years old and cannot be feasibly repaired. A new foundation and structure on the site will allow the owners to use the space as a garage and work space. It is consistent with justice to other property owners, as there are many non-conforming structures in the neighborhood, and the present structure has stood in the same location for 63 years.

Similar Variance requests have been granted for properties located in the Casey Shattuck Subdivision. In 2008, the property owners at 1003 B Street were granted a similar setback

variance to reduce the 10 foot front yard setback requirement to 2 feet for the construction of a new deck. The owners in this case were granted their Variance. In 2009, the property owners at 410 W. 12th Street were granted a variance to reduce the5 foot side yard setback and the 20 foot rear yard setback in order to build a garage that is 2" from the side lot line and 6" from the rear lot line.
The requested variance is consistent with justice to other property owners.

Yes. Criterion 1 is met.

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

The intent of Title 49 is established in Section 49.05.100 Purpose and Intent. If approved this variance will meet the intent of the Land Use Code, specifically 49.05.100(4) *"to ensure that future growth is of the appropriate type, design, and location....."* and 49.05.100(6) *"to recognize the economic value of land and encourage its proper and beneficial use".*

The public health and welfare will be preserved as the proposed garage will be located so as to not impact sight visibility and will maintain the existing character of the neighborhood.

Yes. Criterion 2 is met.

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

No evidence has been shown that granting the variance will injure nearby property. The current use of the garage will not change; it will continue to be used as an off-street parking andwork space. The proposed garage will not pose any obstruction to the nearby right-of-way (B Street). Further, there are many similar non-conforming structures in the neighborhood. The nearest property is a residence at 903 B Street. This property has a very similar garage that is built to the street side property line on the corner of B Street and the alley that runs to A Street.

Yes. Criterion 3 is met.

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

The current use is single-family detached residence and garage, which is typically associated with this class of
use. The requested variance will not change the current use of the structure. The use is allowed within this district, per 49.25.300 Table of Permissible Uses, section 1.110.

Yes. Criterion 4 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 property is currently developed with a single-family residential building as the principal use. The home and the garage were built in 1941, and are therefore legal, non-conforming structures. Compliance with existing setback requirements would not prevent the owner for using the property as a single family dwelling.

No. Staff finds sub-criterion 5(A) 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;

Due to the sub-standard lot size, the unusual shape of the lot and the existence of the Gold Creek easement, respecting the current setbacks would render the lot undevelopable. The proposed garage is consistent with the scale, appearance, and existing development in the neighborhood.

Yes. Sub-criterion 5(B) is met.

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

The Gold Creek easement is the unique physical feature that affects this property. According to CBJ Streets Department, the Gold Creek easement is 50 feet and Title 49 requires a 13 foot side yard setback. In the northeastern corner of the lot, where the proposed garage will be located, the distance from the edge of the easement and the street side property line is only 20 feet. If both setbacks were respected this would leave approximatly 7 feet of developable land.

Yes. Sub-criterion 5(C) is 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.

The home and the garage were built in 1941. When the area was zoned D-5, the structures and the lot became non-conforming as they do not meet the required setbacks or the minimum lot size. The home is approximately 5 feet from the street side property line, encroaching 8 feet into the required 13 foot setback. The garage is approximately 1 foot from the street side property line, encroaching 12 feet into the setback. The proposed garage will be constructed in the same footprint as the current garage. The requested variance will not result in a net decrease in overall compliance with Title 49 or Title 19.

Yes. Sub-criterion 5(D) is met.

Yes. Criterion 5 is met because sub-criterion B, C and D are met.

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

Granting this variance would allow the property owner to replace the existing 63 year old garage with a new and more structurally sound garage that will add value to the property and will enhance the overall appearance of the lot. No detriments to the neighborhood are expected.

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?

Yes. As mentioned above, the Juneau Coastal Management Plan does not list Gold Creek in Table VI-2 in Appendix C.

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

Yes. Based on the analysis above, staff finds that the variance meets the criteria of CBJ 49.20.250, *Grounds for Variances,* as all criterion were met.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and grant the requested Variance, VAR2015 0004. The Variance permit would allow for the construction of a new garage in the same footprint as the existing garage, which is one foot from the street side property line with the following condition:

1. Provide an as-built survey to confirm the 1 foot setback prior to the issuance of a certificate of occupancy.

DEVELOPMENT PERMIT APPLICATION

(APPLICANT - PLEASE FILL IN THE PROJECT/APPLICANT INFORMATION)

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 1/23/15
Project Name (City Staff to assign name)		

PROJECT / APPLICANT INFORMATION

Project Description
Rebuild garage in same footprint

PROPERTY LOCATION

Street Address	City / Zip	
506 West Ninth Street	Juneau, AK 99801	
Subdivision (if known): Casey Shattuck Addition	Survey (If known)	Block / Tract (If known): 213 / Lot (If known): 9&10
Assessor's Parcel Number (If known): 1C060C130100		

LANDOWNER /LESSEE

Property Owner's Name	Contact Person	Work Phone No.
Barbara Craver & Mark Kirchhoff ☐ Contact by E-Mail: craver.barbara@gmail.com	Barbara	907 209 7084
Mailing Address: 506 W 9th St, Juneau, AK 99801	Home Phone No.	FAX No.

LANDOWNER/LESSEE CONSENT (Required for Planning permits not needed on Building/Engineer permits)

I am (we are) the owner(s) or Lessee 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 [signature] Landowner/Lessee Signature — Date 1/21/15

X [signature] Landowner/Lessee Signature — Date 1/21/15

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 and/or the Design Review Board may visit the property and may do so during the weekend before the scheduled public hearing date.

INITIAL ALL THAT MAY APPLY

APPLICATION TYPE	OWNER'S INITIALS
ALLOWABLE USE	
CONDITIONAL USE	
VARIANCE	
DESIGN REVIEW	
SUBDIVISION	
OTHER	

APPLICANT (If same as OWNER, write "SAME" and sign and date at X below)

Applicant's Name	Contact Person	Work Phone No.
Same ☐ Contact by E-Mail:		
Mailing Address	Home Phone No.	FAX No.

X [signature] Applicant's Signature — X Jan 21, 2015 Date of Application

(OFFICE USE ONLY BELOW THIS LINE)

STAFF APPROVALS

CK	PERMIT TYPE	SIGN	DATE RECEIVED	APPLICATION NO.	CK	PERMIT TYPE	DATE RECEIVED	APPLICATION NO.
	ALLOWABLE USE APPROVAL					WATER PERMIT		
	CONDITIONAL USE APPROVAL					SEWER PERMIT		
X	VARIANCE		1/23/15	var 15-004		GRADING PERMIT		
	DESIGN REVIEW APPROVAL — MINOR / MAJOR					DRIVEWAY PERMIT		
	SUBDIVISION — MINOR / MAJOR / PUD					RIGHT-OF-WAY PERMIT		
	STREET VACATION					PUB. FAC. TRANSMISS. & EXCAV. PERMIT		
	SIGN APPROVAL — LOCATED IN HISTORIC DISTRICT? ☐ YES ☐ NO					OTHER - (Describe)		
	BUILDING PERMIT					Permit Intake Initials		

Zone	Total Lot Area	Required Setbacks
		Front ___ Back ___ Side ___ Other ___

COMMENTS:

[J:/FORMS/CDDFORMS/PERMFORM.XLS REV. -2/18/99]

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

ATTACHMENT A

VARIANCE APPLICATION

(APPLICANT PLEASE FILL IN SHADED AREAS AS A MINIMUM)

Project Number	Project Name	Case Number	Hearing Date	Date Received
				1/23/15

VARIANCE TYPE: ☒ Setback ☐ Height ☐ Bulk ☐ Other (Describe) _____

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:

Rebuild garage in original footprint of current garage

PREVIOUS VARIANCE APPLICATIONS: ☐ Yes ☒ No

Date of Filing: _____

Variance from which standards: ☐ Setback ☐ Height ☐ Bulk ☐ Other (Describe) _____

Was variance granted? . . . . . ☐ Yes ☐ No

EXISTING USE OF LAND OR BUILDING(S):

Residential garage

PROPOSED USE OF LAND OR BUILDING(S):

Residential garage

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

PROPOSED SETBACKS (If variance changes setbacks):

Front _____ ft. Rear _____ ft. Side 1 ft. Other _____ ft.

UNIQUE CHARACTERISTICS OF LAND OR BUILDING (Difference from other properties in the area):

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

a well built garage makes this residential property more useable & provides covered parking and a heated workspace.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?

garage could not be rebuilt, current garage would continued to deteriorate - built in 1941.

REVIEW APPROVALS

	Initials	Date
Buildings		
Engineering		
Planning		

VARIANCE FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ 400			
Adjustment	$			
Total Fee	$ 400	1667		1/23/15

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

ATTACHMENT A

Barbara Craver and Mark Kirchhoff
506 West 9th Street
Juneau, AK 99801
907 209 7084
craver.barbara@gmail.com

City and Borough of Juneau, Alaska
Board of Adjustment

January 23, 2015

Request for a Variance to Setback Requirements for rebuilding a garage at Parcel 1C060C130100, 506 West Ninth Street, Juneau, Alaska 99801.

We are the owners of the property at 506 West 9th Street and are requesting a variance to the setback requirements under CBJ 49.20.250(b)[1] in order to rebuild the garage. We plan to demolish the current structure, built in 1941 and rebuild a new structure on essentially the same footprint as shown in the plans accompanying this request. The current structure is one foot from the street side-yard property line along B Street. At the time the garage was built in 1941 the building did not violate setback requirements. The current setback requirements in D-5 for a street side-yard are thirteen feet. Thus, the rebuilt garage as planned requires a variance in the street side-yard setback requirements.

We plan to use the new garage as an art studio with the option of maintaining one half of the garage as an enclosed parking space. The garage will be insulated, there will be electric heating and no plumbing. The roof line is changed slightly to harmonize with the house. A dormer roofline will allow a small second floor with a storage area underneath. The new structure will connect with the deck, gardens and garden shed located along Gold Creek stream.

<u>Grounds supporting a variance under CBJ 49.20.250(b)(1).</u>

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1 CBJ 49.20.250(b)

> *(b) Variances other than de minimis.* 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 this title, the board of adjustment may grant a variance in harmony with the general purpose and intent of this title. A variance may vary any requirement or regulation of this title concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. . . .

CBJ 49.20.250(b)(1) requires the Board to hold a hearing and determine that "[t]he 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".

Allowing a street side-yard setback variance to allow the building of a garage/studio in the footprint of the current structure would give substantial relief to the owner. Allowing the variance would allow the owner to continue to use and improve the property. The current garage structure is 63 years old and cannot be feasibly repaired. A new foundation and structure on the site will allow the owners to use the space as a work area and insulated garage. There is no injustice to other property owners, as there are many nonconforming structures in the neighborhood, and the present structure has stood in the same location for over 60 years.

Without the variance, the current setback requirement for a street side-yard is thirteen feet in D-5, which is the zoning for the property. If the garage were rebuilt to meet that setback it would have to pushed back twelve feet from B Street toward Gold Creek, eliminating the current deck, requiring removal of the garden shed just built in 2014, and bringing it within a few feet of the cement walls of the Gold Creek cement water channel. This would be a hardship to the current landowners who have spent over 20 years on the property planting gardens and using the property as a backyard for pleasure. The CBJ might also object because the new structure would be so close to the Gold Creek as to make maintenance of the cement channel difficult or impossible.

<u>Grounds supporting a variance under CBJ 49.20.250(b)(2).</u>

CBJ 49.20.250(b)(2) requires the Board to find that "[r]elief can be granted in such a fashion that the intent of this title will be observed and the public safety and welfare preserved". The intent of Title 49 is established in Section 49.05.100 Purpose and Intent:

> 1) To achieve the goals and objectives and implement the policies of the Juneau Comprehensive Plan[2] and the coastal management program;
>
> 2) To ensure that future growth and development in the city and borough is in accord with the values of its residents;

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2. CBJ 49.05.200 - Comprehensive plan.

> (a) The City and Borough comprehensive plan is designed to lessen congestion in the streets; secure safety from fire, panic and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate adequate and cost-effective provision for transportation, water, sewerage, schools, parks and other public requirements.

3) To identify and secure, for present and future residences, the beneficial impacts of growth while minimizing the negative impacts;

4) To ensure that future growth is of the appropriate type, design, and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;

5) To provide adequate open space for light and air; and

6) To recognize the economic value of land and encourage its proper and beneficial use

Granting the requested variance is consistent with the intent of Title 49, it allows an attractive and functional improvement to replace a 60 year old garage structure that is at the end of its useful life. This is a benefit to the owners and the neighborhood as a whole. The new structure will not negatively impact public services and facilities. A well maintained and functional structure will ensure the continued vitality and sense of community in the general neighborhood and the city. This property is in one of Juneau's oldest residential areas and a functional garage and workspace is an asset to the property and will continue the use of the property as a valuable residence near the downtown core of Juneau. The proper and beneficial use of property includes renovating and maintaining the structures. The 60 year old garage on this property should be completely replaced with a structure that meets current building codes for structural integrity and improved insulation for continued use as an garage and workspace for the house.

This particular piece of property and the side street setback situation is unique. Normally, one of the purposes of a street side-yard setback would be to allow drivers on B Street an adequate distance to see ahead to determine vehicle traffic ahead of the vehicle and to see traffic at intersections. In this case B Street is one block long and a dead end.

B Street in this block, is lightly used, and what traffic does exist will not be affected the the new garage, just as it has never been affected by the old garage.

<u>Grounds supporting a variance under CBJ 49.20.250(b)(3).</u>

CBJ 49.20.250(b)(3) requires the Board to find that "[t]he authorization of the variance will not injure nearby property". The variance will allow the current 60 year old garage to be replaced with a new garage. The use will not change. It will continue to be a workspace and off street parking spot. The nearest property is across B Street, a residence at 903 B Street. That property has a single car garage set on the property lines of B Street and the alley that runs to A Street.

Grounds supporting a variance under CBJ 49.20.250(b)(4).

CBJ 49.20.250(b)(4) requires the Board to find that "[t]he variance does not authorize uses not allowed in the district involved". There is no change in use, the current structure is a garage with electric service, the new structure will be a garage with electric service.

Grounds supporting a variance under CBJ 49.20.250(b)(5).

CBJ 49.20.250(b)(5) requires the Board to find that "[c]ompliance with the existing standards would:

> (A) Unreasonably prevent the owner from using the property for a permissible principal use;
>
> (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;
>
> (C) Be unnecessarily burdensome because unique physical features of the property render compliance with the standards unreasonably expensive; 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, title 49, or the building code, title 19, or both;"

The Board must find that at least one of the above four cases would occur if the current 13 foot setback is required rather than allowing the variance to the setback requirement. In this case two subsections particularly apply; 49.20.250(b)(5)(B) and (D).

In regard to *49.20.250(b)(5)(B)* the new garage structure is consistent with the existing development of the neighborhood. It will be almost the same size and scale as the existing garage. Almost all of the neighboring properties have violations of the current setback requirements, but were conforming at the time of building, which was generally 1940 – 1960. The Casey-Shattuck addition, or "The Flats" is a very close knit, welcoming residential neighborhood filled with homes of the same vintage as the owner's house. B Street is insulated from the arterial traffic on Ninth and Twelfth Street and is often the site of ball games, block parties and neighbors socializing in the summer and over snow shoveling.

In regard to *49.20.250(b)(5)(D)* the new garage structure will be in the footprint of the existing structure, it will be about one foot wider, to accommodate insulation in the walls and foundation without reducing the interior space. The garage to be demolished is the preexisting nonconforming condition and the replacement of that garage will not result in any net decrease in overall compliance.

Grounds supporting a variance under CBJ 49.20.250(b)(6).

CBJ 49.20.250(b)(6) requires the Board to find that "[a] grant of the variance would result in more benefits than detriments to the neighborhood." This grant of the variance requested would result in a new and useful garage to replace the current 63 year old garage. It will be an investment in the continued function of the property as a residence in a neighborhood full of other similar residences. The common feature of the neighborhood is its close, historically charming homes that continue to be renovated and updated while maintaining the residential feel and function of the area. We love living in a thriving neighborhood of mixed ages, within walking distance to grocery stores, schools, churches, the downtown core, the harbor, Cope Park, and professional services. Continuing to improve the homes and buildings in this neighborhood will keep this neighborhood an attractive area for Juneau families.

Sincerely,

Barbara Craver and Mark Kirchhoff

Owners

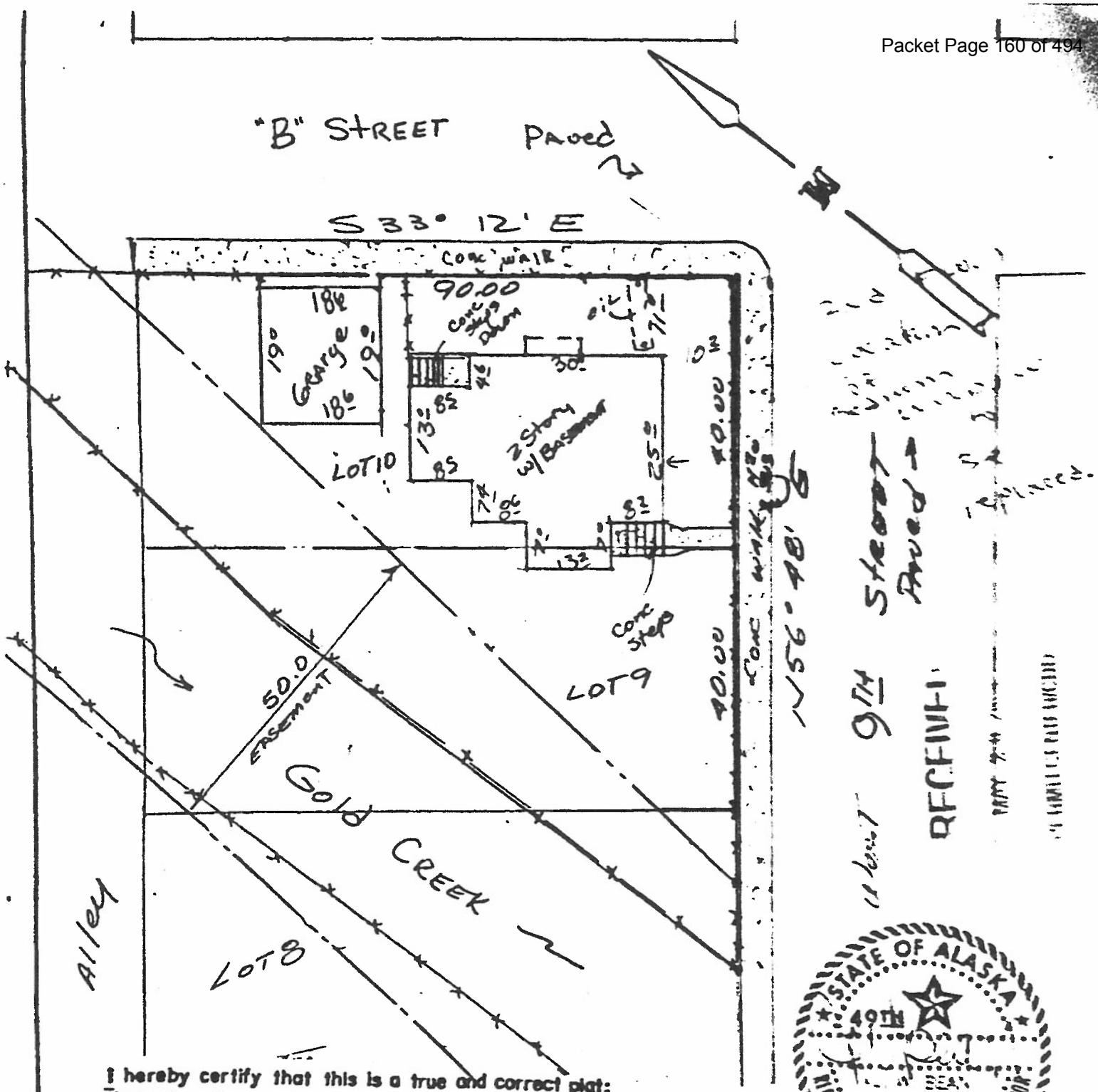
Attached:

A. Site Plan: As built survey of 506 West 9th Street

Map of area

Drawings of new garage

B. A copy of the "Gold Creek Channel Easements" dated February 1957, associated with the 1957 Gold Creek channel constructed by the Army Corps of Engineers. The easement includes property indicated on the as-built survey and does not show any restrictions or conditions for land contained within the easement.



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.

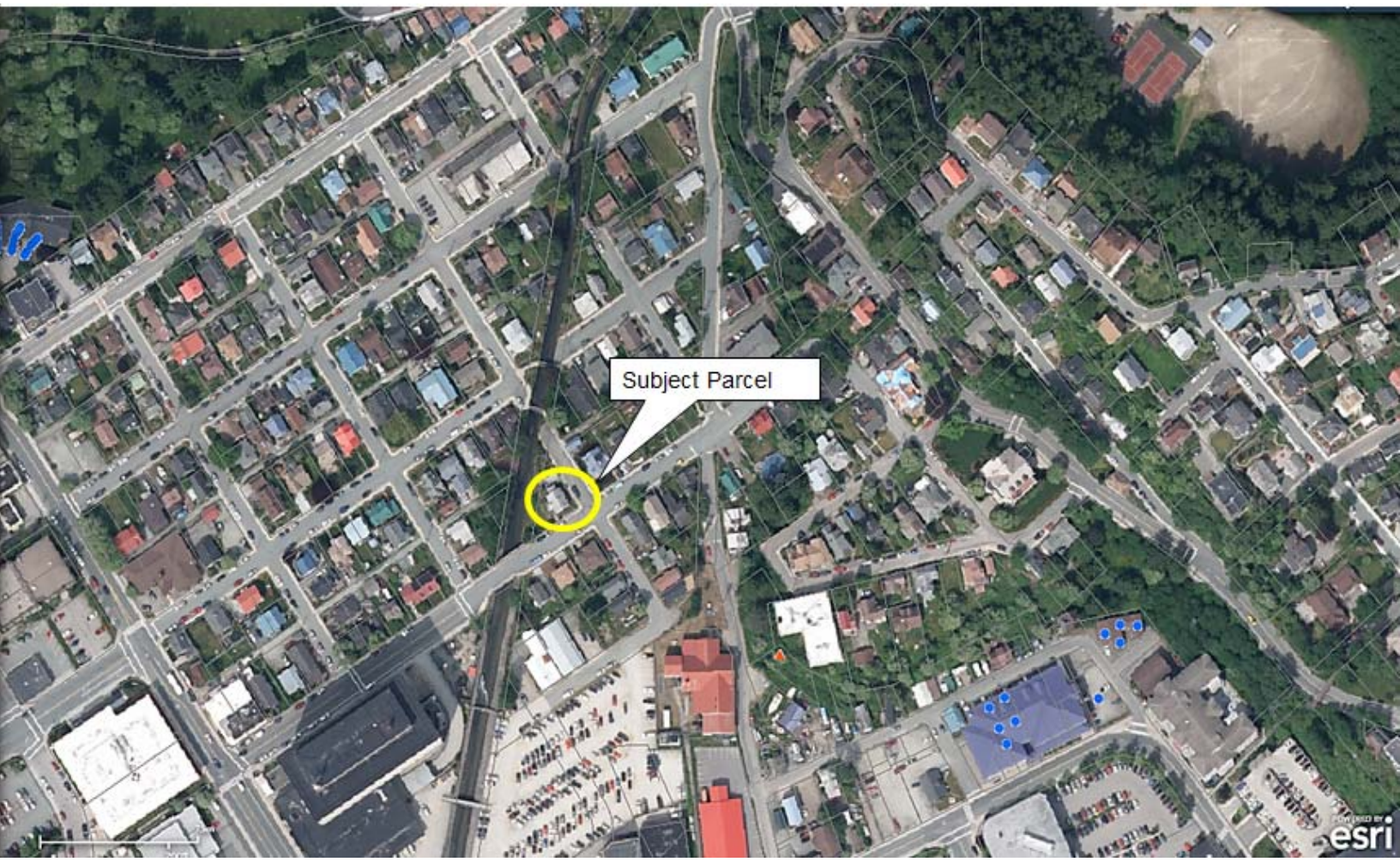
J. W. BEAN
PROFESSIONAL SURVEYOR
4526 SAWA CIRCLE
JUNEAU, ALASKA
907-789-0880
SURVEYOR - PLANNER

AS-Built Survey of LOTS 9 & 10, BK 213 CASEY SHATTUCK Addition - Juneau Townsite - S-7

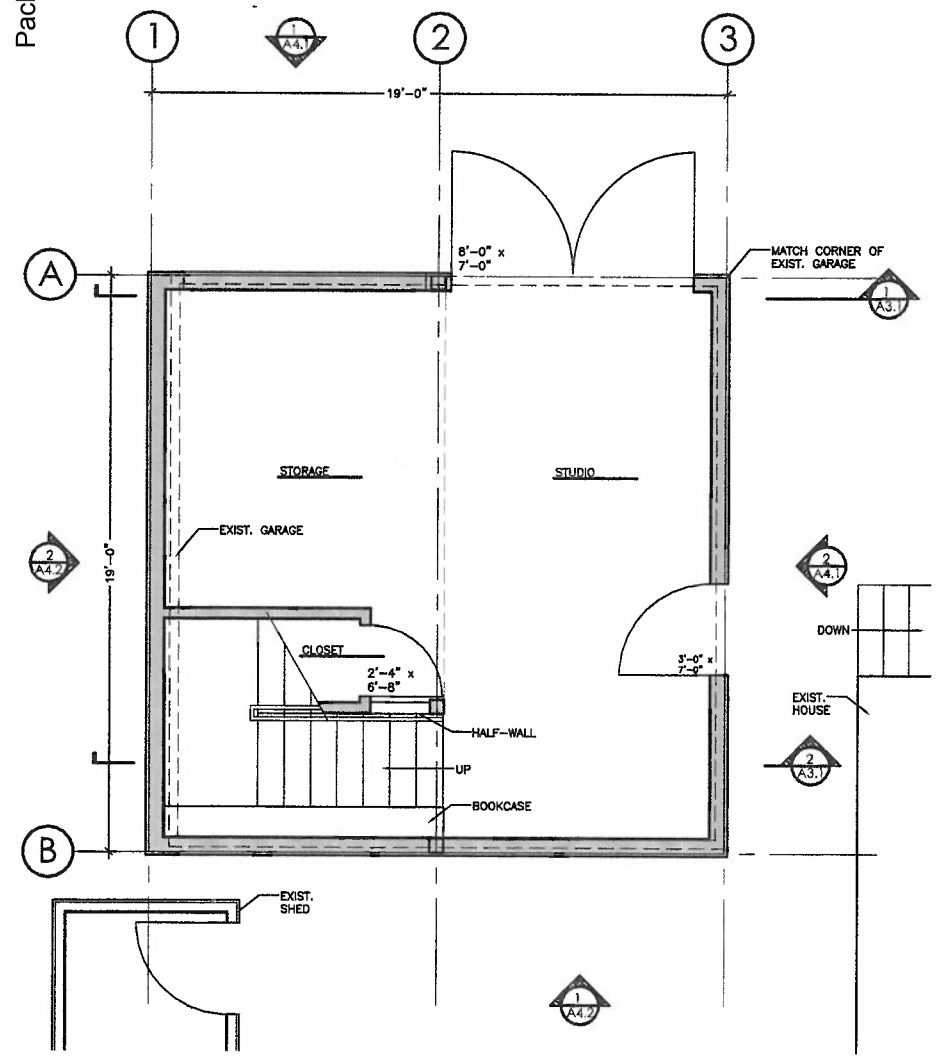
DRN. Sub	JOB No. 293	SCALE 1" = 20'
FB 23/50	DATE 11/30/79	SHEET 1 of

ATTACHMENT C

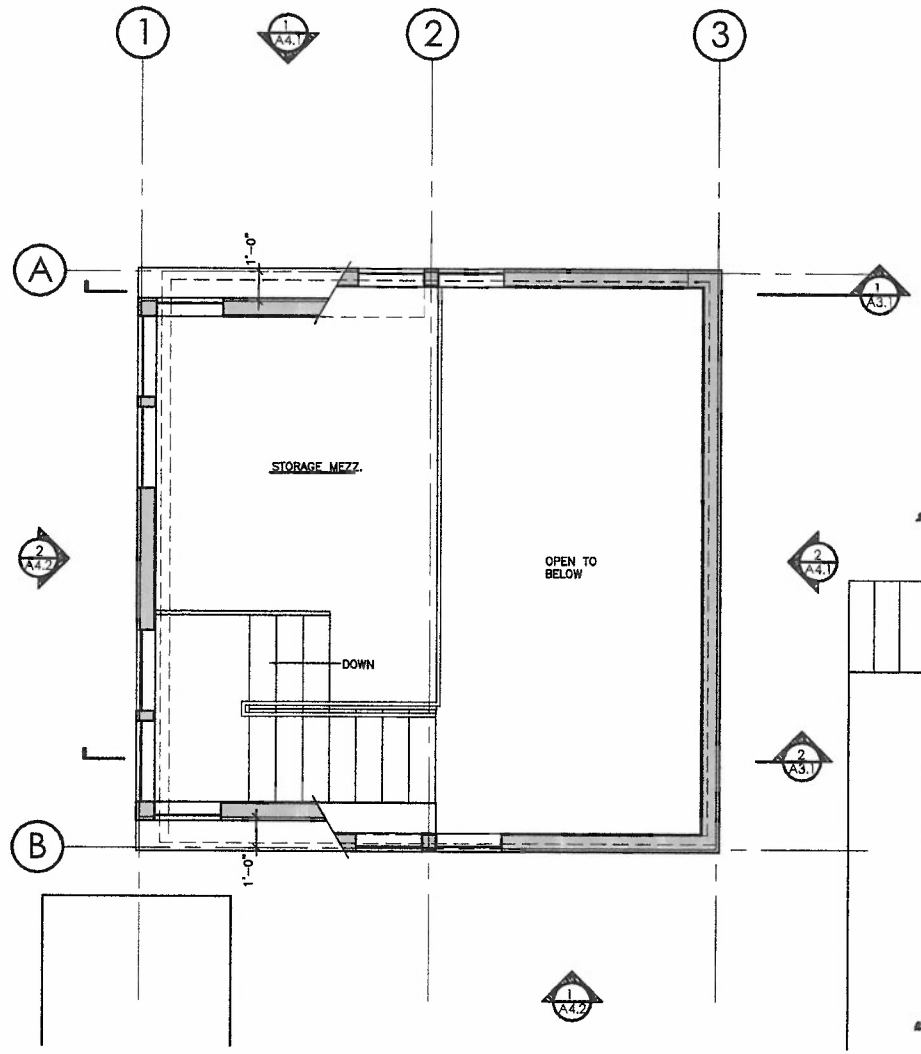
Aerial View of Property



ATTACHMENT D



FLOOR 1 PLAN
1/4" = 1'-0"



FLOOR 2 PLAN
1/4" = 1'-0"

LIGHT / RAIN
ARCHITECTURE

1745 CAPITAL VIEW
DOUGLAS, ALASKA
99824

907.209.0366

ZONING DOCUMENTS

CRAVER STUDIO

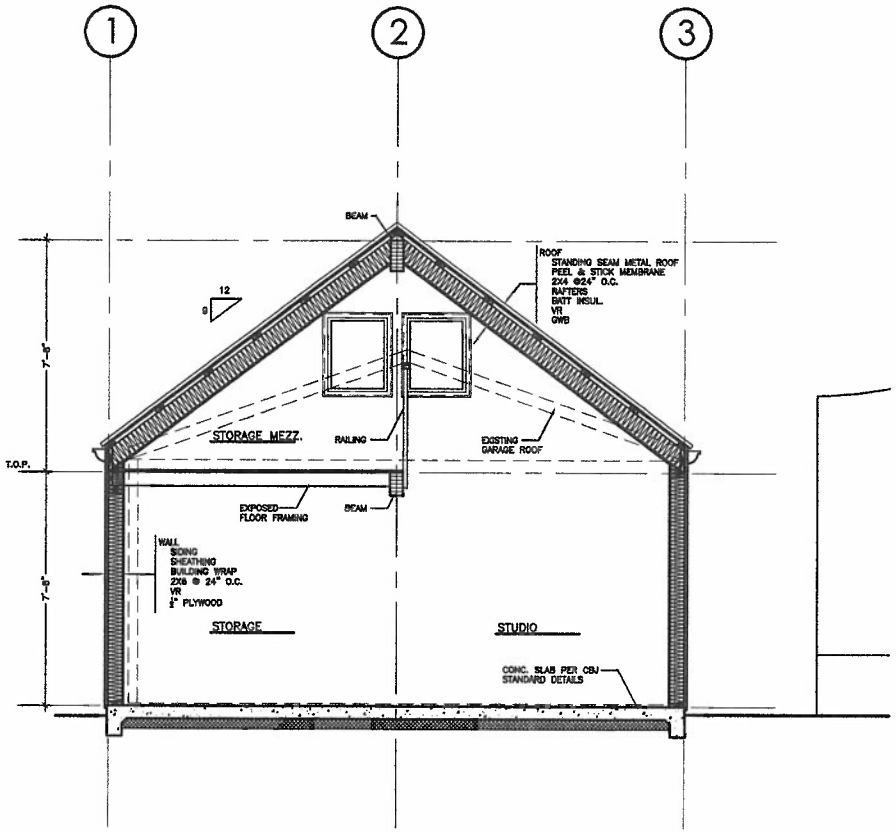
A RECONSTRUCTED GARAGE FOR
BARBARA CRAVER & MARK KIRCHHOFF
506 W NINTH STREET JUNEAU, ALASKA

Sept. 15, 2014

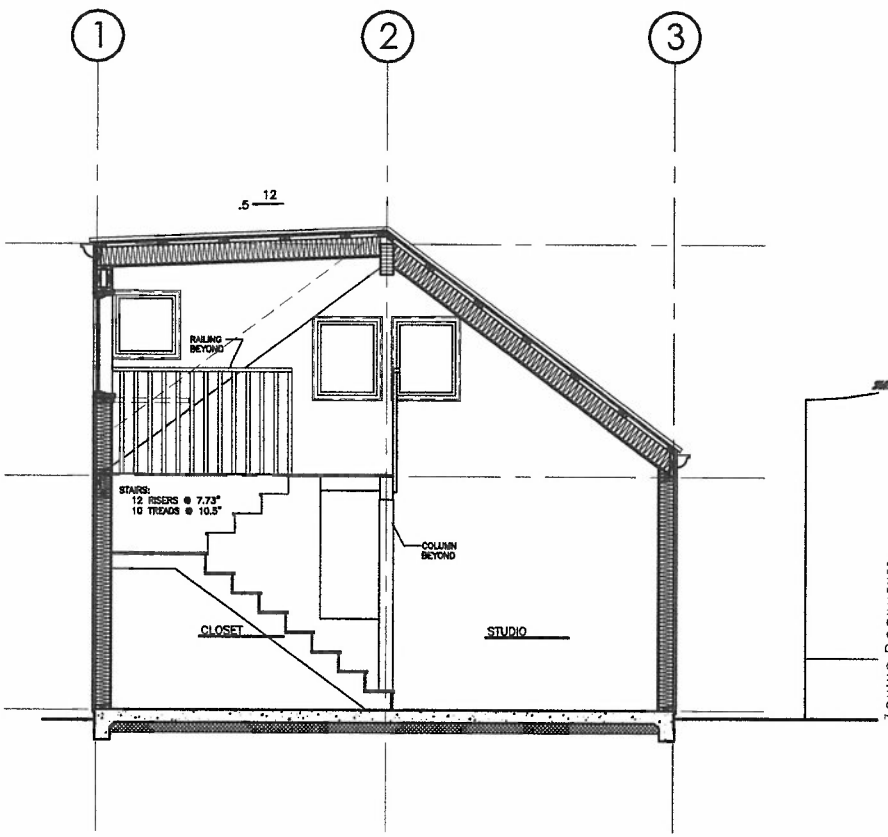
FLOOR PLANS

A2.1

ATTACHMENT E



1 BUILDING SECTION
1/4" = 1'-0"



2 BUILDING SECTION
1/4" = 1'-0"

LIGHT / RAIN
ARCHITECTURE
1745 CAPITAL VIEW
DOUGLAS, ALASKA
99824
907.209.0366

ZONING DOCUMENTS

CRAVER STUDIO

A RECONSTRUCTED GARAGE FOR
BARBARA CRAVER & MARK KIRCHHOFF
506 W NINTH STREET JUNEAU, ALASKA

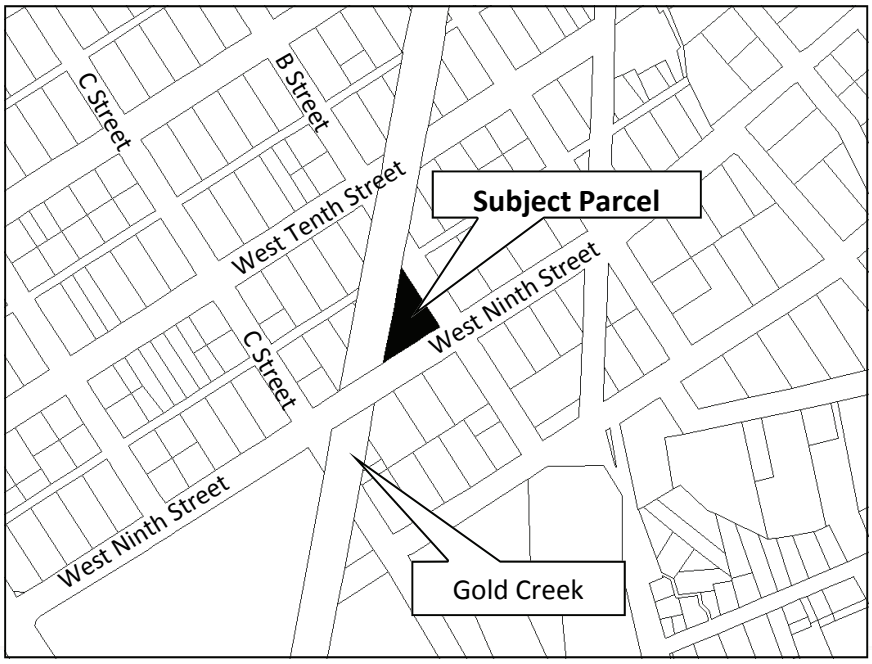
Sept. 15, 2014

SECTIONS

A3.1

ATTACHMENT E

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: Variance request to side yard setback to allow a garage to be rebuilt.

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

File No:	VAR2015 0004	Applicant:	Barbara Craver & Mark Kirchhoff
To:	Adjacent Property Owners	Property PCN:	1-C06-0-C13-010-0
Hearing Date:	April 14, 2015	Owner:	Barbara Craver & Mark Kirchhoff
Hearing Time:	7:00 PM	Size:	0.12 Acres
Place:	Assembly Chambers	Zoned:	D-5
	Municipal Building	Site Address:	506 West Ninth Street
	155 South Seward Street	Accessed Via:	West Ninth Street & B Street
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

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

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

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Date notice was printed: March 11, 2015

ATTACHMENT F

TABLE VI-2

Stream or Lake	Approximate Location	Alaska Dept. of Fish and Game Catalog No.
Antler River	Berners Bay	115-20-10300
Gilkey River	Antler River Trib.	115-20-10300-2016
Berners River	Berners Bay	115-20-10100
Lace River	Berners Bay	115-20-10200
Unnamed Creek	Lace River Trib.	115-20-10200-2016
Sherman Creek	Lynn Canal, North	115-31-10330
Sweany Creek	Lynn Canal, North	115-31-10350
Unnamed Creek	Lynn Canal, North	115-31-10300
Unnamed Creek	Taku Harbor	111-31-10050
Taku Lake	Unnamed Creek Trib.	111-31-10050-10016
Sawmill Creek	Berners Bay, East	115-20-10520
Johnson Creek	Berners Bay	115-20-10070
Unnamed Creek	Bridget Cove	115-20-10230
Cowee Creek	Echo Cove, West	115-20-1062-2006
Cowee Creek, S. Fork	Cowee Creek Trib.	115-20-10620-2006
Davies Creek	Cowee Creek Trib.	115-20-10620-2003
Eagle River	Amalga Harbor	111-50-10070
Boulder Creek	Eagle River Trib.	115-10-10070-2009
Unnamed Trib.	Eagle River Trib.	111-50-10070-2012
Herbert River	Amalga Harbor	115-50-10070-2004
Unnamed Lake	Herbert River	115-50-10070-2004-0010
Unnamed Creek	Amalga Harbor	111-50-10070-2004-3002

TABLE VI-2

Stream or Lake	Approximate Location	Alaska Dept. of Fish and Game Catalog No.
Antler River	Berners Bay	115-20-10300
Gilkey River	Antler River Trib.	115-20-10300-2016
Berners River	Berners Bay	115-20-10100
Lace River	Berners Bay	115-20-10200
Unnamed Creek	Lace River Trib.	115-20-10200-2016
Sherman Creek	Lynn Canal, North	115-31-10330
Sweany Creek	Lynn Canal, North	115-31-10350
Unnamed Creek	Lynn Canal, North	115-31-10300
Unnamed Creek	Taku Harbor	111-31-10050
Taku Lake	Unnamed Creek Trib.	111-31-10050-10016
Sawmill Creek	Berners Bay, East	115-20-10520
Johnson Creek	Berners Bay	115-20-10070
Unnamed Creek	Bridget Cove	115-20-10230
Cowee Creek	Echo Cove, West	115-20-1062-2006
Cowee Creek, S. Fork	Cowee Creek Trib.	115-20-10620-2006
Davies Creek	Cowee Creek Trib.	115-20-10620-2003
Eagle River	Amalga Harbor	111-50-10070
Boulder Creek	Eagle River Trib.	115-10-10070-2009
Unnamed Trib.	Eagle River Trib.	111-50-10070-2012
Herbert River	Amalga Harbor	115-50-10070-2004
Unnamed Lake	Herbert River	115-50-10070-2004-0010
Unnamed Creek	Amalga Harbor	111-50-10070-2004-3002

Stream or Lake	Approximate Location	Alaska Dept. of Fish and Game Catalog No.
Windfall Creek	Herbert River Trib.	115-10-10070-2004-3006
Windfall Lake	Windfall Creek	115-10-10070-2004-3006-0010
Peterson Creek	Amalga Harbor	112-15-10100
Shrine Creek	Near Shrine Island	-
Tee Creek	Tee Harbor	-
Unnamed Creek	North Tee Harbor	111-50-10200
Lena Creek	Lena Beach	111-50-10300
Unnamed Creek	Lena Beach Rec. Area	111-50-10310
Auke Nu Creek	Auke Bay	111-50-10350
Waydelich Creek	Auke Bay	111-50-10370
Bay Creek	Auke Bay, Inner	111-50-10390
Auke Creek	Auke Bay, Inner	111-50-10420
Auke Lake	Auke Bay Vicinity	111-50-10420-0010
Lake Creek	Auke Lake	111-50-10420-0010-2004
Lake II Creek	Auke Lake	111-50-10420-0010-2010
Unnamed Lake	Auke Lake	111-50-10420-0010-2013
Unnamed Lake	Auke Lake	111-50-10420-0010-2015
Bridget Cove Trib.	Lynn Canal	115-10-10230
Montana Creek	Mendenhall River, North	111-50-10500-2003
McGinnis Creek	Montana Creek	111-50-10500-2003-3006
Mendenhall Lake	Upper Mendenhall Valley	111-10500-0020
Nugget Creek	Mendenhall Lake	111-50-10500-0020-2010
Steep Creek	Mendenhall Lake	111-50-10500-2006

Stream or Lake	Approximate Location	Alaska Dept. of Fish and Game Catalog No.
Glacier Lake	Upper Mendenhall Valley	-
Morraine Lake	Upper Mendenhall Valley	-
QT Lake	Upper Mendenhall Valley	-
Louie Lake	Upper Mendenhall Valley	-
Norton Lake	Upper Mendenhall Valley	-
Crystal Lake	Upper Mendenhall Valley	-
Dredge Lake	Upper Mendenhall Valley	-
Dredge Lake Creek	Upper Mendenhall Valley	-
Marshall Pond	Upper Mendenhall Valley	-
Mendenhall River	North Gastineau Channel	111-50-10500
Duck Creek	Lower Mendenhall Valley	111-50-10600
Jordan Creek	Lower Mendenhall Valley	111-50-10620
Unnamed Creek	Gastineau Channel, NE	111-40-10050
Unnamed Creek	Gastineau Channel, NE	111-40-10060
Switzer Creek	Gastineau Channel, NE	111-40-10070
Lemon Creek	Gastineau Channel, NE	111-40-10100
Vanderbilt Creek	Gastineau Channel, NE	111-40-10125
Twin Lakes	Gastineau Channel, NE	-
Salmon Creek	Gastineau Channel, NE	111-40-10150
Salmon Creek Reservoir	Salmon Creek	-
Snowslide Creek	Gastineau Channel, East	-
Sheep Creek	Gastineau Channel, East	111-40-10280

Stream or Lake	Approximate Location	Alaska Dept. of Fish and Game Catalog No.
Little Sheep Creek	Gastineau Channel, East	-
Peterson Creek (Outer Point Creek)	Douglas Island, NW	111-50-10750
Unnamed Creek	Peterson Creek Trib.	111-50-10750-2033
Unnamed Creek	Peterson Creek Trib.	111-50-10750-2039
Eleven-mile Creek	Douglas Island, North	-
Cove Creek	Douglas Island, North	-
Fish Creek	Douglas Island, North	111-50-10690
Cropley Lake	Fish Creek	-
Nine-mile Creek	Douglas Island, North	111-50-10670
Johnson Creek	Douglas Island, NE	111-50-10660
Hendrickson Creek	Douglas Island, NE	111-40-10980
Neilson Creek	Douglas Island, NE	111-40-10960
Falls Creek	Douglas Island, East	111-40-10940
Eagle Creek	Douglas Island, East	111-40-10920
Grant Creek	Douglas Island, East	111-40-10910
Kowee Creek	Douglas Island, East	111-40-10900
Lawson Creek	Douglas Island, East	111-40-10890
Bear Creek	Douglas Island, East	111-50-10800
Ready Bullion Creek	Douglas Island, West	111-40-10860
Nevada Creek	Douglas Island, West	-

Stream or Lake	Approximate Location	Alaska Dept. of Fish and Game Catalog No.
Hilda Creek	Douglas Island, West	111-40-10700
Unnamed Creek	Douglas Island, West	111-40-10690-2004
Unnamed Creek	Slocum Inlet	111-32-10990
Unnamed Creek	Unnamed Creek Trib.	111-32-10990-2005
Carlson Creek	Taku Inlet	111-32-10130
Unnamed Creek	Tracy Arm	111-21-10040
Whiting River	Port Snettisham	111-35-10050-2035
Crescent Lake	Whiting River	111-35-10050-2035-0010
Unnamed Lake	Whiting River	111-35-10050-2032-0010
Unnamed Creek	Whiting River	111-35-10050-2032
Unnamed Lake	Crescent Lake	111-35-10050-2035-0020
Speel River	Tracy Arm	111-33-10300
Unnamed Creek	Speel River Trib.	111-33-10300-2014
Unnamed Lake	Speel River Trib.	111-33-10300-0010
Prospect Creek	Port Snettisham	111-22-10100
Unnamed Creek	Port Snettisham	111-34-10200
Unnamed Creek	Port Snettisham	111-34-10220
Unnamed Creek	Port Snettisham	111-34-10240
Unnamed Creek	Port Snettisham	111-34-10280
Limestone Creek	Limestone Inlet	111-90-10050
Unnamed Creek	Limestone Inlet Creek Trib.	111-90-10050-2005
Turner Creek	Taku Inlet	111-32-10800

Stream or Lake	Approximate Location	Alaska Dept. of Fish and Game Catalog No.
Davidson Creek	Taku Inlet	111-32-10780
Unnamed Creek	Davidson Creek	111-32-10780-2010
Taku River	Taku Inlet	111-32-10320-
Fish Creek	Taku River Trib.	111-32-10320-2052
Wright River	Taku River Trib.	111-32-10320-2032
Yehring Creek	Taku River Trib.	111-32-10320-2024
Moose Creek	Taku River Trib.	111-32-10320-2021
Unnamed Creek	Moose Creek Trib.	111-32-10320-2021-3012
Unnamed Creek	Moose Creek Trib.	111-32-10320-2021-4004
Unnamed Creek	Moose Creek Trib.	111-31-1032-2021-3008
Unnamed Creek	Taku River Trib.	111-32-10320-2019
Twin Glacier Lake	Unnamed Creek	111-32-10320-2019-0010
Unamed Creek	Twin Glacier Lake	111-32-10320-2010-0010-2006
Johnson Creek	Taku River Trib.	111-32-1032-2016
Unnamed Creek	Johnson Creek Trib.	111-32-10320-2016-3005
Sockeye Creek	Taku River Trib.	111-32-10320-2013
Unnamed Creek	Sockeye Creek Trib.	11-32-1032-2013-3004

Primary Sources: Alaska Department of Fish and Game, current catalog, 1985 Reed and Armstrong, 1971.

Page VI-5 ADD, the following after the second paragraph:

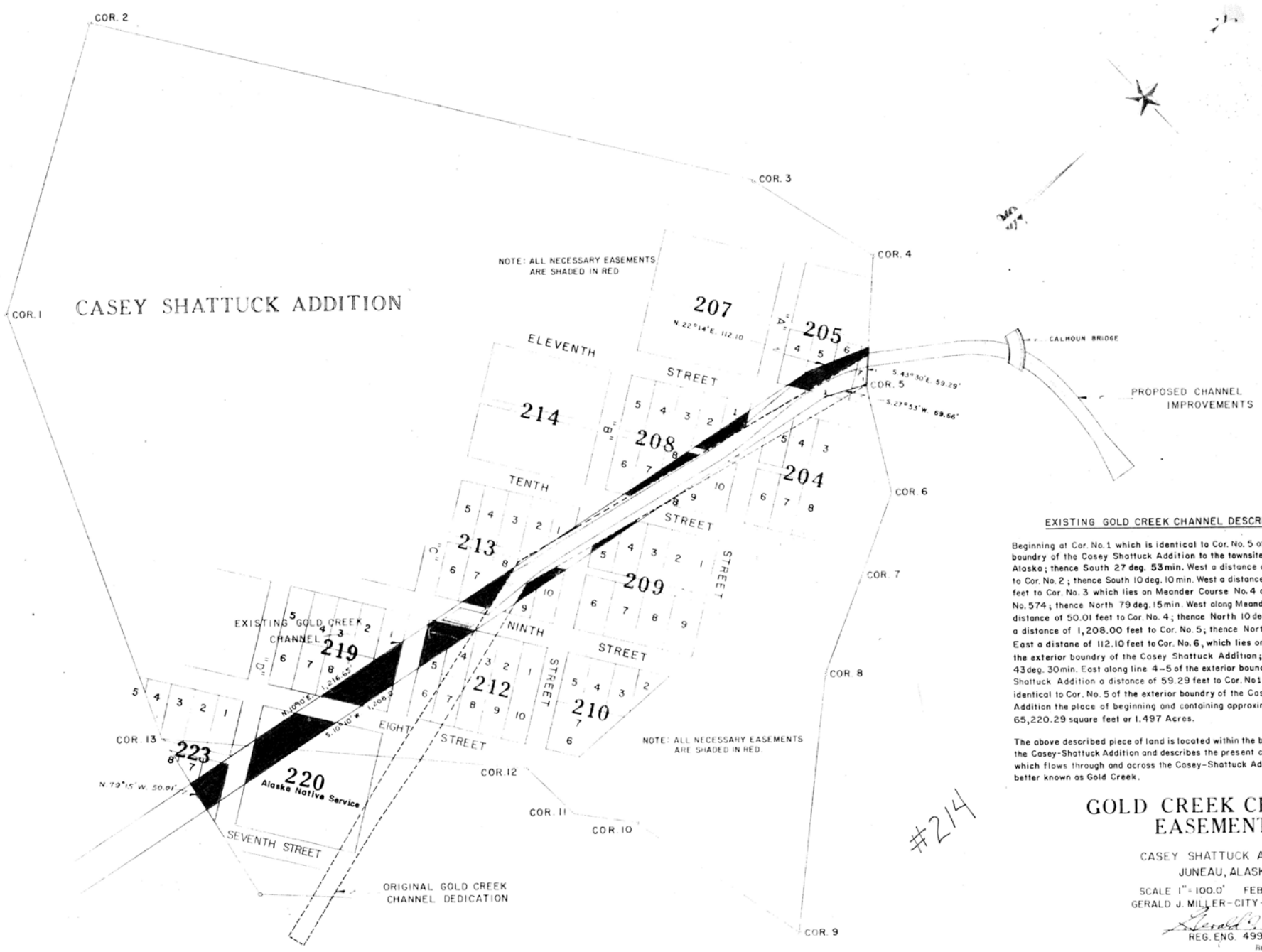
The high density deer winter range (Figure VI-1) on Lemon Creek (according to Alaska Department of Fish and Game) actually extends down stream and westward as far as the first creek (nameless) immediately west of Switzer Creek. Winter deer densities are lower

in these mainland areas than on the west shore of Douglas Island, but mainland areas are considered important in terms of the number of animals they support. The coastal area (coastline up to 1000-foot elevation contour) between Eagle River and Echo Cove and the coastal areas south of Sheep Creek are general to moderate density deer winter habitat. The importance of these areas to deer should be considered in any development of them.

Salmon: The following information is missing from both the study and focus area maps: (1) unnamed creek that flows into Lena Cove - add pink and chum salmon; (2) unnamed creek immediately west of Switzer Creek - add the stream and pink and chum to the salmon species present' (3) Switzer Creek - add the stream to the map and chum and coho salmon to the species present; (4) Salmon Creek - add coho salmon; (5) Johnson Creek - add the stream and coho to the salmon species present; (6) Grant Creek - add coho salmon; and (7) unnamed creek on western Douglas Island - add to the map and coho as the salmon species present. These additions were derived from the updated Anadromous Stream Catalog revised April 1982.

Overwintering Dolly Varden: Anadromous Dolly Varden are present and may overwinter, spawn and rear in a number of streams that have not been identified on the study and focus area maps. The streams where Dolly Varden are known to occur but are not identified on the fish maps are listed below by stream name and catalog number.

Stream Name	Stream Catalog No.
Davies Creek	115-20-1062-2003
Cowee Creek	115-20-1062-2006
Cowee Cr. South Fork	115-20-1062-2006
Eagle River	115-10-10350-2012
Boulder Creek	115-10-10350-2009
Peterson Creek	111-50-10100
Duck Creek	111-50-10600
Switzer Creek	111-40-10070
Lemon Creek	111-40-10100
Salmon Creek	111-40-10150



EXISTING GOLD CREEK CHANNEL DESCRIPTION

Beginning at Cor. No. 1 which is identical to Cor. No. 5 of the exterior boundry of the Casey Shattuck Addition to the townsite of Juneau, Alaska; thence South 27 deg. 53 min. West a distance of 69.66 feet to Cor. No. 2; thence South 10 deg. 10 min. West a distance of 1,216.65 feet to Cor. No. 3 which lies on Meander Course No. 4 of U.S. Survey No. 574; thence North 79 deg. 15 min. West along Meander line No. 4 a distance of 50.01 feet to Cor. No. 4; thence North 10 deg. 10 min. East a distance of 1,208.00 feet to Cor. No. 5; thence North 22 deg. 14 min. East a distane of 112.10 feet to Cor. No. 6, which lies on line 4–5 of the exterior boundry of the Casey Shattuck Addition; thence South 43 deg. 30 min. East along line 4–5 of the exterior boundry of the Casey Shattuck Addition a distance of 59.29 feet to Cor. No 1, which is identical to Cor. No. 5 of the exterior boundry of the Casey Shattuck Addition the place of beginning and containing approximately 65,220.29 square feet or 1.497 Acres.

The above described piece of land is located within the boundaries of the Casey-Shattuck Addition and describes the present channel of water which flows through and across the Casey-Shattuck Addition and is better known as Gold Creek.

GOLD CREEK CHANNEL EASEMENTS

CASEY SHATTUCK ADDITION
JUNEAU, ALASKA

SCALE 1" = 100.0' FEBRUARY 1957
GERALD J. MILLER-CITY-ENGINEER

REG. ENG. 499E

RECORDED AT 11:00 A.M. 9-18-57
VOL. OF
JUNEAU DISTRICT RECORDER

#214

ATTACHMENT H

214

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: April 15, 2015
File No.: VAR2015 0004

Barbara Craver
506 W. Ninth Street
Juneau, AK 99801

Application For:	Variance request to reduce the required 13 foot side yard setback to 1 foot for reconstruction of an existing garage.
Legal Description:	CASEY SHATTUCK Block 213 Lots 9 and 10
Property Address:	506 W. Ninth Street
Parcel Code No.:	1-C06-0-C13-010-0
Hearing Date:	April 14, 2015

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 2, 2015, and approved the Variance to be conducted as described in the project description and project drawings submitted with the application.

Attachment: April 2, 2015, memorandum from Allison Eddins, Community Development, to the CBJ Board of Adjustment regarding VAR2015 0004

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 on April 14, 2015

Expiration Date: The permit will expire 18 months after the effective date, or October 14, 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.

Applicant
File No: VAR2015 0004
April 15, 2015
Page 2 of 2

Project Planner: Allison Eddins, Planner
Community Development Department

Michael Satre, Chair
Planning Commission

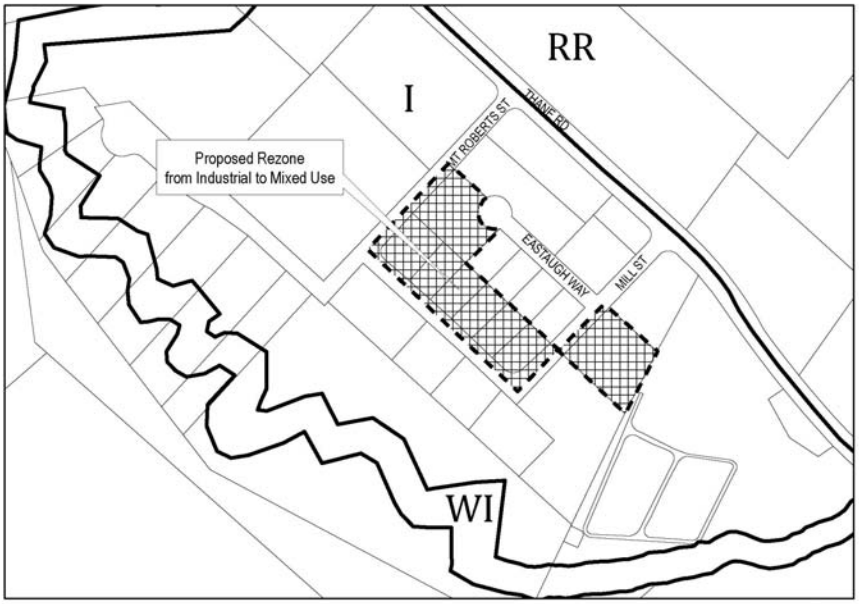
Filed With City Clerk

4/22/15
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



Proposed Re-zone from Industrial to Mixed Use
Case Number AME2015 0001

0 500 1,000 Feet

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: Rezone request to change 5.13 acres from Industrial to Mixed Use

File No:	AME2015 0001	Applicant:	Errol Champion
To:	Adjacent Property Owners	Property PCN:	1-C11-0-K15-002-0 1-C11-0-K12-005-0; -010-0; -011-0; -012-0; 1-C11-0-K12-013-0; -014-0; -015-0
Hearing Date:	April 14, 2015	Owner:	Hendrika Flamee & Roeland Boudewijn; JNY, LLC
Hearing Time:	7:00 PM	Size:	5.13 Acres
Place:	Assembly Chambers	Zoned:	I - Industrial
	Municipal Building	Site Address:	NHN on Mill Street and Eastaugh Way
	155 South Seward Street	Accessed Via:	Thane 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.

If you have questions, please contact Beth McKibben at Beth.McKibben@juneau.org or 586-0465.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Date notice was printed: March 12, 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 3, 2015

TO: Planning Commission

FROM: Beth McKibben, Planning Manager
Community Development Department

FILE NO.: AME2015 0001

PROPOSAL: Rezone request to change 5.13 acres from Industrial to Mixed Use.

Applicant: Errol Champion

Property Owner: Hendrika Flamee & Roeland Boudewijn – Lot 5, Eastaugh Way;
JMIS LLC – Lots 10 -15, Mill Street;
JNY LLC – Lot 2, 125 Mill Street

Property Address: 0 Eastaugh Way
0 Mill Street
125 Mill Street

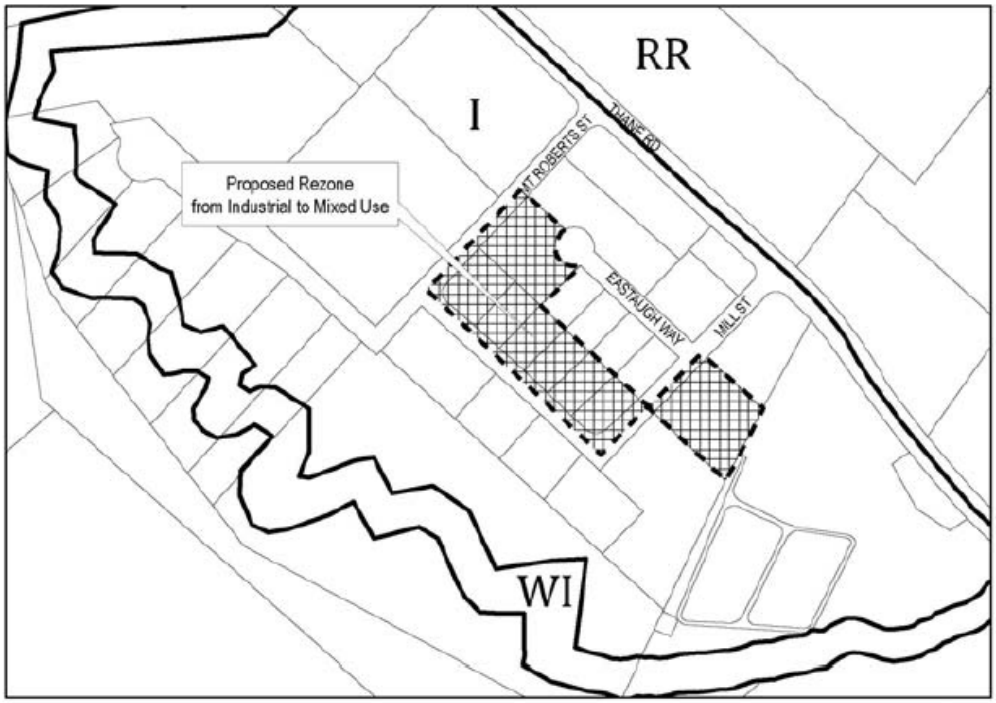
Parcel Code No.: 1-C11-0-K12-005-0
1-C11-0-K12-010-0
1-C11-0-K12-011-0
1-C11-0-K12-012-0
1-C11-0-K12-013-0
1-C11-0-K12-014-0
1-C11-0-K12-015-0
1-C11-0-K15-002-0

Legal Description: Alaska Juneau IV-11 Block B Lot 5
Alaska Juneau V Block B Lot 10
Alaska Juneau V Block B Lot 11
Alaska Juneau V Block B Lot 12
Alaska Juneau V Block B Lot 13
Alaska Juneau V Block B Lot 14
Alaska Juneau V Block B Lot 15
Alaska Juneau IV-11 Block A Lot 2

Site Size:	5.13 acres (affected area)
Zoning:	I – Industrial
Comprehensive Plan Future Land Use Designation:	HI – Heavy Industrial
Utilities:	CBJ Water and Sewer
Access:	Mill Street and Eastaugh Way
Existing Land Use:	Vacant; Storage units with one care-taker unit under construction

Surrounding Land Use: North – Industrial; AK Litho Building, Commercial Mix with garage; Rock Dump Climbing gym; Bus company storage and parking
South – Industrial; Princess Tours Bus shop and parking; Alaska Marine Lines loading facility and dock
East – Industrial; Juneau Wastewater Treatment Plant
West – Industrial; Delta Western, Inc. yard and fuel tanks

Vicinity Map



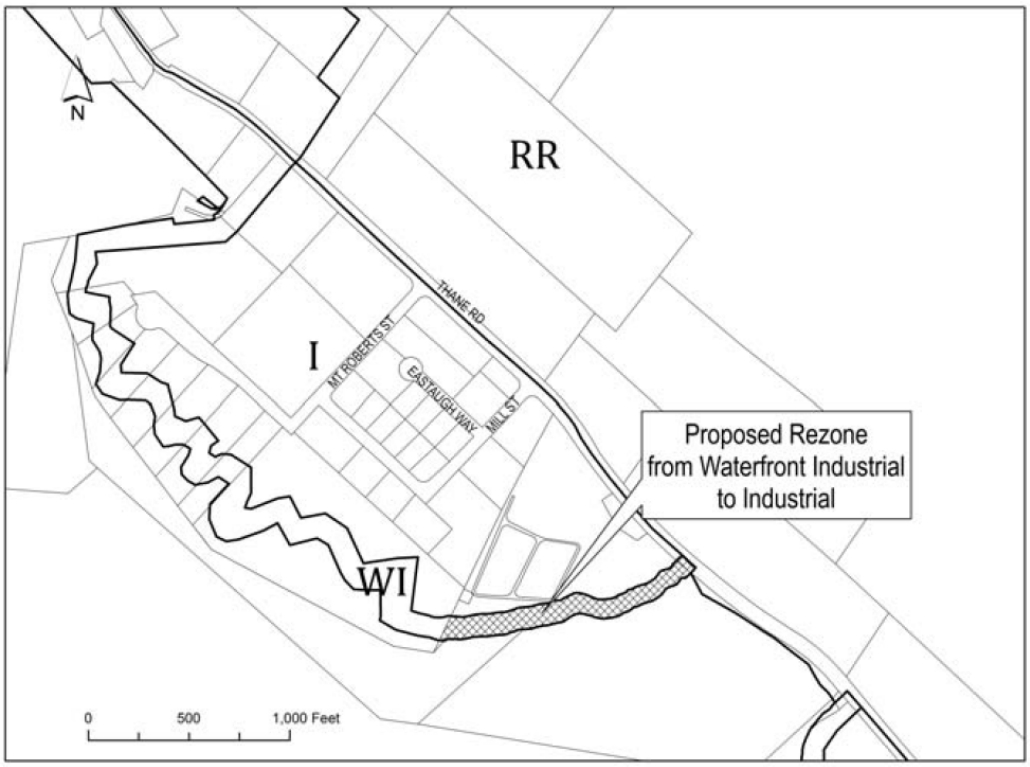
Proposed Re-zone from Industrial to Mixed Use
Case Number AME2015 0001

0 500 1,000 Feet

ATTACHMENTS

Attachment 1	Development Permit Application
Attachment 2	Zone Change Application
Attachment 3	Project Narrative
Attachment 4	North Pacific Erectors letter
Attachment 5	Plat of zone change properties
Attachment 6	Zoning Map
Attachment 7	2013 Juneau Comprehensive Plan Map N
Attachment 8	CBJ Engineering Comments
Attachment 9	CBJ Assessors Comments
Attachment 10	Public Comments
Attachment 11	1969 Zoning Map
Attachment 12	Neighborhood Meeting
Attachment 13	Public Notice
Attachment 14	Table of Permissible Uses – CBJ 49.25.300

A concurrent rezone request, AME2015 0002, is in the near vicinity of the subject proposal and is identified in the image below.



The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

PROPOSAL

The applicant requests a zone change from Industrial (I) to Mixed Use (MU) for eight parcel at the Juneau Rock Dump, with a total site size of 5.13 acres. The purpose of the zone change is to "increase the marketability of the property by expanding uses outright or subject to a Conditional Use Permit" (Attachment 2).

The project narrative states that the property owners plan to build storage units with second floor dwelling units on each of the lots located within the requested in the rezone area. The parcel southeast of Mill Street, 125 Mill Street, currently has 22 storage units under construction or near completion with one care taker unit. The property owners would like to see each of the storage units having a dwelling unit.

BACKGROUND

The area was zoned as an Industrial district in the 1969 Greater Juneau Borough Zoning Ordinance zoning maps. No records have been found indicating the area has been zoned anything other than Industrial since that time.

PUBLIC INPUT

A neighborhood meeting was held on March 18, 2015 from 6pm to 7:30pm in the large conference room at the Downtown Juneau Public Library regarding both AME2015 0001 and AME2015 0002. Three members of the public, including the applicant of AME2015 0001, and five City and Borough of Juneau employees were in attendance at the neighborhood meeting. Three representatives from the Community Development Department were present; Beth McKibben and Jonathan Lange presented the rezone process, and CDD Director Hall Hart was in attendance. Michele Elfers from the CBJ Engineering Department was representing the applicant for AME2015 0002, along with Samantha Stoughtenger, Wastewater Superintendent. The letter of invitation, sign in sheet and agenda are found as Attachment 12.

Staff solicited agency review comments for the proposed development from January 27 through February 6, 2015. Comments were received from the CBJ Assessors Office and CBJ Engineering. These comments will be addressed in the Discussion section of this report (Attachments 8 and 9).

Several written comments were received both in support of and in opposition to the requested rezone (Attachment 10).

ANALYSIS

REZONE PROCEDURE

The Title 49 Land Use Code establishes the following process for rezones:

> **CBJ 49.75.110 - Initiation.**
>
> **A rezoning may be initiated by the director, the commission, or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.**

The rezone proposal was filed on January 2, 2015. Public notices were mailed to property owners within 500 feet of the subject properties on March 13, 2015 and printed in the newspaper on April 3, 2015 and April 13, 2015.

> **CBJ 49.75.120 - Restrictions on rezonings.**
>
> **Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.**

The parcels proposed for rezone total 5.13 acres and are zoned Industrial (Attachment 6). Substantial conformance with the land use maps of the Comprehensive Plan will be discussed further in the report.

ZONING DISTRICTS

All zoning districts are established in the Title 49 Land Use Code. The subject lot and neighboring lots are presently in an Industrial zoning district. The definitions of the Industrial and Mixed Use districts are listed below.

49.25.240 I, industrial district.

The I, industrial district, is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.

The Industrial zoning district allows for up to one caretaker dwelling unit per parcel.

49.25.220 Mixed use districts.

The mixed use and mixed use 2 districts are established to accommodate a mix of appropriate commercial and residential uses.

(a) The MU, mixed use district, reflects the existing downtown development pattern and is intended to maintain the stability of the downtown area. Multifamily residential uses are allowed and encouraged.

The Mixed Use district has no maximum density.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

As discussed above, the proposed zoning district and the uses allowed therein must be found to be in substantial conformance with the land use maps of the comprehensive plan."Substantial" is commonly defined as: essentially, without material qualifications, in the main, in substance, materially, in a substantial manner.

2013 Comprehensive Plan

In Chapter 11, the Comprehensive Plan Land Use Maps offer the following guidance in regard to rezoning:

> In considering re-zoning request, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration: in some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards.

In Chapter 1, the Comprehensive Plan further supports the flexibility of the plan, but emphasizes that said flexibility should be used when considering community growth, along with other current information.

In Chapter 18, Implementation and Administration, additional guidance is provided as follows:

> The Comprehensive Plan as a Guiding Planning Document
>
> "The Comprehensive Plan provides a rational and consistent policy basis for guiding all future CBJ government growth and development decisions. This requires that each land use decision, from the most minor variance to the development of a New Growth Area, be evaluated for its compliance with the policies, guidelines, standards and criteria established in the Plan. To ensure this, procedures must be followed to require that routine consultation of the Plan is an integral part of the land use decision making process."
>
> "The Plan contains 123 Policies, each of which may have an associated "Standard Operating Procedure," "Development Guideline," and/or "Implementing Action," which are directives for how to carry out the policy. As a preliminary matter, the reviewer must determine which Policies are relevant to the subject at hand. Of course, the writers of the Plan cannot envision every sort of proposal that might one day be conceived and analyzed against the Policies. In that vein, such analyses are not conducted on an absolute basis. That is, failure of a proposal to conform to one particular Policy in the Plan does not automatically mean that it is inappropriate if conformance is shown with other policies of the Plan. Thus, the analysis is one of balancing the many relevant policies and looking holistically at the particular situation, site and its environs." (emphasis added)

When considering this request, it is important to understand what the Comprehensive Plan intends when describing land use designations. The plan states the land use categories are intended to describe the overall character of development for each land use category and are not intended to be firm or restrictive definitions, such as with zoning district permitted and Conditional Uses. The categories are to be used to guide the formation of zoning regulations, and their allowed uses reflect cultural values and economic and societal needs. Over time, the Comprehensive Plan descriptions of land use categories will change to reflect changing values and circumstances. The Comprehensive Plan Map for this area is shown on Attachment 6.

The parcels proposed for rezone are located in the Heavy Industrial (HI) land use category of the 2013 Comprehensive Plan as identified on Map N (Attachment 7).

Heavy Industrial is defined in the Comprehensive Plan as:

> Heavy Industrial (HI):
> Land to be developed for heavy industrial uses such as large scale food production and/or processing; large-scale or industrial-related repair activities; metal fabrication;

> wholesale trade; manufacturing processes; warehousing; outdoor storage; trucking; animal kennels; crematoria; repair and maintenance uses; resource extraction and processing such as gravel pits, rock crushing facilities, cement batch plants, asphalt plants, fuel tanks, stump dumps, salvage yards, landfill sites; aircraft facilities; and other similar large-scale or noisy and/or noxious industrial activities. Some recreational uses should be permitted, including sport vehicle, All Terrain Vehicle (ATV) or snowmobile motor-course facilities, shooting ranges, and other similar noise-generating uses. Residential, office, retail, and personal service uses are not to be allowed, except that residential caretaker facilities should be permitted. (emphasis added)

The definition of Heavy Industrial indicates large-scale industrial, processing, and manufacturing uses, where residential uses should not be allowed, other than one caretaker unit per parcel. The Industrial zoning district fits within that land use designation of Heavy Industrial including only one caretaker unit allowed with a primary industrial use. The Mixed Use district is a mixed use commercial/residential zoning that encourages multi-family residential development with no maximum density limit.

There are eight subject parcels included in the request for rezone. The Industrial zoning district would permit one caretaker unit per lot, or eight dwelling units. Whereas, the Mixed Use zoning district would allow an unlimited number of dwelling units to be developed. The applicant's narrative states that they would be looking at 40 units for the whole development.

Existing site 5.13 acres	**Industrial** **(1 caretakers unit/parcel)**	**MU** **(No Max density/parcel)**
Number Units	8 (1 per lot)	No Maximum Density
Maximum Height Limit	No Max	No Max
Maximum Lot Coverage	No Max	No Max
Vegetative Cover	5%	5%

The existing Mixed-Use zoning districts throughout the Borough are located in or could be located in the following Comprehensive Plan Land Use designations:

> C – (Commercial) Definition:
> Lands devoted to retail, office, food service or personal service uses, including neighborhood retail and community commercial centers, such as shopping centers and malls, office complexes or other large employment centers. Mixed retail/residential/office uses are allowed and encouraged. Residential and non-residential uses could be combined within a single structure, including off-street parking. Residential densities ranging from 18 – 60 units per acre are appropriate in this

area, with even higher densities appropriate in mixed-use or transit-oriented developments. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land.

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

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

These areas are characterized by high-density residential, ranging from 10 or more dwelling units per acre, and a mix of commercial, retail and other uses.

The following Comprehensive Plan policies are related to the rezone proposal:

POLICY 3.1. TO BALANCE AVAILABILITY OF SUFFICIENT LAND WITHIN THE DESIGNATED URBAN SERVICE AREA BOUNDARY THAT IS SUITABLY LOCATED AND PROVIDED WITH THE APPROPRIATE PUBLIC SERVICES AND FACILITIES TO MEET THE COMMUNITY'S FUTURE GROWTH NEEDS AND THE PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

3.1 – DG2 (Development Guideline) When considering rezoning applications of land located within the Urban Service Area from a non-residential zoning district to a residential or mixed use district; from a low-density residential district to a higher-density residential district; or from a lower building height district to a higher building

height district, promote the development of new medium- (10 to 20 dwelling units per gross acre) to high-density (30 to 60 or more units per gross acre) residential developments that include dwelling units affordable to low-income households as a condition of the rezoning. The affordable units should be dispersed throughout the development, constructed at the same time as the market-rate units, and priced or rented to households with incomes no greater than 80 percent of the City and Borough of Juneau's Median Family Income (MFI) level by household size, as established annually by the U.S. Department of Housing and Urban Development (HUD).

POLICY 3.2. TO PROMOTE COMPACT URBAN DEVELOPMENT WITHIN THE DESIGNATED URBAN SERVICE AREA TO ENSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND TO FACILITATE COST EFFECTIVE PROVISION OF COMMUNITY SERVICES AND FACILITIES WHILE BALANCING PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

The subject parcel is within the Urban Service Area Boundary, and is provided with public services, such as utilities. The Comprehensive Plan promotes higher density within the Urban Service Area. Affordable housing should be considered where infill development is created.

POLICY 4.1. TO FACILITATE THE PROVISION AND MAINTENANCE OF SAFE, SANITARY AND AFFORDABLE HOUSING FOR CBJ 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 4.8. TO BALANCE THE PROTECTION AND PRESERVATION OF THE CHARACTER AND QUALITY OF LIFE OF EXISTING NEIGHBORHOODS WITHIN THE URBACN SERVICE AREA WHILE PROVIDING OPPORTUNITIES FOR A MIXTURE OF NEW HOUSING TYPES.

In Chapter 5, Economic Development, the Comprehensive Plan discusses Commercial and Industrial Development. The following policies are related to the subject rezone proposal:

"Commercial and industrial activity requires sufficient and suitable land. Careful attention to the spatial requirements and locational considerations of potential uses is necessary to promote and maintain the local economy. As part of the 2008 Update of this Plan, CBJ staff conducted a survey of all business types and found that following, which are still relevant and accurate in 2013:

1. A need to expand the land available for retail and office uses, particularly in areas with high proximity to, and visibility from, major thoroughfares.

2. Industrially-zoned areas in Lemon Creek (near Costco) and near the airport have been encroached upon by non-industrial uses that have generated traffic congestion, higher land prices and lease rates, and commercial neighbors who are intolerant of the noise, odors, glare, dust, and other impacts of industry.

3. For industry to grow, including food processing and heavy material handling or manufacturing, a new industry-only zoning district category with parcels ranging in size from 5 to 20 acres each, is needed at a location near utilities and heavy load-carrying capacity roads, but distant from residential and general commercial uses.

POLICY 5.10. TO DESIGNATE SUFFICIENT AND SUITABLE LAND FOR ANTICIPATED COMMERCIAL AND INDUSTRIAL DEVELOPMENT AS PART OF ITS OVERALL ECONOMIC DEVELOPMENT PROGRAM.

5.10 – SOP (Standard Operating Procedures) 2 – When additional land is needed for commercial or industrial uses or when there are particular locational requirements for certain activities, initiate appropriate amendments to the Comprehensive Plan and Zoning maps to accommodate this need. These new commercial and industrial zones should be evaluated in relation to all applicable policies of the Comprehensive Plan.

POLICY 5.11. TO ENCOURAGE THE LOCATION AND GROWTH OF LOCALLY-BASED BASIC SECTOR INDUSTRIES THAT PROVIDE YEAR-ROUND, FULL-TIME EMPLOYMENT AND PROVIDE TAX REVENUES THAT SUPPORT PUBLIC SERVICES.

5.11 – DG1 When requests are made to rezone industrially-zoned land to a non-industrial use district, assess and consider the impacts of the loss of this land for industry on Juneau's economy as a whole as well as on current needs for industrial land for expansion of existing industrial businesses. An industrial lands inventory and needs assessment may be required as part of such a rezoning application. Lands designated for Heavy Industrial (HI) Use on the Comprehensive Plan Land Use Maps should not be converted to uses not allowed in the Heavy Industrial (HI) land use definition of Chapter 11 unless an essential public purpose, as deemed by the Planning Commission and Assembly, warrants such conversion.

The above policies of the Comprehensive Plan articulate the need to maintain "sufficient and suitable land" for industrial uses.

POLICY 10.2. TO ALLOW FEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DVELOPMENT WITHIN THE URBAN SERVICE AREA.

POLICY 10.3. TO FACILITATE RESIDENTIAL DEVELOPMENT OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORATION SYSTEMS.

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

POLICY 10.7 TO DESIGNATE ON LAND USE AND ZONING MAPS, AND TO PROVIDE SERVICES TO SUFFICIENT VACANT LAND WITHIN THE URBAN SERVICE AREA APPROPRIATELYL LOCATED TO ACCOMMODATE FUTURE COMMERCIAL AND INDUSTRIAL USES.

10.7- DG2D – Residential, retail, office personal service and similar non-industrial uses should not be permitted within heavy industrial districts although light industry such as building contractors, repair services, storage yards and similar business and household services would be compatitable with heavy industry.

10.7 –DG2E – Residential uses, other than caretaker units should be prohibited in industrial zones.

Housing is a concern and creating housing is a goal for the CBJ and the Comprehensive Plan, but as the Policies above state consideration should be taken to minimize conflict between residential uses and industrial uses. Industrial uses create noise, odor and other impacts that have adverse effects on residential uses.

The subject parcels are located in Subarea 6 of the Comprehensive Plan on Map N of the Land Use Maps (Attachment 7).

The following is listed under Guidelines and Considerations for Subarea 6:

10. Promote mixed uses downtown. Encourage small-scale neighborhood-serving retail and personal service businesses and increased multifamily development within the urban center. Encourage housing over ground-floor retail space, Single-Room-Occupancy (SRO) dwellings and/ or loft-style housing in downtown.

15. Consider establishment of an alternative local roadway from Egan Drive in downtown Juneau to the industrial barge terminal and Thane Road that by-passes the South Franklin/Cruise Ship Terminal area.

The above Guidelines and Considerations for Subarea 6 of the Comprehensive Plan encourage, mixed uses for downtown Juneau.

2004 LONG RANGE WATERFRONT PLAN

The proposed rezone is located within Subarea E of the planning area of the 2004 Long Range Waterfront Plan. This Plan calls for the subject area to continue on as an important economic engine and logistics point for the community of Juneau by preserving and encouraging a continuation of waterfront dependent and industrial uses. It states that with a high level of investment in industrial, public works and marine facilities this area is envisioned to remain similar to present levels of activity and character.

The Waterfront Plan envisions that vacant parcels in the area could be developed to meet additional market demand for industrial space over time. Further, it encourages the strengthening of land regulations in this subarea primarily to allow only industrial and non-cruise related maritime activities. In addition, the plan notes that tourist related retail should be removed as a permissible use in this area, with the exception of such uses that are necessary to and located on the same lot as the cruise ship docks.

The Waterfront Plan also calls for continued utilization of a part of this area for the operation of the CBJ Wastewater Treatment Plant and further recommends buffering this use through vegetative cover or other means to improve the possibility of development eastward.

COMPLIANCE WITH CBJ TITLE 49 LAND USE CODE

The Table of Dimensional Standards and the Table of Permissible Uses of the Land Use Code establish the permitted standards and uses in zoning districts (see Attachment 14). Below is a list of a some of the uses allowed for the Industrial and Mixed-Use zoning districts.

In the Industrial and Mixed-Use zoning districts there are many industrial uses that are allowed in the Mixed-Use district, as shown below. The Industrial district's primary distinction from the Mixed-Use district is that it does not allow residential uses, other than the caretaker unit. In addition, industrial uses are heavy uses that often generate impacts, such as noise and odors that have a great adverse effect on residential uses.

Table of Permissible Uses	I	MU
Single-family dwelling	1A	1
Multi-family dwellings		1,3
Day Cares		1,3
Hotels, motels		1,3
Offices greater than 1,000 but not more than 2,500 square feet		1
Nursing care, assisted living, sheltered care		1,3
Halfway houses		3
Heavy manufacturing	3	
Rock crusher	3	
Storage of explosives and ammunition	3	
Seafood processing	1,3	
Automotive fuel station	1	
Snow storage	1,3	
Stabling of farm animals	1,3	
Crematorium	1,3	
KEY NOTES: 1 – Department approval only 3 – Conditional Use Permit required Blank Box – Not allowed A – A single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.		

DISCUSSION

49.25.220 Mixed use districts.

The mixed use and mixed use 2 districts are established to accommodate a mix of appropriate commercial and residential uses.

(a) The MU, mixed use district, reflects the existing downtown development pattern and is intended to maintain the stability of the downtown area. Multifamily residential uses are allowed and encouraged.

Direct conflict with adjacent industrial uses could create restrictions on use of adjacent industrial properties due to noise and odor, dust and other impacts.

The CBJ Assessor's Office states:

> "….[Establishing] a precedent of rezoning industrial land to mixed-use is a disservice to the industrial base for which we believe Juneau needs to provide viable, useful space at attractive land rates….[Re-zoning] to allow residential use has the potential of increasing the market value of this land, pricing it out of the industrial market….[Establishing] a precedent of allowing residential use, beyond the very limited "caretaker" residence puts an unnecessary burden on existing and future industrial-use neighbors in the area….Much as there are strong social and economic arguments for allowing residential use here, we believe it is equally important to preserve and support existing, legal industrial uses as currently zoned throughout Juneau." (Attachment 9)

The CBJ Engineering and Public Works Director states:

> "I am concerned that additional residences near the Juneau-Douglas Wastewater Treatment Plant could result in a bad development mixture that would be unsatisfying for residences and additionally expensive for the operation of the plant." (Attachment 8)

Engineering also notes truck traffic and exterior lighting from the plant as potential points of conflict to future residents.

CBJ Engineering and Public Works has provided a map that shows 500' radius circles from the nearest section of the Juneau-Douglas Wastewater Treatment Plant and the Mendenhall Wastewater Treatment Plant.

It is difficult to predict future traffic generation from the requested rezone because so many different uses and intensity of uses are allowed. However, the area currently experiences heavy truck and bus traffic, which may conflict with possible residential or commercial and retail traffic.

Further, CBJ regularly receives reports of conflicts between the Lemon Creek Gravel Extraction industrial uses next to a D-5 zoning district. Allowing for unlimited residential density directly adjacent to industrial uses may create unavoidable conflicts and result in excessive restrictions on limited industrial properties.

HABITAT

Not applicable. The proposed rezone does not relate to any policies under CBJ 49.70.900, the Juneau Coastal Management Program.

ZONE CHANGE INITIATION

CBJ 49.75.110. INITIATION. A rezoning may be initiated by the director, the commission or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.

1. Was the proposed zone change initiated by the property owner during the appropriate time frame?

Yes. The application for the subject zone change was made on January 2, 2015.

2. Has the director provided adequate public notice through newspaper advertising, property owner mailings and requiring a public notice sign to be posted on-site

Yes. The public was notified through newspaper advertising published on March 31, 2015, and April 13, 2015, mailings to owners of all properties within 500 feet of the subject property, and a public notice sign posted on-site for two weeks prior to the Planning Commission hearing on the rezone request. Staff also held a neighborhood meeting on March 18th, 2015, for the proposed rezone.

FINDINGS

After review of the application materials, the CBJ Land Use Code, and the CBJ 2013 Comprehensive Plan the Director makes the following findings:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Land Use Code.

2. MU (Mixed-Use) zoning does not comply with the policies and guidelines of the Comprehensive Plan and does not substantially conform to the land use maps of the Comprehensive Plan and is not consistent with Map N.

3. The rezoning constitutes an area greater than two acres.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **DENY** the proposed rezone request to change 5.13 acres from Industrial to Mixed-Use.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 1/2/15
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION

Project Description
Application to rezone 5.13 acres of land located on the Juneau rock dump from Industrial to Mixed Use.

PROPERTY LOCATION

Street Address	City/Zip
NHN on Mill Street and Eastaugh Way	Juneau, AK 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
See attached CBJ Assessor data sheets for legal description and parcel numbers.

Assessor's Parcel Number(s)
See CBJ Assessor data sheet

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
Hendrika Flamee & Roeland Boudewijn; JNY LLC & C/O Cynthia Tindal	Errol Champion	723 4816
Mailing Address	**Home Phone:**	**Fax Number:**
508 W Second Ave Floor 3, Anchorage, AK 99501	723 4816	789 8460
E-mail Address	**Other Contact Phone Number(s):**	
N/A		

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 11/25/14

X _____ Landowner/Lessee Signature — Date 11/25/14

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:
Errol Champion	same	723 4816
Mailing Address	**Home Phone:**	**Fax Number:**
2103 N Jordan Ave., Juneau, AK 99801		789 8460
E-mail Address	**Other Contact Phone Number(s):**	

X Errol Champion — Applicant's Signature — Date of Application 12/1/14

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

STAFF APPROVALS

✓	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit			
	City/State Project Review and City Land Action			
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)			
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
	Variance Case (De Minimis and all other Variance case types)			
	Wetlands Permits			
✓	Zone Change Application		1/2/15	AME 15-001
	Other (Describe)			

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

Comments:

Permit Intake Initials: JKL

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

ATTACHMENT 1

ZONE CHANGE APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		AME 15-001	1/2/15

TO BE COMPLETED BY THE APPLICANT

LEGAL DESCRIPTION(S) AND LIMITS OF PROPERTY TO BE REZONED:
ALASKA JUNEAU V BL B LT 10, LT 11, LT 12, LT13, LT 14, LT 15; and ALASKA JUNEAU IN II BL A L2
ALASKA JUNEAU IV-II BL B LT 5

IS THIS AN EXPANSION OF AN EXISTING ZONE? ☐ Yes ☑ No

Total Land Area of Proposed Change ~~3.06~~ 5.13 acres

Comp Plan Designation Industrial

Current Zone(s) Industrial

Comp Plan Map Industrial

New Zone Requested MU

TYPE OF ZONE CHANGE REQUESTED:
☑ Regular ☐ Transition

HAS THIS OR A SIMILAR ZONE CHANGE BEEN REQUESTED IN THE PREVIOUS 12 MONTHS?
☐ Yes ☑ No

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

PURPOSE OF THE REQUESTED ZONE CHANGE:
To increase the marketability of the property by expanding uses allowed outright or subject to a conditional use permit with a Mixed Use zoning designation.

IS THERE A PROPOSED USE OF THE LAND? ☑ Yes ☐ No
PROPOSED BUFFERS TO ADJACENT ZONES? ☐ Yes ☑ No
DESCRIBE (INCLUDING TYPE AND DENSITY OF PROPOSED DEVELOPMENT):
Combination of on-site wholesale and retail businesses that would include storage of inventory.

DESCRIBE ANY POTENTIAL IMPACTS TO PUBLIC INFRASTRUCTURE:
STREETS: Minimal increase in traffic.
WATER: None - public water service is available in Mill Street
SEWER: None - public sewer service is available in Mill Street

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.

ZONE CHANGE FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ 600.00	78576	00060 3	1/2/15
Admin. of Guarantee	$			
Adjustment	$			
Pub. Not. Sign Fee	$ 50			
Pub. Not. Sign Deposit	$ 100			
Total Fee	$ 750.00			

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

ATTACHMENT 2

REZONE APPLICATION FOR ROCK DUMP PROPERTY

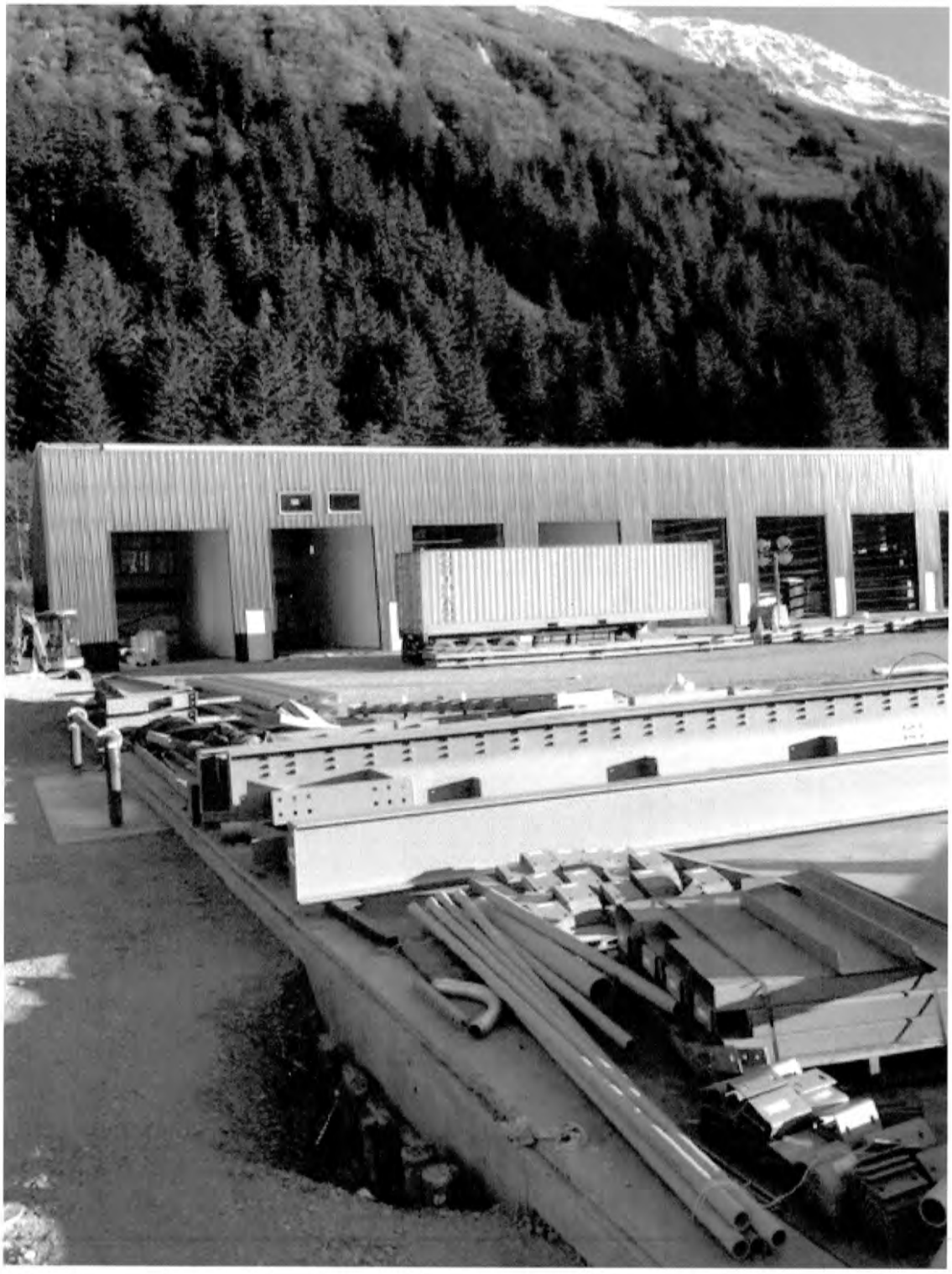
Proposed Development: Construction and sale of multi-use condo storage units

The request to rezone the six lots from Industrial to Mixed Use zoning.

The owners plans are to build 40 + storage units that are two stories. The first floor will be a large, open but heated space suitable for storage or operating a small business such as an engine repair shop, marine works, RV maintenance, business inventory storage, etc. Each unit will be 20 feet wide and 50 feet deep and will include an eight foot outdoors balcony off the second floor living area. Buildings will be steel structures with steel siding and metal roofs.

The following three photos show the structures being built on Lot 2 on Mill Street. The two building are configured to allow for a mezzanine within each unit but only one full time living accommodations (as per zoning regulations). Similar steel buildings are being proposed on Lots 10 through 15 on Mill St and Lot 5 on Eastaugh Way which has a common property line with lots 14 & 15. The rezone application to MU zoning includes a total of seven lots.

The market demand for buildings like shown continues to be strong. While it is possible to built a balcony within the interior of each unit, potential buyers prefer and request a design change that would allow for a two bedroom apartment on the second level of each unit. The concept of a large storage area on the first floor and a two bedroom condo on the second floor has great market appeal and those that have been built have been sold very quickly as Juneau tries to deal with solving the shortage of available housing. The demand for similar type units in downtown Juneau is very strong.



The following page is a letter from Jim Williams, President of North Pacific Erectors reviewing the development opportunities/plans and the need to obtain the requested zone change to MU for the 5.13 acres of land located on the Juneau Rock Dump.

NORTH PACIFIC ERECTORS

5719 Concrete Way
Juneau, AK 99801

November 25, 2014

Hal Hart, Director
Community Development
City & Borough of Juneau
155 South Seward Street
Juneau, AK 99801

Dear Hal:

I have been asked to write a narrative in regards to the rock dump property for which North Pacific Erectors is attempting to change the zoning from Industrial to Mixed-Use. A brief history of the property is that, in the last sixty years it was used to store tailings for the AJ Mine, has been the location of a golf course and a moto-cross course. In other words, it has not been used either for commercial or industrial purposes in all that time. We believe that by identifying the property as Mixed-Use will, finally, allow it to be used.

The land where North Pacific Erectors is currently erecting two buildings was designated for parking by the Planning Department to meet their parking requirements for new construction. In more than five years, the only car that I ever saw parking there had been abandoned. We are building twenty two storage units that were all sold before we started construction. Over half the owners wanted apartments in their units. However, we had to tell the owners that the CBJ only allowed one apartment in the twenty-to units as zoning only allowed one "care-taker" unit in the complex.

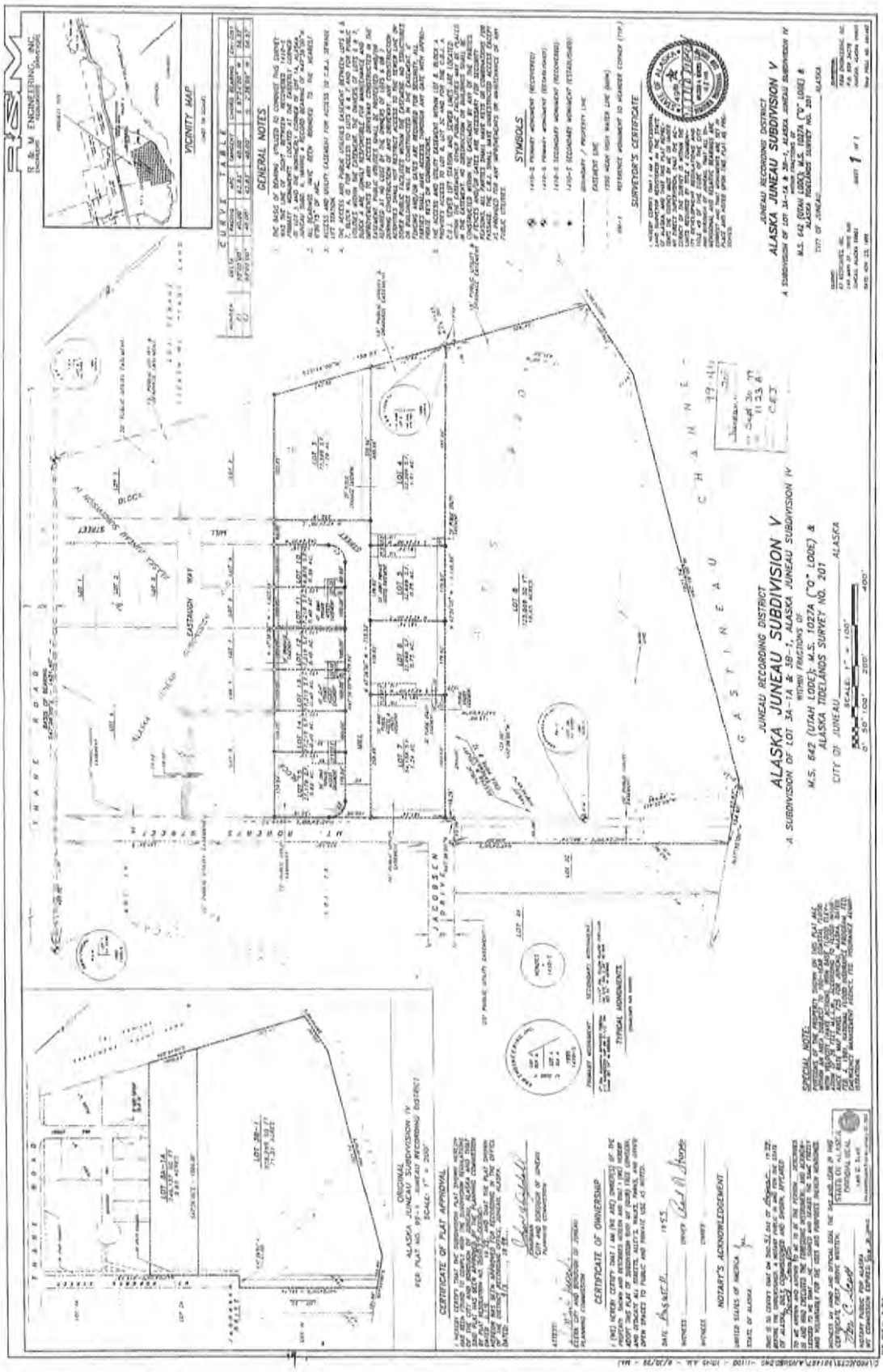
We believe there is an opportunity to build more of these types of buildings if the CBJ will support a change to the zoning. The availability of housing is critical to a vibrant downtown and we desperately need people living in the downtown area. All summer long, tourists prove that this property is within walking distance of downtown Juneau. As there is little or no opportunity for additional housing in our core area, the land, although not in the center of our core area is definitely accessible, as stated earlier. We are imagining industrial looking buildings with offices and shops on the first floor and housing above, much like our downtown used to be.

I would also like to suggest that, at the time of re-zoning, covenants are added before any housing is approved, that owners will need to expect noise from the barges unloading, tour buses staging, the sewage treatment plant (with the accompanying odors), tour ships and fuel plant operations. These covenants would mitigate complaints that arise and for which Community Development and the Assembly would be expected to address. In addition to the downtown housing shortage, Juneau is also facing a deficit in the millions of dollars. Allowing Multi-Use construction on this property would add a large tax base. Of course, this action will not solve all of Juneau's financial problems but it will definitely contribute to the solution.

I look forward to your positive response to our request to change the zoning of this property to Multi-use.

Sincerely,

Jim Williams
President


R & M ENGINEERING, INC.
VICINITY MAP
CURVE TABLE
GENERAL NOTES
SYMBOLS
SURVEYOR'S CERTIFICATE
JUNEAU RECORDING DISTRICT
ALASKA JUNEAU SUBDIVISION V
A SUBDIVISION OF LOT 3A-1A & 3B-1, ALASKA JUNEAU SUBDIVISION IV
M.S. 642 (UTAH LODE) M.S. 1027A ("O" LODE) &
ALASKA TIDELANDS SURVEY NO. 201
CITY OF JUNEAU ALASKA
SCALE: 1" = 100'
0' 50' 100' 200' 400'
SHEET 1 of 1
TRADE ROAD
EASTMAN WAY
JACOBSEN DRIVE
GASTINEAU CHANNEL
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
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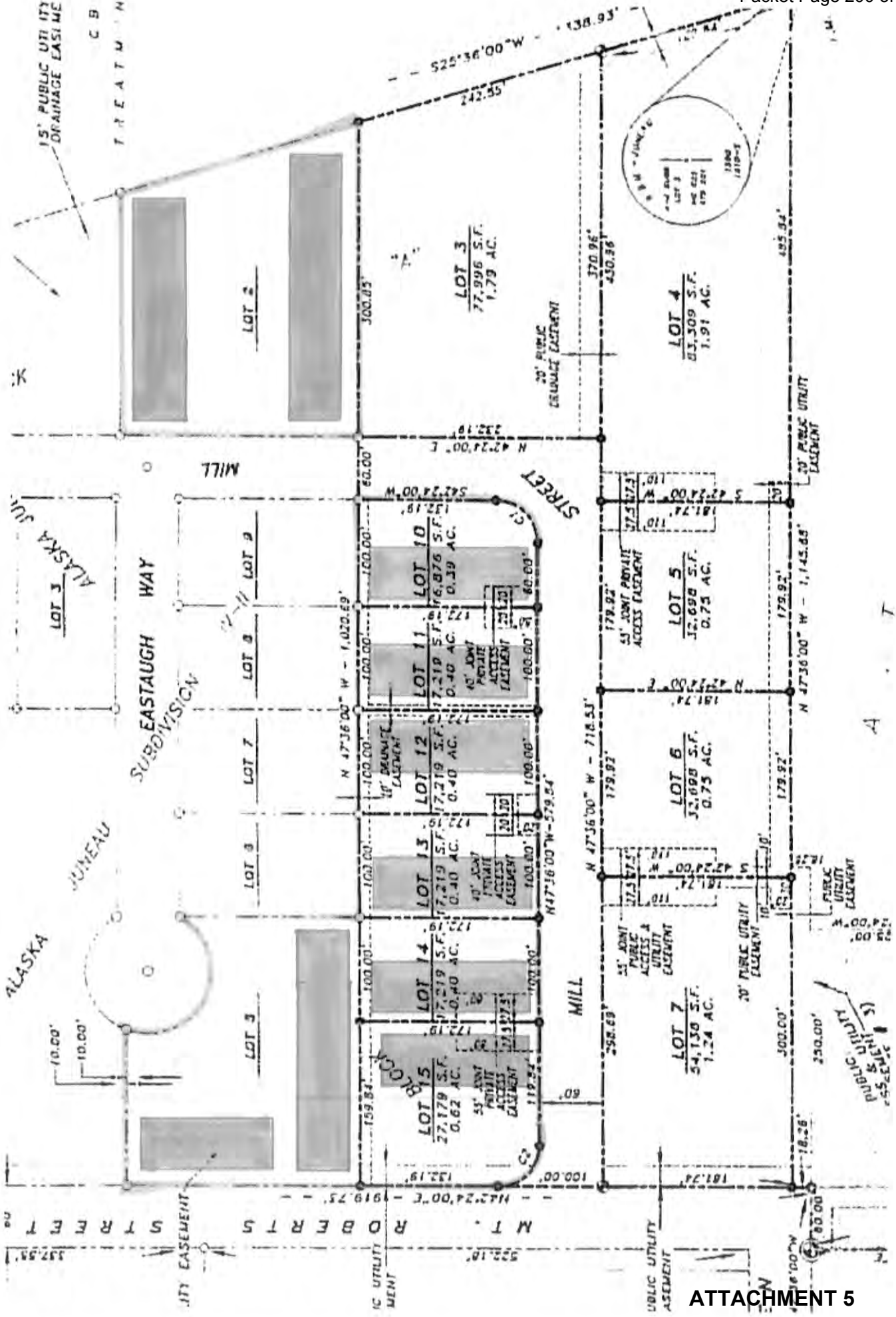
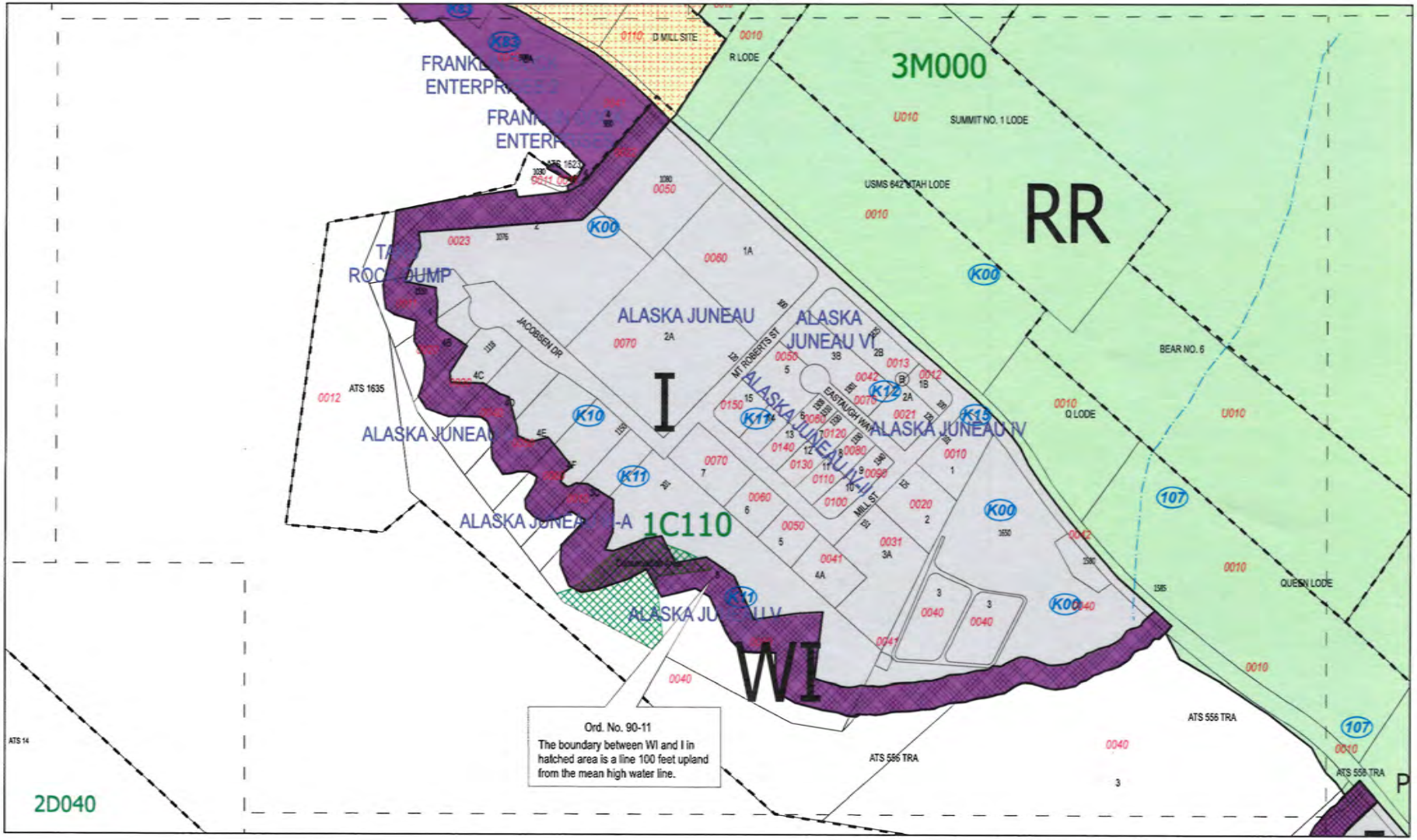
LOT 26
LOT 27
LOT



ATTACHMENT 5

Continued on page 71

Continued on page 73



Continued on page 102

© 2012 - Copyright City & Borough of Juneau, Alaska - all rights reserved

0 125 250 500 750 1,000 1,250 Feet

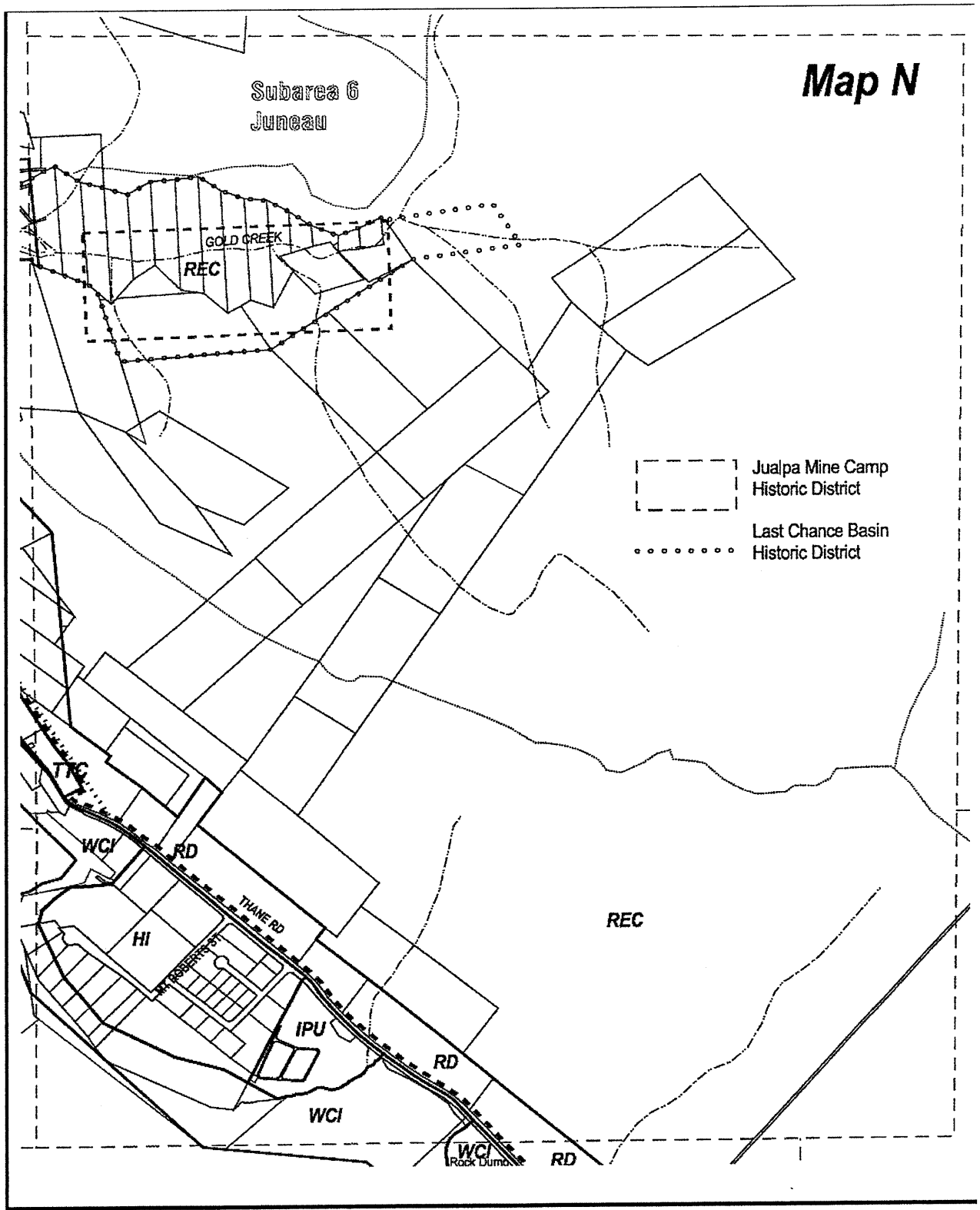
Property Information

155	B	7	EAST VALLEY
Address Number	Block	Lot	Subdivision

Assessor Tax Code

6D090	102	0030
Parcel Code Prefix	Block Number	Lot Number

N



NATURAL RESOURCE
- REC Recreational Resource
- RD Resource Development
- SP State Park
- NP CBJ Natural Area Park
- RS CBJ Recreational Service Park
- CA CBJ Conservation Area
- SC Stream Protection Corridor

COMMERCIAL INDUSTRIAL
- C Commercial
- MC Marine Commercial
- WCI Waterfront Commercial Industrial
- LI Light Industrial
- HI Heavy Industrial

RESIDENTIAL
- RDR Rural Dispersed Residential
- RLDR Rural Low Density Residential
- ULDR Urban Low Density Residential
- MDR/SF Medium Density Residential- Single Family
- MDR Medium Density Residential
- HDR High Density Residential
- TTC Traditional Town Center
- M/MU Marine Mixed Use

PUBLIC
- IPU Institutional and Public Use
- Existing School
- Potential School Location

ROADS TRAILS
- Potential Arterial (alignment not specific)
- Potential Road (alignment not specific)
- Trails

OTHER
- New Growth Areas
- Mendenhall Wetlands State Game Refuge
- Subarea Boundary
- Urban Service Area
- Beach Access
- Streams

City & Borough of Juneau
COMPREHENSIVE PLAN
Adopted October 20th, 2008
Ordinance No. 2008-30

NOTE: Potential geophysical hazards, wetlands, flood zones, natural resource setbacks or other features which can affect properties may be present. CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT FOR DETAILED INFORMATION.

Map 11.15

Prepared by: Community Development Department

ATTACHMENT 7

City & Borough of Juneau
Alaska's Capital City

Engineering & Public Works Department
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-0800 Facsimile: 463-2606

DATE: 2/3/15

TO: Teri Camery, Senior Planner, Community Development Department

FROM: Rorie Watt, P.E., Director

SUBJECT: Rock Dump Rezone Application (I to MU)

Regarding the proposed rock dump zone change from Industrial to Mixed Use, I have the following comments.

I am concerned that additional residences near the Juneau Douglas Wastewater Treatment Plant could result in a bad development mixture that would be unsatisfying for residences and additionally expensive for the operation of the plant. We try to run the plant as well as possible, but unfortunately treatment process can become upset when equipment fails, the public dumps items down the sewer that disrupts the treatment process, or humans make errors. Wastewater treatment is the art and science of managing a biological process, it is not perfect and it is not always predictable.

When making your decision on this application, please do so without unreasonable expectations about the future operation of the plant. Relocating the WWTP is simply not a realistic option, now or in the future, and there are limits to our ability to predict and control odors.

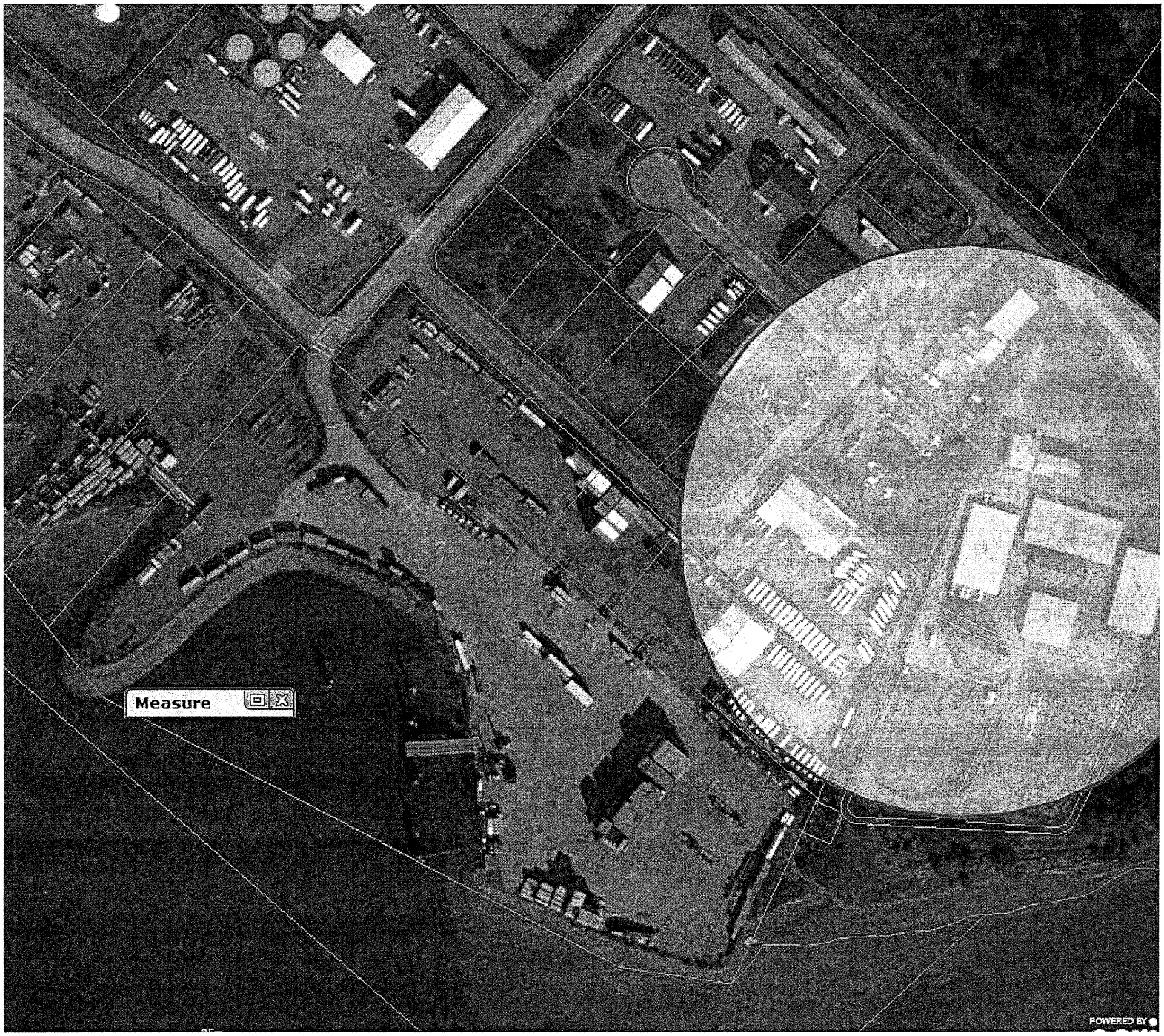
Additionally, we have a fair amount of truck traffic and exterior site lighting that are typically found to be undesirable by near-by residents (although both are likely less in magnitude than the lighting and noise that emanates from Alaska Marine Line's barge facility).

I've attached two images showing 500' radius circles from the nearest section of the JD and Mendenhall WWTPs. That's not to say that odors can be confined to those areas, but it allows for a comparative view of the proximity of existing residences - we've certainly had odor complaints from homes farther away than 500'. Due to the closeness of homes to Mendenhall, we increasingly value the JD property for future facility expansions (including the bio-solids project). The CBJ use of the JD site is only likely to be intensified as the community grows, and regulations inevitably increase.

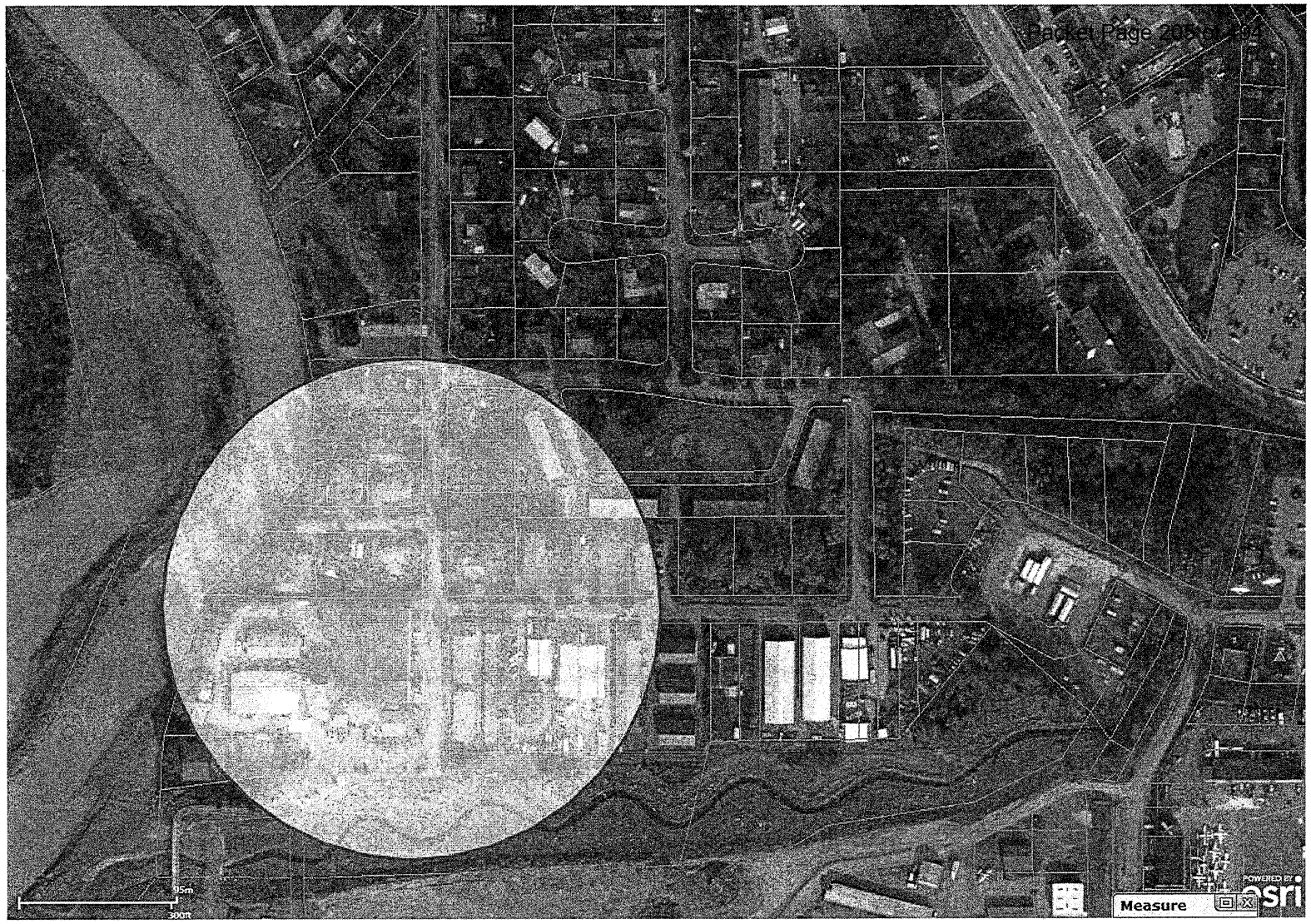
You should not read these as comments against the zone change, or the development proposal. They are made in the interest of providing a clear picture of the use and challenges that we face in the operation of the wastewater system.

Thank you for your considering these comments.

ATTACHMENT 8



ATTACHMENT 8



ATTACHMENT 8

Teri Camery

From: Beth McKibben
Sent: Friday, February 06, 2015 4:57 PM
To: Teri Camery
Subject: FW: Assessor Office Official Agency Comments regarding the proposed re-zone at the Rock Dump

Beth McKibben, AICP
Senior Planner, CDD
City & Borough of Juneau
907.586.0465

Please consider the environment before printing this email.

From: Robin Potter
Sent: Friday, February 06, 2015 4:49 PM
To: Beth McKibben
Subject: Assessor Office Official Agency Comments regarding the proposed re-zone at the Rock Dump

The Assessor Office has reviewed the Development Permit Application which is a request for the rezoning of a portion of the rock dump industrial area. We considered the need for additional housing near downtown, the potential of the requested change in zoning to improve the marketability of the subject property and the potential for the city to maximize the taxable value of these parcels and any potential development thereon.

Our concern is that establishing a precedent of rezoning industrial land to mixed-use is a disservice to the industrial base for which we believe Juneau needs to provide viable, useful space at attractive land rates. The land rates are established by the market, but re-zoning to allow residential use has the potential of increasing the market value of this land, pricing it out of the industrial market. Just as there are challenges to locating and developing new housing in an economic and beneficial way, there are challenges to developing industrial uses. Transportation access is an important consideration for any industrial development. The rock dump offers a rare, close connection to a major means of import and export transportation by way of commercial barges.

We also feel that establishing a precedent of allowing residential use, beyond the very limited "caretaker" residence, puts an unnecessary burden on existing and future industrial-use neighbors in the area. We appreciate the suggestion Mr. Williams made in his letter to Mr. Hart; "I would like to suggest that, at the time of re-zoning, covenants are added before any housing is approved, that owners will need to expect noise form barges unloading, tour buses staging, the sewer treatment plant..." As Mr. Williams states, this would mitigate complaints that arise. However, in our opinion, it is unlikely such covenants would be sufficient to eliminate complaints and the possibility of ongoing and increasing resistance to existing industry and future expansion of industrial uses, once a residential "beachhead" is established in the heart of the industrial area.

Much as there are strong social and economic arguments for allowing residential use here, we believe it is equally important to preserve and support existing, legal industrial uses as currently zoned throughout Juneau.

Sincerely,

Robin Potter

ATTACHMENT 9

COURT PLAZA BUILDING, SUITE 600
240 MAIN STREET
JUNEAU, ALASKA 99801

REED R. STOOPS

PHONE (907) 463-3223
FACSIMILE (907) 463-4841

March 30, 2015

RECEIVED
MAR 31 2015
PERMIT CENTER/CDD

City and Borough of Juneau
Beth McKibben
155 S Seward St.
Juneau, Alaska 99801

Dear Ms McKibben:

This letter is to express opposition to AME2015 0001, a rezone request to change 5.13 acres of rock dump subdivision property from Industrial to Mixed Use.

I am the developer of the rock dump subdivision and am largely responsible for its current configuration. The purpose of the subdivision was to move industrial uses out of Juneau's downtown area into a better suited location.

The AML operations were originally located on South Franklin St. What is now the Delta Western tank farm was located in the Willoughby district. Both were experiencing traffic and safety conflicts with residential use and benefitted from new location.

I also am an owner of the Princess/HAL bus maintenance and operations facility located adjacent to the requested rezone. This is also an industrial use that is not compatible with residential use.

There is an inherent conflict between residential and industrial uses which is a basis for the practice of zoning. Zoning is supposed to maintain safe and predictable uses within a designated area.

AML already has been requested to alter its operations due to light and noise complaints from Douglas/West Juneau residents, all the way across the channel. It is inevitable that even greater complaints would come from people living immediately adjacent to the operation. Any operating change (for example restrictions in operating hours or type of equipment) costs additional money that will be passed along to all Juneau residents who rely on barges (which is all of us).

There are plenty of economically viable uses of the property available under the current and long standing industrial zoning designation.

The suggestion of a "covenant" against complaints for noise of existing operations is neither legal nor enforceable. Even if it were a deterrent to the first owners from complaining, that would disappear over time with new owners and may well prevent future industrial operations from receiving the kind of permit requirements that they would otherwise receive in in industrial zone.

I strongly urge the Department to recommend denial of the rezone request and the Planning Commission to deny it.

Sincerely,

Reed Stoops

ALASKA MARINE LINES

March 19, 2015

City and Borough of Juneau
Beth McKibben
155 S. Seward St.
Juneau, AK 99801

Dear Mrs. McKibben,

Alaska Marine Lines is opposed to AME2015 0001 – Rezone Request to change 5.13 acres from Industrial to Mixed Use for the following reasons.

- We have safety concerns with residents living in the area amongst so many tour buses and commercial trucks using Mill St. and Mt. Roberts.
- AML provides an essential service to the community. If people take up residency in the uplands, we would go from providing an essential service to being a noise and site nuisance.
- In order to run efficiently and keep costs down, we operate at night. Our costs would skyrocket if we were only allowed to operate during business hours. Moreover, the community businesses would suffer because they would not get their commodities in a timely manner.
- People on Douglas Island complain about our lights and noise from across the channel and then asked How much worse would it be right next door?
- We have replaced the back-up alarms on the forklifts and angled the lights in our yard in an effort to mitigate our noise and site impact on Douglas and we still get complaints. Next door would be worse.
- Lastly, this area was originally developed as an industrial area because of its "out-the-road" location away from residents. While we agree there is a need for housing in JNU, there is also a need for Industrial Zones in JNU, especially for the essential community service we provide.

Sincerely,

Jake Maenpa
Alaska Marine Lines
100 Mt. Roberts
Juneau, AK 99801
907-463-9326
jmaenpa@lynden.com

Beth McKibben

From: Hal Hart
Sent: Friday, March 27, 2015 5:06 PM
To: Beth McKibben
Subject: FW: Rezone of Thane Boat Condos to allow apartments

I have been going backwards through today's emails.....

Hal Hart AICP
Director, Community Development Department
City and Borough of Juneau
Alaska's Capital City

(907) 586-0757

From: Kinney [mailto:johninak@gmail.com]
Sent: Friday, March 27, 2015 7:09 AM
To: Hal Hart
Subject: Rezone of Thane Boat Condos to allow apartments

My husband and I own one of the Thane Boat Condos built by North Pacific Erectors at the rock dump. We are writing in support of this area being zoned to permit apartments on the second floors of the boat condos.

We hope to build an apartment on the second floor of our condo which could be rented during the legislative session, or during the summer season. Given Juneau's pressing need for low cost housing it makes sense to re-zone this area to allow for additional housing units near downtown. I see no way this could be in conflict with other uses of property on the rock dump.

Thank you for your consideration.

Nina Kinney
1751 Evergreen Avenue
Juneau, AK 99801

ATTACMENT 10

Beth McKibben

From: Hal Hart
Sent: Monday, March 30, 2015 11:07 AM
To: Beth McKibben
Subject: FW: Thane Storage Facilities

fyi

Hal Hart AICP
Director, Community Development Department
City and Borough of Juneau
Alaska's Capital City

(907) 586-0757

From: Ian Simpson [mailto:iansimpsn@gmail.com]
Sent: Monday, March 30, 2015 8:57 AM
To: Hal Hart
Subject: Thane Storage Facilities

Mr. Hart,

I am writing to express my support for the re-zoning effort of the area containing the Thane storage facilities to allow for residential use. My partners and I decided to purchase one of the units based on our need for additional storage and workspace, and adding a residential component to this project is very appealing.

As an owner/manager of apartment buildings in downtown Juneau, I am very familiar with the need for additional housing, in particular during the summer cruise ship season and legislative session. The number of applicants we receive for downtown housing is staggering. New construction in Douglas/West Juneau probably cannot not satisfy this demand. If there is an opportunity to increase the housing supply in the downtown vicinity without putting additional strain on parking, it is in the community's best interest to proceed in that direction.

We are aware of the area's current industrial use, which is also vital to the community, and would not expect any accommodations to be made by existing property owners with respect to noise, etc.. We understand that the re-zoning process is difficult and has obstacles, but if this can be part of the solution to our town's housing problem, it will be worth the effort.

Thank you,

Ian Simpson
Rocovich LLC

ATTACMENT 10

City & Borough of Juneau
Alaska's Capital City

City and Borough of Juneau
Utility Advisory Board
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-0800 Facsimile: 463-2606

DATE: 3/12/15

TO: Michael Satre, Chair
Planning Commission

FROM: Scott Willis, P.E.
Chair, Utility Advisory Board

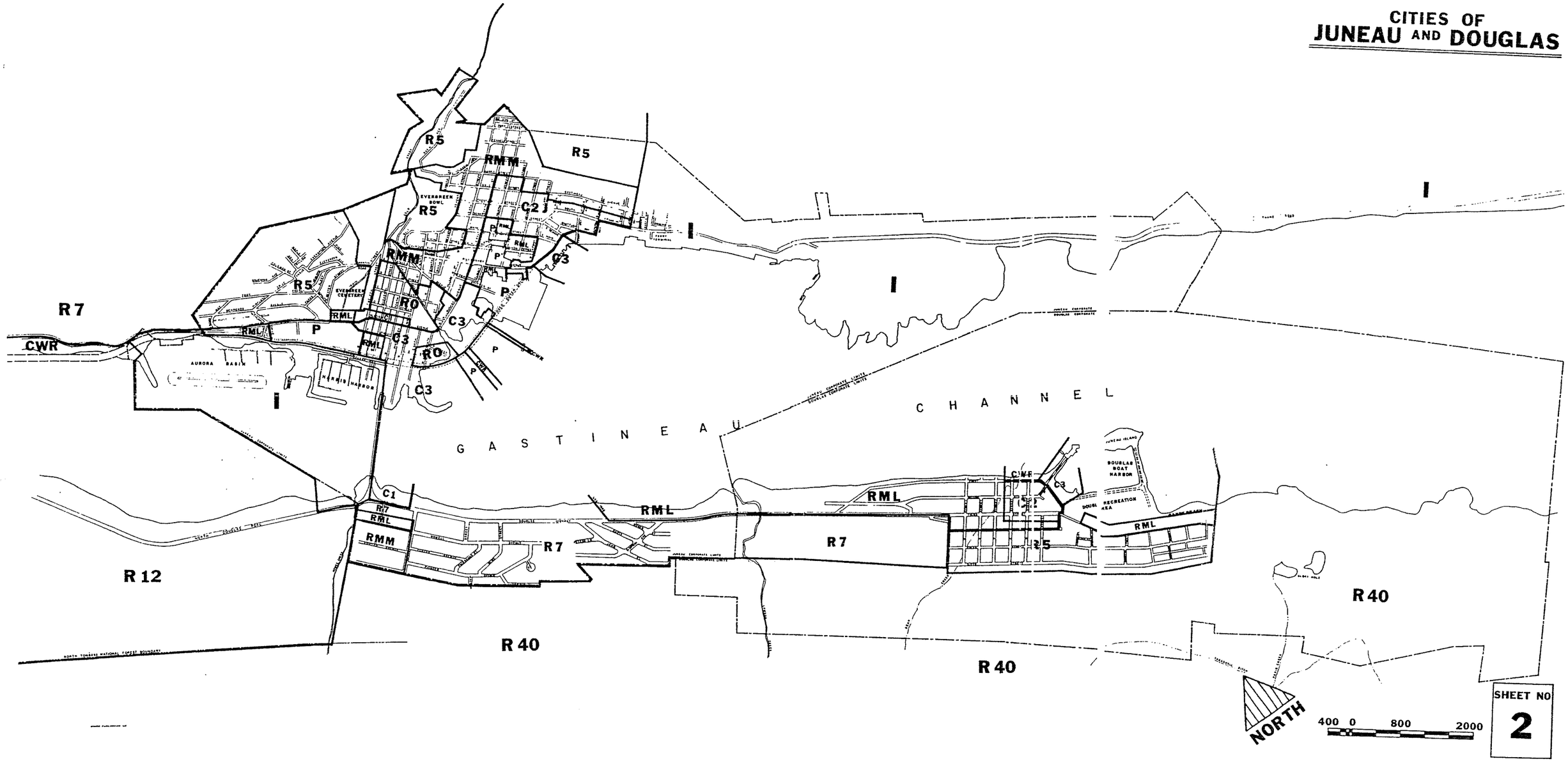
RE: Proposed Industrial Lands Rezone Comments

At the February 26, 2015 Utility Advisory Board meeting, the UAB discussed the proposed rezone of Industrial lands on the rock dump to Mixed Use.

It is the opinion of the UAB that this rezoning would create incompatible uses for that neighborhood and possibly have detrimental impacts on CBJ's sewage treatment plant which is critical to our community.

Thank you for the opportunity to comment on this proposal.

CITIES OF JUNEAU AND DOUGLAS



ATTACHMENT 11

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

NOTICE OF NEIGHBORHOOD MEETING FOR REZONE REQUEST

Downtown Library Large Conference Room
Wednesday, March 18, 2015, 6:00-7:30 p.m.

March 4, 2015

Dear Resident,

The CBJ Community Development Department received two Zone Change Applications:

- AME2015 0001: Rezone request to change 5.13 acres from Industrial to Mixed Use
- AME2015 0002: Rezone request to from Industrial to Waterfront Industrial at the CBJ Waste Water Treatment Plant.

You are receiving this letter because you are an adjacent property owner.

The CBJ Community Development Department is hosting a neighborhood meeting to explain the details and the CBJ rezone process. This meeting will be held on Wednesday, March 18, 2015, in the Downtown Library Large Conference Room from 6:00pm- 7:30pm.

The purpose of the March 18th meeting is to provide information, respond to questions, and to get a sense of the concerns that the neighborhood might have, so issues may be addressed in advance of the formal public hearing with the CBJ Planning Commission. The project has been scheduled for review by the Planning Commission at the April 14th Regular Meeting. Prior to the meeting all landowners within approximately 1,000 feet of the proposed rezones will receive a separate notice with details on how and where to submit comments or testify on the proposals.

If you have questions or would like more information, please contact Beth McKibben at 586-0465 or by email at beth.mckibben@juneau.org.

cc: File number AME2015 0001 & AME2015 0002

155 So. Seward Street, Juneau, Alaska 99801-1397

Neighborhood Meeting – Downtown Juneau Library
March 18, 2015 6:00pm-8:00pm

NAME	ADDRESS	PHONE NUMBER
Jake Macnpa	100 Mt Roberts, Juneau, AK 99801	907-463-9326
Michele Elfers	CBJ	586-0931
Samantha Slaughtenger	CBJ	5860393
Errol Champion	2501 Jordan Ave.	523-4816
~~Mike + Cindy Dau~~	~~2335 Meadowdale~~	~~780-4354~~
Howard Lockwood	PO Box 20734, Juneau AK 99802	209-4250

ATTACHMENT 12

AGENDA

Neighborhood Meeting
For Two Proposed Rezones at the Rock Dump
In the Industrial and Waterfront Industrial Zoning Districts

March 18, 2015
Downtown Juneau Public Library Large Conference Room
6 pm – 7:30 pm

- Welcome – Introductions
- Why we are here? – Application and Rezone Process
- Proposed Projects –
  - Applicants
- What happens next? –
  - Staff Report – Please have comments in by Noon on March 27th or as soon as possible:

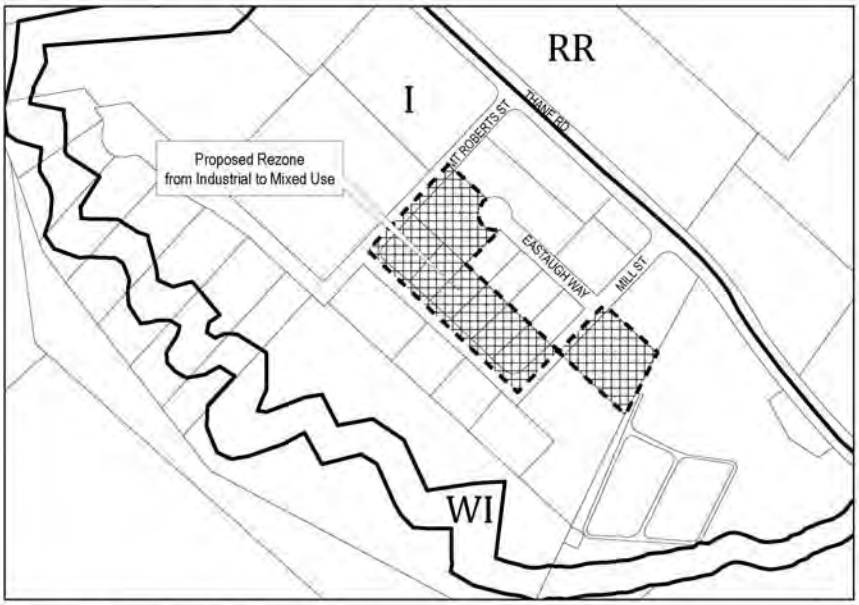
    To: Beth McKibben
    155 S. Seward St.
    Juneau, AK 99801
    Ph: (907)586-0465
    Fax: (907)586-4529
    beth.mckibben@juneau.org

    or

    Jonathan Lange
    586-0218
    jonathan.lange@juneau.org

  - April 14th at 7pm, Planning Commission Meeting –
    City Hall, Assembly Chambers
    - Public Testimony
  - May 18th/ June 8th at 7pm, Regular Assembly Meeting –
    City Hall, Assembly Chambers
    - Public Testimony
- Questions, Comments, and Concerns -

NOTICE OF PUBLIC HEARING



Proposed Re-zone from Industrial to Mixed Use
Case Number AME2015 0001

0 500 1,000 Feet

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: Rezone request to change 5.13 acres from Industrial to Mixed Use

File No:	AME2015 0001	Applicant:	Errol Champion
To:	Adjacent Property Owners	Property PCN:	1-C11-0-K15-002-0 1-C11-0-K12-005-0; -010-0; -011-0; -012-0; 1-C11-0-K12-013-0; -014-0; -015-0
Hearing Date:	April 14, 2015	Owner:	Hendrika Flamee & Roeland Boudewijn; JNY, LLC
Hearing Time:	7:00 PM	Size:	5.13 Acres
Place:	Assembly Chambers	Zoned:	I - Industrial
	Municipal Building	Site Address:	NHN on Mill Street and Eastaugh Way
	155 South Seward Street	Accessed Via:	Thane 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.

If you have questions, please contact Beth McKibben at Beth.McKibben@juneau.org or 586-0465.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

ATTACHMENT 13

Date notice was printed: March 12, 2015

TABLE OF PERMISSIBLE USES - CBJ 49.25.300

			Zones														
	Use Description		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
1.000	RESIDENTIAL																
1.100	Single-family dwellings																
	1.110	Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1	1	1[A]	1[A]
	1.120	Single-family detached, two dwellings per lot	1	1	1												
	1.130	Single-family detached, accessory apartments	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]		
	1.135	Two single-family detached, one or two accessory apartments		3	3												
1.200	Duplex		1	1	1	1		1	1	1	1	1	1	1	1		
1.300	Multifamily dwellings							1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3		
1.400	Group homes		1	1	1	1	1	1	1	1	1	1		1	1		
1.450	Halfway houses		3								3	3	3	3			
1.500	Day care homes																
	1.510	Child; 8 or fewer children under the age of 12	1	1	1	1	1	1	1	1	1	1	1	1			
	1.520	Child; 9 to 12 children under the age of 12	3	3	3	3	3	3	3	3	3	3	3	3			
	1.530	Adult; 8 or fewer people, 12 years and older	1	1	1	1	1	1	1	1	1	1	1	1			
	1.540	Adult; 9 to 12, people 12 years and older	3	3	3	3	3	3	3	3	3	3	3	3			
1.550	Child care residence, 6 to 9 children under 18 years of age			3	3	3	3	3	3	3	3	3	3	3			
1.600	Miscellaneous, rooms for rent situations																
	1.610	Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, and temporary residences. Owner or manager must live on site.	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	3[N]		
	1.620	Hotels, motels	3								1, 3	1, 3	1, 3	1, 3	3[N]	3[N]	
	1.630	Single room occupancies with private facilities						1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
1.700	Home occupations		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
1.800	Mobile homes																
	1.810	Residential mobile homes on individual lots [E]	3	3	3												
	1.815	Caretakers mobile homes on individual lots[E]	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
	1.820	Mobile home parks[E]					3	3	3	3	3	3					
	1.830	Mobile home subdivision[E]				3	3	3	3	3	3	3					
	1.840	Recreational vehicle parks[F]	3[F]	3[F]	3[F]												

	Use Description		Zones														
			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
1.900	Common wall development																
	1.910	Two dwelling units				1	1	1	1	1							
	1.911	Accessory apartments	$1^X, 3^X$	$1^X, 3^X$	$1^X, 3^X$	$1^X, 3^X$	$1^X, 3^X$	$1^X, 3^X$	$1^X, 3^X$	$1^X, 3^X$	$1^X, 3^X$	$1^X, 3^X$	$1^X, 3^X$	$1^X, 3^X$	$1^X, 3^X$		
	1.920	Three or more dwelling units					3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3			
	1.930	Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h)			3	3	3	3	3	3	3			3			
2.000	**SALES AND RENTAL GOODS, MERCHANDISE OR EQUIPMENT[G]**																
2.100	With less than 5,000 square feet and less than 20 percent of the gross floor area of outside merchandising of goods																
	2.110	*Reserved*															
	2.120	Miscellaneous									1	1	1	1	3^N	3^N	3
	2.130	Marine merchandise and equipment	3^T								1, 3	1, 3	1, 3	1, 3	1, 3	3^N	3
2.200	Storage and display of goods with greater or equal to 5,000 square feet and/or 20 percent of the gross floor area of outside merchandising of goods										1, 3	1, 3	1, 3	1, 3	3^N	3^N	3
3.000	**PROFESSIONAL OFFICE, CLERICAL, RESEARCH, REAL ESTATE, OTHER OFFICE SERVICES[G]**																
3.050	Offices of not more than 1,000 square feet			3	3	3	3	3	3	3	1	1	1	1	1^N		
3.100	Offices greater than 1,000 but not more than 2,500 square feet							3	3	3	1	1	1	1	3^N		
3.200	*Reserved*																
3.300	Research, laboratory uses		3^T								1, 3	1, 3	1, 3	1, 3	$1^N, 3^N$	$1^N, 3^N$	1, 3
3.400	Offices greater than 2,500 square feet										1, 3	1, 3	1, 3	1, 3	$1^N, 3^N$		3^S
4.000	**MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS[G]**																
4.050	Light manufacturing		3^T						3	3	1, 3	1, 3	1, 3	1, 3	$1^N, 3^N$	$1^N, 3^N$	1, 3
4.070	Medium manufacturing		3^T									3	3	3	3^N	$1^N, 3^N$	1, 3
4.100	Heavy manufacturing		3^T	3^Q												3^N	3
4.150	Rock crusher		3^T	1^Q	1^Q											3^N	3
4.200	Storage of explosives and ammunition		3													3^N	3
4.210	Seafood processing		3^T												3	1, 3	1, 3
5.000	**EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES**																
5.100	Schools																
	5.110	Elementary and secondary schools including associated grounds and other facilities		3	3	3	3	3	3	3	3	3	3	3			
	5.120	Trade, vocational schools, commercial schools	3^T								3	3	3	3	3^N	3^N	3
	5.130	Colleges, universities	3^T	3	3	3	3	3	3	3	3	3	3	3	3^N	3^N	3
5.200	Churches, synagogues, temples		3^T	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	$1^N, 3^N$	3^N	1, 3
5.300	Libraries, museums, art galleries		3^T	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3^N		
5.400	Social, fraternal clubs, lodges, union halls, yacht clubs		3^T								1, 3	1, 3	1, 3	1, 3	$1^N, 3^N$	3^N	1, 3

	Use Description		Zones														
			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
6.000	**RECREATION, AMUSEMENT, ENTERTAINMENT**																
6.100	Indoor activity conducted entirely within building or substantial structure																
	6.110	Bowling alleys, billiard, pool halls									1, 3	1, 3	1, 3	1, 3			3
	6.120	Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges				3	3	3	3	3	1, 3	1, 3	1, 3	1, 3			3
	6.130	Theaters seating for 200 or fewer	3[T]						3	3	1	1	1	1	3[N]		3
	6.135	Theaters seating from 201 to 1,000									3	1	1	1	3[N]		3
	6.140	Coliseums, stadiums, and other facilities in the 6.100 classification seating more than 1,000 people										3	3	3	3[N]		
	6.150	Indoor shooting range	1, 3									3					3
6.200	Outdoor activity conducted outside enclosed buildings or structures																
	6.210	Recreational facilities such as golf, country clubs, swimming, tennis courts not constructed pursuant to a permit authorizing the construction of a school	3	3	3	3	3	3	3	3	3	1, 3			3[N]		3
	6.220	Miniature golf courses, skateboard parks, water slides, batting cages	3	3	3	3	3	3	3	3	3	1, 3	3	3	3[N]		3
	6.240	Automobile, motorcycle racing tracks; off-highway vehicle parks	3									3					3
	6.250	*Reserved*															
	6.260	Open space	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	6.262	Parks with improved facilities, not approved in conjunction with a major subdivision															
	6.264	Capacity for up to 20 people[W]	1[T]	1	1	1	1	1	1	1	1	1	1	1	1	3[N]	
	6.266	Capacity for more than 20 people[W]	3[T]	3	3	3	3	3	3	3	3	3	3	3	3[N]	3[N]	
	6.270	Aerial conveyances and appurtenant facilities	3	3	3	3	3	3	3	3	3	3	3	3	3[N]	3[N]	3
	6.280	Shooting ranges	3														3
7.000	**INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES**																
7.100	Hospital										3	3	3	3			
7.150	Health care clinics, other medical treatment facilities providing out-patient care								3	3	1, 3	1, 3	1, 3	1, 3			

	Use Description	Zones														
		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
7.200	Nursing care, assisted living, sheltered care		3	3	3	3	3	3	3	3	1, 3	1, 3	1, 3			
7.300	Day care centers for children and adults						3	3	3	1, 3	1, 3	1, 3	1, 3			
7.400	Halfway houses									3	3	3	3			
7.500	Correctional facilities	3	3	3	3	3	3	3	3	3	3	3	3			3
8.000	**RESTAURANTS, BARS, NIGHTCLUBS**															
8.050	Small restaurants, less than 1,000 ft^2 without drive through service	3^T					3	3	3	1	1	1	1	1^N		3
8.100	Restaurants, bars without drive through service	3^T								1, 3	1	1, 3	1, 3	1^N, 3^N	3^N	3
8.200	Restaurants, coffee stands with drive through service									1, 3	1		3	1^N, 3^N	3^N	3
8.300	Seasonal open air food service without drive through	3								1, 3	1	1, 3	1, 3	1^N, 3^N	3^N	
9.000	**BOAT OR MOTOR VEHICLE, SALES AND SERVICE OPERATIONS**															
9.050	Motor vehicle, mobile home sale or rental									1, 3	1, 3	3	3			1, 3
9.100	Motor vehicle repair and maintenance, including body work										3					1
9.200	Automotive fuel station	3^T								3	1					1
9.300	Car wash									3	1					1
9.400	Boat sales or rental	3^T								3	1			1	1	1
9.450	Boat repairs and maintenance	3^T									3			1	1	1
9.500	Marine fuel, water sanitation	3^T												1, 3	1, 3	1, 3
9.600	Marine commercial facilities including fisheries support, commercial freight, passenger traffic	3												3	3	
10.000	**STORAGE, PARKING, MOORAGE**															
10.100	Automobile parking garages or parking lots not related to a principal use on the lot									3	1	1, 3	1, 3			1
10.200	Storage and handling of goods not related to sale or use of those goods on the same lot on which they are stored															
	10.210 All storage within completely enclosed structures	1, 3	3							3	1	1^U, 3^U	1^U, 3^U	1^N, 3^N	1^N	1
	10.220 General storage inside or outside enclosed structures	1, 3	3								1, 3			1^N, 3^N	1^N	1
	10.230 Snow storage basin															
	10.232 Neighborhood, less than ½ acre	3	3	3^Z	3^Z	3^Z	3^Z	3^Z	3^Z	3^Z	1			3^Z	1	1
	10.235 Regional, ½ to 1 acre	3	3	3^Z						3^Z	3			3^Z	1	1
	10.237 Area wide, over 1 acre	3	3^Z	3^Z							3^Z				3	3
10.300	Parking of vehicles or storage of equipment outside enclosed structures where they are owned and used by the user of the lot and parking and storage is more than a minor and incidental use of the lot	1, 3	3								1, 3			1^N, 3^N	1^N, 3^N	1

	Use Description		Zones														
			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
10.400	Temporary contractor's storage connected with construction project off-site for a specified period of time		1, 3	3	3	3	3	3	3	3	3	1, 3	3	3	3	1^N	1
10.500	Moorage																
	10.510	Public, commercial	3	3	3						3	3	3	3	1, 3	1, 3	1, 3
	10.520	Private	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3
10.600	Floating structures supporting seasonal, commercial recreation		3	3	3										3	3	
11.000	**MATERIALS SALVAGE YARDS, WASTE MANAGEMENT**																
11.100	Recycling operations																
	11.110	Enclosed collection structures[O] of less than 80 square feet total and less than six feet in height	1^P	1^P	1^P	1^P	1^P	1^P	1^P	1^P	1	1	1^P	1^P	1	1	1
	11.120	Enclosed structures for recyclable materials collection	1^P, 3	1^P, 3	1^P, 3	1^P, 3	1^P, 3	1^P, 3	1^P, 3	1^P, 3	1^P, 3^P	1^P, 3^P	3	3	1	1	1^P
	11.130	Sorting, storage, preparation for shipment occurring outside an enclosed structure														1^N	1
11.200	Reclamation landfill not associated with a specific use		1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3^N	3^N	1, 3
11.300	Sanitary landfill		3														3
12.000	**SERVICES AND ENTERPRISES RELATED TO ANIMALS**																
12.100	Veterinary clinic		3	3	3						3	1, 3	3	3	1^N, 3^N	1^N, 3^N	1
12.200	Kennel		3	3							3	3					1, 3
12.250	Day animal services, grooming, walking, day care		3	3	3	3	3				3	3	3	3			1, 3
12.300	Zoos, aquaria, or wild animal rehabilitation facilities with a visitor component		3	3							3	3		3	3^N		3
12.310	Wild animal rehabilitation facilities without a visitor component		3	3	3	3					3	3			3^N		3
12.400	Horseback riding stables, dog team yards		3	3							3	3					3
13.000	**EMERGENCY SERVICES**																
13.100	Fire, police, ambulance		3	3	3	3	3	3	3	3	3	3	3	3	3^N	3^N	1, 3
14.000	**AQUACULTURE, AGRICULTURE, SILVICULTURE, MINING, QUARRYING OPERATIONS, SPRING WATER BOTTLING**																
14.100	Aquaculture		3	3	3						3	3	3	3	1	1	3
14.150	Weirs, channels, and other fisheries enhancement		1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	1
14.200	Commercial agricultural operations																
	14.210	Excluding farm animals	1, 3	1, 3	3	3	3	3	3	3	3	3					1, 3
	14.220	Including farm animals[M]	1, 3	3													1, 3
	14.230	Stabling of farm animals[M]	3	3	3	3					3	3					1, 3
14.250	Personal use agriculture																
	14.253	Hens, 6 maximum	1	1	1	1	1	1	3	3	1	1	3	3	1	1	1
14.300	Silviculture and timber harvesting[J]		3	3													3
14.400	Mining operations		2, 3^K	3	3										3^N	3^N	2

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
14.500	Sand and gravel operations[1]	3	3	3						3	3			3^N	3^N	3
14.800	Spring water bottling	3	3			3	3	3	3	3	3					1, 3
15.000	**MISCELLANEOUS PUBLIC AND SEMIPUBLIC FACILITIES**															
15.100	Post office	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	3^N	3^N	1, 3
15.200	Airport	3														1, 3
15.400	Military reserve, National Guard centers	3	3	3						3	3			3^N	3^N	3
15.500	Heliports, helipads	3									3			3^N	3^N	3
15.600	Transit facilities															
	15.610 Transit center			3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3		1, 3
	15.620 Transit station		1	1	1	1	1	1	1	1	1	1	1	1	1	1
	15.630 Park and ride not associated with transit station	3	3	3	3	3	3	3	3	1	1	3	3			1
15.700	Public works facility	3	3	3	3					3	3					1, 3
16.000	**DRY CLEANER, LAUNDROMAT**															
16.100	Drop off and pickup only, no onsite laundry or dry cleaning process								1, 3	1, 3	1, 3	1, 3	1, 3	1^N, 3^N	1^N, 3^N	1, 3
16.200	Full service onsite laundry and/or dry cleaning									3	1, 3	3	3	3^N	1^N, 3^N	1, 3
17.000	**UTILITY FACILITIES**															
17.100	Minor	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
17.150	Intermediate	3	3	3	3	3	3	3	3	3	1, 3	3	3	1, 3	1	1
17.200	Major	3	3	3	3	3	3	3	3	3	3			3	3	3
17.300	Driveways and private roads															

	Use Description		Zones														
			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
	17.310	Access driveways on public rights-of-way adjoining one to four existing lots	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	17.320	Access driveways on public rights-of-way adjoining five or more existing lots	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
18.000	**TOWERS AND RELATED STRUCTURES**																
18.100[AA]	Towers and antennas 35 feet or less		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
18.200[AA]	Towers and antennas 35 to 50 feet		1	3	3	3	3	3	3	3	1	1	1	1	1	1	1
18.300[AA]	Towers and antennas more than 50 feet in height		3	3	3	3	3	3	3	3	3	3	3	3	3	3	1
18.400	Amateur (ham) radio towers and antennas more than 35 feet in height[R]		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
18.500	Wireless Communication Facilities		See CBJ 49.65, Wireless Communication Facilities														
19.000	**OPEN AIR MARKETS, NURSERIES, GREENHOUSES**																
19.100	Open air markets (farm, craft, flea, and produce)		1, 3	1, 3							1, 3	1	1, 3	1, 3	1[N], 3[N]	1[N], 3[N]	1, 3

			Zones														
	Use Description		**RR**	**D-1**	**D-3**	**D-5**	**D-10 SF**	**D-10**	**D-15**	**D-18**	**LC**	**GC**	**MU**	**MU2**	**WC**	**WI**	**I**
19.200	Nurseries, commercial greenhouses																
	19.210	Retail sales	3	3	3	3	3	3	3	3	1, 3	1	1[V]	1[V]			1
	19.220	Nonretail sales	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1[V]	1[V]			1
20.000	**CEMETERY, CREMATORIUM, MORTUARY**																
20.100	Cemetery		1, 3	3	3	3	3	3	3	3	3	3					
20.200	Crematorium		3														1, 3
20.300	Funeral home		3	3	3	3	3	3			1, 3	1	3	3			
21.000	**VISITOR-ORIENTED, RECREATIONAL FACILITIES**																
21.100	Resort, lodge		3	3													
21.200	Campgrounds		1, 3	3													
21.300	Visitor, cultural facilities related to features of the site		3	3							3	3	3	3	3[N]		
22.000	**TEMPORARY STRUCTURES ASSOCIATED WITH ONSITE CONSTRUCTION**																
22.100	Temporary structures used in connection with construction		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

Key:

1. Department approval requires the department of community development approval only.
2. Allowable use permit requires planning commission approval.
3. Conditional use permit requires planning commission approval.

2, 3. Allowable use permit required if minor development, conditional use permit required if major development.

Notes:

A. A single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.

B. *Reserved.*

C. *Reserved.*

D. *Reserved.*

E. See special use regulations for mobile homes, chapter 49.65, article III.

F. See special use regulations for recreational vehicles, chapter 49.65, article IV. This use allowed by service area designation not zoning district.

G. All uses subject to additional performance standards, chapter 49.65, article VIII.

H. *Reserved.*

I. *Reserved.*

J. Applies to over 2 acres of harvest area.

K. See special use regulations, chapter 49.65, article I. Mining operations are a conditional use in the urban mining district and an allowable use in the rural mining district.

L. See special use regulations, chapter 49.65.200, article II.

M. Only applicable to the commercial or private stabling of more than three farm animals, or where the running or stabling area is closer than 100 feet to the nearest residence other than the owner for any number of farm animals.

N. Use must be water-dependent, water-related, or water-oriented.

O. Standards for collection structures: containers must be well maintained and allow no spillage of contents; a specific person or group must be responsible for maintenance of the structure and that person or group shall have a contact telephone number posted on the collection structure; collection structure must be situated so as to not affect traffic or parking; directional signs shall be limited to six square feet and identification signs shall be limited to 24 square feet; such signs will not be included in total sign area allowed for a complex; and the structure shall not exceed a height of six feet. Identification is to be in the following format: greater prominence, the City and Borough recycling logo and the recyclable material identification; lesser prominence, the sponsor name and the contact phone number.

P. Preexisting allowable or conditional use permit: If recycling activity is determined by the director to be an accessory use to a use previously permitted under either an allowable or a conditional use permit, the activity may be approved by the department. Other conditions may be required before recycling activity is permitted.

Q. Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise.

R. Towers shall: be for amateur use only; meet the setback requirements of the zoning district; be unlit except as required by the Federal Aviation Administration. Towers shall be installed in conformance with a valid building permit, application for which shall include a copy of the applicant's amateur station license.

S. Limited to lots directly fronting on Glacier Highway West of Industrial Boulevard.

T. Must be associated with a unique site specific feature in order to function. Example: glacier research station - Juneau Icefield location.

U. No storage permitted on the first floor of a building.

V. Primarily intended for rooftop locations in urban areas.

W. The capacity of a park shall be determined by the Director of the Community Development Department or designee in consultation with the Director of the Parks and Recreation Department.

X. Special requirements apply to accessory apartment applications. See CBJ§49.25.510(d)(2).

Z. Snow storage may be permitted for a maximum of five years. After five years a new application must be filed.

AA. Does not apply to wireless communication facilities.

(Serial No. 2002-14, § 2, 4-1-5-2002; Serial No. 2002-29, § 2, 11-4-2002; Serial No. 2003-27am, § 5, 6-16-2003; Serial No. 2003-41, § 2, 9-22-2003; Serial No. 2003-41, § 2, 9-8-2003; Serial No. 2004-09, § 2, 4-12-2004; Serial No. 2006-07, § 2, 4-3-2006; Serial No. 2007-39, § 8, 6-25-2007; Serial No. 2009-22(b), § 2, 10-12-2009; Serial No. 2010-22, § 3(Exh. A), 7-19-2010; 2014-32(e)am, §§ 6—8, 9-29-2014, eff. 10-29-2014)

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF RECOMMENDATION
Date: April 20, 2015
File No.: AME2015 0001

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

Application For:	Planning Commission recommendation to the City and Borough Assembly regarding a rezone request to change 5.13 acres from Industrial to Mixed Use.
Legal Description:	Alaska Juneau IV-11 Block B Lot 5 Alaska Juneau V Block B Lot 10 Alaska Juneau V Block B Lot 11 Alaska Juneau V Block B Lot 12 Alaska Juneau V Block B Lot 13 Alaska Juneau V Block B Lot 14 Alaska Juneau V Block B Lot 15 Alaska Juneau IV-11 Block A Lot 2
Property Address:	Mill Street and Eastaugh Way
Hearing Date:	April 14, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 3, 2015, and recommended that the City and Borough Assembly deny the request to rezone 5.13 acres from Industrial to Mixed Use in the vicinity of Eastaugh Way and Mill Street.

Attachments: April 3, 2015 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding AME2015 0001.

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

Project Planner: Beth McKibben

Beth McKibben, Planner
Community Development Department

see back page

Michael Satre, Chair
Planning Commission

Filed With City Clerk 4/22/15 Date

Michael Satre
Planning Commission

cc: **Plan Review**

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. 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.

Presented by: The Manager
Introduced: 05/19/2014
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2014-14(c)am

An Ordinance Amending the Land Use Code Relating to Rezoning Procedures.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment to Section. CBJ 49.75.130 Procedure, is amended to read:

49.75.130 Procedure.

A rezoning shall follow the procedure for a major development permit except for the following:

(a) The commission shall make a recommendation to the assembly to approve, approve with modifications, or deny a rezoning request. The commission shall prepare written findings in support of its recommendation. The commission's notice of recommendation shall be posted on the department's website within 10 days of the public hearing on the proposed rezone. If the commission recommends approval of the rezoning request or approval with modifications, the director shall forward the commission's written recommendation to the assembly with an ordinance to amend the official zoning map in accordance with the recommendation. If the commission recommends denial, the amendment shall be deemed disapproved unless the applicant files a notice of protest in accordance with CBJ 49.75.130(b).

(b) Protests.

(1) An applicant may protest the commission's recommendation to deny the rezoning by filing a written statement with the municipal clerk within 20 days of the commission's written notice of recommendation for denial, requesting that an ordinance amending the zoning map as set out in the application be submitted for action by the assembly. The director shall, within 30 days of the filing of the protest with the municipal clerk, prepare a draft ordinance to be appended to the notice of recommendation for consideration by the assembly.

(2) Any person may protest the commission's recommendation to approve a rezoning request or approve a rezoning request with modification by filing a written protest

with the municipal clerk within 20 days of the commission's written notice of recommendation.

(3) In the case of a timely filed protest and after introduction of the proposed ordinance at a regularly scheduled assembly meeting, the assembly shall hold a public hearing on the proposed rezoning. At the close of the hearing, the assembly shall approve the zoning map amendment as recommended by the commission, approve the zoning map amendment with modifications, or deny the zoning map amendment. If approved with modifications, the ordinance shall become effective only with the written consent of the owner(s) of the property to be rezoned.

(c) All rezonings shall be adopted by ordinance, and any conditions thereon shall be contained in the ordinance. Upon adoption of any such ordinance, the director shall cause the official zoning map to be amended in accordance with the adopted ordinance.

Section 3. Effective Date. This ordinance shall be effective 30 days after current, outstanding appeals are resolved.

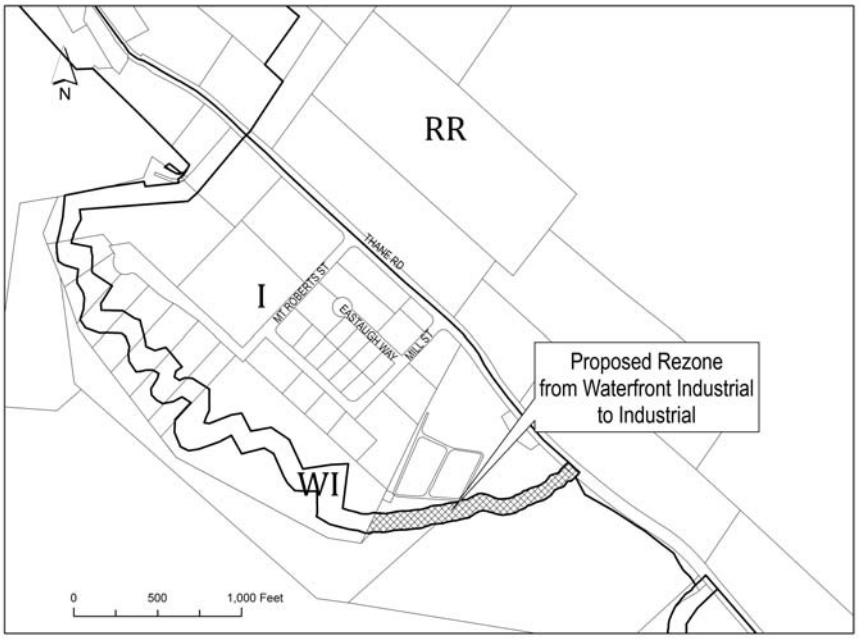
Adopted this 29th day of September, 2014.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

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: **Rezone request to change 4.5 acres from Waterfront Industrial to Industrial**

File No:	AME2015 0002	Applicant:	City and Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	1-C11-0-K00-004-0
Hearing Date:	April 14, 2015	Owner:	City and Borough of Juneau
Hearing Time:	7:00 PM	Size:	4.5 Acres
Place:	Assembly Chambers	Zoned:	WI - Waterfront Industrial
	Municipal Building	Site Address:	Juneau Douglas Wastewater Treatment Plant on Thane Road
	155 South Seward Street	Accessed Via:	Thane 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.

If you have questions, please contact Beth McKibben at Beth.McKibben@juneau.org or 586-0465.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Date notice was printed: March 11, 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 3, 2015

TO: Planning Commission

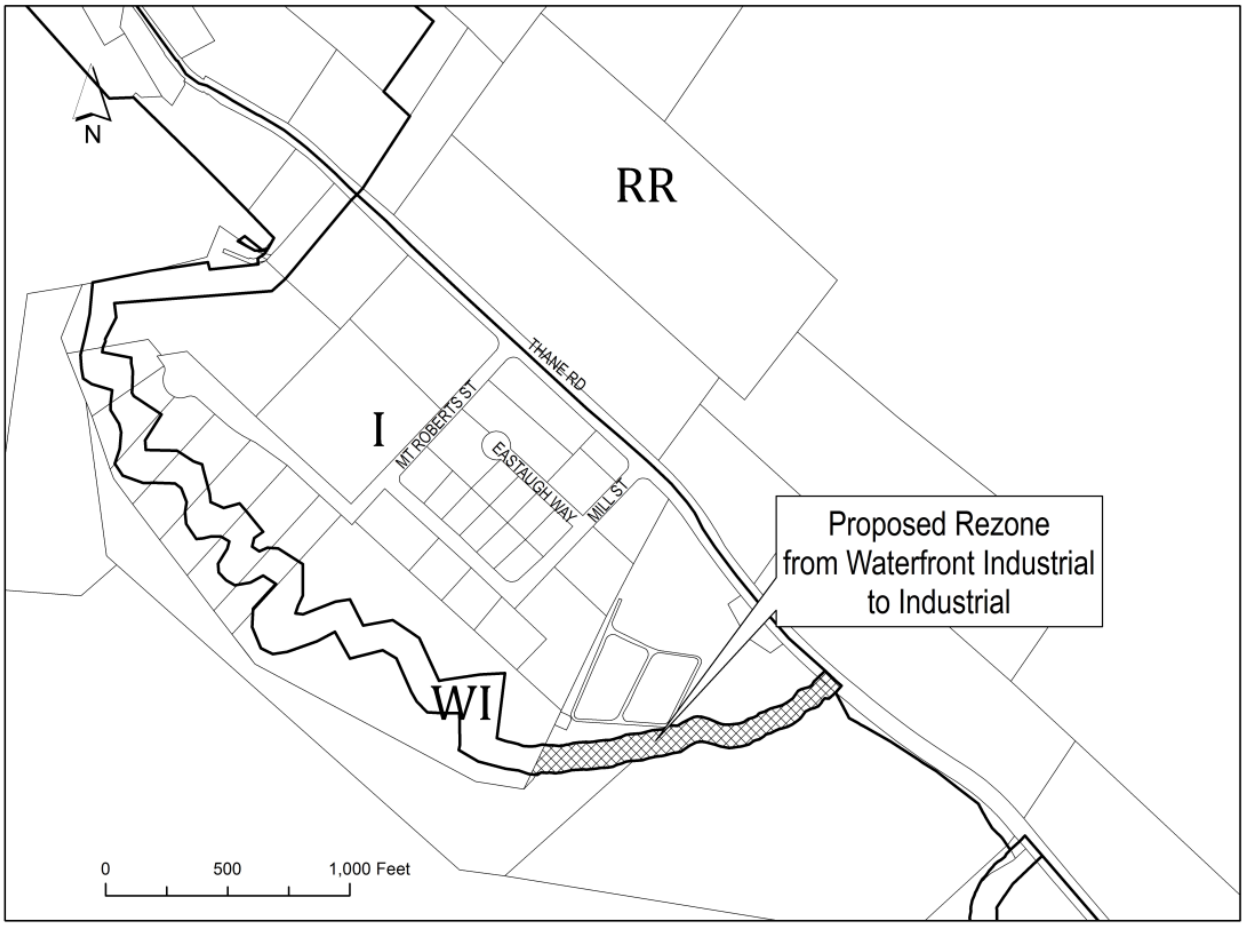
FROM: Beth McKibben, Planning Manager
Community Development Department

FILE NO.: AME2015 0002

PROPOSAL: Rezone request to change 4.5 acres from Waterfront Industrial to Industrial.

Applicant:	City and Borough of Juneau Engineering Department
Property Owner:	City and Borough of Juneau
Property Address:	1540 Thane Road
Legal Description:	ATS 556 Tract A
Parcel Code No.:	1-C11-0-K00-004-0
Site Size:	4.5 Acres (affected area)
Zoning:	Waterfront Industrial
Utilities:	CBJ Water and Sewer
Access:	Thane Road
Existing Land Use:	CBJ Wastewater Treatment Plant
Surrounding Land Use:	North – Rural Reserve; Campground across Thane Road South – Gastineau Channel East – Rural Reserve; Campground across Thane Road West – Industrial; AK Litho Building, Commercial Mix with garage; Storage Units with caretaker unit; Princess Tours Bus shop and parking; Alaska Marine Lines loading facility and dock

Vicinity Map



ATTACHMENTS

Attachment 1	Development Permit Application
Attachment 2	Zone Change Application
Attachment 3	Project Site Map
Attachment 4	CBJ Engineering Comments 1/31/15
Attachment 5	CBJ Assessor Comments 2/4/15
Attachment 6	ADEC Comments 2/27/15
Attachment 7	Neighborhood Meeting
Attachment 8	Zoning Map
Attachment 9	Map N of the 2013 Comprehensive Plan
Attachment 10	Notice of Public Hearing
Attachment 11	Table of Permissible Uses – CBJ 49.25.300

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

PROPOSAL

The CBJ Engineering and Public Works Department requests a zone change at the CBJ Rock Dump Wastewater Treatment Plant from Waterfront Industrial to Industrial. The zone change would affect a narrow strip, approximately 100 feet wide, along the waterfront edge of the city property.

CBJ Engineering believes future public works uses for the land are limited by the split zoning on this property, and consequently, that the zone change is necessary. For example, support services for the street snow storage and treatment site such as a gravel or salt storage building could not be built in the Waterfront Industrial zoning district. CBJ Engineering also notes that Industrial land is in short supply in the Borough, and if the Waterfront Industrial zoning district restricts development on the property, CBJ may have challenges finding other appropriately zoned sites for needed expansions (Attachment 4).

PUBLIC INPUT

A neighborhood meeting was held on March 18, 2015 from 6pm to 7:30pm in the large conference room at the Downtown Juneau Public Library regarding both AME2015 0001 and AME2015 0002. Three members of the public, including the applicant of AME2015 0001, and five CBJ employees were in attendance at the neighborhood meeting. Three representatives from the Community Development Department were present; Beth McKibben and Jonathan Lange presented the rezone process, and CDD Director, Hal Hart, was in attendance. Michele Elfers, CBJ Engineering Department, was representing the applicant for AME2015 0002, along with Samantha Stoughtenger, Wastewater Superintendent. The letter of invitation, agenda and sign in sheet from this meeting are found in Attachment 7.

Staff solicited agency review comments for the proposed development from January 27 through February 6, 2015. Comments were received from the CBJ Assessors Office and CBJ Engineering. These comments will be addressed in the Discussion section of this report.

ANALYSIS

REZONE PROCEDURE

The Land Use Code establishes the following process for rezones:

CBJ 49.75.110 - Initiation.

A rezoning may be initiated by the director, the commission, or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.

The rezone proposal was filed on January 15, 2015. Public notices were mailed to property owners within 500 feet of the subject properties on March 13, 2015 and appeared in the newspaper on April 3, 2015 and April 13, 2015.

CBJ 49.75.120 - Restrictions on rezonings.

Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.

The parcel proposed for rezone is 4.5 acres and zoned Waterfront Industrial (Attachment 8). Substantial conformance with the land use maps of the Comprehensive Plan will be discussed further in the report.

ZONING DISTRICTS

Title 49 Land Use Code definitions of the Industrial (I), Waterfront Commercial (WC), and Waterfront Industrial (WI) zoning districts are provided below:

49.25.240 I, Industrial district.

The I, industrial district, is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.

49.25.250 Waterfront districts.

The following districts are established to accommodate those uses that are dependent or directly related to the water, a waterfront location, or both. These districts regulate development of the waterfront to take advantage of the unique attributes and limitations of its lands:

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

(b) The WI, waterfront industrial district, is intended for industrial and port uses which need or substantially benefit from a shoreline location. In addition, many of the uses that are allowed in the WC, waterfront commercial district, are also allowed in the WI, waterfront industrial district. Residential uses are limited to caretaker residences in the waterfront industrial district.

The CBJ zoning district definition above only requires that the use in a Waterfront Commercial zoning district be dependent or directly related to the water, per 49.25.240. For Waterfront Industrial, the standard is "industrial and port uses which need or substantially benefit from a shoreline location."

The Juneau Wastewater Treatment Plant is located in a Waterfront Industrial zoning district, which has an interesting difference from Waterfront Commercial. The code says that "The Waterfront Industrial district is intended for industrial and port uses which need or **substantially benefit from** [emphasis added] a shoreline location." It does not have the stricter standard of Waterfront Commercial which requires a direct relation or dependence on the marine environment, or, alternatively, must meet the definition of water-dependent or water-related. Waterfront Industrial has a much broader standard.

However, note N in the Table of Permissible Uses 49.25.300 states "Use must be water dependent, water-related, or water-oriented." Note N is included within most uses in the Waterfront Commercial and Waterfront Industrial zoning districts.

2004 LONG RANGE WATERFRONT PLAN

The area proposed to be rezoned is located within the planning area of the 2004 Long Range Waterfront Plan, specifically in Subarea E. This Plan calls for the subject area to continue on as an important economic engine and logistics point for the community of Juneau by preserving and encouraging a continuation of waterfront dependent and industrial uses. It states that with a high level of investment in industrial, public works and marine facilities, this area is envisioned to remain similar to present levels of activity and character.

The Waterfront Plan envisions that vacant parcels in the area could be developed to meet additional market demand for industrial space over time. Further, it encourages the strengthening of land regulations in this subarea primarily to allow only industrial and non-cruise related maritime activities stating that tourist related retail should be removed as a permissible use in this area, with the exception of such uses that are necessary to and located on the same lot as the cruise ship docks.

The Plan also calls for continued utilization of a part of this area for the operation of the CBJ Waste Water Treatment Plant, and further recommends buffering this use through vegetative cover or other means to improve the possibility of development eastward.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

As discussed above, the proposed zoning district and the uses allowed therein must be found to be in substantial conformance with the land use maps of the 2013 Comprehensive Plan.

"Substantial" is commonly defined as: essentially, without material qualifications, in the main, in substance, materially, in a substantial manner.

2013 Comprehensive Plan

In Chapter 11, the Comprehensive Plan land use maps offer the following guidance in regard to rezoning:

> In considering re-zoning request, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration: in some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards.

In Chapter 1, the Comprehensive Plan further supports the flexibility of the plan. However, it emphasizes that said flexibility should be used when considering community growth, along with other current information.

In Chapter 18, Implementation and Administration, additional guidance is provided as follows:

> The Comprehensive Plan as a Guiding Planning Document
>
> "The Comprehensive Plan provides a rational and consistent policy basis for guiding all future CBJ government growth and development decisions. This requires

that each land use decision, from the most minor variance to the development of a New Growth Area, be evaluated for its compliance with the policies, guidelines, standards and criteria established in the Plan. To ensure this, procedures must be followed to require that routine consultation of the Plan is an integral part of the land use decision making process."

"The Plan contains 123 Policies, each of which may have an associated "Standard Operating Procedure," "Development Guideline," and/or "Implementing Action," which are directives for how to carry out the policy. As a preliminary matter, the reviewer must determine which Policies are relevant to the subject at hand. Of course, the writers of the Plan cannot envision every sort of proposal that might one day be conceived and analyzed against the Policies. In that vein, such analyses are not conducted on an absolute basis. That is, failure of a proposal to conform to one particular Policy in the Plan does not automatically mean that it is inappropriate if conformance is shown with other policies of the Plan. Thus, the analysis is one of balancing the many relevant policies and looking holistically at the particular situation, site and its environs." (emphasis added)

When considering this request, it is important to understand what the Comprehensive Plan intends when describing land use designations. The Plan states the categories are intended to describe the overall character of development for each land use category and are not intended to be firm or restrictive definitions, such as with zoning district permitted and Conditional Uses. The land use categories are to be used to guide the formation of zoning regulations, and their allowed uses reflect cultural values and economic and societal needs. Over time, the Comprehensive Plan descriptions of land use categories will change to reflect changing values and circumstances.

Existing site 4.5 acres	**Industrial** **(1 caretaker unit/parcel)**	**WI** **(1 caretaker unit/parcel)**
Number Units	1	1
Maximum Height Limit	No Max	45 feet
Maximum Lot Coverage	No Max	No Max
Vegetative Cover	5%	5%

The subject parcel is located in Subarea 6 of the Comprehensive Plan on Map N of the Land Use Maps (Attachment 9).

The following is listed under Guidelines and Considerations for Subarea 6:

15. Consider establishment of an alternative local roadway from Egan Drive in downtown Juneau to the industrial barge terminal and Thane Road that by-passes the South Franklin/Cruise Ship Terminal area.

A portion of the proposed rezone is designated as Waterfront Commercial Industrial (WCI) on Map N of the Comprehensive Plan. WCI is defined in the plan as:

> "land to be used for water-dependent heavy commercial and industrial uses such as marine transportation terminals, large or small boat marinas, boat repair, shipyards, marine freight handling areas, fish buying and processing plants, ice plants, marine hatcheries, and marine parks."

The majority of the proposed rezone is identified as Institutional and Public Use (IPU) which is defined as:

> "Lands that are in public ownership and dedicated for a variety of public uses, such as the University of Alaska Southeast; local, State and Federal government uses; and for such public facilities as community gardens, schools, libraries, fire stations, treatment plants, and public sanitary landfills. Included are potential sites for future boat harbors, schools, parks, farmers markets, publicly supported arts events, permitted arts or food-service kiosks or sales activities, parking facilities may also be accommodated within Transit Corridors. Transit Corridors can be expected to support Affordable Housing, and Transit Oriented Development overlay districts.
>
> The public use of these lands will vary widely, so IPU designated lands can be under any zoning district, with the uses thereon appropriate for that zone as regulated in the Table of Permissible Sues (CBJ 49.25.300); the zone of any particular public use should be the same zoning district as the surrounding or abutting lands."

In Chapter 5, Economic Development, the Comprehensive Plan discusses Commercial and Industrial Development. The following Comprehensive Plan policies are related to the subject rezone proposal:

> "Commercial and industrial activity requires sufficient and suitable land. Careful attention to the spatial requirements and locational considerations of potential uses is necessary to promote and maintain the local economy. As part of the 2008 Update of this Plan, CBJ staff conducted a survey of all business types and found that following, which are still relevant and accurate in 2013:
>
> 1. A need to expand the land available for retail and office uses, particularly in areas with high proximity to, and visibility from, major thoroughfares.

2. Industrially-zoned areas in Lemon Creek (near Costco) and near the airport have been encroached upon by non-industrial uses that have generated traffic congestion, higher land prices and lease rates, and commercial neighbors who are intolerant of the noise, odors, glare, dust, and other impacts of industry.

3. For industry to grow, including food processing and heavy material handling or manufacturing, a new industry-only zoning district category with parcels ranging in size from 5 to 20 acres each, is needed at a location near utilities and heavy load-carrying capacity roads, but distant from residential and general commercial uses.

POLICY 5.10. TO DESIGNATE SUFFICIENT AND SUITABLE LAND FOR ANTICIPATED COMMERCIAL AND INDUSTRIAL DEVELOPMENT AS PART OF ITS OVERALL ECONOMIC DEVELOPMENT PROGRAM.

5.10 – SOP (Standard Operating Procedures) 2 Follow the specific land use policies of this Plan that establish criteria for designation of commercial and industrial lands, including those cited in Chapters 3, Community Form and 10, Land Use.

POLICY 5.11. TO ENCOURAGE THE LOCATION AND GROWTH OF LOCALLY-BASED BASIC SECTOR INDUSTRIES THAT PROVIDE YEAR-ROUND, FULL-TIME EMPLOYMENT AND PROVIDE TAX REVENUES THAT SUPPORT PUBLIC SERVICES.

5.11 – DG1 When requests are made to rezone industrially-zoned land to a non-industrial use district, assess and consider the impacts of the loss of this land for industry on Juneau's economy as a whole as well as on current needs for industrial land for expansion of existing industrial businesses. An industrial lands inventory and needs assessment may be required as part of such a rezoning application. Lands designated for Heavy Industrial (HI) Use on the Comprehensive Plan Land Use Maps should not be converted to uses not allowed in the Heavy Industrial (HI) land use definition of Chapter 11 unless an essential public purpose, as deemed by the Planning Commission and Assembly, warrants such conversion.

POLICY 10.12. TO DESIGNATE AND RESERVE WATERFRONT LAND WITH ADEQUATE SERVICES AND IN APPROPRIATE LOCATIONS FOR WATER-DEPENDENT RECREATION, PUBLIC ACCESS AND COMMERCIAL/INDUSTRIAL ACTIVIITES WHILE PROMOTING IMPORTANT FISH AND WILDLIFE HABITAT AND OTHER COASTAL RESOURCES.

10.12 – DG1 Deep water ports and navigable waters are valued assets and are critical to the sustainability of our economy and the livability of Juneau. New development along the shoreline should ensure that deep water navigable lanes for barges, the Coast Guard, commercial fishing vessels, research vessels and other marine vessels critical to

the local economy are protected from encroachment from incompatible lands uses or physical obstructions."

The above policies of the Comprehensive Plan outline the need to maintain "sufficient and suitable land" for industrial uses.

Additionally, Policy 10.7 concerns land designated Industrial on the Comprehensive Plan maps. One of the criteria to be considered is "distance from sensitive receptors, such as homes, schools, and hospitals, to potential off-site impacts generated by industry including noise, dust, fumes, odors and nighttime light glare".

COMPLIANCE WITH CBJ TITLE 49 LAND USE CODE

The Table of Dimensional Standards and the Table of Permissible Uses of the Title 49 Land Use Code establish the permitted standards and uses in zoning districts (Attachment 11).

Below is a list of several dimensional standards and uses allowed for Industrial and Waterfront Industrial zoning districts.

Table of Permissible Uses	I	WI
Single-family dwelling	1A	1A
Bowling Alley	3	
Theatres seating from 201 to 1,000	3	
Automobile, motorcycle racing tracks	3	
Parking garages or lots not related to a principle use on the lot	1	
Kennel	1,3	
Stabling of farm animals	1,3	
Crematorium	1,3	
Hotels, motels		3N
Floating structures supporting seasonal, commercial recreation		3

KEY NOTES:
1 – Department Approval Only 3 – Conditional Use Permit required Blank box – Not Allowed
A – A single family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.
N – Use must be water-dependent, water-related, or water-oriented

The Industrial zoning district allows for more uses as the use is not required to be water-dependent, water-related, or water-oriented.

DISCUSSION

The CBJ Assessors Office has no taxation concerns with the proposal since CBJ is exempt. However the Assessor's Office raised several questions (Attachment 5), including:

- Have there been studies and consideration given to any other zoning on the waterfront in other areas of CBJ?
- What impact will this change make on how the waterfront portion is used and/or developed in the future?
- How can this impact other businesses or contracts the CBJ may have with entities working in the Channel or on either side of the area?

There is no other commercial waterfront or industrial waterfront property in the Borough that is zoned only Light or General Commercial, or only Industrial. All waterfront commercial and industrial properties have been zoned Waterfront Commercial or Waterfront Industrial.

The Comprehensive Plan does not give significant guidance when considering the zoning of waterfront lands. In this particular instance, Map N provides some guidance by identifying the majority of the area as Institutional and Public Use (IPU). IPU lands are intended to support a variety of public uses and should be zoned the same as the surrounding or abutting land. In this case, both WI and I zoning districts are abutting the requested rezone. The applicant indicates the purpose of the rezone is to support or expand public uses that may be permitted in the Industrial zoning district but not in the Waterfront Industrial zoning district. Further, the applicant intends to eliminate permitting confusion created by the current split lot zoning (a lot with more than one zoning district).

HABITAT

Not applicable. The proposed rezone does not relate to any policies under CBJ 49.70.900, the Juneau Coastal Management Program.

ZONE CHANGE INITIATION

CBJ 49.75.110. INITIATION. A rezoning may be initiated by the director, the commission or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.

3. Was the proposed zone change initiated by the property owner during the appropriate time frame?

Yes. The application for the subject zone change was made on January 15, 2015.

4. Has the director provided adequate public notice through newspaper advertising, property owner mailings and requiring a public notice sign to be posted on-site.

Yes. As previously noted, the public was notified through newspaper advertising published on April 3, 2015, and April 13, 2015, mailings to owners of all properties within 500 feet of the subject property on March 13, 2015, and a public notice sign posted on-site for two weeks prior to the Planning Commission hearing on the rezone request. In addition, Staff held a neighborhood meeting on March 18th, 2015, for the proposed rezone.

SUMMARY

CBJ 49.75.120 states that a rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the Land Use Maps of the Comprehensive Plan. The 2013 Comprehensive Plan maps classify the site as IPU and Waterfront Commercial/Industrial (WCI).

The requested rezone from Waterfront Industrial to Industrial does substantially conform with the 2013 Comprehensive Plan as the site would continue to support public facilities.

FINDINGS

After review of the application materials, the CBJ Title 49 Land Use Code and the CBJ 2013 Comprehensive Plan, the Director makes the following findings:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Title 49 Land Use Code.

2. Industrial zoning does not violate the policies and guidelines of the 2013 Comprehensive Plan and substantially conforms to the Land Use maps of the Comprehensive Plan and is consistent with Map N.

3. The rezoning constitutes an area greater than two acres.

RECOMMENDATION

Based upon the proposed project (Attachments 1-3) and the findings and conclusions stated above, staff recommends the Planning Commission adopt the Director's analysis and findings and **RECOMMEND APPROVAL** to the Assembly for the rezone of the subject 4.5 acres of the parcel from Waterfront Industrial to Industrial.

DEVELOPMENT PERMIT APPLICATION

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

PROJECT / APPLICANT INFORMATION

Project Description
Rezone request for the Juneau Douglas Wastewater Treatment Plant property. Most of the property is zoned Industrial. However, a 100' strip is designated as Waterfront Industrial from MHW into the property. This request is to change the WI to I to be consistent with the rest of the property.

PROPERTY LOCATION

Street Address	City/Zip
Thane Road	Juneau 99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
ATS 556 Tr A

Assessor's Parcel Number(s)
1C110K000040

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
City and Borough of Juneau	Michele Elfers	586-0931
Mailing Address	**Home Phone:**	**Fax Number:**
155 S. Seward Street		
E-mail Address	**Other Contact Phone Number(s):**	
Michele.Elfers@juneau.org		

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 Michele Elfers — Landowner/Lessee Signature — Date 11/15/15

X _____ Landowner/Lessee Signature — Date _____

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT

If the same as OWNER, write "SAME" and sign and date at X below

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

X _____ 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)			
	Variance Case (De Minimis and all other Variance case types)			
	Wetlands Permits			
P	Zone Change Application		11/15/15	AME 15-002
	Other (Describe) _____			

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

Comments:

Permit Intake Initials: CM

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

ZONE CHANGE APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		AME 2015002	1/15/15

TO BE COMPLETED BY THE APPLICANT

LEGAL DESCRIPTION(S) AND LIMITS OF PROPERTY TO BE REZONED:
Juneau Douglas Wastewater Treatment Plant, ATS 556 Tr A, Parcel Number 1C110K000040

IS THIS AN EXPANSION OF AN EXISTING ZONE? ☑ Yes ☐ No

Total Land Area of Proposed Change ~~4.8~~ 4.5 acres

Comp Plan Designation IPU

Current Zone(s) WI

Comp Plan Map N

New Zone Requested Industrial

TYPE OF ZONE CHANGE REQUESTED:
☑ Regular ☐ Transition

HAS THIS OR A SIMILAR ZONE CHANGE BEEN REQUESTED IN THE PREVIOUS 12 MONTHS?
☐ Yes ☑ No

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

PURPOSE OF THE REQUESTED ZONE CHANGE:
The existing WI zone may preclude certain public utility based projects on the site. There is very limited flat, industrial, CBJ owned land in the downtown and Douglas area, it is very valuable to the city for facilities to support public utilities.

IS THERE A PROPOSED USE OF THE LAND? ☑ Yes ☐ No

PROPOSED BUFFERS TO ADJACENT ZONES? ☐ Yes ☑ No

DESCRIBE (INCLUDING TYPE AND DENSITY OF PROPOSED DEVELOPMENT):
The land has been used for a snow storage and treatment facility, it has also been evaluated for a pea rock storage facility in the past, it is currently being evaluated for expansion of the wastewater facility for biosolids treatment.

DESCRIBE ANY POTENTIAL IMPACTS TO PUBLIC INFRASTRUCTURE:

STREETS: Allow for potential future facilities

WATER: Allow for potential future facilities

SEWER: Allow for potential future facilities

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.

ZONE CHANGE FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ 600			
Admin. of Guarantee	$			
Adjustment	$			
Pub. Not. Sign Fee	$ 50			
Pub. Not. Sign Deposit	$ 100			
Total Fee	$ 750	PAC		1/15/15

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

STATE OF ALASKA 49th Peter L. Hildre No.CE4005

DOWL HKM
5368 Commercial Blvd.
Juneau, Alaska 99801
(907) 780-3533 Office
(907) 780-3535 Fax
Consulting Engineers • Land Surveyors • Construction Administration

JOB NO. J70429	DRAWN BY: STAFF	DESIGNED BY: P. HILDRE	CHECKED BY: STAFF	DATE: FEB. 2012

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
DEPARTMENT OF ENGINEERING

DOWNTOWN SNOW STORAGE FACILITY
CONTRACT NO. E12-166

SITE PLAN

SHEET NO. 11 of 13

I:\Efiles\Snow Management\DOWNTOWN JD Treatment Plant\Survey\April 2012 additional survey of 20.8 line.dwg
2012-1-13 08:13:48

ATTACHMENT 3

City & Borough of Juneau
Alaska's Capital City

Engineering & Public Works Department
155 South Seward Street
Juneau, Alaska 99801
Telephone: 586-0800 Facsimile: 463-2606

DATE: 1/31/15

TO: Teri Camery, Senior Planner, Community Development Department

FROM: Rorie Watt, P.E., Director

SUBJECT: Rock Dump Rezone Application

Recently, our staff has applied to change the current zoning for lands at the rock dump from Waterfront Industrial to Industrial.

We make this request for the following reasons:

1. Short of a remarkable sequence of incredibly unlikely events, there will always be a wastewater treatment plant on the rock dump. As the community grows, the existing infrastructure ages and as regulations inexorably become more stringent, land at the site becomes increasingly scarce and critically necessary.

2. Wastewater plant expansions and renovations generally do not fit within the WI zoning district. Other than the existing outfalls from the wastewater plant and snow storage site, the current CBJ uses are not “dependent on or directly related to the water.”

3. Industrially zoned land in the borough is in short supply. Both the Commission and the Assembly recognize this problem and seek solutions, this proposal is harmonious with that goal.

4. Retaining the WI zoning essentially ensures that no development will take place in those lands, eventually WWTP needs will be redirected to other Industrially zoned lands in the borough.

To ensure economical and efficient municipal operations, we need the ability to go through the Conditional Use process to be able to attempt to use the lands that are currently designated WI.

Alternately, a solution may be found by amending the TPU to allow WWTP applications in the WI district (expand 15.700 – Public Works Facility to be allowed with a CU in WI).

Thank you for your consideration.

ATTACHMENT 4

49.25.240 - I, industrial district.

The I, industrial district, is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.

49.25.250 - Waterfront districts.

The following districts are established to accommodate those uses that are dependent or directly related to the water, a waterfront location, or both. These districts regulate development of the waterfront to take advantage of the unique attributes and limitations of its lands:

(b)

The WI, waterfront industrial district, is intended for industrial and port uses which need or substantially benefit from a shoreline location. In addition, many of the uses that are allowed in the WC, waterfront commercial district, are also allowed in the WI, waterfront industrial district. Residential uses are limited to caretaker residences in the waterfront industrial district.

Teri Camery

From: Robin Potter
Sent: Wednesday, February 04, 2015 3:36 PM
To: Teri Camery
Subject: RE: Agency Review of proposed re-zone at the Juneau Wastewater Treatment Plant

Teri,

I have reviewed the application and find there will be no impact on a change where assessment processes are concerned due to the CBJ being exempt, but I do question the reason for making the zoning consistent with the rest of the property in the area.

Water frontage on any property affects the value of that property. There is an obvious waterfront buffer zone. The only difference in the zoning use seems to be a restriction of building height and making the code change from WI to I. Otherwise it is not unusual for commercial/industrial type of property to encompass more than one zoning depending on frontage, depth and location. I found this very often while working in Maricopa County Az.

Have there been studies and consideration given to any other zoning on the waterfront in other areas of CBJ?
What impact will this change may make on how the waterfront portion is used and/or developed in the future?
How can this impact other businesses or contracts the CBJ may have with entities working in the Channel or on either side of the area?

We had a visitor into the office last week who typically stops in several times a year for information. This person was discussing this very zoning change and how it would impact his business which is operating a clean-up project in the Gastineau Channel for the soil contamination in the subject area.

Thanks,

Robin

Robin Potter
Assessor, Finance Department
City & Borough of Juneau
155 S. Seward Street
Juneau, AK 99801
907.586.0333
http://www.juneau.org/financeftp/assessor_main.php

Note new email address: Robin.Potter@juneau.org

ATTACHMENT 5

Beth McKibben

From: Teri Camery
Sent: Thursday, February 19, 2015 9:52 AM
To: Beth McKibben; Jonathan Lange
Subject: AME2015 0002 DEC Comments

Teri Camery, Senior Planner
City and Borough of Juneau
Community Development Department
155 S. Seward
Juneau, AK 99801
(907) 586-0755

Please consider the environment before printing this email.

From: Pikul, Gretchen M (DEC) [mailto:gretchen.pikul@alaska.gov]
Sent: Thursday, January 29, 2015 1:08 PM
To: Teri Camery; Ron King; Michele Elfers; Ed Foster; Robin Potter; Charlie Ford; Dan Jager; Good, Sheila D (DOT)
Subject: RE: Agency Review of proposed re-zone at the Juneau Wastewater Treatment Plant

Thank you for the review opportunity.

The Department of Environmental Conservation, Division of Water, Non-Point Source section has no issues with the rezone application.

This application has been forwarded to DEC's Solid Waste and Stormwater sections.

Gretchen Pikul, Environmental Program Specialist
Alaska Department of Environmental Conservation
Division of Water, Non-Point Source Section

(907) 465-5023, http://www.dec.alaska.gov/water/wqsar/index.htm

From: Teri Camery [mailto:Teri.Camery@juneau.org]
Sent: Tuesday, January 27, 2015 3:41 PM
To: Ron King; Michele Elfers; Ed Foster; Robin Potter; Charlie Ford; Dan Jager; Pikul, Gretchen M (DEC); Good, Sheila D (DOT)
Subject: Agency Review of proposed re-zone at the Juneau Wastewater Treatment Plant

Hello,

We have received a re-zone application for a zone change from Waterfront Industrial to Industrial at the Juneau Wastewater Treatment Plant. Most of the property is zoned Industrial. The applicant, CBJ Engineering, seeks to change the 100 foot strip that is zoned Waterfront Industrial to Industrial, to be consistent with the rest of the property.

ATTACHMENT 6

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

NOTICE OF NEIGHBORHOOD MEETING FOR REZONE REQUEST

Downtown Library Large Conference Room
Wednesday, March 18, 2015, 6:00-7:30 p.m.

March 4, 2015

Dear Resident,

The CBJ Community Development Department received two Zone Change Applications:

- AME2015 0001: Rezone request to change 5.13 acres from Industrial to Mixed Use
- AME2015 0002: Rezone request to from Industrial to Waterfront Industrial at the CBJ Waste Water Treatment Plant.

You are receiving this letter because you are an adjacent property owner.

The CBJ Community Development Department is hosting a neighborhood meeting to explain the details and the CBJ rezone process. This meeting will be held on Wednesday, March 18, 2015, in the Downtown Library Large Conference Room from 6:00pm- 7:30pm.

The purpose of the March 18th meeting is to provide information, respond to questions, and to get a sense of the concerns that the neighborhood might have, so issues may be addressed in advance of the formal public hearing with the CBJ Planning Commission. The project has been scheduled for review by the Planning Commission at the April 14th Regular Meeting. Prior to the meeting all landowners within approximately 1,000 feet of the proposed rezones will receive a separate notice with details on how and where to submit comments or testify on the proposals.

If you have questions or would like more information, please contact Beth McKibben at 586-0465 or by email at beth.mckibben@juneau.org.

cc: File number AME2015 0001 & AME2015 0002

155 So. Seward Street, Juneau, Alaska 99801-1397

ATTACHMENT 7

Neighborhood Meeting – Downtown Juneau Library
March 18, 2015 6:00pm-8:00pm

NAME	ADDRESS	PHONE NUMBER
Jake Macupa	100 Mt Roberts, Juneau, AK 99801	907-463-9326
Michele Elfers	CBJ	586-0931
Samantha Sloughtenger	CBJ	5860393
Errol Champion	2501 Jordan Ave.	523-4816
~~Mike + Cindy Dan~~	~~2335 Mendenhall~~	~~780 4354~~
Howard Lockwood	PO Box 20734, Juneau AK 99802	209-4250

ATTACHMENT 7

AGENDA

Neighborhood Meeting
For Two Proposed Rezones at the Rock Dump
In the Industrial and Waterfront Industrial Zoning Districts

March 18, 2015
Downtown Juneau Public Library Large Conference Room
6 pm – 7:30 pm

- Welcome – Introductions
- Why we are here? – Application and Rezone Process
- Proposed Projects –
  - Applicants
- What happens next? –
  - Staff Report – Please have comments in by Noon on March 27th or as soon as possible:

    To: Beth McKibben
    155 S. Seward St.
    Juneau, AK 99801
    Ph: (907)586-0465
    Fax: (907)586-4529
    beth.mckibben@juneau.org

    or

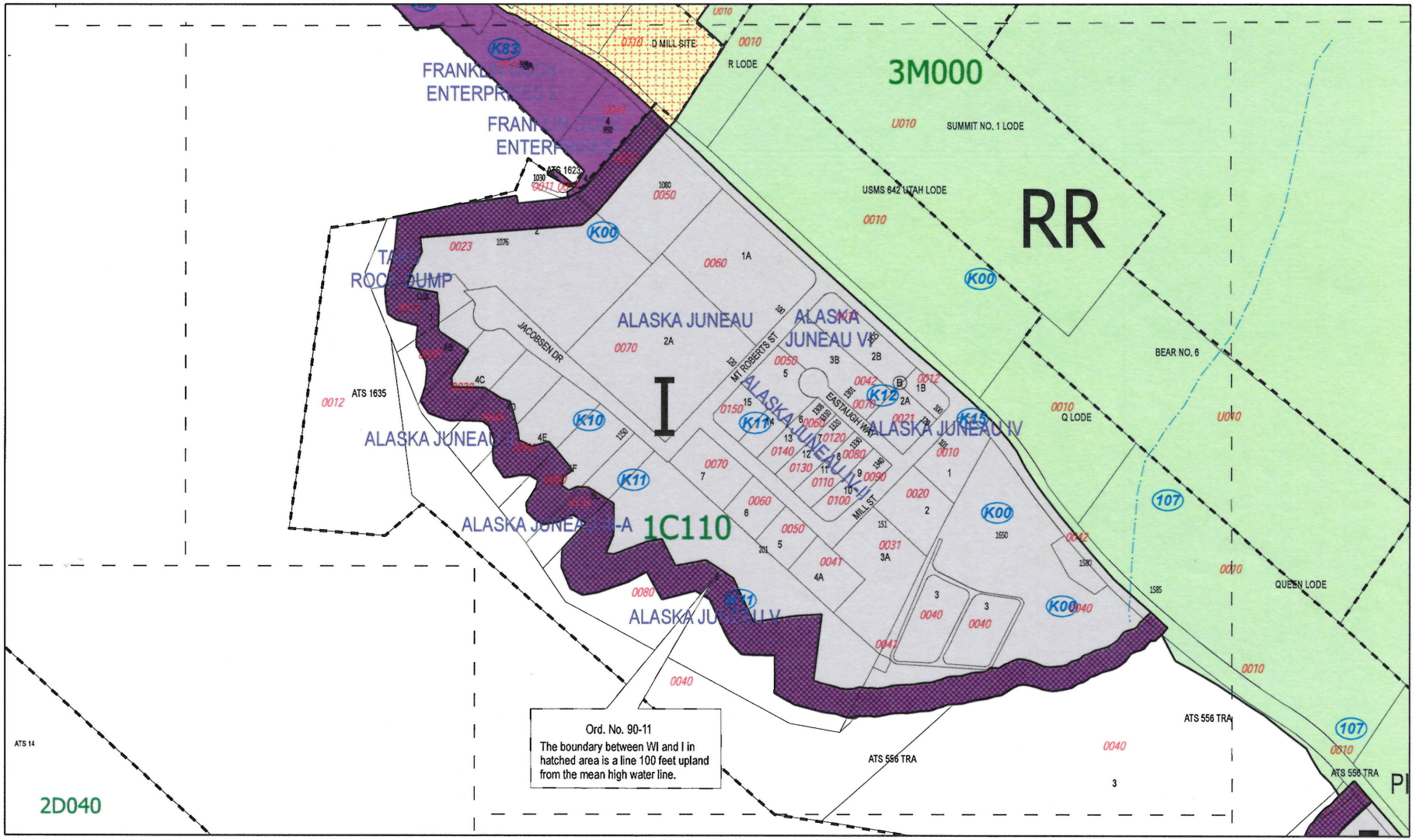
    Jonathan Lange
    586-0218
    jonathan.lange@juneau.org

  - April 14th at 7pm, Planning Commission Meeting –
    City Hall, Assembly Chambers
    - Public Testimony
  - May 18th/ June 8th at 7pm, Regular Assembly Meeting –
    City Hall, Assembly Chambers
    - Public Testimony
- Questions, Comments, and Concerns -

ATTACHMENT 7

Continued on page 71

Continued on page 73



Continued on page 102

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0 125 250 500 750 1,000 1,250 1,500 Feet

Property Information

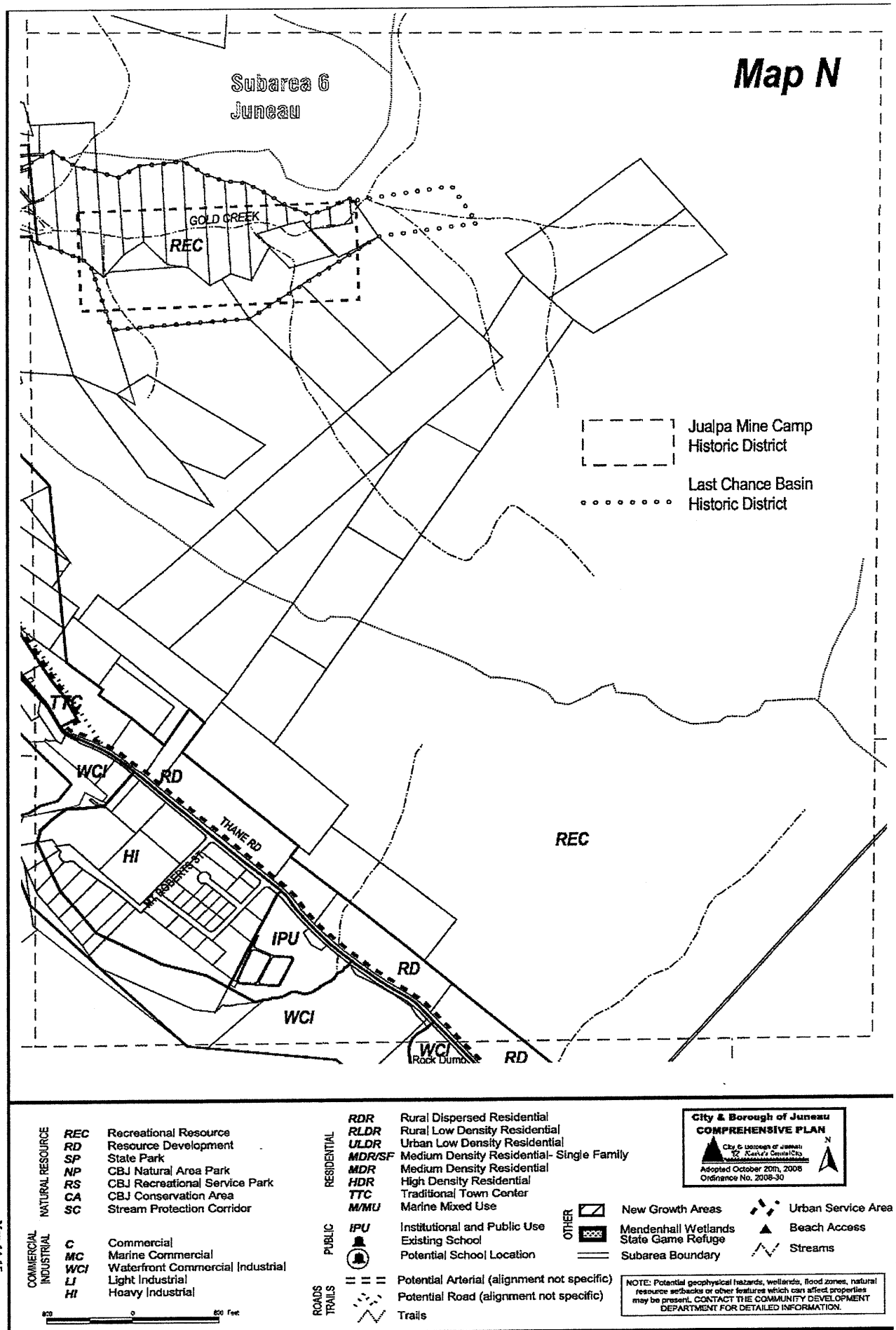
155	B	7	EAST VALLEY
Address Number	Block	Lot	Subdivision

Assessor Tax Code

6D090	102	0030
Parcel Code Prefix	Block Number	Lot Number

N

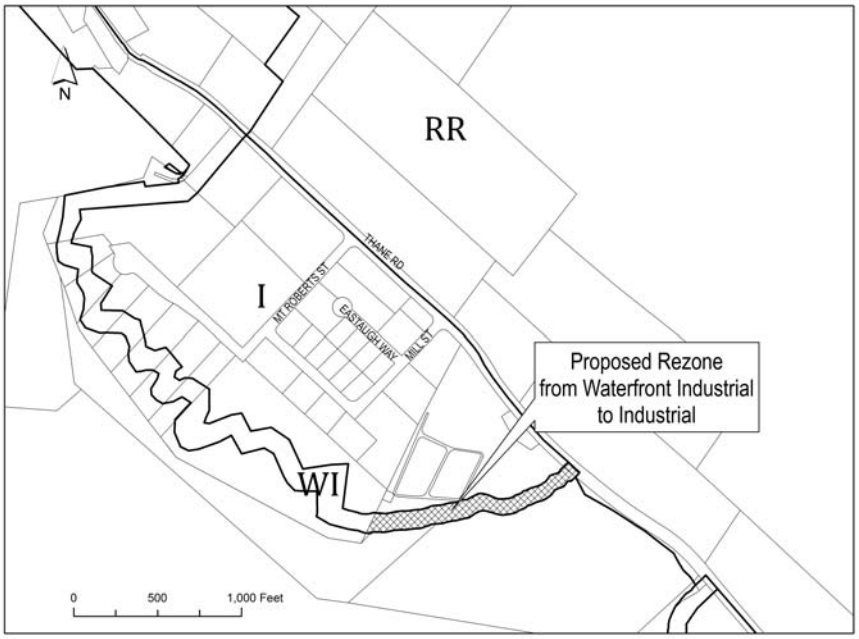
ATTACHMENT 8



Map 11.15

ATTACHMENT 9

NOTICE OF PUBLIC HEARING



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

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: **Rezone request to change 4.5 acres from Waterfront Industrial to Industrial**

File No:	AME2015 0002	Applicant:	City and Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	1-C11-0-K00-004-0
Hearing Date:	April 14, 2015	Owner:	City and Borough of Juneau
Hearing Time:	7:00 PM	Size:	4.5 Acres
Place:	Assembly Chambers	Zoned:	WI - Waterfront Industrial
	Municipal Building	Site Address:	Juneau Douglas Wastewater Treatment Plant on Thane Road
	155 South Seward Street	Accessed Via:	Thane 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.

If you have questions, please contact Beth McKibben at Beth.McKibben@juneau.org or 586-0465.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

ATTACHMENT 10

Date notice was printed: March 11, 2015

TABLE OF PERMISSIBLE USES - CBJ 49.25.300

			Zones														
	Use Description		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
1.000	RESIDENTIAL																
1.100	Single-family dwellings																
	1.110	Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1	1	1[A]	1[A]
	1.120	Single-family detached, two dwellings per lot	1	1	1												
	1.130	Single-family detached, accessory apartments	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]		
	1.135	Two single-family detached, one or two accessory apartments		3	3												
1.200	Duplex		1	1	1	1		1	1	1	1	1	1	1	1		
1.300	Multifamily dwellings							1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3		
1.400	Group homes		1	1	1	1	1	1	1	1	1	1		1	1		
1.450	Halfway houses		3								3	3	3	3			
1.500	Day care homes																
	1.510	Child; 8 or fewer children under the age of 12	1	1	1	1	1	1	1	1	1	1	1	1			
	1.520	Child; 9 to 12 children under the age of 12	3	3	3	3	3	3	3	3	3	3	3	3			
	1.530	Adult; 8 or fewer people, 12 years and older	1	1	1	1	1	1	1	1	1	1	1	1			
	1.540	Adult; 9 to 12, people 12 years and older	3	3	3	3	3	3	3	3	3	3	3	3			
1.550	Child care residence, 6 to 9 children under 18 years of age			3	3	3	3	3	3	3	3	3	3	3			
1.600	Miscellaneous, rooms for rent situations																
	1.610	Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, and temporary residences. Owner or manager must live on site.	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	3[N]		
	1.620	Hotels, motels	3								1, 3	1, 3	1, 3	1, 3	3[N]	3[N]	
	1.630	Single room occupancies with private facilities						1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
1.700	Home occupations		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
1.800	Mobile homes																
	1.810	Residential mobile homes on individual lots [E]	3	3	3												
	1.815	Caretakers mobile homes on individual lots[E]	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
	1.820	Mobile home parks[E]					3	3	3	3	3	3					
	1.830	Mobile home subdivision[E]				3	3	3	3	3	3	3					
	1.840	Recreational vehicle parks[F]	3[F]	3[F]	3[F]												

	Use Description		Zones														
			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
1.900	Common wall development																
	1.910	Two dwelling units				1	1	1	1	1							
	1.911	Accessory apartments	1^X, 3^X	1^X, 3^X	1^X, 3^X	1^X, 3^X	1^X, 3^X	1^X, 3^X	1^X, 3^X	1^X, 3^X	1^X, 3^X	1^X, 3^X	1^X, 3^X	1^X, 3^X	1^X, 3^X		
	1.920	Three or more dwelling units					3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3			
	1.930	Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h)			3	3	3	3	3	3	3			3			
2.000	**SALES AND RENTAL GOODS, MERCHANDISE OR EQUIPMENT[G]**																
2.100	With less than 5,000 square feet and less than 20 percent of the gross floor area of outside merchandising of goods																
	2.110	*Reserved*															
	2.120	Miscellaneous									1	1	1	1	3^N	3^N	3
	2.130	Marine merchandise and equipment	3^T								1, 3	1, 3	1, 3	1, 3	1, 3	3^N	3
2.200	Storage and display of goods with greater or equal to 5,000 square feet and/or 20 percent of the gross floor area of outside merchandising of goods										1, 3	1, 3	1, 3	1, 3	3^N	3^N	3
3.000	**PROFESSIONAL OFFICE, CLERICAL, RESEARCH, REAL ESTATE, OTHER OFFICE SERVICES[G]**																
3.050	Offices of not more than 1,000 square feet			3	3	3	3	3	3	3	1	1	1	1	1^N		
3.100	Offices greater than 1,000 but not more than 2,500 square feet							3	3	3	1	1	1	1	3^N		
3.200	*Reserved*																
3.300	Research, laboratory uses		3^T								1, 3	1, 3	1, 3	1, 3	1^N, 3^N	1^N, 3^N	1, 3
3.400	Offices greater than 2,500 square feet										1, 3	1, 3	1, 3	1, 3	1^N, 3^N		3^S
4.000	**MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS[G]**																
4.050	Light manufacturing		3^T						3	3	1, 3	1, 3	1, 3	1, 3	1^N, 3^N	1^N, 3^N	1, 3
4.070	Medium manufacturing		3^T									3	3	3	3^N	1^N, 3^N	1, 3
4.100	Heavy manufacturing		3^T	3^Q												3^N	3
4.150	Rock crusher		3^T	1^Q	1^Q											3^N	3
4.200	Storage of explosives and ammunition		3													3^N	3
4.210	Seafood processing		3^T												3	1, 3	1, 3
5.000	**EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES**																
5.100	Schools																
	5.110	Elementary and secondary schools including associated grounds and other facilities		3	3	3	3	3	3	3	3	3	3	3			
	5.120	Trade, vocational schools, commercial schools	3^T								3	3	3	3	3^N	3^N	3
	5.130	Colleges, universities	3^T	3	3	3	3	3	3	3	3	3	3	3	3^N	3^N	3
5.200	Churches, synagogues, temples		3^T	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1^N, 3^N	3^N	1, 3
5.300	Libraries, museums, art galleries		3^T	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3^N		
5.400	Social, fraternal clubs, lodges, union halls, yacht clubs		3^T								1, 3	1, 3	1, 3	1, 3	1^N, 3^N	3^N	1, 3

	Use Description		Zones														
			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
6.000	**RECREATION, AMUSEMENT, ENTERTAINMENT**																
6.100	Indoor activity conducted entirely within building or substantial structure																
	6.110	Bowling alleys, billiard, pool halls									1, 3	1, 3	1, 3	1, 3			3
	6.120	Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges				3	3	3	3	3	1, 3	1, 3	1, 3	1, 3			3
	6.130	Theaters seating for 200 or fewer	3[T]						3	3	1	1	1	1	3[N]		3
	6.135	Theaters seating from 201 to 1,000									3	1	1	1	3[N]		3
	6.140	Coliseums, stadiums, and other facilities in the 6.100 classification seating more than 1,000 people										3	3	3	3[N]		
	6.150	Indoor shooting range	1, 3									3					3
6.200	Outdoor activity conducted outside enclosed buildings or structures																
	6.210	Recreational facilities such as golf, country clubs, swimming, tennis courts not constructed pursuant to a permit authorizing the construction of a school	3	3	3	3	3	3	3	3	3	1, 3			3[N]		3
	6.220	Miniature golf courses, skateboard parks, water slides, batting cages	3	3	3	3	3	3	3	3	3	1, 3	3	3	3[N]		3
	6.240	Automobile, motorcycle racing tracks; off-highway vehicle parks	3									3					3
	6.250	*Reserved*															
	6.260	Open space	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	6.262	Parks with improved facilities, not approved in conjunction with a major subdivision															
	6.264	Capacity for up to 20 people[W]	1[T]	1	1	1	1	1	1	1	1	1	1	1	1	3[N]	
	6.266	Capacity for more than 20 people[W]	3[T]	3	3	3	3	3	3	3	3	3	3	3	3[N]	3[N]	
	6.270	Aerial conveyances and appurtenant facilities	3	3	3	3	3	3	3	3	3	3	3	3	3[N]	3[N]	3
	6.280	Shooting ranges	3														3
7.000	**INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES**																
7.100	Hospital										3	3	3	3			
7.150	Health care clinics, other medical treatment facilities providing out-patient care								3	3	1, 3	1, 3	1, 3	1, 3			

	Use Description	Zones														
		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
7.200	Nursing care, assisted living, sheltered care		3	3	3	3	3	3	3	3	1, 3	1, 3	1, 3			
7.300	Day care centers for children and adults						3	3	3	1, 3	1, 3	1, 3	1, 3			
7.400	Halfway houses									3	3	3	3			
7.500	Correctional facilities	3	3	3	3	3	3	3	3	3	3	3	3			3
8.000	**RESTAURANTS, BARS, NIGHTCLUBS**															
8.050	Small restaurants, less than 1,000 ft^2 without drive through service	3^T					3	3	3	1	1	1	1	1^N		3
8.100	Restaurants, bars without drive through service	3^T								1, 3	1	1, 3	1, 3	1^N, 3^N	3^N	3
8.200	Restaurants, coffee stands with drive through service									1, 3	1		3	1^N, 3^N	3^N	3
8.300	Seasonal open air food service without drive through	3								1, 3	1	1, 3	1, 3	1^N, 3^N	3^N	
9.000	**BOAT OR MOTOR VEHICLE, SALES AND SERVICE OPERATIONS**															
9.050	Motor vehicle, mobile home sale or rental									1, 3	1, 3	3	3			1, 3
9.100	Motor vehicle repair and maintenance, including body work										3					1
9.200	Automotive fuel station	3^T								3	1					1
9.300	Car wash									3	1					1
9.400	Boat sales or rental	3^T								3	1			1	1	1
9.450	Boat repairs and maintenance	3^T									3			1	1	1
9.500	Marine fuel, water sanitation	3^T												1, 3	1, 3	1, 3
9.600	Marine commercial facilities including fisheries support, commercial freight, passenger traffic	3												3	3	
10.000	**STORAGE, PARKING, MOORAGE**															
10.100	Automobile parking garages or parking lots not related to a principal use on the lot									3	1	1, 3	1, 3			1
10.200	Storage and handling of goods not related to sale or use of those goods on the same lot on which they are stored															
	10.210 All storage within completely enclosed structures	1, 3	3							3	1	1^U, 3^U	1^U, 3^U	1^N, 3^N	1^N	1
	10.220 General storage inside or outside enclosed structures	1, 3	3								1, 3			1^N, 3^N	1^N	1
	10.230 Snow storage basin															
	10.232 Neighborhood, less than ½ acre	3	3	3^Z	3^Z	3^Z	3^Z	3^Z	3^Z	3^Z	1			3^Z	1	1
	10.235 Regional, ½ to 1 acre	3	3	3^Z						3^Z	3			3^Z	1	1
	10.237 Area wide, over 1 acre	3	3^Z	3^Z							3^Z				3	3
10.300	Parking of vehicles or storage of equipment outside enclosed structures where they are owned and used by the user of the lot and parking and storage is more than a minor and incidental use of the lot	1, 3	3								1, 3			1^N, 3^N	1^N, 3^N	1

	Use Description		Zones														
			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
10.400	Temporary contractor's storage connected with construction project off-site for a specified period of time		1, 3	3	3	3	3	3	3	3	3	1, 3	3	3	3	1^N	1
10.500	Moorage																
	10.510	Public, commercial	3	3	3						3	3	3	3	1, 3	1, 3	1, 3
	10.520	Private	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3
10.600	Floating structures supporting seasonal, commercial recreation		3	3	3										3	3	
11.000	**MATERIALS SALVAGE YARDS, WASTE MANAGEMENT**																
11.100	Recycling operations																
	11.110	Enclosed collection structures[O] of less than 80 square feet total and less than six feet in height	1^P	1^P	1^P	1^P	1^P	1^P	1^P	1^P	1	1	1^P	1^P	1	1	1
	11.120	Enclosed structures for recyclable materials collection	1^P, 3	1^P, 3	1^P, 3	1^P, 3	1^P, 3	1^P, 3	1^P, 3	1^P, 3	1^P, 3^P	1^P, 3^P	3	3	1	1	1^P
	11.130	Sorting, storage, preparation for shipment occurring outside an enclosed structure														1^N	1
11.200	Reclamation landfill not associated with a specific use		1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3^N	3^N	1, 3
11.300	Sanitary landfill		3														3
12.000	**SERVICES AND ENTERPRISES RELATED TO ANIMALS**																
12.100	Veterinary clinic		3	3	3						3	1, 3	3	3	1^N, 3^N	1^N, 3^N	1
12.200	Kennel		3	3							3	3					1, 3
12.250	Day animal services, grooming, walking, day care		3	3	3	3	3				3	3	3	3			1, 3
12.300	Zoos, aquaria, or wild animal rehabilitation facilities with a visitor component		3	3							3	3		3	3^N		3
12.310	Wild animal rehabilitation facilities without a visitor component		3	3	3	3					3	3			3^N		3
12.400	Horseback riding stables, dog team yards		3	3							3	3					3
13.000	**EMERGENCY SERVICES**																
13.100	Fire, police, ambulance		3	3	3	3	3	3	3	3	3	3	3	3	3^N	3^N	1, 3
14.000	**AQUACULTURE, AGRICULTURE, SILVICULTURE, MINING, QUARRYING OPERATIONS, SPRING WATER BOTTLING**																
14.100	Aquaculture		3	3	3						3	3	3	3	1	1	3
14.150	Weirs, channels, and other fisheries enhancement		1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	1
14.200	Commercial agricultural operations																
	14.210	Excluding farm animals	1, 3	1, 3	3	3	3	3	3	3	3	3					1, 3
	14.220	Including farm animals[M]	1, 3	3													1, 3
	14.230	Stabling of farm animals[M]	3	3	3	3					3	3					1, 3
14.250	Personal use agriculture																
	14.253	Hens, 6 maximum	1	1	1	1	1	1	3	3	1	1	3	3	1	1	1
14.300	Silviculture and timber harvesting[J]		3	3													3
14.400	Mining operations		2, 3^K	3	3										3^N	3^N	2

	Use Description	Zones														
		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
14.500	Sand and gravel operations[1]	3	3	3						3	3			3^N	3^N	3
14.800	Spring water bottling	3	3			3	3	3	3	3	3					1, 3
15.000	**MISCELLANEOUS PUBLIC AND SEMIPUBLIC FACILITIES**															
15.100	Post office	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	3^N	3^N	1, 3
15.200	Airport	3														1, 3
15.400	Military reserve, National Guard centers	3	3	3						3	3			3^N	3^N	3
15.500	Heliports, helipads	3									3			3^N	3^N	3
15.600	Transit facilities															
	15.610 Transit center			3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3		1, 3
	15.620 Transit station		1	1	1	1	1	1	1	1	1	1	1	1	1	1
	15.630 Park and ride not associated with transit station	3	3	3	3	3	3	3	3	1	1	3	3			1
15.700	Public works facility	3	3	3	3					3	3					1, 3
16.000	**DRY CLEANER, LAUNDROMAT**															
16.100	Drop off and pickup only, no onsite laundry or dry cleaning process								1, 3	1, 3	1, 3	1, 3	1, 3	1^N, 3^N	1^N, 3^N	1, 3
16.200	Full service onsite laundry and/or dry cleaning									3	1, 3	3	3	3^N	1^N, 3^N	1, 3
17.000	**UTILITY FACILITIES**															
17.100	Minor	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
17.150	Intermediate	3	3	3	3	3	3	3	3	3	1, 3	3	3	1, 3	1	1
17.200	Major	3	3	3	3	3	3	3	3	3	3			3	3	3
17.300	Driveways and private roads															

	Use Description		Zones														
			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
	17.310	Access driveways on public rights-of-way adjoining one to four existing lots	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	17.320	Access driveways on public rights-of-way adjoining five or more existing lots	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
18.000	**TOWERS AND RELATED STRUCTURES**																
18.100[AA]	Towers and antennas 35 feet or less		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
18.200[AA]	Towers and antennas 35 to 50 feet		1	3	3	3	3	3	3	3	1	1	1	1	1	1	1
18.300[AA]	Towers and antennas more than 50 feet in height		3	3	3	3	3	3	3	3	3	3	3	3	3	3	1
18.400	Amateur (ham) radio towers and antennas more than 35 feet in height[R]		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
18.500	Wireless Communication Facilities		See CBJ 49.65, Wireless Communication Facilities														
19.000	**OPEN AIR MARKETS, NURSERIES, GREENHOUSES**																
19.100	Open air markets (farm, craft, flea, and produce)		1, 3	1, 3							1, 3	1	1, 3	1, 3	1[N], 3[N]	1[N], 3[N]	1, 3

			Zones														
	Use Description		**RR**	**D-1**	**D-3**	**D-5**	**D-10 SF**	**D-10**	**D-15**	**D-18**	**LC**	**GC**	**MU**	**MU2**	**WC**	**WI**	**I**
19.200	Nurseries, commercial greenhouses																
	19.210	Retail sales	3	3	3	3	3	3	3	3	1, 3	1	1[V]	1[V]			1
	19.220	Nonretail sales	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1[V]	1[V]			1
20.000	**CEMETERY, CREMATORIUM, MORTUARY**																
20.100	Cemetery		1, 3	3	3	3	3	3	3	3	3	3					
20.200	Crematorium		3														1, 3
20.300	Funeral home		3	3	3	3	3	3			1, 3	1	3	3			
21.000	**VISITOR-ORIENTED, RECREATIONAL FACILITIES**																
21.100	Resort, lodge		3	3													
21.200	Campgrounds		1, 3	3													
21.300	Visitor, cultural facilities related to features of the site		3	3							3	3	3	3	3[N]		
22.000	**TEMPORARY STRUCTURES ASSOCIATED WITH ONSITE CONSTRUCTION**																
22.100	Temporary structures used in connection with construction		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

Key:

1. Department approval requires the department of community development approval only.
2. Allowable use permit requires planning commission approval.
3. Conditional use permit requires planning commission approval.

2, 3. Allowable use permit required if minor development, conditional use permit required if major development.

Notes:

A. A single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.

B. *Reserved.*

C. *Reserved.*

D. *Reserved.*

E. See special use regulations for mobile homes, chapter 49.65, article III.

F. See special use regulations for recreational vehicles, chapter 49.65, article IV. This use allowed by service area designation not zoning district.

G. All uses subject to additional performance standards, chapter 49.65, article VIII.

H. *Reserved.*

I. *Reserved.*

J. Applies to over 2 acres of harvest area.

K. See special use regulations, chapter 49.65, article I. Mining operations are a conditional use in the urban mining district and an allowable use in the rural mining district.

L. See special use regulations, chapter 49.65.200, article II.

M. Only applicable to the commercial or private stabling of more than three farm animals, or where the running or stabling area is closer than 100 feet to the nearest residence other than the owner for any number of farm animals.

N. Use must be water-dependent, water-related, or water-oriented.

O. Standards for collection structures: containers must be well maintained and allow no spillage of contents; a specific person or group must be responsible for maintenance of the structure and that person or group shall have a contact telephone number posted on the collection structure; collection structure must be situated so as to not affect traffic or parking; directional signs shall be limited to six square feet and identification signs shall be limited to 24 square feet; such signs will not be included in total sign area allowed for a complex; and the structure shall not exceed a height of six feet. Identification is to be in the following format: greater prominence, the City and Borough recycling logo and the recyclable material identification; lesser prominence, the sponsor name and the contact phone number.

P. Preexisting allowable or conditional use permit: If recycling activity is determined by the director to be an accessory use to a use previously permitted under either an allowable or a conditional use permit, the activity may be approved by the department. Other conditions may be required before recycling activity is permitted.

Q. Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise.

R. Towers shall: be for amateur use only; meet the setback requirements of the zoning district; be unlit except as required by the Federal Aviation Administration. Towers shall be installed in conformance with a valid building permit, application for which shall include a copy of the applicant's amateur station license.

S. Limited to lots directly fronting on Glacier Highway West of Industrial Boulevard.

T. Must be associated with a unique site specific feature in order to function. Example: glacier research station - Juneau Icefield location.

U. No storage permitted on the first floor of a building.

V. Primarily intended for rooftop locations in urban areas.

W. The capacity of a park shall be determined by the Director of the Community Development Department or designee in consultation with the Director of the Parks and Recreation Department.

X. Special requirements apply to accessory apartment applications. See CBJ§49.25.510(d)(2).

Z. Snow storage may be permitted for a maximum of five years. After five years a new application must be filed.

AA. Does not apply to wireless communication facilities.

(Serial No. 2002-14, § 2, 4-1-5-2002; Serial No. 2002-29, § 2, 11-4-2002; Serial No. 2003-27am, § 5, 6-16-2003; Serial No. 2003-41, § 2, 9-22-2003; Serial No. 2003-41, § 2, 9-8-2003; Serial No. 2004-09, § 2, 4-12-2004; Serial No. 2006-07, § 2, 4-3-2006; Serial No. 2007-39, § 8, 6-25-2007; Serial No. 2009-22(b), § 2, 10-12-2009; Serial No. 2010-22, § 3(Exh. A), 7-19-2010; 2014-32(e)am, §§ 6—8, 9-29-2014, eff. 10-29-2014)

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF RECOMMENDATION
Date: April 20, 2015
File No.: AME2015 0002

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

Application For:	Planning Commission recommendation to the City and Borough Assembly regarding the request to rezone to change 4.5 acres from Waterfront Industrial to Industrial.
Legal Description:	ATS 556 TR A
Property Address:	1540 Thane Road
Hearing Date:	April 14, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 3, 2015, and recommended denial of the request to rezone change 4.5 acres from Waterfront Industrial to Industrial near CBJ Rock Dump Wastewater Treatment Plan. The Commission adopted the findings below to support their decision:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Title 49 Land Use Code.

2. Waterfront Industrial zoning does not violate the policies and guidelines of the 2013 Comprehensive Plan and substantially conforms to the Land Use maps of the Comprehensive Plan and is consistent with Map N. However, Waterfront Industrial zoned land is in shorts supply and there is not sufficient public need to justify the requested zone change at this time.

3. The rezoning constitutes an area greater than two acres.

Attachments: April 3, 2015 memorandum from Beth McKibben, Community Development, to the CBJ Planning Commission regarding AME2015 0002.

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

Project Planner: _____
Beth McKibben, Planner
Community Development Department

_____
Michael Satre, Chair
Planning Commission

_____ 4/22/15
Filed With City Clerk Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. 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.

Presented by: The Manager
Introduced: 05/19/2014
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2014-14(c)am

An Ordinance Amending the Land Use Code Relating to Rezoning Procedures.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment to Section. CBJ 49.75.130 Procedure, is amended to read:

49.75.130 Procedure.

A rezoning shall follow the procedure for a major development permit except for the following:

(a) The commission shall make a recommendation to the assembly to approve, approve with modifications, or deny a rezoning request. The commission shall prepare written findings in support of its recommendation. The commission's notice of recommendation shall be posted on the department's website within 10 days of the public hearing on the proposed rezone. If the commission recommends approval of the rezoning request or approval with modifications, the director shall forward the commission's written recommendation to the assembly with an ordinance to amend the official zoning map in accordance with the recommendation. If the commission recommends denial, the amendment shall be deemed disapproved unless the applicant files a notice of protest in accordance with CBJ 49.75.130(b).

(b) Protests.

(1) An applicant may protest the commission's recommendation to deny the rezoning by filing a written statement with the municipal clerk within 20 days of the commission's written notice of recommendation for denial, requesting that an ordinance amending the zoning map as set out in the application be submitted for action by the assembly. The director shall, within 30 days of the filing of the protest with the municipal clerk, prepare a draft ordinance to be appended to the notice of recommendation for consideration by the assembly.

(2) Any person may protest the commission's recommendation to approve a rezoning request or approve a rezoning request with modification by filing a written protest

with the municipal clerk within 20 days of the commission's written notice of recommendation.

(3) In the case of a timely filed protest and after introduction of the proposed ordinance at a regularly scheduled assembly meeting, the assembly shall hold a public hearing on the proposed rezoning. At the close of the hearing, the assembly shall approve the zoning map amendment as recommended by the commission, approve the zoning map amendment with modifications, or deny the zoning map amendment. If approved with modifications, the ordinance shall become effective only with the written consent of the owner(s) of the property to be rezoned.

(c) All rezonings shall be adopted by ordinance, and any conditions thereon shall be contained in the ordinance. Upon adoption of any such ordinance, the director shall cause the official zoning map to be amended in accordance with the adopted ordinance.

Section 3. Effective Date. This ordinance shall be effective 30 days after current, outstanding appeals are resolved.

Adopted this 29th day of September, 2014.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

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: Planning Commission

FROM: Laura A. Boyce, AICP, Planner
Community Development Department

FILE NO.: AME2015 0003

PROPOSAL: Text amendment to CBJ 49.45.410, increasing the sign enforcement fee.

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

ATTACHMENTS

Attachment A - HRAC Meeting Minutes, December 3, 2014
Attachment B - Title 49 Subcommittee Draft Meeting Minutes, January 27, 2015

BACKGROUND

The proposed text amendment to Title 49, the Land Use Code, would change the current enforcement fees for non-compliant signs borough-wide. The current fine schedule not only provides a disincentive for compliance due to the existing low fines, it also requires significant staff time in order to bring signs into compliance. Due to recent budget cuts, the CBJ lost its code compliance officer position. There no longer is a dedicated staff person to work with property owners to bring code violations into compliance. The proposed change would provide an incentive for compliance as well as provide a manageable system for staff to work with non-compliant business owners.

This proposed change was initiated and recommended by a subcommittee of the Historic Resources Advisory Committee (HRAC) formed to explore signage issue options. The subcommittee developed proposed language and brought it forward to the full HRAC for consideration. At its December 3, 2014, meeting, the HRAC unanimously approved this approach and proposed text change language. The Planning Commission's Title 49 Subcommittee at its January 27, 2015, meeting reviewed the request and unanimously moved the proposal forward to the full Planning Commission for consideration.

This item was previously scheduled for the February 10, 2015, Planning Commission meeting. It was decided to remove it from that agenda in order to give the public additional opportunities to discuss the proposal. The HRAC signage subcommittee held two additional meetings on March 5, and March 9, 2015, for additional input. At the March 9th meeting, the HRAC signage subcommittee requested the proposed language be considered as-is by the Planning Commission, with no additional changes proposed.

Sign violations occur throughout the Borough; however, due to dense development downtown, the majority of violations occur in Downtown Juneau, specifically in the Downtown Historic District. Due to the amount of seasonal businesses each year in the Downtown Historic District, sign violations are rampant in this area and are especially evident; this is a hot spot for sign violations. For whatever reason, businesses place signs without properly permitting their signs. With the current framework for addressing sign violations, staff must cite the sign violator potentially three separate times prior to compliance. This takes time and it could be the end of the summer season and the shop owner leaves town, without ever bringing signs into compliance. The current system is time intensive, both staff-wise and compliance-wise. The recommended changes will help bring signs into compliance much earlier and require less staff time.

The HRAC suggests a signage enforcement framework similar to Skagway's. Skagway is similar to Juneau in that it has a downtown historic district with required design standards that must be followed and has cruise ship visitors each season. Sign violations are infrequent in Skagway due to Skagway's rules; violators are notified of the violation, given a period to come into compliance (seven days), and then fined for each sign out of compliance per day of violation ($500 per day per sign).

The text amendment brought forward by the HRAC proposes the following change to *CBJ 49.45.410 Enforcement*:

Existing Code Section:

CBJ 49.45.410 Enforcement

A violation of this chapter is an infraction. The following fine schedule shall apply to violations of this chapter: $25.00 fine for first offense; $50.00 fine for second offense; and $100.00 fine with mandatory court appearance for the third offense.

Proposed Change (showing deleted language as ~~stricken~~ and additions underlined):

A violation of this chapter is an infraction. The following fine schedule shall apply to violations of this chapter: ~~$25.00 fine for first offense; $50.00 fine for second offense; and $100.00 fine with mandatory court appearance for the third offense.~~

> *After notification of offense(s), the non-conforming sign shall have a 15 day grace period to come into conformity. If conformance is not met within the grace period, a $500 fine per day, per offense, will be applied.*

The HRAC proposes to increase the existing staggered fine schedule with one fine that will be applied per offense (per sign) per day. A grace period of fifteen days would be provided so that the business owner/offender can bring the sign into compliance or take it down. If the business owner brings the sign into compliance (by applying for a permit and/or taking down the signs) within the 15-day grace period, the fine will not be incurred.

One of the reasons to increase fines is that currently it is less expensive for someone to place a sign without a permit than it is to apply for a sign permit. The current permit application fee is $50 for the first two signs and $20 for each additional sign. To place a sign without a permit and incur a fine costs $25 if ticketed; to apply for a sign permit costs $50 or more. The current fee schedule is a disincentive to apply for a sign permit; it is cheaper to take the risk by putting up unpermitted signs than it is to follow the permitting procedures.

In the existing framework, the burden to bring signs into compliance falls heavily on staff requiring significant time and action at each staggered level to write sign violation notification letters, issue tickets and keep track of days prior to issuing that next level of enforcement. Often as a result, signs for seasonal businesses are infrequently ticketed or brought into compliance by the end of the season, at which time the business owner closes shop and leaves town.

By eliminating the current staggered offense system, the proposed change requires less time by staff to bring signs into compliance. Further, the proposed change to $500 per day per offense (per sign) sends a strong message that adherence to the signage rules are important for the CBJ. The fine itself is an incentive to follow the rules.

After the Title 49 subcommittee unanimously moved the proposed change to the full Planning Commission for consideration, the CBJ Law Department and CDD staff reviewed the proposed language and offer the following amended language:

> Proposed amended language:
> *CBJ 49.45.410 Enforcement*
>
> *A violation of this chapter is ~~an infraction~~ a violation subject to civil fine. ~~The following fine schedule shall apply to violations of this chapter: $25.00 fine for first offense; $50.00 fine for second offense; and $100.00 fine with mandatory court appearance for a third offense.~~ On a first offense, the fine shall be*

> *eliminated if the business proves the violation(s) of this chapter has been remedied within 15 days of issuance of the citation.*

Additionally, amend *CBJ 03.30.070 Violations; civil fines* to read as follows:

> 49.45.410 Sign violation $500 per day/per offense

The changes proposed by CBJ staff meet the intent of what the HRAC would like to accomplish with the sign enforcement fee change: the 15 day grace period is still available, but only for the first offense; a repeat offender will not be able to take advantage of the grace period by placing an unpermitted sign for 15 days before getting a fine. The proposed language also changes a sign violation from an infraction to a civil violation. This is critical because currently, if a citation/ticket were to be issued, the ticket would have to go to the violator – the person seen putting up the sign, even if this was an employee and not the business owner. With the change to a civil fine, the citation/ticket would be the responsibility of the business owner, regardless of who placed the sign. Civil fines are listed in CBJ 03.30 and that section would be amended to include the proposed fine of $500 a day per offense for sign violations. Appeals to civil fines are handled by the Manager's office, rather than the court system. This language also removes the term "non-conforming" sign as that has specific meaning in Title 49, referring to something that was previously permitted, but no longer is permitted with current Title 49 rules.

The proposed language offered by staff meets the intent of what the HRAC wishes to accomplish with its changes. The goal of this effort is to bring any violations into compliance, not to enforce. The proposed changes will assist the CBJ with providing incentives for compliance with signage rules. Staff recommends that the proposed language be considered by the Planning Commission.

This item was previously scheduled for the February 10, 2015, Planning Commission meeting. It removed from that agenda in order to received additional public input on the proposal. The HRAC signage subcommittee held another meeting on March 5, 2015, and four members of the public and business community were in attendance. Questions and concerns were raised about the proposal. A local sign shop owner was specifically concerned that this proposal would affect his business significantly. A suggestion was raised to include a "grandfather clause", if the amendment were to go forward, that would allow additional time – such as a year - for non-compliant sign owners to come into compliance and not have the new fees be applied to them until after a year. The HRAC signage subcommittee decided to meet again on March 9, 2015, to discuss the "grandfather clause" option. After much discussion, the HRAC signage subcommittee decided to move forward with the proposed amendment as it currently is and to not include a grandfather clause. Existing language in Title 49 already addresses this situation:

> *CBJ 49.45.400 Nonconforming signs.*

> *Nonconforming signs shall be required to come into conformity with this chapter at the time of a major development or major addition to the subject property except signs which violate section 49.45.270, prohibited signs and sign materials, shall come into compliance within 90 days of the effective date of the ordinance codified in this chapter (1992). The owner of a nonconforming sign may apply to the commission for an exception from the sign standards as provided in section 49.45.310 (variance).*

It was mentioned at the March 5, 2015, meeting by an attendee that there should be another process rather than the variance for sign owners to question the denial of their proposed signs. The variance fee of $400 is high for a sign permit that costs $50. The HRAC signage subcommittee members didn't disagree with this concern and explained that it is part of their task as this subcommittee to look at signage requirement changes in general. They will consider more changes in the near future, but it is their goal in this first action to change the enforcement fees.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

Comprehensive Plan Contents

The following policies and objectives in the 2013 Comprehensive Plan are furthered by the proposed amendment to increase the fees and change the structure of signage enforcement:

> ***CHAPTER 5 – ECONOMIC DEVELOPMENT***
>
> *POLICY 5.5 TO MAINTAIN AND STRENGTHEN DOWNTOWN JUNEAU AS A SAFE, DYNAMIC AND PLEASANT CENTER FOR GOVERNMENT AND LEGISLATIVE ACTIVITIES, PUBLIC GATHERINGS, CULTURAL AND ENTERTAINMENT EVENTS, AND RESIDENTIAL AND COMMERCIAL ACTIVITIES IN A MANNER THAT COMPLEMENTS ITS RICH HISTORIC CHARACTER AND BUILDING FORMS.*
>
> *5.5 – DG1 When reviewing applications for new downtown Juneau development, consider the visual impacts on downtown building form, urban design and view corridors, as well as impacts to the livability of downtown with regard to circulation, housing accommodations, air quality, noise and hazard abatement and provide of goods and services, to ensure downtown provides a clean, safe, attractive, dynamic, interesting, enjoyable, walkable, culturally diverse and affordable neighborhood within which to live, work and play.*
>
> *POLICY 5.6 TO ENCOURAGE TOURISM, CONVENTION AND OTHER VISITOR-RELATED ACTIVITIES THROUGH THE DEVELOPMENT OF APPROPRIATE FACILITIES AND SERVICES, WHILE PROTECTING JUNEAU'S NATURAL, CULTURAL AND ECONOMIC ATTRACTIONS FOR LOCAL RESIDENTS AND VISITORS ALIKE, AND TO PARTICIPATE IN THE ACCOMMODATION*

OF THE FUTURE GROWTH OF TOURISM IN A MANNER THAT ADDRESSES BOTH COMMUNITY AND INDUSTRY CONCERNS.

CHAPTER 10 – LAND USE
POLICY 10.7 TO DESIGNATE ON LAND USE AND ZONING MAPS, AND TO PROVIDE SERVICES TO, SUFFICIENT VACANT LAND WITHIN THE URBAN SERVICE AREA APPROPRIATELY LOCATED TO ACCOMMODATE FUTURE COMMERCIAL AND INDUSTRIAL USES.

10.7 IA1 Maintain and improve design review procedures to ensure that proposals for commercial (retail, office and institutional) development are evaluated with regard to site design, building placement, parking, landscaping, exterior lighting, screening and buffers, signage and other factors related to surrounding properties, land uses and public facilities.

CHAPTER 16 – HISTORIC AND CULTURAL RESOURCES
POLICY 16.2 TO IDENTIFY HISTORIC RESOURCES WITHIN THE CBJ AND TO TAKE APPROPRIATE MEASURES TO DOCUMENT AND PRESERVE THESE RESOURCES.

16.2 – SOP4 Identify appropriate regulatory measures to protect identified historic resources, including but not limited to demolition protection and the issuance of Certificates of Appropriateness for exterior alterations to designated historic structures.

16.2 – SOP6 Limit further degradation to existing historic districts by discouraging development that is inconsistent with historic district development standards.

Discussion
While the 2013 Comprehensive Plan does not speak directly to the enforcement of signage within the city and borough, there are numerous policies in place to protect property values, the city's image as the Capital City, and to protect historic resources throughout the borough. The proposed Title 49 amendment will further these Comprehensive Plan policies.

COMPLIANCE WITH CBJ LAND USE CODE

The proposed amendment to Title 49 will not create any internal inconsistencies within the Code. *CBJ 49.10. Article VI Enforcement* already provides for authority to enforce in various land use and emergency situations. CBJ 49.45.410 provides for specific authority to enforce fines for sign violations. The proposed fee of $500 a day per violation is similar to the fees listed in CBJ 49.10.630 for civil action:

> *"A person who violates or causes or permits to be violated a provision of this title or a regulation, a lawful order of the department, or a permit, approval, or term or condition of a permit or approval issued under this title is liable, in a civil action, to the municipality for a sum to be assessed by the court of not less than $25.00 nor more than $1,000.00 for the initial violation, nor more than $500.00 for each day thereafter on which the violation continues…."*

The proposed change is consistent with Title 49.

FINDINGS

Based upon the above analysis, staff finds that the proposed text amendment to Title 49 is consistent with the goals and policies in the Comprehensive Plan as well as Title 49. Additionally, this change would not create any internal inconsistencies within any plans or Codes.

STAFF RECOMMENDATION

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

Meeting Minutes of the
City and Borough of Juneau
Historic Resources Committee Advisory Committee

Wednesday, December 3, 2014
Juneau-Douglas City Museum
5:00 p.m. to 7:00 p.m.

Members:

__ Gary Gillette (Chair)	____ Don Harris (Vice-Chair)	__Shauna McMahon (recorder)
___ Marie Darlin	____ Gerald Gotschall	__ Sorrel Nikko
____Myra Gilliam	____ Zane Jones	__ Michael Tripp

Staff: __ Jane Lindsey (CBJ, Juneau-Douglas City Museum)

__ Laura Boyce (CBJ Community Development)

__ Allison Eddins (CBJ Community Development)

Guest:

Michele Elfers (CBJ Engineering)
Bob Banghart (Alaska State Museum)
(several student guests-below)
Adrienne Sjpeck
Samuel Bibb
Darian Perov
Michelle Corpuz
Jenetha Peralta

I. Call to Order: 5:05 pm,

II. Approval of Agenda: Approved unanimously. V1.3 Downtown Historic Sign Update was incorporated into item VI.5 Title 49 Change.

III. Approval of Minutes: Approved unanimously

IV. Public Testimony on Non-agenda Items: none

Round Robin introductions for benefit of new CBJ planning staff

ATTACHMENT A

V. New Business

1 SLAM Flicker Feather update- Bob Banghart

Gary Gillette provided run-down of HRAC participation. City Manager had asked HRAC to review and comment on flicker feather panels. HRAC recommended replication of panel. CBJ Assembly did not concur with HRAC recommendations and they revised resolution to keep interpretation and exhibit but not to include panel detail.

Bob Banghart noted that the entry way of the museum within the SLAM building will feature a 2'x 10' flicker feather panel replica on a 10' x 15' wall. It was emphasized that this is one of the first things visitors would see and would be prominent. The model of the former Alaska State Museum will also be in that area sitting on a pillar. The interpretative publication with building history is expected to be about 40 pages and have lots of photos- "The View from the Future." Marie Darlin asked to review the publication and Sorrell Nikko will make available to her.

2. Downtown Improvement Planning & Design Study

Michelle Eldfers with CBJ described upcoming effort regarding downtown and related downtown street reconstruction planning. Phase I will included hiring consultant (January or February 2015) for outreach and issue identification. Some of the related topics include: downtown circulator/streetcar? Historic Loop and historic district "entry"? HRAC members noted that there is distinction between the designated downtown historic district and the larger historic downtown and historic buildings outlying the downtown historic district. It was noted that DOT be included regarding signs and infrastructure. Gerald Gotschall inquired whether the project would include non-sidewalk- non road issues such as building condition, low eaves and canopies, and lighting.

VI Old Business

1. Museum Report – Jane Lindsay

The energy usage reports and cost projections show positive effects of JDCM HAVAC and related upgrades. Electric costs are estimated at about $19,000/yr. versus the previous oil and electric costs of ~22,000/yr. There is a remaining project payment but largely the invoices have been pad. Mike Tripp asked for another walk through now that the project is complete.

2. Grants

Laura Boyce noted that the RFP is being prepared for the Evergreen mapping project. Also an approval letter for the Phase I of the Preservation Plan was received- next step is appropriation

4. Auke Bay Historical & Cultural Resources Chapter Review

Some HRAC members noted that it would be important to distinguish photos of Auk Village area versus those of Auke Bay. There were several comments regarding page 26. This included "outreach to…" listing- have tribes first, then Sealaska. It was also noted that using "interested parties" would encourage individual input as opposed to just agencies. Mixed usage of Indian Point and Auke Cape should be changed to consistent term. There was also HRAC member interest in nomination status for Auke Cape- maybe SHPO has further information?

5 Proposed Title 49 Change Regarding Signage Enforcement Fees

Two potential ideas for Title 49. Option A was a simple increasing fine. Option B was a $500/day fee modelled after Skagway. Option B was noted as easiest for staff- less letters.) It was suggested that feedback from Downtown Improvement Group and possible letter of support from them could help implement the change. The proposed Title 49 change would need to go before Planning Commission and then Full Assembly.

-MOTION- HRAC supports the Option B change to the Title 49 Signage Enforcement Fees and asks CBJ staff to draft HRAC Letter of Support
(Motioned by Gerald Gotschall, approved unanimously)

VII Committee Comments

HRAC members noted cases where HRAC was not notified or not included early in projects of interest. A Kodzoff Acre home was nominated by the Historic Commission but HRAC not informed. Another example was the MOA drafting in the SLAM projects.

There is another Anniversary Grant opportunity with application deadline of 2/23/15. The time period of interest is 150 years to purchase. The project completion would be September 2016.

VIII. Next Meeting Wednesday January 7, 2014 at 5:00 pm, City Hall Room 225

IX Adjournment 6:50

TITLE 49 COMMITTEE

PLANNING COMMISSION, CITY AND BOROUGH OF JUNEAU
JANUARY 27, 2015 MEETING, 5:00 PM TO 6:00 PM
COMMUNITY DEVELOPMENT DEPARTMENT (CDD) CONFERENCE ROOM
MEETING MINUTES

Committee Members Present:
Nicole Grewe (Chair), Bill Peters, and Paul Voelckers

Committee Members Absent:
Michael Levine, Gordon Jackson (alternate)

Staff Present:
Beth McKibben, Laura Boyce

Public or Other Present:
Historic Resources Advisory Committee (HRAC) Zane Jones and Michael Tripp

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DRAFT

Reading of Agenda [Note – Reading of agenda did not occur at this meeting.]

- Motion: Not applicable
- Vote: Not applicable
- Resolved: Not applicable

Approval of Minutes [Note – Meeting minutes for prior meeting not available for consideration.]

- Motion: Not applicable
- Vote: Not applicable
- Resolved: Not applicable

Agenda Topics

- Opening comments via Chair Grewe regarding intent of T49 committee, membership update, past meeting practices, and future meeting agendas.
- Short presentation regarding recommended update to Code of Ordinances regarding signage violation penalties provided by HRAC members Zane Jones and Michael Trip. HRAC recommends adoption of draft ordinance language to increase penalty fee from $25 - $100 to $200 - $1,000, to be applied across the CBJ. Discussion occurred regarding equally applying across the borough, types of current offenses, and methods to encourage sign ordinance compliance.
- Motion from Bill Peters: To approve for consideration by the full Planning Commission, draft ordinance language related to the enforcement and penalties of signage violations as drafted by the HRAC with consult by CBJ Planner Laura Boyce.
- Vote: Motion carried.
- Resolved: Draft ordinance language related to the enforcement and penalties of signage violation forwarded to the full Planning Commission for full consideration and meeting date TBD.

Meeting adjourned at 5:50 PM

ATTACHMENT B

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF RECOMMENDATION
Date: April 16, 2015
File No.: AME2015 0003

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

Application For: Planning Commission Recommendation to the City and Borough Assembly regarding a text amendment to CBJ 49.45.410, increasing the sign enforcement fee.

Legal Description: Borough-wide

Hearing Date: April 14, 2015

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated April 1, 2015, and recommended that the City and Borough Assembly adopt staff's recommendation, with amendment as described below, for increases to signage enforcement fees in CBJ Title 49.

Attachments: April 1, 2015, memorandum from Laura A. Boyce, AICP, Community Development, to the CBJ Planning Commission regarding AME2015 0003

Amendment: At 49.45.410, is amended to read: "A violation of this chapter is a violation subject to civil fine. On a first offense, the final shall be eliminated if the business proves the violation(s) of this chapter has been remedied within 15 days of issuance of the citation."

CBJ 03.30.070 Violations; civil fines would be amended to add:

49.45.410 Sign violation $500 per day/per offense

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

Project Planner: Laura A Boyce

Laura A. Boyce, AICP, Planner
Community Development Department

Michael Satre, Chair
Planning Commission

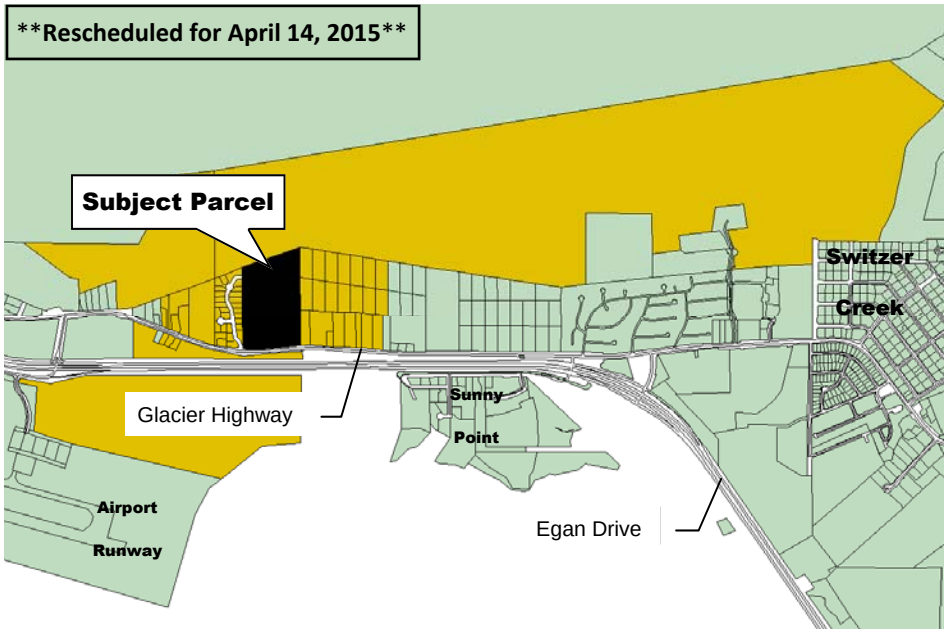
Laurie J. Sica 4/22/15

Filed With City Clerk Date

cc: Plan Review

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

NOTICE OF PUBLIC HEARING



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

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: A Rezone request to change 19.71 acres from D-5 to a mix of D-18 and LC (Light Commercial).

File No:	AME2015 0005	Applicant:	RH Development
To:	Adjacent Property Owners	Property PCN:	5-B14-0-101-001-0
Hearing Date:	**April 14, 2015**	Owner:	Honsinger Family Limited Partnership
Hearing Time:	7:00 PM	Size:	19.71 acres
Place:	Assembly Chambers	Zoned:	D-5
	Municipal Building	Site Address:	7400 Glacier Highway
	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 Jonathan Lange at Jonathan.Lange@juneau.org or 586-0218.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

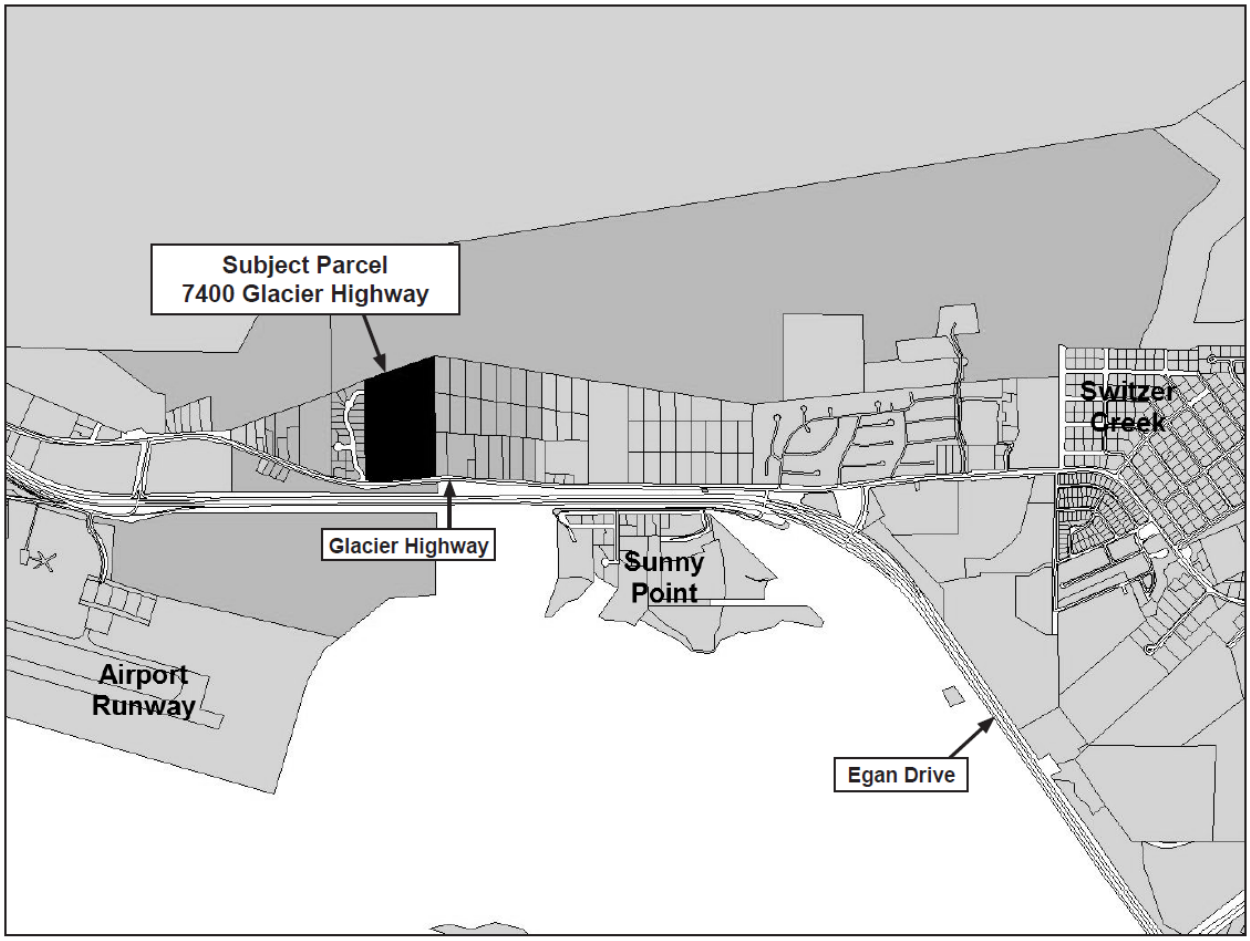
Date notice was printed: March 12, 2015

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 3, 2015
TO:	Planning Commission
FROM:	Jonathan Lange, CFM, Planner II Jonathan Lange Community Development Department
FILE NO.:	AME2015 0005
PROPOSAL:	A Rezone request to change 19.71 acres from D-5 to a mix of D-18 and LC (Light Commercial).
Applicant:	RH Development
Property Owner:	Honsinger Family Limited Partnership
Property Address:	7400 Glacier Highway
Legal Description:	USS 1568 Tract B1
Parcel Code No.:	5-B14-0-101-001-0
Site Size:	19.71 Acres
Zoning:	D-5
Comprehensive Plan Future Land Use Designation:	MDR – Medium Density Residential (Map G)
Utilities:	Public Water and Sewer
Access:	Glacier Highway
Existing Land Use:	Vacant
Surrounding Land Use:	North – D-5; Vacant portion of CBJ land South – D-5; Vacant land across Glacier Highway and Egan Drive East – D-5; Vacant land and single-family homes down Glacier Hwy West – D-5; Vista Del Sol single-family subdivision, under development

Vicinity Map



ATTACHMENTS

Attachment A – Development Permit, Zone Change Applications, Narrative and Sketch Plan
Attachment B – Neighborhood Meeting Material – Including Zoning Map, Comprehensive Land Use Designation Map
Attachment C – Public Notice
Attachment D – Comments
Attachment E – CBJ Wetlands Map
Attachment F – AK DOT&PF Lemon Creek Traffic Map
Attachment G – Site Pictures

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

PROPOSAL

The applicant has applied to rezone their vacant 19.71 acre lot, Tract B1 of U.S. Survey 1568, from D-5 to a mix of D-18 and LC (Light Commercial). The applicant has not stated a specific development proposal at this time. The applicant envisions a mix of Light Commercial and mixed-use development on approximately 7 acres at the front of the parcel that is adjacent to Glacier Highway. Multi-family residential development at a D-18 density would be developed behind the Light Commercial zoning on the remaining 12.71 acres of the subject parcel. See Attachment A for "Sketch Plan".

The applicant's lot is located north of Glacier Highway at approximately mile 7 of Glacier Highway. The subject lot is just east of the Vista Del Sol single-family residential subdivision (D-5), and is surrounded on the north and east sides by vacant D-5 zoned lots, with single-family homes east along Glacier Highway. Located to the West of the Vista Del Sol subdivision is Glacier Gardens, a commercial garden and tourist destination. A doctor's office and the Gastineau Humane Society are located one quarter of a mile west on Glacier Highway. South of the subject parcel is Glacier Highway and Egan Drive, a four lane highway.

BACKGROUND

The area was zoned as an R-7 Residential district in the 1969 Greater Juneau Borough Zoning Ordinance zoning maps. The R-7 zoning district required parcels to be created at a minimum lot size of 7,000 square feet. The R-7 description states: "The purpose of the R-7 District is to provide and protect residential land for families who desire to live in an environment of single and tow family dwellings. These Districts may be established to protect the character of existing residentially developed areas."

PUBLIC INPUT

On February 26, 2015 Community Development Department (CDD) staff held a neighborhood meeting in the library of Dzantik'I Heeni Middle School to discuss the applicant's original proposal to rezone the lot from D-5 to D-18. Five members of the public and the applicant attended the meeting. Staff described the application and rezone process and spoke about the Table of Permissible Uses and the Table of Dimensional Standards found in City and Borough of Juneau Land Use Code Title 49. Staff gave time for the applicant to speak about the property's history and the plans for the subject parcel. Members of the public in attendance had procedural questions about rezones.

On March 9, 2015 the applicant revised their proposal to rezone the parcel from D-5 to D-18, to a mix of D-18 and Light Commercial.

Staff has received concerns from neighboring property owners that the proposed rezone would allow for higher density, increased traffic, and a decrease in property values in the area (see Attachment D for public comments).

ANALYSIS

REZONE PROCEDURE

Title 49, the Land Use Code, establishes the following process for rezones:

> **CBJ 49.75.110 - Initiation.**
>
> **A rezoning may be initiated by the director, the commission, or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.**

The rezone proposal was filed on January 26, 2015, and public notices were mailed to property owners within 1,000 feet of the subject property and properties in the area that are designated as MDR – Medium Density Residential in the 2013 Comprehensive Plan. Staff chose to expand the mailing area to see if those property owners with land designated as MDR would be interested in rezoning their land to D-18. The rezone proposal was then revised March 9, 2015 and additional public notices were mailed to inform property owners of the revised proposal and the new public hearing date.

> **CBJ 49.75.120 - Restrictions on rezonings.**
>
> **Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.**

The parcel proposed for rezone is 19.71 acres as shown in Attachment B. Substantial conformance with the land use maps of the Comprehensive Plan will be discussed further in the report.

ZONING DISTRICTS

All zoning districts are established in the Title 49 Land Use Code. Attachment B indicates that the subject lot and neighboring lots are in the D-5 zoning district. The definitions of the D-5, D-18, and LC zoning districts are shown below.

CBJ 49.25.210 Residential Districts

D-5 District:

The D-5, residential district, is intended to accommodate primarily single-family and duplex residential development at a density of five dwelling units per acre. D-5 zoned lands are located in the urban service boundary and are served or can be served by public water and sewer.

D-18 District:

The D-18, residential district, is intended to accommodate primarily multifamily development at a density of 18 dwelling units per acre. This is a high density multifamily zoning district intended to accommodate midrise-type development.

CBJ 49.25.230 Commercial Districts

LC (Light Commercial) District:

The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the light commercial district.

The LC District allows up to 30 dwelling units per acre.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

As discussed above, the proposed zoning districts and the uses allowed therein must be found to substantially conform with the maps of the Comprehensive Plan. "Substantial" is commonly defined as: essentially, without material qualifications, in the main, in substance, materially, in a substantial manner.

2013 Comprehensive Plan

The introduction of the Comprehensive Plan states that the Plan should be "considered regularly and used by residents, the Planning Commission, and the Assembly to guide its' decisions and resource allocations and it must be kept current to reflect community values, resources, constraints and opportunities. Discussions related to community growth, redevelopment, capital and social improvements, or budget, must occur in consultation with the Plan. This is not to say that the Plan will be infallible or that it is cast in concrete. It should, however, bring into focus sufficient information and data so that the best possible considered and objective judgments can be made, using the most current data available when the data in the Plan is out of date."

The subject parcel is located in the Medium Density Residential (MDR) land use designation of the Comprehensive Plan, as shown in Attachment B.

> MDR Definition:
> These lands are characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

The definition of MDR indicates multi-family density residential uses. Both the D-5 and D-18 zoning districts fit within the "5 to 20 units per acre" density description in the MDR definition. The LC zoning district allows up to 30 units per acre.

The D-5 zoning district would permit the subject 19.71 acre parcel to be developed up to 99 dwelling units; the D-18 zoning district would permit the subject 19.71 acre parcel to be developed up to 355 dwelling units. A mix of approximately 7 acres of LC zoning and 12.71 acres of D-18 zoning would allow for the development of approximately 439 dwelling units. This is a total calculation for the land without the development of streets. The addition of streets will cause the approximate maximum dwelling units to decrease. The requested LC zoning district allows for higher residential density than MDR recommends.

Table of Dimensional Standards **Existing site 19.71 acres**	**D-5** **(5 du/acre)**	**D-18** **(18 du/acre)**	**LC** **(30 du/acre)**	**Mix of D-18** **(7 acres)** **and LC** **(12.71 acres)**
Number Units	99	355	N/A	439
Maximum Height Limit	35 feet	35 feet	45 feet	
Maximum Lot Coverage	50%	50%	None	
Vegetative Cover	20%	30%	15%	
Minimum Lot Size	7,000 sq. ft.	5,000 sq. ft.	2,000 sq. ft.	
Minimum Lot Size for Duplex	10,500 sq. ft	10,000 sq. ft	(30 units/acre)	
Minimum Lot Size for Bungalow	3,500 sq. ft.	2,500 sq. ft.	(30 units/acre)	
Minimum Lot Width	70 ft.	50 ft.	20 ft.	
Minimum Lot Depth	85 ft.	80 ft.	80 ft.	

The existing Light Commercial zoning districts throughout the Borough are located in the following Comprehensive Plan Land Use designations:

C – (Commercial) Definition:
Lands devoted to retail, office, food service or personal service uses, including neighborhood retail and community commercial centers, such as shopping centers and malls, office complexes or other large employment centers. Mixed retail/residential/office uses are allowed and encouraged. Residential and non-residential uses could be combined within a single structure, including off-street parking. Residential densities ranging from 18 – 60 units per acre are appropriate in this area, with even higher densities appropriate in mixed-use or transit-oriented developments. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land.

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

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

These areas are characterized by high-density, ranging from 10-60 dwelling units per acre and a mix of uses.

The following Comprehensive Plan policies are related to the rezone proposal:

POLICY 3.1. TO BALANCE AVAILABILITY OF SUFFICIENT LAND WITHIN THE DESIGNATED URBAN SERVICE AREA BOUNDARY THAT IS SUITABLY LOCATED AND PROVIDED WITH THE APPROPRIATE PUBLIC SERVICES AND FACILITIES TO MEET THE COMMUNITY'S FUTURE GROWTH NEEDS AND THE PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

3.1 – DG2 (Development Guideline) When considering rezoning applications of land located within the Urban Service Area from a non-residential zoning district to a residential or mixed use district; from a low-density residential district to a higher-density residential district; or from a lower building height district to a higher building height district, promote the development of new medium- (10 to 20 dwelling units per gross acre) to high-density (30 to 60 or more units per gross acre) residential developments that include dwelling units affordable to low-income households as a condition of the rezoning. The affordable units should be dispersed throughout the development, constructed at the same time as the market-rate units, and priced or rented to households with incomes no greater than 80 percent of the City and Borough of Juneau's Median Family Income (MFI) level by household size, as established annually by the U.S. Department of Housing and Urban Development (HUD).

POLICY 3.2. TO PROMOTE COMPACT URBAN DEVELOPMENT WITHIN THE DESIGNATED URBAN SERVICE AREA TO ENSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND TO FACILITATE COST EFFECTIVE PROVISION OF COMMUNITY SERVICES AND FACILITIES WHILE BALANCING PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.

The subject parcel is within the Urban Service Area Boundary and is provided with public services such as utilities and transportation. The Comprehensive Plan promotes higher density within the Urban Service Area. Affordable housing should be considered where infill development is created.

> **POLICY 4.1. TO FACILITATE THE PROVISION AND MAINTENANCE OF SAFE, SANITARY AND AFFORDABLE HOUSING FOR CBJ 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 4.8. TO BALANCE THE PROTECTION AND PRESERVATION OF THE CHARACTER AND QUALITY OF LIFE OF EXISTING NEIGHBORHOODS WITHIN THE URBACN SERVICE AREA WHILE PROVIDING OPPORTUNITIES FOR A MIXTURE OF NEW HOUSING TYPES.**

In Chapter 5, Economic Development, the Comprehensive Plan discusses Commercial and Industrial Development (page 57). It states:

> "Commercial and industrial activity requires sufficient and suitable land. Careful attention to the spatial requirements and locational considerations of potential uses is necessary to promote and maintain the local economy. As part of the 2008 Update of this Plan, CBJ staff conducted a survey of all business types and found that following, which are still relevant and accurate in 2013:
>
> 1. A need to expand the land available for retail and office uses, particularly in areas with high proximity to, and visibility from, major thoroughfares."

The proposed rezone to include Light Commercial zoning along Glacier Highway takes into consideration the above discussion of developing lands for commercial development.

> **POLICY 8.5. TO PROMOTE A BALANCED, WELL-INTEGRATED LOCAL MULTI-MODAL, SURFACE TRANSPORTATION SYSTEM THAT PROVIDES SAFE, CONVENIENT AND ENERGY-EFFICIENT ACCESS AND TRANSPORT FOR PEOPLE AND COMMODITIES.**
>
> 8.5 – DG (Development Guideline) 2 Review, implement and maintain appropriate and affordable development standards for major subdivisions and major developments to ensure safe and convenient vehicular traffic and to provide safe pedestrian and bicycle access internal to the subdivision/development as well as to ensure a Level of Service of D or better for roadways and intersections serving the development.

POLICY 8.6. TO PROMOTE AND FACILITATE TRANSPORTATION ALTERNATIVES TO PRIVATE VEHICLES AS A MEANS OF REDUCING TRAFFIC CONGESTION, AIR POLLUTION AND THE SONSUMPTION OF FOSSIL FUELS, AND TO PROVIDE SAFE AND HEALTHY MEANS OF TRANSPORTATION TO ALL PEOPLE.

8.6 – DG3 Require sidewalks and bicycle paths along roadways where higher-density housing is to be provided as a condition of a rezoning application for higher densities.

The Land Use Chapter, Chapter 10, discusses policies related to "community form, housing, economic and community development, natural resource protection and hazards prevention", all relating to Land Use. The second introduction paragraph ends with, "Land use policies should assist the CBJ government in its efforts to provide a variety of housing, to pursue opportunities for suitable residential and economic development and redevelopment, and to promote conservation and rational development of natural resources."

POLICY 10.2. TO ALLOW FEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DVELOPMENT WITHIN THE URBAN SERVICE AREA.

POLICY 10.3. TO FACILITATE RESIDENTIAL DEVELOPMENT OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORATION SYSTEMS.

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

The proposed rezone would be consistent with the above policies in that the envisioned development would create additional housing opportunities. At the time of development care should be taken to buffer any commercial and multi-family development from the existing single-family development to the west of the parcel. Staff has received concerns from adjacent property owners on the effect of the proposed rezone on their property values. Staff received a review comment from the CBJ Assessor's office stating, "The Assessor's Office has no issues with the re-zoning, nor do we anticipate it will have any impact on the value of neighboring properties, if constructed according to the information provided." The applicant has stated in their proposal as a reason for considering Light Commercial is to buffer the multi-family housing, behind the Light Commercial, from the noise of traffic generated from Glacier Highway and Egan Drive.

POLICY 10.7. TO DESIGNATE ON LAND USE AND ZONING MAPS, AND TO PROVIDE SERVICES TO, SUFFICIENT VACANT LAND WITHIN THE URBAN SERVICE AREA APPROPRIATELY LOCATED TO ACCOMMODATE FUTURE COMMERCIAL AND INDUSTRIAL USES.

Neighborhood Commercial Uses (page 137)

The community recognizes the need for appropriate small-scale commercial development to serve neighborhoods. The Land Use Code contains specific provisions to allow small-scale commercial retail establishments to be located in residential areas. There are a number of locations in the borough where additional such "Mom and Pop" stores would be appropriate to provide convenience goods and services for nearby residents to walk or cycle to patronize.

POLICY 10.10. TO ENCOURAGE SMALL-SCALE NEIGHBORHOOD CONVENIENCE COMMERCIAL USES IN APPROPRIATE AREAS IN NEW NEIGHBORHOODS AND WITH APPROPRIATE OPERATING MEASURES WITHIN EXISITING NEIGHBORHOODS.

10.10 – DG1 Maintain provisions in the Land Use Code for neighborhood commercial developments such as convenience grocery stores, including standards and limitations governing permitted uses, hours of operation and that mitigate potential adverse impacts such as traffic, safety, noise, litter, glare and loss of privacy to adjacent residential uses.

Chapter 11 of the Comprehensive Plan, Land Use Maps, provides guidance on "considering re-zoning requests, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration and all new zoning or re-zoning designations are required to be substantially consistent with the Comprehensive Plan and associated land use maps. In some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards."

The subject parcel is located on Map G of the Land Use Maps of the Comprehensive Plan. Map G is located within Subarea 4, East Mendenhall Valley & Airport, and Subarea 5, Switzer Creek, Lemon Creek, & Salmon Creek.

Guidelines and Considerations for Subarea 4:

1. Maintain the density of existing neighborhoods while encouraging the in-fill development of low-to moderate-income affordable housing.

2. Provide for increased community commercial development close to existing commercial areas in the lower valley.

Guidelines and Considerations for Subarea 5:

2. Provide for additional medium- to high density residential development in areas with access to arterial roadways from collector streets. Encourage the efficient use of land by allowing non-family housing, such as for students, single-adults or seniors, in mixed use districts within shopping centers or malls. Increase building height limits and decrease or eliminate parking requirements for such residential developments where adequately served by public transit.

Discussion

As noted above, the Comprehensive Plan contains policies that encourage affordable housing, higher housing densities, and commercial/mixed-use development that preserve the character and quality of existing neighborhoods.

Chapter 18: Implementation and Administration

The Comprehensive Plan as a Guiding Planning Document

"The Comprehensive Plan provides a rational and consistent policy basis for guiding all future CBJ government growth and development decisions. This requires that each land use decision, from the most minor variance to the development of a New Growth Area, be evaluated for its compliance with the policies, guidelines, standards and criteria established in the Plan. To ensure this, procedures must be followed to require that routine consultation of the Plan is an integral part of the land use decision making process."

"The Plan contains 123 Policies, each of which may have an associated "Standard Operating Procedure," "Development Guideline," and/or "Implementing Action," which are directives for how to carry out the policy. As a preliminary matter, the reviewer must determine which Policies are relevant to the subject at hand. Of course, the writers of the Plan cannot envision every sort of proposal that might one day be conceived and analyzed against the Policies. In that vein, such analyses are not conducted on an absolute basis. That is, failure of a proposal to conform to one particular Policy in the Plan does not automatically mean that it is inappropriate if conformance is shown with other policies of the Plan. Thus, the analysis is one of balancing the many relevant policies and looking holistically at the particular situation, site and its environs."

COMPLIANCE WITH CBJ LAND USE CODE

The Table of Dimensional Standards (shown in the previous table, page 7) and the Table of Permissible Uses of the Land Use Code establish the permitted standards and uses in zoning districts (see Attachment B). The following page is a list of a few of the uses allowed within the D-5, D-18, and LC zoning districts.

Table of Permissible Uses	D-5	D-18	LC
Day animal services, grooming, walking, day care	3		3
Wild animal rehabilitation facilities without a visitor component	3		3
Stabling of farm animals	3		3
Public works facility	3		3
Funeral Home	3		1,3
Single room occupancies with private facilities		1,3	1,3
Common Wall Development with three or more dwelling units		1,3	1,3
Offices greater than 1,000 but not more than 2,500 square feet		3	1
Light Manufacturing		3	1,3
Theatres seating for 200 or fewer		3	1
Health care clinics, other medical treatment facilities providing out-patient care		3	1,3
Day care centers for children and adults		3	1,3
Small restaurants, less than 1,000 square feet without drive through service		3	1
Spring water bottling		3	3
Dry cleaner, laundromat – Drop off and pickup only, no onsite laundry or dry cleaning process		1,3	1,3
Multi-family dwellings		1,3	1,3
Hotels, motels			1,3
Sales and retail goods, Merchandise or equipment			1
Research, laboratory office uses			1,3
Offices greater than 2,500 square feet		3	1
Trade, vocational schools, commercial schools			3
Social, fraternal clubs, lodges, union halls, yacht clubs			1,3
Bowling alleys, billiard, pool halls			1,3
Theaters seating from 201 to 1,000			3
Hospital			3
Halfway houses			3
Restaurants, bars without drive through service			1,3
Restaurants, coffee stands with drive through service			1,3
Seasonal open air food service without drive through			1,3
Motor vehicle, mobile home sale or rental			1,3
Automotive fuel station			3
Car wash			3
Sand and gravel operations			3
1- Department approval only 3- Conditional Use permit required Blank box- not allowed			

The D-5 and D-18 zoning districts have similar allowed uses, though as staff has outlined above, the D-18 zoning district has more uses allowed due to its multi-family residential density characteristics. The LC zoning district allows all uses from the D-5 and D-18 zoning districts as well as a greater variety of uses due to its commercial nature. As stated in the description of the LC zoning district, these uses should be less intensive than those permitted in the general commercial district. Most uses within the LC zoning district require a Conditional Use permit prior to development as they are primarily located adjacent to existing residential areas. When the property is developed, the proposed development will need to meet all development standards in order to receive approval.

TRAFFIC

The proposed rezone request would allow the subject 19.71 acre parcel to be developed up to 439 dwelling units. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual the average apartment, in an apartment building, generates 6.72 daily weekday trips. This parcel may generate 2,948.6 average daily trips (ADT).

Per CBJ Land Use Code Title 49.40.300(a)(3):

(a) A traffic impact analysis (TIA) shall be required as follows:

(1) A development projected to generate 500 or more average daily trips (ADT) shall be required to have a traffic impact analysis.
(4) The applicant shall provide the traffic projections for the project, and the department will review and approve the final figures.
(5) A TIA must be prepared by a licensed engineer, or a transportation planner, with traffic analysis experience, approved by the director.

(b) The department shall require the applicant to contact the Alaska Department of Transportation and public facilities to determine whether a state permit or TIA will be required.

The average daily traffic for the section of Glacier Highway, in front of the subject parcel, from Fred Meyer to the DOT&PF Access Road is 12,475 trips (per the DOT&PF Lemon Creek Traffic Map 2012, see Attachment F).

However none of these trips are triggered by a rezone; only the development or subdivision of the property would prompt the analysis for trip generation based upon a proposal. At the time of a specific development permit and/or Conditional Use Permit application for the subject parcel, the applicant will be required per code to provide a Traffic Impact Analysis (TIA) for their proposed development or subdivision on this parcel.

The State of Alaska Department of Transportation and Public Facilities will require a Driveway Permit prior to development or subdivision to determine what driveway or intersection standards that may be required for the proposed development.

The subject parcel is less than one quarter of a mile from a bus stop on Glacier Highway. The parcel is also within one half of a mile of the Fred Meyer retail store. There is a sidewalk on the north side of Glacier Highway between Fred Meyer and Walmart.

HABITAT

There are no sensitive environmental habitats regulated by the Land Use Code in the project area. The applicant, in his narrative, states that "A large portion of the parcel is believed to be wetlands". Though, according to the wetlands maps of the CBJ (see Attachment E) there were no mapped wetlands in this area. The applicant will work with the Army Corps of Engineers for wetland permitting.

SUMMARY

The requested rezone to a mix of D-18 and Light Commercial is not consistent with the Land Use Maps of the Comprehensive Plan, as the Light Commercial zoning district allows up to 30 units per acre; whereas the MDR Land Use Designation speaks to residential densities ranging from 5 to 20 units per acre.

There are policies in the Comprehensive Plan that compete; many stating the need for housing and expanding commercial areas, and policies that support protecting neighborhoods from incompatible uses. The area in which the subject parcel is located is currently developed at very low densities. The Vista Del Sol subdivision is under development adjacent to the parcel, but most of the parcels along Glacier Highway are only developed with single-family homes.

Light Commercial has the potential to substantially conform to the MDR designation as long as future development proposals "are of a scale consistent with a residential neighborhood", as defined by the Comprehensive Plan. The D-18 zoning district provides for some commercial use but is very limited in relation to the LC zoning district. Many of the commercial uses in the LC zoning district may be too intense for what is normally found or considered to be of scale in a residential neighborhood. While the CBJ Land Use Code does place Light Commercial adjacent to residential areas, it states that commercial development should be compatible with the surrounding neighborhood. Commercial development in the LC zoning district would be less intensive than other commercial development and would require the approval of a Conditional Use permit by the Planning Commission in order for the light commercial use to be determined compatible with surrounding land uses.

FINDINGS

After review of the application materials, the CBJ Land Use Code, and the CBJ 2013 Comprehensive Plan, the Director makes the following findings:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Land Use Code.

2. D-18 zoning does not violate the land use maps of the Comprehensive Plan and is consistent with Map G. LC zoning does not substantially conform with the Land Use maps of the Comprehensive Plan in that it allows densities greater than 20 dwelling units per acre.

3. The rezoning constitutes an area greater than two acres.

RECOMMENDATION

Based upon the proposed project (identified as Attachments A), and the findings and conclusions stated above, staff recommends the Planning Commission adopt the director's analysis and findings and **RECOMMEND APPROVAL** to the Assembly to rezone the subject parcel from D-5 to D-18.

However, if the Planning Commission chooses to recommend to the Assembly that the lot be rezoned to a mix of D-18 (12.71 acres) and Light Commercial (7 acres), staff recommends the following condition be considered:

1. Adequate buffering should be considered at the time of development proposal and or subdivision, in order to buffer the multi-family residential development and commercial uses from the adjacent D-5 subdivision.

DEVELOPMENT PERMIT APPLICATION

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

PROJECT / APPLICANT INFORMATION

Project Description
Zone Change D-5 To D-18 , and Subsequent Subdivision

PROPERTY LOCATION

Street Address	City/Zip
7400 Glacier Hwy.	Juneau

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
USS 1568 TR-B1 Juneau Recording Dist.

Assessor's Parcel Number(s)
5B1401010010

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
Honsinger Family Limited Partnership & TKP L.L.C	Penny Miller	
Mailing Address	**Home Phone:**	**Fax Number:**
PO Box 20490 Juneau AK 99802	789-6811	790-7225
E-mail Address	**Other Contact Phone Number(s):**	
N/A	321-4037	

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 Penny Miller, General Partner — Landowner/Lessee Signature — Date 1/23/15

X _____ Landowner/Lessee Signature — Date

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT If the same as OWNER, write "SAME" and sign and date at X below

Applicant's Name	Contact Person:	Work Phone:
Richard Harris	Rich	907-723-4791
Mailing Address	**Home Phone:**	**Fax Number:**
P.O. Box 32403 Juneau Ak, 99803		907-790-4147
E-mail Address	**Other Contact Phone Number(s):**	
rhdevelopment@gci.net		

X _____ 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)			
	Variance Case (De Minimis and all other Variance case types)			
	Wetlands Permits			
X	Zone Change Application		1/26/15	AME 15-005
	Other (Describe)			

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

Comments:

Permit Intake Initials: CM

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

ATTACHMENT A

ZONE CHANGE APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		AME 15-005	1/26/15

TO BE COMPLETED BY THE APPLICANT

LEGAL DESCRIPTION(S) AND LIMITS OF PROPERTY TO BE REZONED:
USS 1568 TR-B1 Juneau Recording Dist.

IS THIS AN EXPANSION OF AN EXISTING ZONE? ☐ Yes ☐ No

Total Land Area of Proposed Change 19 acres Comp Plan Designation MDR

Current Zone(s) D-5 Comp Plan Map Map G

New Zone Requested D-18

TYPE OF ZONE CHANGE REQUESTED:
☑ Regular ☐ Transition

HAS THIS OR A SIMILAR ZONE CHANGE BEEN REQUESTED IN THE PREVIOUS 12 MONTHS?
☐ Yes ☑ No

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

PURPOSE OF THE REQUESTED ZONE CHANGE:
To enable the development of much needed housing within the Borough. To maximize the highest and best use of the land as stated in the CBJ Comprehensive plan. minimize impacts of forested lands, minimizing Urban Sprawl.

IS THERE A PROPOSED USE OF THE LAND? ☑ Yes ☐ No
PROPOSED BUFFERS TO ADJACENT ZONES? ☐ Yes ☑ No
DESCRIBE (INCLUDING TYPE AND DENSITY OF PROPOSED DEVELOPMENT):
construction of medium density residential Housing units,and Apartments, Condominiums.

DESCRIBE ANY POTENTIAL IMPACTS TO PUBLIC INFRASTRUCTURE:
STREETS: There are no negative impacts known
WATER: There are no negative impacts known
SEWER: There are no negative impacts known

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.

ZONE CHANGE FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ 600			
Admin. of Guarantee	$			
Adjustment	$			
Pub. Not. Sign Fee	$ 50			
Pub. Not. Sign Deposit	$ 100			
Total Fee	$ 750	006112	013266	1/26/15

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

ATTACHMENT A

1/23/2015

Narrative for rezone Application: 7400 Glacier Hwy. Juneau

The subject Parcel is an Ideal location for multifamily housing. The property has great southern exposure, with slow rising terrain, making a great location for housing. A large portion of the parcel is believed to be wetlands and much of this will be preserved through the wetland permitting process, the process will limit the usable land within this parcel, requiring that the usable portions of the land be at higher density to accommodate a quality housing project. The Comprehensive plan and the MDR designation support, and encourage the rezone request. The Applicants overall objective is to provide a mix of Medium density residential housing, in a location that is conveniently located within the community, and near commercial development.

The South side of the subject property fronts on Old Glacier Hwy. A residential subdivision is currently under construction to the West; further to the west are a few older homes, multifamily housing, commercial and mixed use properties. To the North is a large undeveloped CBJ land parcel. Directly to the East is undeveloped mental health trust land further to the east are a few older homes, multifamily and commercial properties this area is mostly undeveloped at this time.

RECEIVED
JAN 26 2015
PERMIT CENTER/CDD

RECEIVED
JAN 2 6 2015
PERMIT CENTER/CDD

LEGEND

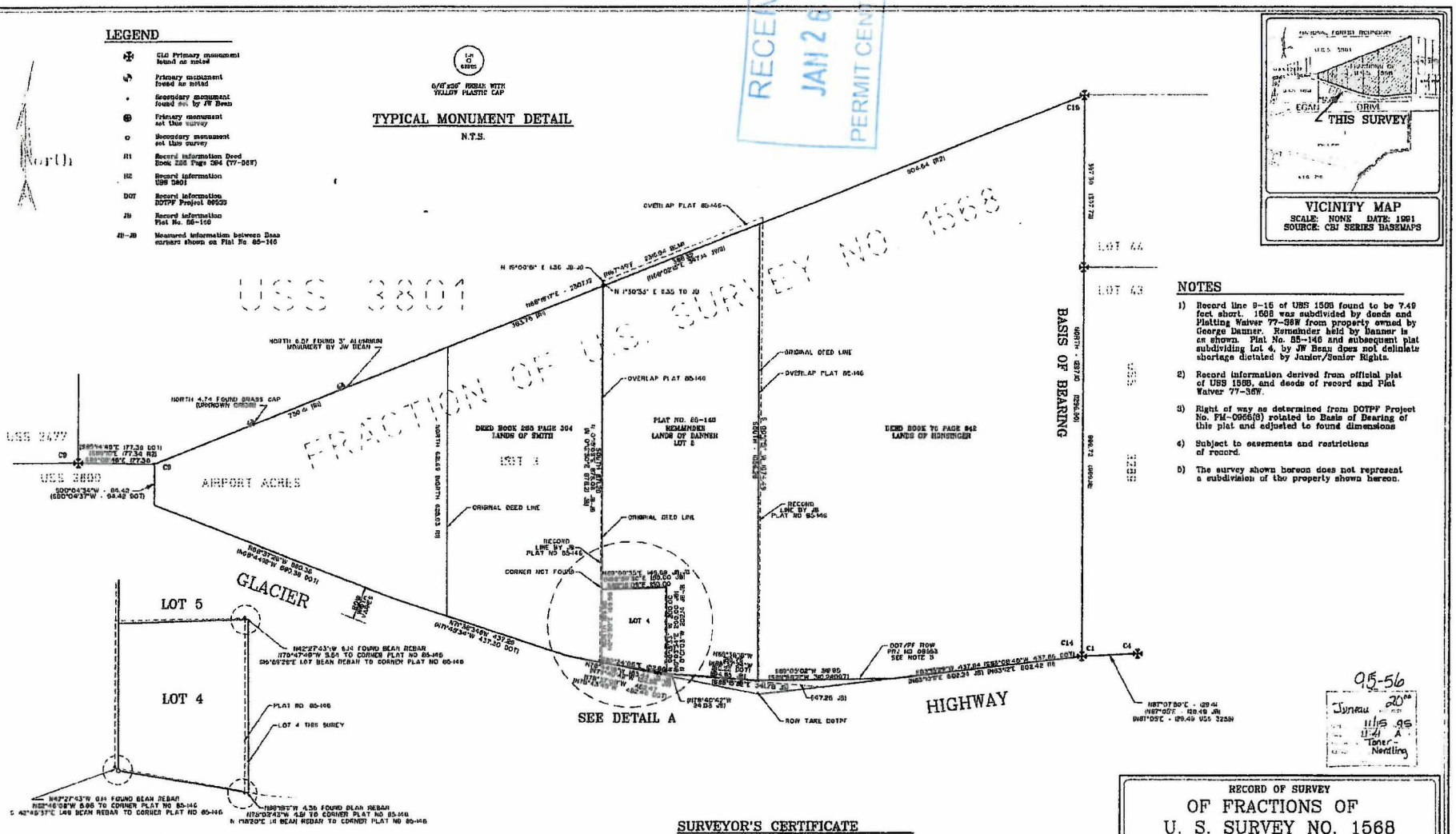
- CLO Primary monument found as noted
- Primary monument found as noted
- Secondary monument found set by JW Bean
- Primary monument set this survey
- Secondary monument set this survey
- R1 Record information Deed Book 288 Page 304 (77-36W)
- R2 Record information USS 2801
- DOT Record information DOTPF Project 69533
- JB Record information Plat No. 85-146
- JB-JB Measured information between Base markers shown on Plat No 85-146

North

1/4" Q 63265
5/8"x36" REBAR WITH YELLOW PLASTIC CAP

TYPICAL MONUMENT DETAIL

N.T.S.



DETAIL A

VICINITY MAP
SCALE: NONE DATE: 1991
SOURCE: CSI SERIES BASEMAPS

NOTES

1) Record line 9-16 of USS 1568 found to be 7.49 feet short. 1568 was subdivided by deeds and Platting Waiver 77-36W from property owned by George Danner. Remainder held by Danner is as shown. Plat No. 85-146 and subsequent plat subdividing Lot 4, by JW Bean does not delineate shortage dictated by Junior/Senior Rights.
2) Record information derived from official plat of USS 1568, and deeds of record and Plat Waiver 77-36W.
3) Right of way as determined from DOTPF Project No. FM-0966(3) rotated to Basis of Bearing of this plat and adjusted to found dimensions
4) Subject to easements and restrictions of record.
5) The survey shown hereon does not represent a subdivision of the property shown hereon.

BASIS OF BEARING

The Basis of Bearing for this plat is the record bearing of NORTH as shown on the official plat of U.S. Survey No. 1568, between found monuments which mark corner no. 14 and corner no. 16

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 limits of a Third Order Class I Survey, that all dimensional and relative bearings are correct and that monuments are set in place and noted upon this plat as presented

Dated November 15, 1995

STATE OF ALASKA 49th

95-56
Juneau 20
11/15/95
U-41 A
Toner-Nordling

RECORD OF SURVEY
OF FRACTIONS OF
U. S. SURVEY NO. 1568
JUNEAU RECORDING DISTRICT, JUNEAU ALASKA

TONER-NORDLING & ASSOCIATES INC
CIVIL ENGINEERING-LAND SURVEYING-CONSTRUCTION MANAGEMENT
2221 NORTH JORDAN AVENUE
JUNEAU ALASKA 99801 907-789-3530

SCALE:	DATE:	PROJECT NO:	FILE NO:	SHEET NO:
1" = 100'	NOV 10 1995	TNA-1		1 of 1

ATTACHMENT A

ATTACHMENT A

Waters of the United States
7400 Glacier Highway

POA-2013-582, Gastineau Channel
Robert Lafavour
Residential Development

RECEIVED
JAN 26 2015
PERMIT CENTER/CDD

Jonathan Lange

From: RICHARD HARRIS <RHDevelopment@gci.net>
Sent: Tuesday, March 24, 2015 3:50 PM
To: Jonathan Lange
Subject: RE: Crude sketch

Approximately but the road way will eliminate over a half acre (.60 acre) at a minimum. If more road access is required within the two larger parcel that will cut it down even further. Access will eat up a fair amount of ground.

Rich

From: Jonathan Lange [mailto:Jonathan.Lange@juneau.org]
Sent: Tuesday, March 24, 2015 3:28 PM
To: 'RICHARD HARRIS'
Subject: RE: Crude sketch

I will have to change some numbers in my staff report, but I don't think it is a big issue.
Would that make it about 7 acres then?

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: RICHARD HARRIS [mailto:RHDevelopment@gci.net]
Sent: Tuesday, March 24, 2015 3:19 PM
To: Jonathan Lange
Subject: RE: Crude sketch

Jonathan , I'm not sure how detailed we need to be right now, going into this process however after further review we would like to request the front 400' depth of the parcel to be L.C. I believe I initially said 300' hope this is not a big issue.

Rich

From: Jonathan Lange [mailto:Jonathan.Lange@juneau.org]
Sent: Tuesday, March 17, 2015 4:27 PM
To: 'RICHARD HARRIS'
Subject: RE: Crude sketch

Rich,

We have sent out Public Notice for your proposal for the April 14th Regular Planning Commission Meeting. I will have a draft of the staff report done by next Tuesday or Wednesday.
The public notice sign needs to be posted on Tuesday, March 31st. We will have it ready for pick up Friday, March 27th, we are closed Monday, March 30th for Seward's Day.
I hope this helps and let me know if you have any further questions.
Have a good evening.

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: RICHARD HARRIS [mailto:RHDevelopment@gci.net]
Sent: Tuesday, March 17, 2015 2:47 PM
To: Jonathan Lange
Subject: RE: Crude sketch

Jonathan, Can you please provide a new schedule? I am planning for our request to be before the planning commission on the 14th of April. I am not sure about the public notice sign, etc.

Thanks,

Rich

From: Jonathan Lange [mailto:Jonathan.Lange@juneau.org]
Sent: Monday, March 09, 2015 3:20 PM
To: 'RICHARD HARRIS'
Subject: RE: Crude sketch

Thank you for your reply.

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: RICHARD HARRIS [mailto:rhdevelopment@gci.net]
Sent: Monday, March 09, 2015 3:16 PM

To: Jonathan Lange
Subject: Re: Crude sketch

Jonathan, yes I would like to reschedule for the first meeting in April and pursue the L.C.

Thanks , Rich

Sent from my iPhone

On Mar 9, 2015, at 3:04 PM, Jonathan Lange <Jonathan.Lange@juneau.org> wrote:

<image002.gif>
Rich,
Thanks for the concept sketch.
After we spoke on the phone I talked with our administrative staff and they made it clear to me that they would need my staff report (current proposal, D-5 to D-18) for the March 24th Planning Commission hearing by the end of the day today. As I haven't had time to review the D-5 to D-18 and LC, I cannot give you a decision on the staff recommendation to the Commission for the LC with D-18.
So if you want to stick with the current proposal I would need to know by the end of the day today. If you would like to go for the revised proposal to LC and D-18, we can review your proposal and take it before the Planning Commission in April.
Let me know what you think.
Talk to you soon.

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Ph (907)586-0218 F (907)586-4529
Jonathan.Lange@juneau.org
<image004.jpg>

From: RICHARD HARRIS [mailto:RHDevelopment@gci.net]
Sent: Monday, March 09, 2015 2:08 PM
To: Jonathan Lange
Subject: Crude sketch

Jonathan, attached a concept sketch of what we talked about on the phone. Dimensions are on the sketch , and are estimated. The portions of the property at the top would be utilized for multi-family units, and preserve.

Thanks,
Richard Harris

Jonathan Lange

From: RICHARD HARRIS <RHDevelopment@gci.net>
Sent: Tuesday, March 24, 2015 3:50 PM
To: Jonathan Lange
Subject: RE: Crude sketch

Approximately but the road way will eliminate over a half acre (.60 acre) at a minimum. If more road access is required within the two larger parcel that will cut it down even further. Access will eat up a fair amount of ground.

Rich

From: Jonathan Lange [mailto:Jonathan.Lange@juneau.org]
Sent: Tuesday, March 24, 2015 3:28 PM
To: 'RICHARD HARRIS'
Subject: RE: Crude sketch

I will have to change some numbers in my staff report, but I don't think it is a big issue.
Would that make it about 7 acres then?

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Ph (907)586-0218 F (907)586-4529
Jonathan.Lange@juneau.org

From: RICHARD HARRIS [mailto:RHDevelopment@gci.net]
Sent: Tuesday, March 24, 2015 3:19 PM
To: Jonathan Lange
Subject: RE: Crude sketch

Jonathan , I'm not sure how detailed we need to be right now, going into this process however after further review we would like to request the front 400' depth of the parcel to be L.C. I believe I initially said 300' hope this is not a big issue.

Rich

From: Jonathan Lange [mailto:Jonathan.Lange@juneau.org]
Sent: Tuesday, March 17, 2015 4:27 PM
To: 'RICHARD HARRIS'
Subject: RE: Crude sketch

Rich,

We have sent out Public Notice for your proposal for the April 14th Regular Planning Commission Meeting. I will have a draft of the staff report done by next Tuesday or Wednesday.
The public notice sign needs to be posted on Tuesday, March 31st. We will have it ready for pick up Friday, March 27th, we are closed Monday, March 30th for Seward's Day.
I hope this helps and let me know if you have any further questions.
Have a good evening.

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: RICHARD HARRIS [mailto:RHDevelopment@gci.net]
Sent: Tuesday, March 17, 2015 2:47 PM
To: Jonathan Lange
Subject: RE: Crude sketch

Jonathan, Can you please provide a new schedule? I am planning for our request to be before the planning commission on the 14th of April. I am not sure about the public notice sign, etc.

Thanks,

Rich

From: Jonathan Lange [mailto:Jonathan.Lange@juneau.org]
Sent: Monday, March 09, 2015 3:20 PM
To: 'RICHARD HARRIS'
Subject: RE: Crude sketch

Thank you for your reply.

Jonathan Lange, Planner II
Community Development Department
City & Borough of Juneau, Alaska
155 S. Seward St. Juneau, AK 99801
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Jonathan.Lange@juneau.org

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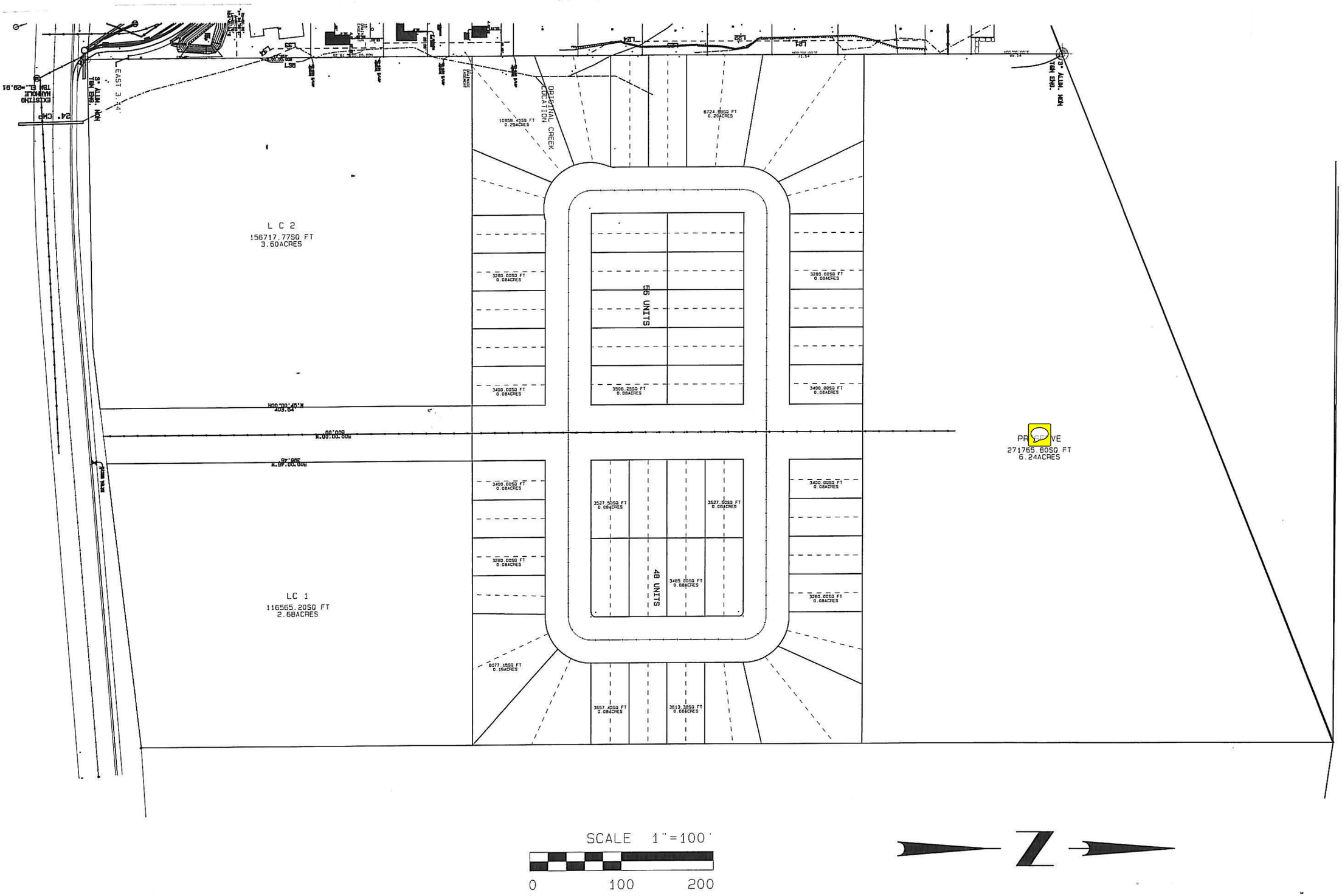
Richard Harris

ATTACHMENT A



RH Development LLC
PO Box 32403 Juneau, AK 99803
Phone 907-790-4146
Fax 907-790-4147

March 31, 2015

Mr. Michael Satre, Chair
Members of the CBJ Planning Commission
City and Borough of Juneau
155 South Seward Street
Juneau, Ak 99801

RE: 7400 Glacier Hwy. Rezone request

Dear Mr. Satre':

Thank you for your consideration and review of our rezone request.

As might be expected; we the applicant; disagree whole heartedly with staff's determination and recommendation for denial of the light commercial portion of our request. Staff has determined the Comprehensive Plan and maps to be construed as definitive and absolute in nature. The Comprehensive Plan does not support a decision-making process where the actual numeric density designation of the districts at issue is the deciding factor to the exclusion of all other considerations. Land use decisions should be made considering the policies and guidance given in the Plan and translated in the maps, aiming to promote the highest and best use of the land under consideration. We believe staff's strict reliance upon the actual numeric density designation in finding that the LC district density of 30 units per acre is inconsistent with the 20 unit per acre MDR, to be inconsistent with the guiding policies and considerations contained in the Comprehensive Plan.

We have attached a previous zone change determination that explains our position very well, and supports our request. For your convenience we have highlighted the portions that best describe our position.

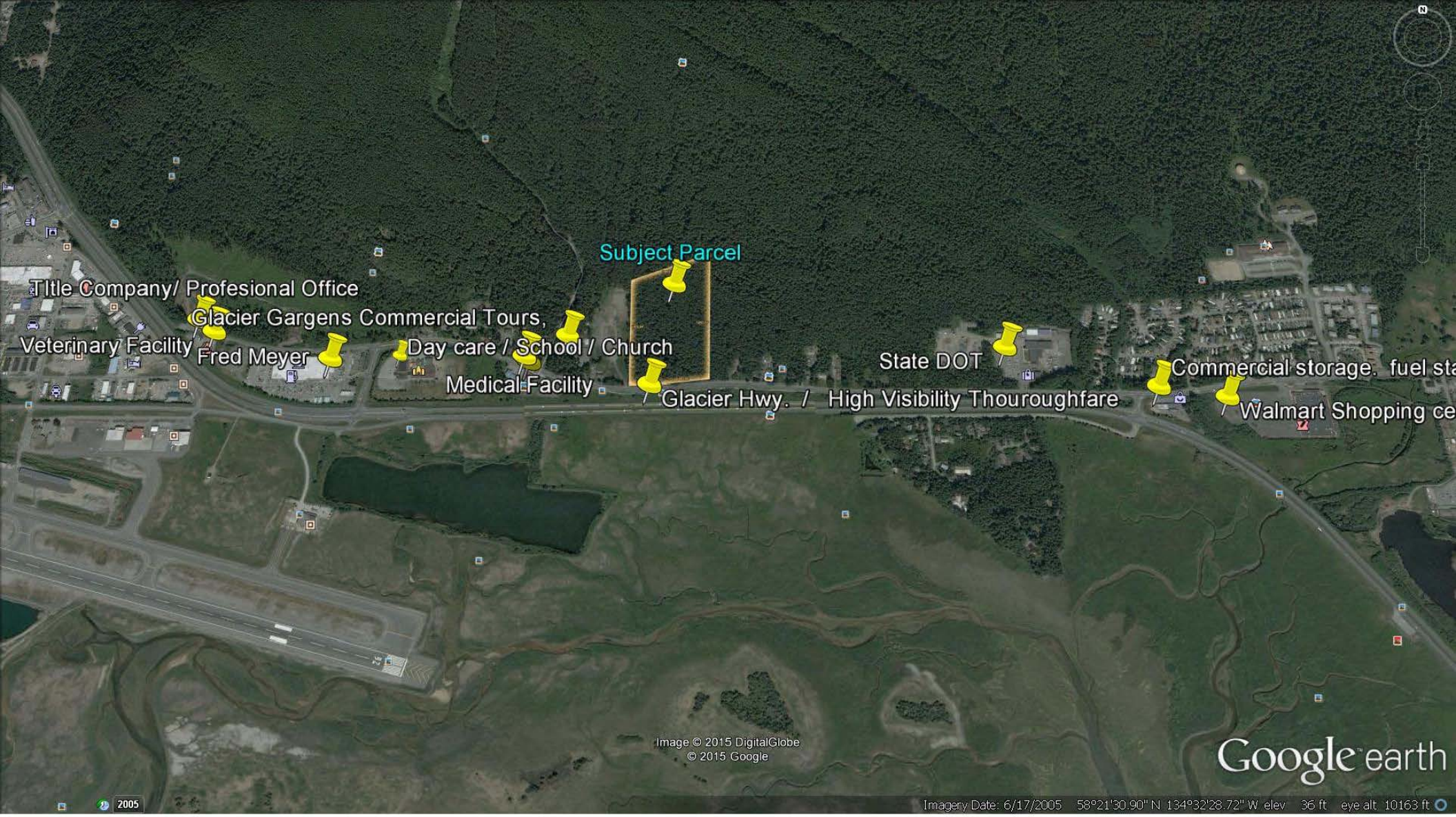
We feel our request for Light Commercial is proper and reasonable and that the neighborhood will be protected by the allowable use process. The light Commercial request is the highest and best use of this portion of the property; the highway is very visible and loud from Egan Drive express way, making the property much better suited for Light Commercial use. The light commercial use would create a buffer between the highway and residential development, our request is in harmony with the neighborhood since there are many light commercial businesses within the neighborhood.

With the community in such need of mixed types of affordable housing; density should not be a reason to deny zone change requests. This is an opportunity to provide much needed higher density and light commercial, mixed use land, as described and encouraged throughout the Comprehensive plan, and more recently encouraged by the Juneau Economic Development Plan. (See pg's .94-104 Juneau economic Development Plan) The plan states Juneau needs more Commercial and high density land, it also states the CBJ should help provide and encourage this type of development. The lack of commercial land is what drives prices up beyond what entrepreneurs can afford to create new businesses.

We hope you will agree with our request and recommend a positive approval to the CBJ Assembly.

Again thank you for your time,

Richard A. Harris



ATTACHMENT A

Waters of the United States
7400 Glacier Highway

POA-2013-582, Gastineau Channel
Robert Lafavour
Residential Development

ATTACHMENT A

BEFORE THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU

RICHARD HARRIS, Appellant, v. CBJ PLANNING COMMISSION, Appellee.	Appeal of: Notice of Decision CDD File No. AME2013 0006

DECISION ON APPEAL

Appellant Richard Harris filed a timely appeal of the City and Borough Planning Commission decision denying his request to rezone his property, located at 9050 Atlin Drive, from D-10 to Light Commercial ("LC").

After the record was prepared, Mr. Harris filed a non-opposed motion to supplement, which was granted. The parties filed comprehensive briefs on the issue on appeal. On January 6, 2014, the Assembly held a hearing at which it heard oral argument by each of the parties. The Assembly then deliberated in closed session and directed the Municipal Attorney to prepare a draft decision. As required by the CBJ 01.50.140, the draft decision was circulated to the parties and an opportunity to comment on the draft was provided.

For the reasons stated below, the appeal is granted. The Municipal Attorney shall draft an ordinance providing for the requested rezone and forward it to the Assembly for introduction.

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I. FACTUAL BACKGROUND

Appellant's parcel at 9050 Atlin Drive is approximately 2.68 acres. It is currently in a D-10 zone and abuts the LC zone encompassing the Mendenhall Mall.[1] Appellant's parcel is categorized as "MDR" or Medium Density Residential in the land use maps to the comprehensive plan.[2]

In 2011, the Appellant applied to change the zoning from D-10 to LC. The Planning Commission recommended against the zoning change asserting it was inconsistent with the maps of the comprehensive plan. CBJ 49.75.120 (2010) (requiring conformance with the land use maps of the comprehensive plan). Despite the Planning Commission's denial, the Assembly initially approved the rezone request, but on the advice of counsel, the Assembly reversed.

In 2012, the Appellant received a Conditional Use Permit (USE2012-0010) for 22 residential units.

Also in 2012, CBJ 49.75.120 was amended to only require rezone requests to be in "substantial conformance" with the land use maps of the comprehensive plan. Ord. No 2012-31(b) § 2.

In 2013, Appellant submitted applications for a comprehensive plan map amendment and simultaneous rezone request. AME2013-0006. Due to procedural concerns, the map amendment has been continued by the Planning Commission pending the outcome of this rezone request.[3]

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1 Parcel # 6B1601370010. Attachment 1 (2013 Zoning Map).

2 Attachment 2 (2008 Land Use Map G); Attachment 3 (2013 Land Use Map G).

3 CDD Staff Report at p3-4.

II. BURDEN OF PROOF AND STANDARD OF REVIEW

A Planning Commission decision to deny a rezoning request constitutes a final agency decision, appealable to the Assembly pursuant to CBJ 49.20.120, which provides that appeals shall be conducted in accordance with the Administrative Appeal Procedures outlined in CBJ 01.50.

CBJ 01.50.070 states that the Assembly may set aside the decision being appealed if "the appellant establishes that the decision is not supported by substantial evidence in light of the whole record, as supplemented at the hearing."[4] "Substantial evidence" is defined to mean "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."[5]

III. THE REQUESTED REZONE CONFORMS TO THE LAND USE MAPS AND THE POLICIES AND GOALS OF THE CBJ COMPREHENSIVE PLAN.

The purpose of a comprehensive plan is to "guide and direct public and private land use activities" within the municipality. CBJ 49.05.200(b); A.S. 29.40.030 ("The comprehensive plan is a compilation of policy statements, goals, standards, and maps for guiding the physical, social, and economic development, both private and public…").

The 2008 CBJ Comprehensive Plan[6] provides the following policies and guidance with respect to implementation and administration of the plan:

- That the failure of a "proposal to conform to one particular Policy in the Plan does not automatically mean that it is inappropriate if conformance is shown with other

4 CBJ 01.50.070 also allows the Assembly to set aside decisions where the decision is not supported by adequate written findings or where it is unclear upon what basis the decision was made, or when the agency fails to follow its own procedures or otherwise denies a party procedural due process.

5 CBJ 01.50.010.

6 The 2013 Comprehensive Plan was adopted by Ordinance 2013-26, with an effective date of December 4, 2013. The 2008 and 2013 plans are consistent with respect to the policies and guidelines cited herein.

policies of the Plan." The Plan directs that the analysis to be done is one of "balancing the many relevant policies and looking holistically at the particular situation, site and environs;"

- That the CBJ should "revise, as necessary, zoning, subdivision and other land development ordinances to ensure consistency with the Plan's provisions," and "[a]mend the Land Use Code Maps (zoning designation maps), considering them to be the official application of the Comprehensive Plan Maps, to ensure that the zoning delegations of specific sites within the CBJ are consistent with the Land Use Map designations of th[e] Plan;"

- That "[e]ach land use decision, from the most minor variance to the development of a New Growth Area, [should] be evaluated for its compliance with the policies, guidelines, standards and criteria established in the plan;" and

- That in implementing the Comprehensive Plan policies, the CBJ must assure the Plan is "responsive to public needs and changing conditions."

The purpose of the land use map is to manifest the policies articulated in the Plan into specific land use designations.[7] A land use map is aspirational in nature, "and not intended to reflect current land use, but the vision of future land use."[8]

With respect to rezoning requests, CBJ 49.75.120 provides that "a rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan."[9] "Substantial conformance" requires a fact-specific determination. It does not require that the requested rezone be in specific conformance with only the land use maps. It is, by definition, less absolute. When a term is not specifically defined, CBJ Code 01.15.020(6) provides that the word "shall be construed according to the context and customary usage of the language." As

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7 2008 Comprehensive Plan at p. 159; 2013 CBJ Comprehensive Plan at p. 143.

8 Appellee's Brief at p. 6.

9 The 2008 Comprehensive Plan states that all rezones are required to be "consistent" with the land use maps of the plan. *Id.* at 159. The 2013 Comprehensive Plan states that rezones are required to be "substantially consistent with both the comprehensive plan and associated land use maps." *Id.* at 143. We consider both plans to be synonymous with the substantial conformance" language used in the CBJ Code.

commonly defined, "substantial" means essentially or materially, thus "substantial conformance" should be understood to mean conform in material ways without being exact.[10]

Atlin Drive is found in Land Use Map G of the Comprehensive Plan, representing the East Mendenhall Valley.[11] The parcel at 9050 Atlin Drive is categorized as "MDR" or Medium Density Residential. The Comprehensive Plan describes MDR as "characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre," with any commercial development being of a scale consistent with a residential neighborhood.[12]

According to the plain language of the Comprehensive Plan, land use categories, like MDR, "are intended to describe the overall character of development…and are not intended to be firm or restrictive definitions, such as with zoning district permitted and conditional uses."[13] There are no specific zoning districts identified in the Comprehensive Plan maps. Thus to determine whether a zoning district, like LC, is consistent with the identified land use category for any given parcel, it is necessary to consider the policies and guidelines stated in the Comprehensive Plan itself to determ

character of development specified for that parcel.

The Planning Commission's position seems to be that the MDR designation allowing for up to 20 units per acre should be construed as an absolute limit. Thus, according to the Planning Commission's interpretation, the LC zoning designation requested by Mr. Harris,

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10 See August 27, 2012 Assembly Meeting No. 2012-24 for discussion of Ordinance 2012-31(b).

11 2008 Comprehensive Plan at 175; 2013 Comprehensive Plan at 157.

12 2008 Comprehensive Plan at 164; *see* 2013 Comprehensive Plan at 147.

13 2008 Comprehensive Plan at 161; 2013 Comprehensive Plan at 144.

which allows for a density of up to 30 units per acre, cannot by definition, be allowed in an MDR area.

The Comprehensive Plan does not support a decision-making process where the actual numeric density designation of the districts at issue is the deciding factor, to the exclusion of all other considerations. Land use decisions should be made considering the policies and guidance given in the Plan and translated in the maps, aiming to promote the highest and best use of the land under consideration. We believe the Planning Commission's strict reliance upon the actual numeric density designation in finding that the LC district density of 30 units per acre is inconsistent with the 20 unit per acre MDR, to be inconsistent with the guiding policies and considerations contained in the Plan.[14]

The Comprehensive Plan identifies a number of guidelines and considerations relevant to making land use decisions in Subarea 4, the area at issue.[15] According to the Plan, decisions should be made that:

- Provide for increased community commercial development close to existing commercial areas on the lower valley;
- Expand the Mixed Use district in the Mendenhall Mall vicinity that would incorporate general commercial uses, high density residential use and public transit services; and
- Maintain the density of existing neighborhoods while encouraging in-fill development of low-to moderate-income affordable housing.

With respect to the zoning designation sought by Mr. Harris, the CBJ Code defines Light Commercial (LC) districts as:

> Intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily

14 Additionally, although the maximum density in LC is 30 units per acre, a landowner could comply with both the LC and MDR designations by only building up to 20 units per acre.

15 2008 Comprehensive Plan 202-04; 2013 Comprehensive Plan 180-82.

> located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed and single-use developments in the light commercial district.[16]

Light Commercial allows for a maximum of 30 units per acre.[17]

According to 49.25.230(a), the LC district should be adjacent to existing residential areas, is intended to accommodate less intens

lower level of intensity of development (achieved by "stringent height and setback restrictions") and encourages residential development. We

substantially conforms with the MDR land use category of the Plan and the Subarea 4 guidelines and considerations, namely: en

development close to existing commercial areas

and light commercial uses in

commercial uses; encouraging moderate density residential use; and maintaining the density of existing neighborhoods while encouraging in-fill development of low-to moderate-income affordable housing.[18]

In addition to relying upon the numeric density designation, the Planning Commission also denied Mr. Harris's request based upon a refusal to extend commercial uses across the Mendenhall Loop Road "hard boundary."[19] Reliance upon this concept was in error because the highest and best use of the property is as LC, which complies with: the

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16 CBJ 49.25.230(a).

17 CBJ 49.25.500.

18 At the September 24, 2013 hearing before the Planning Commission, Mr. Harris stated it was his intention is to provide "housing over garages with retail shops below."

19 Appellee's Brief at p. 4.

MDR designation, the Subarea guidelines and considerations, and the broader Comprehensive Plan Policies (like Housing). Also, roads are not hard boundaries within the CBJ. For example, immediately southwest of Appellant's property, the LC zone crosses Glacier Highway/Mendenhall Loop Road, and non-road parcel boundaries define the LC zone instead of roads.[20] Appellant seeks the same zoning boundary arrangement that exists just across Egan Drive: extend the LC boundary one parcel width over and use the non-road parcel boundary as the zoning boundary.[21] Thus, while roads provide convenient locations for zoning boundaries, roads are not hard boundaries within the CBJ, especially when considering the highest and best use of the property and where the abutting LC boundary does not consistently follow the roads.

Finally, the Comprehensive Plan directs that

> In considering rezone requests, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration: in some cases, the highest and best use may be increased density or more intensive use of the land…"[22]

The Planning Commission's decision fails to consider the highest and best use of the 9050 Atlin Drive parcel by failing to place any weight on the CBJ's long-standing commitment towards increasing affordable housing.[23]

The Comprehensive Plan's directive with respect to evaluating rezone requests specifically envisions something less than absolute reliance upon bright line rules or specific numerical density designations. For the reasons stated above, the Planning Commission's

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20 Attachment 1 (2013 Zoning Map).

21 Also, this rezone does not create an enclave or donut hole of an LC zone, which do exist in the CBJ. Attachment 1 (2013 Zoning Map).

22 2008 Comprehensive Plan, p. 159.

23 *See* 2008 Comprehensive Plan, p. 28, and Policies 4.1 – 4.8.

refusal to permit Light Commercial use within a Medium Density Residential land use category is not supported by the plain language of the Comprehensive Plan or by substantial evidence, and the Assembly grants Mr. Harris's appeal.

This is a final administrative decision of the Assembly of the City and Borough of Juneau, Alaska. It may be appealed to the Juneau Superior Court, pursuant to the Alaska Rules of Court, if such appeal is filed within 30 days of the date of distribution of this decision.

IT IS SO ORDERED.

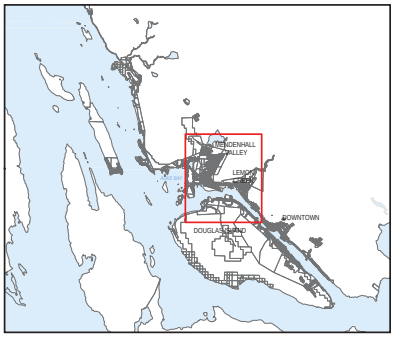
DATED this 19 day of March, 2014.

ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

By: Assemblymember Jerry Nankervis
Presiding Officer on Appeal

MENDENHALL LAKE
MENDENHALL VALLEY
AUKE LAKE
LEMON CREEK
MENDENHALL WETLANDS STATE GAME REFUGE
DOUGLAS ISLAND
Juneau International Airport
N DOUGLAS HWY

Map current as of January 30th, 2013



Mendenhall Valley & Lemon Creek
ZONING MAP

ZONING DISTRICTS

- D1 Single Family & Duplex
- D3 Single Family & Duplex
- D5 Single Family & Duplex
- D10 Multi Family
- D15 Multi Family
- D18 Multi Family
- LC Light Commercial
- GC General Commercial
- I Industrial
- MU Mixed Use
- MU2 Mixed Use
- WC Waterfront Commercial
- WI Waterfront Industrial
- RR Rural Reserve
- RR(T)D15, RR(T)D3 — Transition Zones
- D1(T)D3, D1(T)D10, D1(T)D5, D10(T)D15, D3(T)D18, D3(T)D5, D5(T)D10, D5(T)D18 — Single Family & Duplex Transition Zones

Disclaimer:

This map was prepared, has been used, and is distributed by the City and Borough of Juneau, Alaska (CBJ). The CBJ makes no warranty, expressed or implied, nor does it assume any legal responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed in this map. The CBJ does not represent that use of this would not infringe private rights.

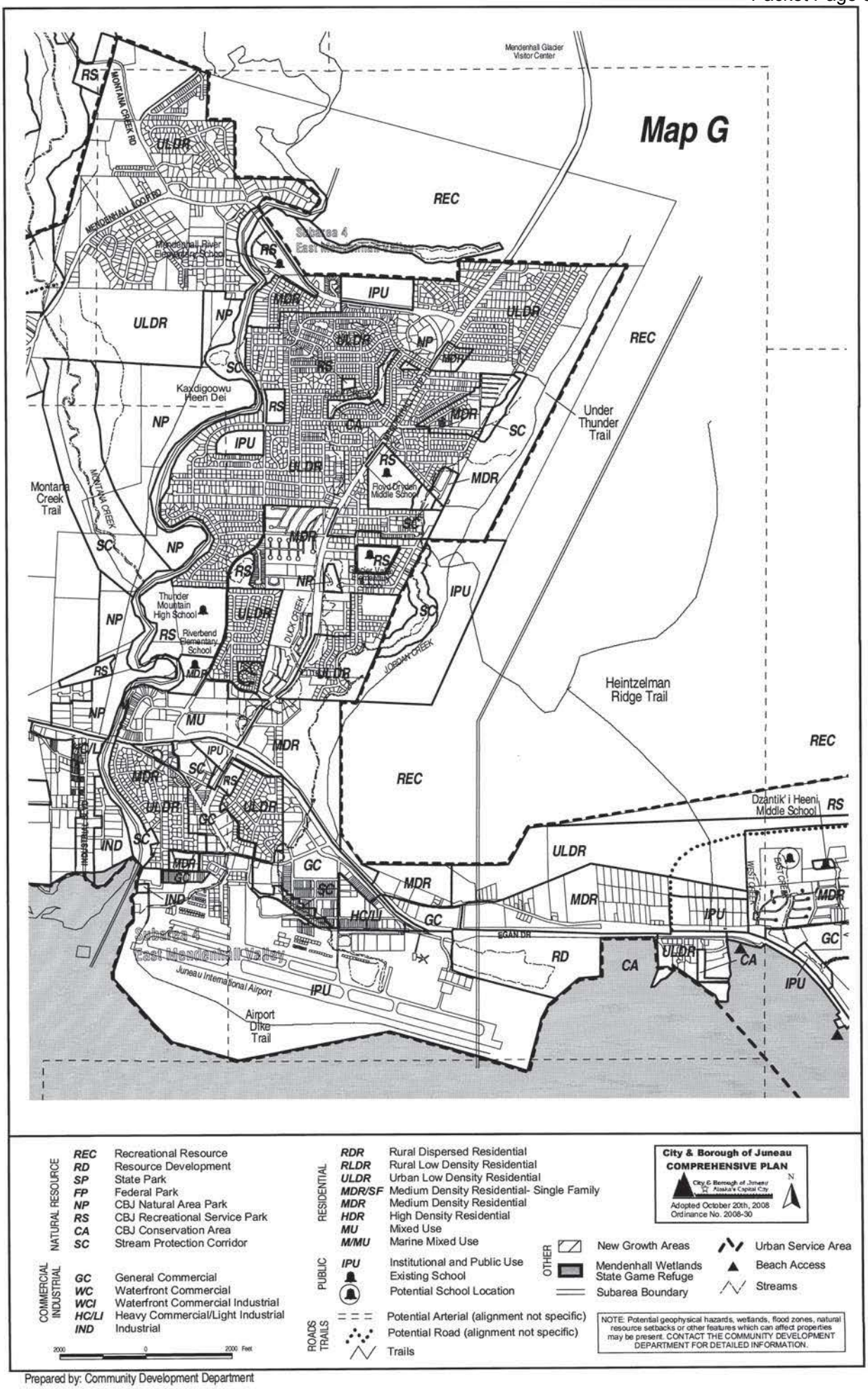
Reference in this map to any commercial product, process, or service by trade name, trademark manufacturer, or otherwise does not constitute or imply an endoresement by CBJ.
Use of this map by any person constitutes agreement by that person to the foregoing paragraph.

These terms may be changed, suspended, or revoked only in writing signed by the City and Borough Manager or the City and Borough Director of Community Development Department.

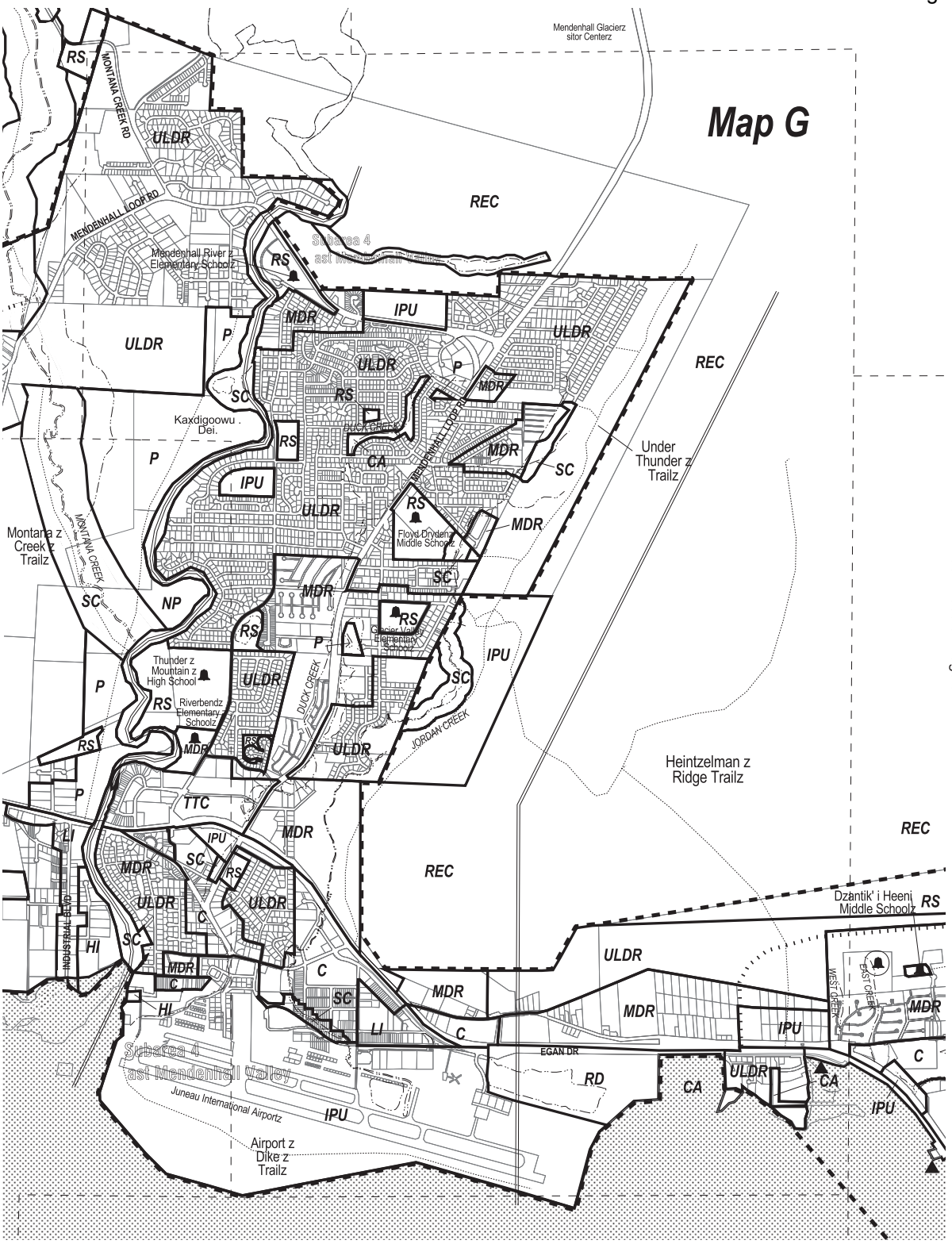
Suggestions for corrections and improvements to the CBJ zoning maps should be directed to:

Geographic Information Systems
gis@ci.juneau.ak.us
(907) 586-0762

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY



Prepared by: Community Development Department



Continued on Page 6.

Continued on Page 8

Continued on Page 9.

NATURAL RESOURCE

REC	Recreational Resource.
RD	Resource Development.
SP	State Park.
P	CBJ Natural Area Park
RS	CBJ Recreational Service Park .
CA	CBJ Conservation Area.
SC	Stream Protection Corridor.

COMMERCIAL INDUSTRIALz

C	Commercial.
C	Marine Commercial.
WCI	Waterfront Commercial Industrial.
I	Light Industrial.
HI	avy Industrial.

2000z 0z 2000z Feetz

RESIDENTIAL

RDR	Rural Dispersed Residential.
RLDR	Rural Low Density Residential
ULDR	Urban Low Density Residential
DR/SF	Medium Density Residential- Single Family
DR	Medium Density Residential
HDR	igh Density Residential
TTC	Traditional Town Center.
U	Marine Mixed Use.

PUBLICz

IPU	Institutional and Public Use.
	Existing School
	Potential School Location.

ROADS TRAILSz

= = =	Potential Arterial (alignment not specific)
	Potential Road (alignment not specific)
	Trails.

City & Borough of Juneau
COMPREHENSIVE PLAN
City & Borough of Juneau
"Alaska's Capital City"
Adopted October 20th, 2008
Ordinance No. 2008-30

N

OTHER

New Growth Areas.	Urban Service Area.
Mendenhall Wetlands . State Game Refuge	Beach Access.
Subarea Boundary	Streams

NOTE: Potential geophysical hazards, wetlands, flood zones, natural. resource setbacks or other features which can affect properties may be present. CONTACT THE COMMUNITY DEVELOPMENT. DEPARTMENT FOR DETAILED INFORMATION

Prepared by: Community Development Departmentz

Dissenting Opinion in the appeal of:

Notice of Decision

CDD File No. AME2013 0006

Richard Harris,	)
Appellant,	)
v.	)
CBJ Planning Commission,	)
Appellee	)

On appeal Richard Harris seeks to have the Assembly overturn a denial of re-zone by the Juneau Planning and Zoning Commission. The Appellant has challenged the commission's decision solely on the basis that it "is not supported by substantial evidence in light of the whole record, as supplemented at the hearing". CBJ 01.50.070 (a) (1). As here, where agency expertise is involved, the Assembly is expected to defer to the Commission's interpretation of our zoning laws.

However, in voting to overturn the commission's decision, the majority ignored both the overwhelming evidence used by commissioners to cast a strong majority vote to uphold the Comprehensive Plan and deny the zone request based "upon staff's analysis and findings"[1] and the Commission's expertise.

The record shows that the planning commissioners examined aerial photos of the area, revealing that the commercial uses reasonably conceivable within the mixed use area across Mendenhall Loop Road from the proposed rezone do not and will not abut the road itself. Undevelopable wetland and anadromous stream parcels that cannot be developed lie on both sides of Mall Road. These undevelopable areas serve as an area of transition between the incompatible uses of the mixed use and medium density residential areas.

The minutes of the Planning Commission make clear that the decision came down to how the property is defined in the Comprehensive Plan - Medium Density Residential. One planning commissioner "contrasted Medium Density Residential at 5-20 dwelling units per acre to Light Commercial at 30 dwelling units per acre. Light Commercial use means a bar or restaurant of any size, or a vehicle sales or repair lot of any size." Another planning commissioner noted, "Based upon the analysis in the staff report, the rezone request does not substantially conform to the maps of the Comprehensive Plan."

[1] Record, at pages T68-70.

Far from relying on the number of units per acre as "an absolute limit,[2]" it was the judgment of the planning commission that many of the land uses allowed under light commercial zoning were inconsistent with the land uses allowed in medium density residential zones. This judgment is precisely what the Assembly charges the commission with doing. And, in so doing, the record makes clear the commission had substantial basis in the Comprehensive Plan and in the staff's analysis to deny the re-zone request.

The opinion of the majority to overturn the Planning Commission turns on an isolated phrase used by the chair of the planning commission: "hard boundary" which it employs to describe the five-lane roadway separating an area the land use maps of the comprehensive plan designate for mixed uses from the area in this rezone, which the comprehensive plan designates for residential uses. However, the verbatim minutes in the record make clear the commission's chair did not use the phrase "hard boundary" in the same sense. Instead, he intended it to reflect the separation of incompatible uses both on the ground and in the plan that the commission is charged with maintaining as a means to avoid conflicts.[3]

In arguing that the Planning Commission failed to consider the highest and best use of the parcel, the Majority suggests that light commercial zoning would enable increased affordable housing.[4] This notion ignores the appellant's own statements at oral argument that he would build far fewer housing units as part of a commercial development than as part of a strictly residential development.

The majority's decision suggests the question of whether a rezone substantially complies with the land use maps of the comprehensive plan has little to do with the uses that can and cannot be permitted under the zones in question. This standard makes the plan a meaningless document, and CBJ 49.75.120's requirement of substantial compliance a legal nullity.[5]

In our view, the Planning Commission's decision is supported by substantial evidence and the appellant did not meet the burden of proof to show otherwise. We would therefore uphold the Planning Commission's decision. For that reason we dissent from the order in this case.

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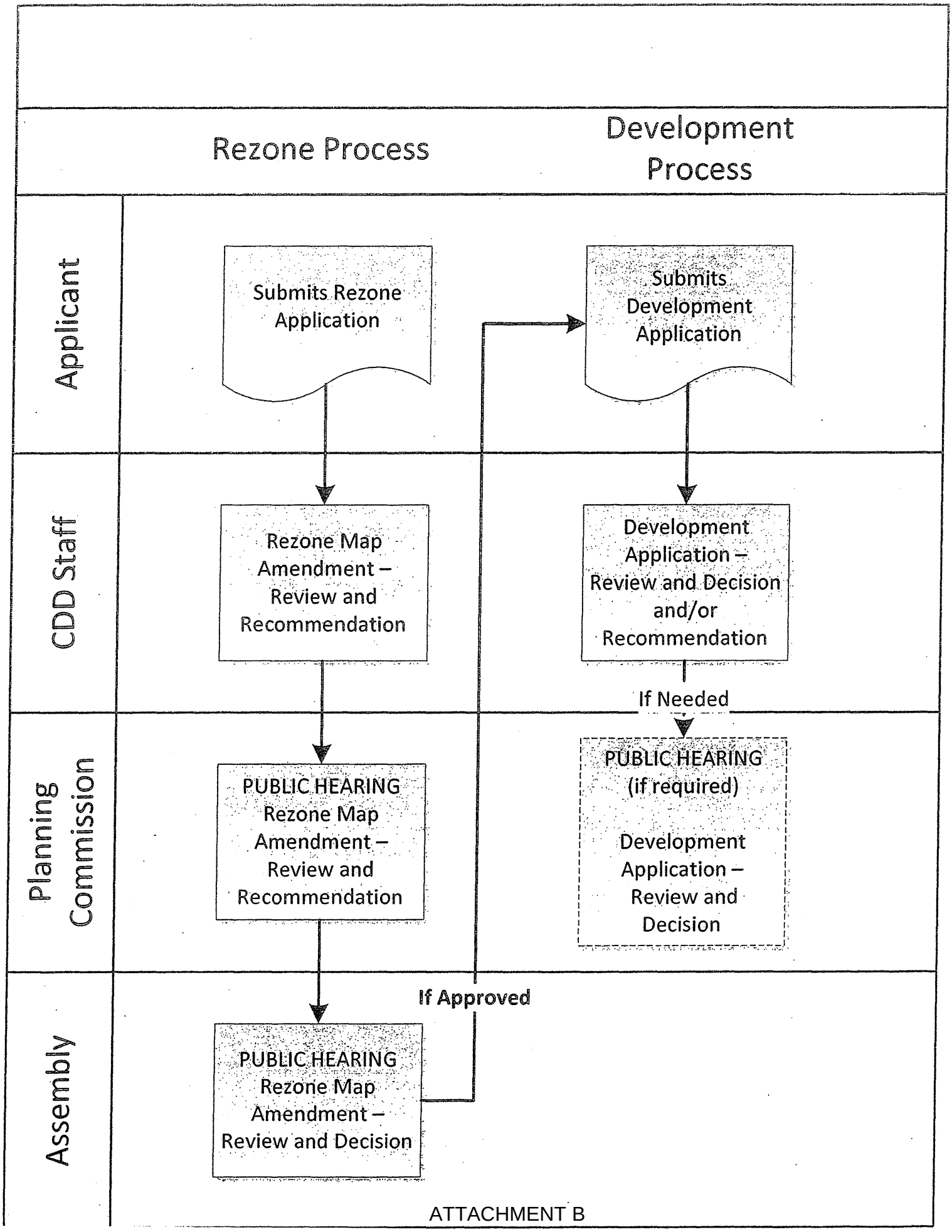
[2] Majority opinion, at page 5.

[3] If only the asphalt of Mendenhall Loop Road separated the potential uses, the appellant might reasonably have argued that extending a zone just over the line is "substantially" compliant. The appellant did not do so.

[4] Majority opinion, at page 8.

[5] The majority is correct in asserting that the comprehensive plan is aspirational and not a legally binding document. However, it should not lose sight of the fact that the comprehensive plan is implemented through its zoning and land use designations and the table of permissible uses. Uses allowed in a given zone are where the rubber of the plan meets the road of neighborhood harmony and conflict. Far from being clearly in error, the Planning Commission was entirely right to consider those uses.



ATTACHMENT B

TABLE 49.25.400

TABLE OF DIMENSIONAL STANDARDS

Zoning Regulations	*RR*	*D-1*	*D-3*	*D-5*	*D-10 SF*	*D-10*	*D-15*	*D-18*	*MU*	*MU2*	*LC*	*GC*	*WC*	*WI*	*I*
Minimum Lot Size[1]															
Permissible Uses	36,000	36,000	12,000	7,000	3,600[10]	6,000	5,000	5,000	4,000	4,000	2,000	2,000	2,000	2,000	2,000
Bungalow[9]		18,000	6,000	3,500	2,500	3,000	3,000	2,500							
Duplex	54,000	54,000	18,000	10,500											
Common Wall Dwelling				7,000	3,600[10]	5,000	3,500	2,500		2,500					
Single-family detached, two dwellings per lot	72,000	72,000	24,000												
Minimum lot width	150′	150′	100′	70′	40′	50′	50′	50′	50′	50′	20′	20′	20′	20′	20′
Bungalow[9]		75′	50′	35′	25′	25′	25′	25′							
Common wall dwelling				60′	40′	40′	30′	20′		20′					
Minimum lot depth	150′	150′	100′	85′	85′[10]	85′	80′	80′	80′	80′	80′	60′	60′	60′	60′
Maximum lot coverage															
Permissible uses	10%	10%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Conditional uses	20%	20%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Maximum height permissible uses	45′	35′	35′	35′	35′	35′	35′	35′	None	45′[4]	45′	55′	35′[4]	45′[4]	None
Accessory	45′	25′	25′	25′	25′	25′	25′	25′	None	35′	35′	45′	35′[4]	45′[4]	None
Bungalow[9]		25′	25′	25′	25′	25′	25′	25′							
Minimum front yard setback[3]	25′	25′	25′	20′	20′[10]	20′	20′	20′	0′	5′[5,8]	25′	10′	10′	10′	10′
Minimum street side yard setback	17′	17′	17′	13′	10′	13′	13′	13′	0′	5′	17′	10′	10′	10′	10′
Minimum rear yard setback[3]	25′[2]	25′	25′	20′	10′	20′	15′	10′	0′	5′	10′	10′	10′	10′	10′
Minimum side yard setback[3]	15′[2]	15′	10′	5′	3′	5′	5′	5′	0′	5′	10′	10′	10′	10′	0′
Common wall dwelling				10′[6]	3′	5′[7]	5′[7]	5′[7]		5′[7]					

Notes:

1. Minimum lot size is existing lot or area shown on chart in square feet.
2. Sixty feet between nonresidential and designated or actual residential site; 80 feet between industrial, extractive and other uses.
3. Where one district abuts another the greater of the two setbacks is required for both uses on the common property line.
4. (Height Bonus) Reserved.
5. (Pedestrian Amenities Bonus) Reserved.
6. Zero-foot setback for the portion of the dwelling with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, and ten-foot setback for the remaining side yards of the lot.
7. Zero-foot setback for the portion of the dwelling with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, and five-foot setback for the remaining side yards of the lot.
8. On corner lots, buildings shall be set back 15 feet from a street intersection. The area in which buildings shall be prohibited shall be determined by extending the edge of the traveled ways to a point of intersection, then measuring back 15 feet, then connecting the points.
9. Special restrictions apply to construction on bungalow lots. See special use provisions 49.65.600.

TABLE OF PERMISSIBLE USES

The uses allowed in each zoning district are determined and arranged in the Table of Permissible Uses (attached).

First, look through the "Use Description" in the left column of the Table to find which category your project fits in. Then find the zone where the property is located.

	Use Description	RR	D-1	D-3	D-5	D-10	D-15	D-18	LC	GC	MU	MU2	WC
		Zones											
10.220	Storage inside or outside enclosed structures									1			3N
10.300	Parking of vehicles or storage of equipment outside enclosed structures where they are owned and used by the user of the lot and parking and storage is more than a minor and incidental use of the lot									3			

Once you have the intersection of the "Zoning District" and the "Use Description", you can then determine the approval procedure of the proposed project:

- **No number** at the intersection of the use row and the zone column means that the identified use is not permitted in the identified zone.
- The **number "1"** indicates that the use requires department approval, in conjunction with the issuance of a Building Permit. The use is allowed in the district but limited conditions may be attached to the approval.
- The **number "2"** indicates the use requires an Allowable Use Permit from the Planning Commission. Such uses are allowed in the district, but specified conditions may be attached to the Allowable Use Permit by the Commission.
- The **number "3"** indicates the use requires a Conditional Use Permit from the Planning Commission. The use may or may not be allowed at a particular location depending on a determination of its compatibility with surrounding or proposed land uses. The Planning Commission may attach any condition to ensure the compatibility of the proposed use.
- A **combination of numbers** such as "1,2" or "2,3" indicates that the approval procedure for the identified use in the identified zone will vary depending on whether the project is a major or minor development.

If the project is a minor development, the first number of the combination shall indicate the applicable procedure. If the project is a major development, the second number shall indicate the applicable procedure. To determine whether or not the project is major or minor development, use the following criteria:

- For residential uses, minor development is four or fewer dwelling units. Major development is more than four dwelling units.
- For nonresidential uses, minor development is 5,000 square feet or less of new or significantly changed primary land use. Major development is more than 5,000 square feet of new or significantly changed primary land use.

TABLE OF PERMISSIBLE USES - CBJ 49.25.300

	Use Description		Zones														
			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
1.000	RESIDENTIAL																
1.100	Single-family dwellings																
	1.110	Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1	1	1[A]	1[A]
	1.120	Single-family detached, two dwellings per lot	1	1	1												
	1.130	Single-family detached, accessory apartments	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]	1[X], 3[X]		
	1.135	Single-family detached, one or two accessory apartments		3	3												
1.200	Duplex		1	1	1	1		1	1	1	1	1	1	1	1		
1.300	Multifamily dwellings							1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3		
1.400	Group homes		1	1	1	1	1	1	1	1	1	1		1	1		
1.450	Halfway houses		3								3	3	3	3			
1.500	Day care homes																
	1.510	Child; 8 or fewer children under the age of 12	1	1	1	1	1	1	1	1	1	1	1	1			
	1.520	Child; 9 to 12 children under the age of 12	3	3	3	3	3	3	3	3	3	3	3	3			
	1.530	Adult; 8 or fewer people, 12 years and older	1	1	1	1	1	1	1	1	1	1	1	1			
	1.540	Adult; 9 to 12, people 12 years and older	3	3	3	3	3	3	3	3	3	3	3	3			
1.550	Child care residence, 6 to 9 children under 18 years of age			3	3	3	3	3	3	3	3	3	3	3			
1.600	Miscellaneous, rooms for rent situations																
	1.610	Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, and temporary residences. Owner or manager must live on site.	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	3[N]		
	1.620	Hotels, motels	3								1, 3	1, 3	1, 3	1, 3	3[N]	3[N]	
	1.630	Single room occupancies with private facilities						1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
1.700	Home occupations		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
1.800	Mobile homes																
	1.810	Residential mobile homes one individual lots [E]	3	3	3												
	1.815	Caretakers mobile homes one individual lots[E]	3	3	3		3	3	3	3	3	3	3	3	3	3	3
	1.820	Mobile home parks[E]					3	3	3	3	3	3					
	1.830	Mobile home subdivision[E]				3	3	3	3	3	3	3					
	1.840	Recreational vehicle parks[F]	3[F]	3[F]	3[F]												

	Use Description		Zones														
			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
1.900	Common wall development																
	1.910	Two dwelling units				1	1	1	1	1							
	1.911	Accessory apartments	1^X, 3^X	1^X, 3^X	1^X, 3^X	1^X, 3^X	1^X, 3^X	1^X, 3^X	1^X, 3^X	1^X, 3^X	1^X, 3^X	1^X, 3^X	1^X, 3^X	1^X, 3^X	1^X, 3^X		
	1.920	Three or more dwelling units					3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3			
	1.930	Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h)			3	3	3	3	3	3	3			3			
2.000	SALES AND RENTAL GOODS, MERCHANDISE OR EQUIPMENT[G]																
2.100	With less than 5,000 square feet and less than 20 percent of the gross floor area of outside merchandising of goods																
	2.110	*Reserved*															
	2.120	Miscellaneous									1	1	1	1	3^N	3^N	3
	2.130	Marine merchandise and equipment	3^T								1, 3	1, 3	1, 3	1, 3	1, 3	3^N	3
2.200	Storage and display of goods with greater or equal to 5,000 square feet and/or 20 percent of the gross floor area of outside merchandising of goods										1, 3	1, 3	1, 3	1, 3	3^N	3^N	3
3.000	PROFESSIONAL OFFICE, CLERICAL, RESEARCH, REAL ESTATE, OTHER OFFICE SERVICES[G]																
3.050	Offices of not more than 1,000 square feet			3	3	3	3	3	3	3	1	1	1	1	1^N		
3.100	Offices greater than 1,000 but not more than 2,500 square feet							3	3	3	1	1	1	1	3^N		
3.200	*Reserved*																
3.300	Research, laboratory uses		3^T								1, 3	1, 3	1, 3	1, 3	1^N, 3^N	1^N, 3^N	1, 3
3.400	Offices greater than 2,500 square feet										1, 3	1, 3	1, 3	1, 3	1^N, 3^N		3^S
4.000	MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS[G]																
4.050	Light manufacturing		3^T						3	3	1, 3	1, 3	1, 3	1, 3	1^N, 3^N	1^N, 3^N	1, 3
4.070	Medium manufacturing		3^T									3	3	3	3^N	1^N, 3^N	1, 3
4.100	Heavy manufacturing		3^T	3^Q												3^N	3
4.150	Rock crusher		3^T	1^Q	1^Q											3^N	3
4.200	Storage of explosives and ammunition		3													3^N	3
4.210	Seafood processing		3^T												3	1, 3	1, 3
5.000	EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES																
5.100	Schools																
	5.110	Elementary and secondary schools including associated grounds and other facilities		3	3	3	3	3	3	3	3	3	3	3			
	5.120	Trade, vocational schools, commercial schools	3^T								3	3	3	3	3^N	3^N	3
	5.130	Colleges, universities	3^T	3	3	3	3	3	3	3	3	3	3	3	3^N	3^N	3
5.200	Churches, synagogues, temples		3^T	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1^N, 3^N	3^N	1, 3
5.300	Libraries, museums, art galleries		3^T	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3^N		
5.400	Social, fraternal clubs, lodges, union halls, yacht clubs		3^T								1, 3	1, 3	1, 3	1, 3	1^N, 3^N	3^N	1, 3

	Use Description		Zones														
			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
6.000	RECREATION, AMUSEMENT, ENTERTAINMENT																
6.100	Indoor activity conducted entirely within building or substantial structure																
	6.110	Bowling alleys, billiard, pool halls									1, 3	1, 3	1, 3	1, 3			3
	6.120	Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges				3	3	3	3	3	1, 3	1, 3	1, 3	1, 3			3
	6.130	Theaters seating for 200 or fewer	3[T]						3	3	1	1	1	1	3[N]		3
	6.135	Theaters seating from 201 to 1,000									3	1	1	1	3[N]		3
	6.140	Coliseums, stadiums, and other facilities in the 6.100 classification seating more than 1,000 people										3	3	3	3[N]		
	6.150	Indoor shooting range	1, 3									3					3
6.200	Outdoor activity conducted outside enclosed buildings or structures																
	6.210	Recreational facilities such as golf, country clubs, swimming, tennis courts not constructed pursuant to a permit authorizing the construction of a school	3	3	3	3	3	3	3	3	3	1, 3			3[N]		3
	6.220	Miniature golf courses, skateboard parks, water slides, batting cages	3	3	3	3	3	3	3	3	3	1, 3	3	3	3[N]		3
	6.240	Automobile, motorcycle racing tracks; off-highway vehicle parks	3									3					3
	6.250	*Reserved*															
	6.260	Open space	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	6.262	Parks with improved facilities, not approved in conjunction with a major subdivision															
	6.264	Capacity for up to 20 people[W]	1[T]	1	1	1	1	1	1	1	1	1	1	1	1	3[N]	
	6.266	Capacity for more than 20 people[W]	3[T]	3	3	3	3	3	3	3	3	3	3	3	3[N]	3[N]	
	6.270	Aerial conveyances and appurtenant facilities	3	3	3	3	3	3	3	3	3	3	3	3	3[N]	3[N]	3
	6.280	Shooting ranges	3														3
7.000	INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES																
7.100	Hospital										3	3	3	3			
7.150	Health care clinics, other medical treatment facilities providing out-patient care								3	3	1, 3	1, 3	1, 3	1, 3			

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
7.200	Nursing care, assisted living, sheltered care		3	3	3	3	3	3	3	3	1, 3	1, 3	1, 3			
7.300	Day care centers for children and adults						3	3	3	1, 3	1, 3	1, 3	1, 3			
7.400	Halfway houses									3	3	3	3			
7.500	Correctional facilities	3	3	3	3	3	3	3	3	3	3	3	3			3
8.000	RESTAURANTS, BARS, NIGHTCLUBS															
8.050	Small restaurants, less than 1,000 ft^2 without drive through service	3^T					3	3	3	1	1	1	1	1^N		
8.100	Restaurants, bars without drive through service	3^T								1, 3	1	1, 3	1, 3	1^N, 3^N	3^N	3
8.200	Restaurants, coffee stands with drive through service									1, 3	1		3	1^N, 3^N	3^N	3
8.300	Seasonal open air food service without drive through	3								1, 3	1	1, 3	1, 3	1^N, 3^N	3^N	
9.000	BOAT OR MOTOR VEHICLE, SALES AND SERVICE OPERATIONS															
9.050	Motor vehicle, mobile home sale or rental									1, 3	1, 3	3	3			1, 3
9.100	Motor vehicle repair and maintenance, including body work										3					1
9.200	Automotive fuel station	3^T								3	1					1
9.300	Car wash									3	1					1
9.400	Boat sales or rental	3^T								3	1			1	1	1
9.450	Boat repairs and maintenance	3^T									3			1	1	1
9.500	Marine fuel, water sanitation	3^T												1, 3	1, 3	1, 3
9.600	Marine commercial facilities including fisheries support, commercial freight, passenger traffic	3												3	3	
10.000	STORAGE, PARKING, MOORAGE															
10.100	Automobile parking garages or parking lots not related to a principal use on the lot									3	1	1, 3	1, 3			1
10.200	Storage and handling of goods not related to sale or use of those goods on the same lot on which they are stored															
	10.210 All storage within completely enclosed structures	1, 3	3							3	1	1^U, 3^U	1^U, 3^U	1^N, 3^N	1^N	1
	10.220 General storage inside or outside enclosed structures	1, 3	3								1, 3			1^N, 3^N	1^N	1
	10.230 Snow storage basin															
	10.232 Neighborhood, less than ½ acre	3	3	3^Z	3^Z	3^Z	3^Z	3^Z	3^Z	3^Z	1			3^Z	1	1
	10.235 Regional, ½ to 1 acre	3	3	3^Z						3^Z	3			3^Z	1	1
	10.237 Area wide, over 1 acre	3	3^Z	3^Z							3^Z				3	3
10.300	Parking of vehicles or storage of equipment outside enclosed structures where they are owned and used by the user of the lot and parking and storage is more than a minor and incidental use of the lot	1, 3	3								1, 3			1^N, 3^N	1^N, 3^N	1

	Use Description	Zones														
		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
10.400	Temporary contractor's storage connected with construction project off-site for a specified period of time	1, 3	3	3	3	3	3	3	3	3	1, 3	3	3	3	1^N	1
10.500	Moorage															
	10.510 Public, commercial	3	3	3						3	3	3	3	1, 3	1, 3	1, 3
	10.520 Private	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3
10.600	Floating structures supporting seasonal, commercial recreation	3	3	3										3	3	
11.000	MATERIALS SALVAGE YARDS, WASTE MANAGEMENT															
11.100	Recycling operations															
	11.110 Enclosed collection structures[O] of less than 80 square feet total and less than six feet in height	1^P	1^P	1^P	1^P	1^P	1^P	1^P	1^P	1	1	1^P	1^P	1	1	1
	11.120 Enclosed structures for recyclable materials collection	1^P, 3	1^P, 3	1^P, 3	1^P, 3	1^P, 3	1^P, 3	1^P, 3	1^P, 3	1^P, 3^P	1^P, 3^P	3	3	1	1	1^P
	11.130 Sorting, storage, preparation for shipment occurring outside an enclosed structure														1^N	1
11.200	Reclamation landfill not associated with a specific use	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3^N	3^N	1, 3
11.300	Sanitary landfill	3														3
12.000	SERVICES AND ENTERPRISES RELATED TO ANIMALS															
12.100	Veterinary clinic	3	3	3						3	1, 3	3	3	1^N, 3^N	1^N, 3^N	1
12.200	Kennel	3	3							3	3					1, 3
12.250	Day animal services, grooming, walking, day care	3	3	3	3	3				3	3	3	3			1, 3
12.300	Zoos, aquaria, or wild animal rehabilitation facilities with a visitor component	3	3							3	3		3	3^N		3
12.310	Wild animal rehabilitation facilities without a visitor component	3	3	3	3					3	3			3^N		3
12.400	Horseback riding stables, dog team yards	3	3							3	3					3
13.000	EMERGENCY SERVICES															
13.100	Fire, police, ambulance	3	3	3	3	3	3	3	3	3	3	3	3	3^N	3^N	1, 3
14.000	AQUACULTURE, AGRICULTURE, SILVICULTURE, MINING, QUARRYING OPERATIONS, SPRING WATER BOTTLING															
14.100	Aquaculture	3	3	3						3	3	3	3	1	1	3
14.150	Weirs, channels, and other fisheries enhancement	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	1
14.200	Commercial agricultural operations															
	14.210 Excluding farm animals	1, 3	1, 3	3	3	3	3	3	3	3	3					1, 3
	14.220 Including farm animals[M]	1, 3	3													1, 3
	14.230 Stabling of farm animals[M]	3	3	3	3					3	3					1, 3
14.250	Personal use agriculture															
	14.253 Hens, 6 maximum	1	1	1	1	1	1	3	3	1	1	3	3	1	1	1
14.300	Silviculture and timber harvesting[J]	3	3													3
14.400	Mining operations	2, 3^K	3	3										3^N	3^N	2

	Use Description		Zones														
			RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
14.500	Sand and gravel operations[J]		3	3	3						3	3			3^N	3^N	3
14.800	Spring water bottling		3	3			3	3	3	3	3	3					1, 3
15.000	MISCELLANEOUS PUBLIC AND SEMIPUBLIC FACILITIES																
15.100	Post office		3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	3^N	3^N	1, 3
15.200	Airport		3														1, 3
15.400	Military reserve, National Guard centers		3	3	3						3	3			3^N	3^N	3
15.500	Heliports, helipads		3									3			3^N	3^N	3
15.600	Transit facilities																
	15.610	Transit center			3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3		1, 3
	15.620	Transit station		1	1	1	1	1	1	1	1	1	1	1	1	1	1
	15.630	Park and ride not associated with transit station	3	3	3	3	3	3	3	3	1	1	3	3			1
15.700	Public works facility		3	3	3	3					3	3					1, 3
16.000	DRY CLEANER, LAUNDROMAT																
16.100	Drop off and pickup only, no onsite laundry or dry cleaning process									1, 3	1, 3	1, 3	1, 3	1, 3	1^N, 3^N	1^N, 3^N	1, 3
16.200	Full service onsite laundry and/or dry cleaning										3	1, 3	3	3	3^N	1^N, 3^N	1, 3
17.000	UTILITY FACILITIES																
17.100	Minor		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
17.150	Intermediate		3	3	3	3	3	3	3	3	3	1, 3	3	3	1, 3	1	1
17.200	Major		3	3	3	3	3	3	3	3	3	3			3	3	3
17.300	Driveways and private roads																
	17.310	Access driveways on public rights-of-way adjoining one to four existing lots	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	17.320	Access driveways on public rights-of-way adjoining five or more existing lots	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
18.000	TOWERS AND RELATED STRUCTURES																
18.100	Towers and antennas 35 feet or less		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
18.200	Towers and antennas 35 to 50 feet		1	3	3	3	3	3	3	3	1	1	1	1	1	1	1
18.300	Towers and antennas more than 50 feet in height		3	3	3	3	3	3	3	3	3	3	3	3	3	3	1
18.400	Amateur (ham) radio towers and antennas more than 35 feet in height[R]		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
19.000	OPEN AIR MARKETS, NURSERIES, GREENHOUSES																
19.100	Open air markets (farm, craft, flea, and produce)		1, 3	1, 3							1, 3	1	1, 3	1, 3	1^N, 3^N	1^N, 3^N	1, 3
19.200	Nurseries, commercial greenhouses																
	19.210	Retail sales	3	3	3	3	3	3	3	3	1, 3	1	1^V	1^V			1
	19.220	Nonretail sales	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1^V	1^V			1
20.000	CEMETERY, CREMATORIUM, MORTUARY																
20.100	Cemetery		1, 3	3	3	3	3	3	3	3	3	3					
20.200	Crematorium		3														1, 3

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
20.300	Funeral home	3	3	3	3	3	3			1, 3	1	3	3			
21.000	VISITOR-ORIENTED, RECREATIONAL FACILITIES															
21.100	Resort, lodge	3	3													
21.200	Campgrounds	1, 3	3													
21.300	Visitor, cultural facilities related to features of the site	3	3							3	3	3	3	3[N]		
22.000	TEMPORARY STRUCTURES ASSOCIATED WITH ONSITE CONSTRUCTION															
22.100	Temporary structures used in connection with construction	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

Key:

1. Department approval requires the department of community development approval only.
2. Allowable use permit requires planning commission approval.
3. Conditional use permit requires planning commission approval.

2, 3. Allowable use permit required if minor development, conditional use permit required if major development.

Notes:

A. A single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.

B. *Reserved.*

C. *Reserved.*

D. *Reserved.*

E. See special use regulations for mobile homes, chapter 49.65, article III.

F. See special use regulations for recreational vehicles, chapter 49.65, article IV. This use allowed by service area designation not zoning district.

G. All uses subject to additional performance standards, chapter 49.65, article VIII.

H. *Reserved.*

I. *Reserved.*

J. Applies to over 2 acres of harvest area.

K. See special use regulations, chapter 49.65, article I. Mining operations are a conditional use in the urban mining district and an allowable use in the rural mining district.

L. See special use regulations, chapter 49.65.200, article II.

M. Only applicable to the commercial or private stabling of more than three farm animals, or where the running or stabling area is closer than 100 feet to the nearest residence other than the owner for any number of farm animals.

N. Use must be water-dependent, water-related, or water-oriented.

O. Standards for collection structures: containers must be well maintained and allow no spillage of contents; a specific person or group must be responsible for maintenance of the structure and that person or group shall have a contact telephone number posted on the collection structure; collection structure must be situated so as to not affect traffic or parking; directional signs shall be limited to six square feet and identification signs shall be limited to 24 square feet; such signs will not be included in total sign area allowed for a complex; and the structure shall not exceed a height of six feet. Identification is to be in the following format: greater prominence, the City and Borough recycling logo and the recyclable material identification; lesser prominence, the sponsor name and the contact phone number.

P. Preexisting allowable or conditional use permit: If recycling activity is determined by the director to be an accessory use to a use previously permitted under either an allowable or a conditional use permit, the activity may be approved by the department. Other conditions may be required before recycling activity is permitted.

Q. Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise.

R. Towers shall: be for amateur use only; meet the setback requirements of the zoning district; be unlit except as required by the Federal Aviation Administration. Towers shall be installed in conformance with a valid building permit, application for which shall include a copy of the applicant's amateur station license.

S. Limited to lots directly fronting on Glacier Highway West of Industrial Boulevard.

T. Must be associated with a unique site specific feature in order to function. Example: glacier research station - Juneau Icefield location.

U. No storage permitted on the first floor of a building.

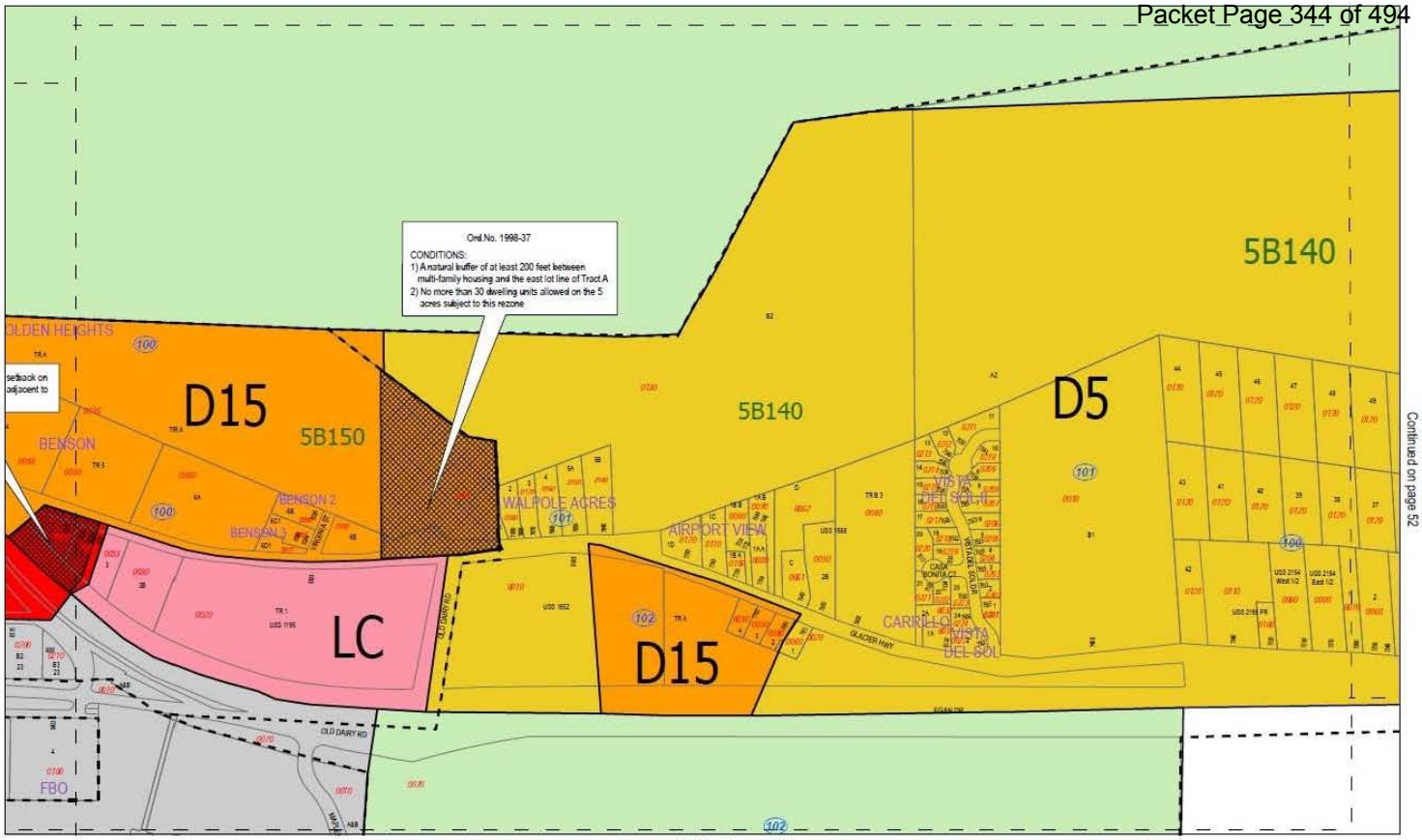
V. Primarily intended for rooftop locations in urban areas.

W. The capacity of a park shall be determined by the Director of the Community Development Department or designee in consultation with the Director of the Parks and Recreation Department.

X. Special requirements apply to accessory apartment applications. See CBJ§49.25.510(d)(2).

Z. Snow storage may be permitted for a maximum of five years. After five years a new application must be filed.

(Serial No. 2002-14, § 2, 4-1-5-2002; Serial No. 2002-29, § 2, 11-4-2002; Serial No. 2003-27am, § 5, 6-16-2003; Serial No. 2003-41, § 2, 9-22-2003; Serial No. 2003-41, § 2, 9-8-2003; Serial No. 2004-09, § 2, 4-12-2004; Serial No. 2006-07, § 2, 4-3-2006; Serial No. 2007-39, § 8, 6-25-2007; Serial No. 2009-22(b), § 2, 10-12-2009; Serial No. 2010-22, § 3(Exh. A), 7-19-2010)



Continued on page 45

Continued on page 52

Continued on page 51

ATTACHMENT B

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0 250 500 1,000 1,500 Feet

Property Information

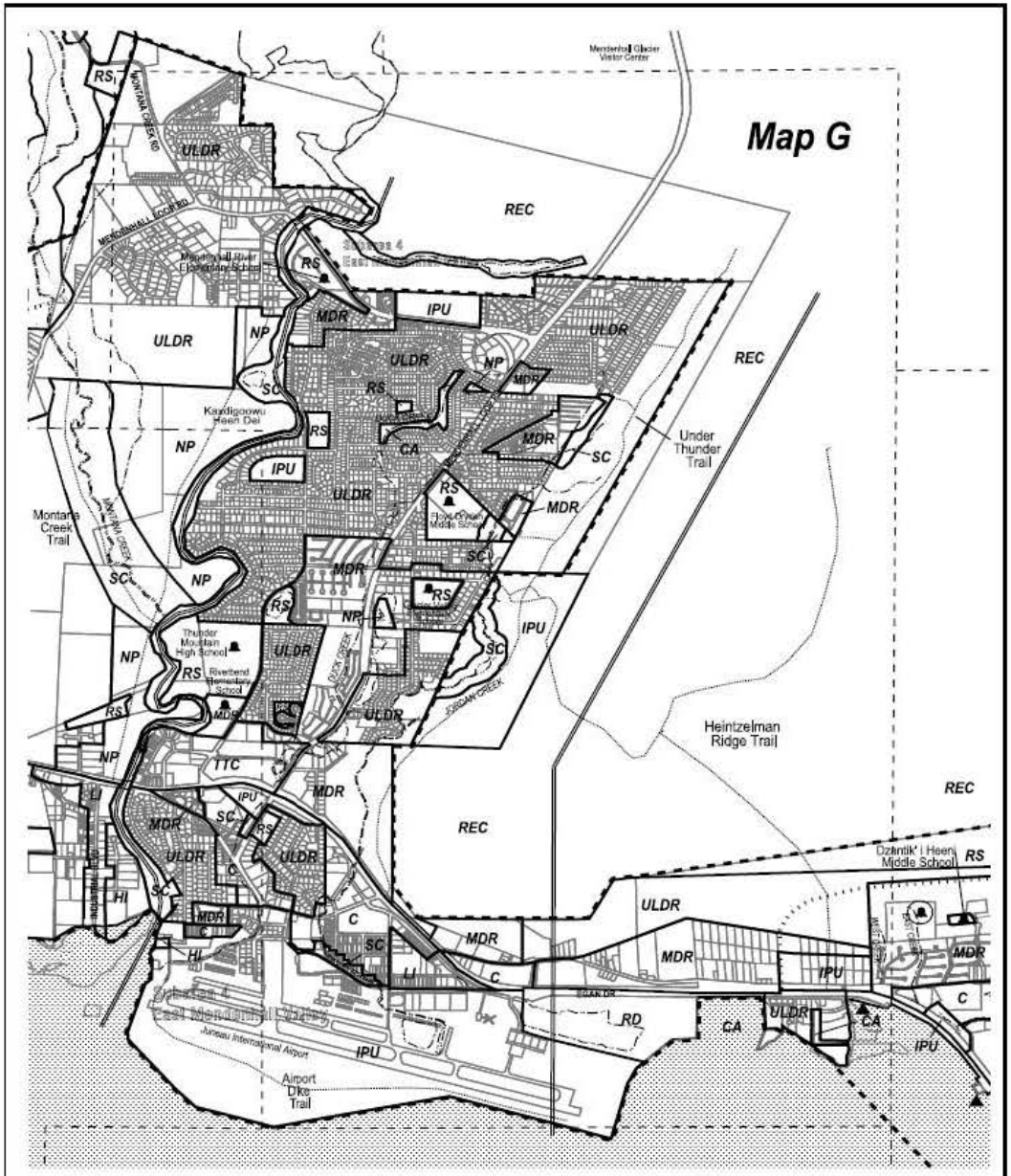
155	7	B	EAST VALLEY
Address Number	Lot	Block	Subdivision

Assessor Tax Code

6D090	102	0030
Parcel Code Prefix	Block Number	Lot Number

N

ATTACHMENT B



NATURAL RESOURCE

- REC Recreational Resource
- RD Resource Development
- SP State Park
- NP CBJ Natural Area Park
- RS CBJ Recreational Service Park
- CA CBJ Conservation Area
- SC Stream Protection Corridor

COMMERCIAL/INDUSTRIAL

- C Commercial
- MC Marine Commercial
- WCI Waterfront Commercial Industrial
- LI Light Industrial
- HI Heavy Industrial

RESIDENTIAL

- RDR Rural Dispersed Residential
- RLDR Rural Low Density Residential
- ULDR Urban Low Density Residential
- MDR/SF Medium Density Residential- Single Family
- MDR Medium Density Residential
- HDR High Density Residential
- TTC Traditional Town Center
- M/MU Marine Mixed Use

PUBLIC

- IPU Institutional and Public Use
- Existing School
- Potential School Location

ROADS/TRAILS

- Potential Arterial (alignment not specific)
- Potential Road (alignment not specific)
- Trails

OTHER

- New Growth Areas
- Mendenhall Wetlands State Game Refuge
- Subarea Boundary
- Urban Service Area
- Beach Access
- Streams

City & Borough of Juneau
COMPREHENSIVE PLAN
Adopted October 20th, 2008
Ordinance No. 2008-30

NOTE: Potential geophysical hazards, wetlands, flood zones, natural resource setbacks or other features which can affect properties may be present. CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT FOR DETAILED INFORMATION.

Map 11.8

Prepared by: Community Development Department

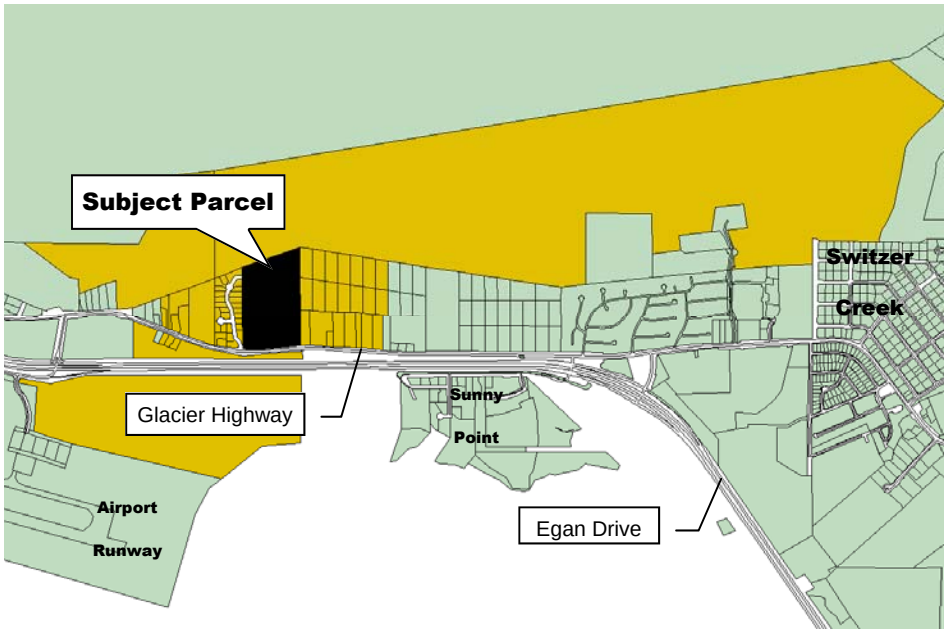
Neighborhood Meeting – Dzantik'I Heeni Middle School Library
February 26th, 2015 6:30pm-8:00pm

NAME	ADDRESS	PHONE NUMBER
ROGER SAMS	7340 GLACIER HWY	789-9498
BARBARA SAMS	7340 GLACIER HWY	789-9498

Neighborhood Meeting – Dzantik'I Heeni Middle School Library
February 26th, 2015 6:30pm-8:00pm

NAME	ADDRESS	PHONE NUMBER
Bob Lafavour	4031 Deborah Dr.	321-3709
+1 PENNY MILLER	7671 GLACIER HWY	789-6811
Richard Harris	PO Box 32403 Juneau 99803	790-4146

NOTICE OF PUBLIC HEARING



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

SHIP TO:

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PROPOSAL: A rezone request from D-5 to D-18.

File No:	AME2015 0005	Applicant:	RH Development
To:	Adjacent Property Owners	Property PCN:	5-B14-0-101-001-0
Hearing Date:	March 24, 2015	Owner:	Honsinger Family Limited Partnership
Hearing Time:	7:00 PM	Size:	19.71 acres
Place:	Assembly Chambers	Zoned:	D-5
	Municipal Building	Site Address:	7400 Glacier Highway
	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 Jonathan Lange at Jonathan.Lange@juneau.org or 586-0218.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: February 19, 2015

ATTACHMENT C

Jonathan Lange

Subject: FW: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

From: Charlie Ford
Sent: Thursday, February 05, 2015 1:50 PM
To: Jonathan Lange
Subject: RE: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

Jonathan,

The Building Department has no issues with this request.

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

From: Jonathan Lange
Sent: Thursday, February 05, 2015 12:41 PM
To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

Subject: Please review the attached documents related to a Rezone Request for a 19.71 Acre parcel on Glacier Highway, from D-5 to D-18.
File: AME2015 0005
Parcel: 5-B14-0-101-001-0
Address: 7400 Glacier Highway

The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.
Please see the attached application and proposed plans.
Please send me comments by February 23, 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, 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
PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: Jonathan.Lange@juneau.org

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Jonathan Lange

Subject: FW: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

From: Ron King
Sent: Thursday, February 05, 2015 1:51 PM
To: Jonathan Lange
Subject: RE: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

D-18 is not in harmony with the neighborhood and for that reason I would deny a rezone. However, if the zone change is approved the access from the development to Glacier Hwy shall be restricted to one entrance. Have you contacted ADOT? Joe Buck, Martin Peters?

Ron King PLS
General Engineering
907-586-0881

From: Jonathan Lange
Sent: Thursday, February 05, 2015 12:41 PM
To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

Subject: Please review the attached documents related to a Rezone Request for a 19.71 Acre parcel on Glacier Highway, from D-5 to D-18.
File: AME2015 0005
Parcel: 5-B14-0-101-001-0
Address: 7400 Glacier Highway
The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.
Please see the attached application and proposed plans.
Please send me comments by February 23, 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, 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
PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: Jonathan.Lange@juneau.org

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Jonathan Lange

Subject: FW: Ame2015 0005

-----Original Message-----
From: Jonathan Lange
Sent: Monday, February 23, 2015 10:31 AM
To: 'ANH LAM'
Subject: RE: Ame2015 0005

Good Morning,
Thank you for your comments.
I will keep you informed on any rezoning information as it is made available.

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

-----Original Message-----
From: ANH LAM [mailto:sefoot@hotmail.com]
Sent: Monday, February 23, 2015 10:18 AM
To: Jonathan Lange
Subject: Ame2015 0005

I prefer the property to stay the same. But Change going happen regardless, I would convert to d-18 or multiple use.
Thx. Dr lam

Sent from my iPhone

From: ANH LAM [mailto:sefoot@hotmail.com]
Sent: Monday, February 23, 2015 10:13 AM
To: Jonathan Lange
Subject: File ame2015 0005

I prefer property stay d-5. 7691 glacier hwy.-owner. I don't feel the current hwy can handle the increase traffic. Thx. Dr Lam.

Sent from my iPhone

Jonathan Lange

From: Alan Wilson <akrenovate@icloud.com>
Sent: Friday, March 06, 2015 11:52 AM
To: Jonathan Lange
Subject: D-18 rezone

Hi Jonathan- I own property at 7290 Glacier Hwy. I would like to get caught up on the public meeting and where the city is at with this issue. Is there a good time to meet or call?
I do support the D-18 zoning.

Alan Wilson, President
Alaska Renovators, Inc.
akrenovate@icloud.com
Cell 907-209-6320

March 8, 2015

Jonathan Lange
Community Development Planner
City & Borough of Juneau
155 S. Seward St.
Juneau, AK 99801

RE: File Number AME2015 0005, Zone Application Change Tract B1 of U.S. Survey 1568 at 7400 Glacier Highway from D-5 to D-18.

Under a D-18 designation, this acreage would be logged or clear cut; eliminating a number of stately, large spruce and hemlock trees that are fast disappearing from our local area. I have personally witnessed black bear, Sitka deer and an occasional coyote using the property.

We believe that this increased density level would be a net loss in the quality of living for ourselves as well as others in the area. Certainly trailer court and mobile home development density could be a detriment.

Increased traffic from the development could present problems as it is already busy in this section between Fred Meyer, Wal-Mart and the two expressway exit/entrances.

D-5 designation allows for most applicable uses for this acreage without the impact of a very dense population.

We are opposed to this change.

Roger Sams Barbara Sams

Roger & Barbara Sams
7340 Glacier Highway
Juneau, AK 99801

ATTACHMENT D

Jonathan Lange

From: Ted s <tkp.juneau@gmail.com>
Sent: Monday, March 02, 2015 10:45 AM
To: Jonathan Lange
Subject: Zone Change Application AME2015 0005 dated February 18,2015

Jonathan,

I was not able to come to the meeting, but our partner on the land Penny Miller was there. She talked with me on what transpired.

I understand that TKP Juneau needs to express our position on the rezoning to you.

tkp02242015_rezoning 7400 glacier highway.pdf

TKP Juneau, LLC supports the rezoning of Tract B1 of U.S.Survey 1568 at 7400 Glacier Highway from D-5 to D-18.

Regards,

Theodore Smith, Jr.
Voting member TKP Juneau, LLC
571-338-9754

Jonathan Lange

From: Alan Wilson <akrenovate@icloud.com>
Sent: Friday, March 06, 2015 11:52 AM
To: Jonathan Lange
Subject: D-18 rezone

Hi Jonathan- I own property at 7290 Glacier Hwy. I would like to get caught up on the public meeting and where the city is at with this issue. Is there a good time to meet or call?
I do support the D-18 zoning.

Alan Wilson, President
Alaska Renovators, Inc.
akrenovate@icloud.com
Cell 907-209-6320

March 31, 2015

Jonathan Lange, Planner II
Community Development Department
City & Borough of Juneau
155 S. Seward Street
Juneau, AK 99801

RE: File Number AME2015 0005, Rezone Request to change 19.71 acres at 7400 Glacier Highway from D-5 to a mix of D-18 and Light Commercial (LC).

Dear Sir:

This summer, we will be moving into our home in the neighborhood adjacent to this tract. We believe that the proposed increased density levels of D-18 and LC will have a negative impact on the surrounding neighborhoods. It makes logical sense to maintain the existing neighborhood density in this area, which is D-5. High density housing in a D-5 neighborhood will lower the quality of living for us as well as our neighbors. Additionally, there is no proposed buffer between the proposed high density housing and existing D-5 neighborhoods.

We agree that Juneau has a housing shortage, but in this location feel that D-5 designation will be able to put a sizeable dent in this shortage. From past experience in other states, as well as from looking around Juneau, multi-family housing, including condominiums, apartments and mobile home developments, will lead to a high rate of rental properties. With rental properties usually come greater issues of housing neglect and crime, negatively affecting nearby neighborhoods. I know it affected our decision while looking for a home in Juneau.

We believe that the proposed additional units will have a negative effect on transportation in this corridor. The proposed increased density levels will increase traffic significantly on Glacier Highway in this already crowded area between Fred Meyer and Wal-Mart, with no planned improvements to widen Glacier Highway or provide a center turn lane.

We are opposed to this change from D-5 to D-18 and LC designation. We feel that D-5 designation provides for the best use of this tract of land without adversely impacting the surrounding neighborhoods.

Sincerely,

Doug Wesley, Lead Forecaster - National Weather Service
Sandy Schneider, Senior Bridge Engineer – Parsons Corporation
7523 Vista del Sol Drive
Juneau AK, 99801

Jonathan Lange

From: Robin Potter
Sent: Monday, March 23, 2015 10:50 AM
To: Jonathan Lange
Cc: Beth McKibben
Subject: RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

The Assessor's office has no issues with the re-zoning, nor do we anticipate it will have any impact on the value of neighboring properties, if constructed according to the information provided.

Robin Potter
Assessor, Finance Department
City & Borough of Juneau
155 S. Seward Street
Juneau, AK 99801
907.586.0333
http://www.juneau.org/financeftp/assessor_main.php

Note new email address: Robin.Potter@juneau.org

From: Jonathan Lange
Sent: Monday, March 23, 2015 9:15 AM
To: Robin Potter
Cc: Beth McKibben
Subject: FW: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Good Morning,
I just wanted to follow up on the below email that I sent to you, asking for review comments for the proposed rezone at 7400 Glacier Highway.
I would like to receive comments from the Assessor's Office on the potential effects of the D-18 and Light Commercial zoning districts on the existing D-5 neighborhood. Would this rezone increase or decrease the value of the neighboring properties?
Please let me know if you have any question or require further information.
Thank you 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 F (907)586-4529
Jonathan.Lange@juneau.org

From: Jonathan Lange
Sent: Thursday, March 12, 2015 10:46 AM
To: Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; 'gretchen.pikul@alaska.gov'; marie.heidemann@alaska.gov
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Hello all,
Please review the attached documents. The applicant has amended their proposal from the below rezone request, to a rezone request to change their 19.71 acre parcel from D-5 to a mix of D-18 and LC (Light Commercial). See the second attachment for the applicant's rough proposal sketch. The applicant proposes that the front approximate five acres would be rezoned to Light Commercial, and then the remainder of the parcel be rezoned to D-18.
Please send me comments by March 23rd, 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, have any questions, or require additional time for review.
Thank you and have a great day.

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: Jonathan Lange
Sent: Thursday, February 05, 2015 12:41 PM
To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

Subject: Please review the attached documents related to a Rezone Request for a 19.71 Acre parcel on Glacier Highway, from D-5 to D-18.
File: AME2015 0005
Parcel: 5-B14-0-101-001-0
Address: 7400 Glacier Highway

The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.
Please see the attached application and proposed plans.
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, 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
PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: Jonathan.Lange@juneau.org

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Jonathan Lange

From: Pikul, Gretchen M (DEC) <gretchen.pikul@alaska.gov>
Sent: Thursday, March 12, 2015 11:55 AM
To: Jonathan Lange; Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; Heidemann, Marie E (DOT)
Subject: RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Thank you for the review opportunity.

The Department of Environmental Conservation, Division of Water, Non-Point Source section has no issues with the rezone application.

This application has been forwarded to DEC's Solid Waste and Stormwater sections.

Gretchen Pikul, Environmental Program Specialist
Alaska Department of Environmental Conservation
Division of Water, Non-Point Source Section

(907) 465-5023, http://www.dec.alaska.gov/water/wqsar/index.htm

---

From: Jonathan Lange [mailto:Jonathan.Lange@juneau.org]
Sent: Thursday, March 12, 2015 10:46 AM
To: Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; Pikul, Gretchen M (DEC); Heidemann, Marie E (DOT)
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Hello all,
Please review the attached documents. The applicant has amended their proposal from the below rezone request, to a rezone request to change their 19.71 acre parcel from D-5 to a mix of D-18 and LC (Light Commercial). See the second attachment for the applicant's rough proposal sketch. The applicant proposes that the front approximate five acres would be rezoned to Light Commercial, and then the remainder of the parcel be rezoned to D-18.
Please send me comments by March 23rd, 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, have any questions, or require additional time for review.
Thank you and have a great day.

Jonathan Lange, Planner II
Community Development Department
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Ph (907)586-0218 F (907)586-4529
Jonathan.Lange@juneau.org

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

From: Jonathan Lange
Sent: Thursday, February 05, 2015 12:41 PM
To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

Subject: Please review the attached documents related to a Rezone Request for a 19.71 Acre parcel on Glacier Highway, from D-5 to D-18.
File: AME2015 0005
Parcel: 5-B14-0-101-001-0
Address: 7400 Glacier Highway

The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.

Please see the attached application and proposed plans.
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, Planner II
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City & Borough of Juneau, Alaska
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Ph (907)586-0218 F (907)586-4529
PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: Jonathan.Lange@juneau.org

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Jonathan Lange

From: Heidemann, Marie E (DOT) <marie.heidemann@alaska.gov>
Sent: Friday, March 20, 2015 1:08 PM
To: Jonathan Lange
Cc: Epstein, David B (DOT); Schmidt, Joanne M (DOT); Buck, Joseph T (DOT); Hughes, Andrew N (DOT); Patz, Gregory D (DOT); Gray, Scott J (DOT)
Subject: RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Jonathan,

We have no objection to this proposal provided driveway standards are conforming. We also do not have any plans to upgrade the road beyond regular pavement overlays and maintenance.

Thanks,
Marie Heidemann
Transportation Planner
State of Alaska DOT&PF - Southcoast Region
Phone: (907)-465-1775

From: Jonathan Lange [mailto:Jonathan.Lange@juneau.org]
Sent: Thursday, March 19, 2015 9:32 AM
To: Heidemann, Marie E (DOT)
Subject: FW: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Good Morning,
I just wanted to follow up on the below email that I sent to you, asking for review comments for the proposed rezone at 7400 Glacier Highway, and ask a few question that you might be able to address in your comments.
Does DOT&PF have any future plans for the stretch of Glacier Highway between Fred Meyer and Walmart? Currently Glacier Highway is two lanes, is there a proposal for upgrading the road to two travel lanes and a center lane, in the future?
Please let me know if you can direct me to any future plans for Glacier Highway in this area; and let me know if you have any questions or concerns about the proposed rezone.
Thank you for your help.
Have a nice day.

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: Jonathan Lange
Sent: Thursday, March 12, 2015 10:46 AM
To: Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; 'gretchen.pikul@alaska.gov'; marie.heidemann@alaska.gov
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Hello all,
Please review the attached documents. The applicant has amended their proposal from the below rezone request, to a rezone request to change their 19.71 acre parcel from D-5 to a mix of D-18 and LC (Light Commercial). See the second attachment for the applicant's rough proposal sketch. The applicant proposes that the front approximate five acres would be rezoned to Light Commercial, and then the remainder of the parcel be rezoned to D-18.
Please send me comments by March 23rd, 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, have any questions, or require additional time for review.
Thank you and have a great day.

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: Jonathan Lange
Sent: Thursday, February 05, 2015 12:41 PM
To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

Subject: Please review the attached documents related to a Rezone Request for a 19.71 Acre parcel on Glacier Highway, from D-5 to D-18.
File: AME2015 0005
Parcel: 5-B14-0-101-001-0
Address: 7400 Glacier Highway

The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.
Please see the attached application and proposed plans.
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, Planner II
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Ph (907)586-0218 F (907)586-4529
PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: Jonathan.Lange@juneau.org

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Jonathan Lange

From: Heidemann, Marie E (DOT) <marie.heidemann@alaska.gov>
Sent: Wednesday, March 25, 2015 4:49 PM
To: Jonathan Lange
Cc: Schmidt, Joanne M (DOT)
Subject: FW: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Jonathan,

I know this is a late comment, but thought I'd send it along anyways. This does not change our 'no objection' comment sent earlier.

From: Schmidt, Joanne M (DOT)
Sent: Wednesday, March 25, 2015 3:56 PM
To: Heidemann, Marie E (DOT)
Subject: RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

The developer has indicated in their project description that much of the land is unusable due to wetlands and that they want to "preserve" forested lands, yet the diagram depicts development and use of the entire parcel. Proposal does not make sense

---

From: Heidemann, Marie E (DOT)
Sent: Friday, March 13, 2015 9:36 AM
To: Epstein, David B (DOT); Gray, Scott J (DOT); Schmidt, Joanne M (DOT); Buck, Joseph T (DOT); Hughes, Andrew N (DOT); Patz, Gregory D (DOT)
Cc: Davis, Randal V (DOT)
Subject: FW: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Hi All,

This one is right here in our neighborhood. Please send comments my way by Friday, March 20.

Thanks,
Marie

From: Jonathan Lange [mailto:Jonathan.Lange@juneau.org]
Sent: Thursday, March 12, 2015 10:46 AM
To: Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; Pikul, Gretchen M (DEC); Heidemann, Marie E (DOT)
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Hello all,
Please review the attached documents. The applicant has amended their proposal from the below rezone request, to a rezone request to change their 19.71 acre parcel from D-5 to a mix of D-18 and LC (Light Commercial). See the second attachment for the applicant's rough proposal sketch. The applicant proposes that the front approximate five acres would be rezoned to Light Commercial, and then the remainder of the parcel be rezoned to D-18.

Please send me comments by March 23rd, 2015, or as soon as possible.
I look forward to receiving your comments.
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Thank you and have a great day.

Jonathan Lange, Planner II
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Ph (907)586-0218 F (907)586-4529
Jonathan.Lange@juneau.org

From: Jonathan Lange
Sent: Thursday, February 05, 2015 12:41 PM
To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

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PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: Jonathan.Lange@juneau.org

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Jonathan Lange

From: Ron King
Sent: Thursday, March 12, 2015 11:10 AM
To: Jonathan Lange
Subject: RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

No issues with Zoning changes. GE involvement will be with the actual development plans and construction. Back in '95, Toner-Nordling located wetlands and produced a topo map for development. Also the record of survey was completed for Honsinger & Smith at that time. They wanted to buy the Danner parcel (Now …Vista Del Sol) and combine the property. The plan was a hillside development similar to Mountainside … History of Juneau … Lesson of the day … !

Ron King PLS
General Engineering
907-586-0881

From: Jonathan Lange
Sent: Thursday, March 12, 2015 10:46 AM
To: Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; 'gretchen.pikul@alaska.gov'; marie.heidemann@alaska.gov
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

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CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

From: Jonathan Lange
Sent: Thursday, February 05, 2015 12:41 PM

To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

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Jonathan Lange, Planner II
Community Development Department
City & Borough of Juneau, Alaska
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Ph (907)586-0218 F (907)586-4529

PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: Jonathan.Lange@juneau.org

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Jonathan Lange

From: Dan Jager
Sent: Thursday, March 12, 2015 12:02 PM
To: Jonathan Lange
Subject: RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Jonathan, I do not see any fire code issues with this request at this time. Thanks!
Dan

From: Jonathan Lange
Sent: Thursday, March 12, 2015 10:46 AM
To: Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; 'gretchen.pikul@alaska.gov'; marie.heidemann@alaska.gov
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Hello all,
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Jonathan.Lange@juneau.org

CITY/BOROUGH OF JUNEAU
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Sent: Thursday, February 05, 2015 12:41 PM
To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney
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Ph (907)586-0218 F (907)586-4529
PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: Jonathan.Lange@juneau.org

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Jonathan Lange

From: Rorie Watt
Sent: Thursday, March 12, 2015 11:12 AM
To: Jonathan Lange
Cc: Ed Foster; Samantha Stoughtenger; Ron King
Subject: RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

No comments.

From: Jonathan Lange
Sent: Thursday, March 12, 2015 10:46 AM
To: Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; 'gretchen.pikul@alaska.gov'; marie.heidemann@alaska.gov
Subject: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

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Sent: Thursday, February 05, 2015 12:41 PM
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CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Jonathan Lange

From: Jean Alonzo <jalonzo50@gmail.com>
Sent: Monday, March 30, 2015 9:56 PM
To: Jonathan Lange
Subject: Parcel Adjacent to Vista Del Sol

Good Evening Mr. Lange,

My name is Jean Alonzo I live in Vista Del Sol Dr with my wife and three daughters, this is the new development being build by Duran Construction. It has come to our attention that the 19-acre parcel that is for sale on the town side of Vista Del Sol has been sold or it has a potential buyer and that this potential buyer has applied for a zone change from D-5 to a mix of D-18 and Light Commercial (LC), this is something that my wife and I are concern about because we are afraid that this zone change will have a negative impact not only to our home but to the entire community at Vista Del Sol, I believe that by approving the zone change and the light commercial development, the property value at Vista Del Sol and other neighboring properties will suffer greatly **"and this is a big concern to us that our properties has a great potential to decrease in value"** not to mention the terrible traffic that will cause this development of at least 400 dwelling units because we have to take into account that with this amount of dwelling units there will be over 400 hundred vehicles increasing traffic tremendously, please take all this into consideration before approving zone cahnge. I would like to thank you for taking your time to read this email and hear our concerns.

V/R
Jean Alonzo
Fabiola Alonzo

Property Owners at Vista Del Sol Dr.

Jonathan Lange

From: Josette Duran <duran@acsalaska.net>
Sent: Tuesday, March 31, 2015 12:39 PM
To: Jonathan Lange
Subject: RE: Crude sketch

And this is all that Mr. Harris has given you? As I stated in our meeting, the narrative states the reason for the rezone as "a large portion of the parcel is *believed* to be wetlands and much of this will be preserved through the wetland permitting process, the process will limit the usable land within this parcel, requiring that the usable portions of the land be a higher density to accommodate a quality housing project".

If the wetlands are the justification for the rezone request, let's see the wetlands. Either by a Jurisdictional Determination prepared by the USCOE or other qualified professional that will be accepted by USCOE.

This goes to "not enough information…".

From: Jonathan Lange [mailto:Jonathan.Lange@juneau.org]
Sent: Tuesday, March 31, 2015 12:19 PM
To: 'Josette Duran'
Subject: RE: Crude sketch

Attached is the wetlands maps that the CBJ regulates. For the subject parcel this map is a little confusing. The M27 designation is for the sliver of wetlands on the south of Glacier Highway.

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: Josette Duran [mailto:duran@acsalaska.net]
Sent: Tuesday, March 31, 2015 12:01 PM
To: Jonathan Lange
Subject: RE: Crude sketch

And can you please provide me with a copy of the wetlands delineation you mentioned you had?

Thanks.

From: Jonathan Lange [mailto:Jonathan.Lange@juneau.org]
Sent: Tuesday, March 31, 2015 11:23 AM

To: Josette Duran (duran@acsalaska.net)
Cc: Hal Hart
Subject: FW: Crude sketch

Josette,
Attached is the concept plan from Rich Harris for the lot adjacent to Vista Del Sol.

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: RICHARD HARRIS [mailto:RHDevelopment@gci.net]
Sent: Tuesday, March 31, 2015 11:18 AM
To: Jonathan Lange
Subject: Crude sketch

Jonathan , please replace our initial crude sketch with the attached .

Thanks,

Richard Harris

Jonathan Lange

From: donna rasmussen <olrsince88@yahoo.com>
Sent: Monday, March 30, 2015 8:54 PM
To: Jonathan Lange
Subject: rezoning

Hello,
We are writing in regards to possible rezoning of a parcel at 7400 Glacier Highway. Increasing to D-18 zone and overcrowding the area would be detrimental. The increased noise and traffic, along with decreased natural habitat will be very stressful on the environment and neighborhood.

Sincerely,
Brad and Donna Rasmussen

Jonathan Lange

From: Skeek, Kyle (HSS) <kyle.skeek@alaska.gov>
Sent: Tuesday, March 31, 2015 4:25 PM
To: Jonathan Lange
Subject: Concerns

Jonathan,

Good morning. As per our discussion I do have concerns as a future home owner of the Vista Del Sole Property.

My concern's are:

1. Rezoning it to light commercial – it would increase traffic. The proposal is too vague and we don't even know what it would be used for…marijuana growing? I have children that I am concerned about.
2. Property Value would drop due to the rezoning and depending what type of commercial that would be next door.
3. The property in the back has the potential of having having an apartment complex. My concern is that it would lower the value of my property, it would bring in the type of people (sexual offenders and drunks) near my property which I have carefully selected to stay away from. My current home is near a school zone (mendenhall River School). I would never buy a home near an apartment complex or a light commercial zone. I would rather break my contract and stay in my current home.
4. This rezoning will have a big impact on the Vista Del Sole properties and future buyers.

Bottom line we need more specifics on the rezoning to light commercial and if this goes through you better put in a stop light to keep my family safe from traffic.

Kyle Skeek
Eligibility Technician II
Division of Public Assistance
Juneau District Office – 020
10002 Glacier Highway, Suite 200
Juneau, AK 99801
Ph: 465-3264
Fax: 465-4657

Jonathan Lange

From: Jonathan Lange
Sent: Tuesday, March 31, 2015 4:39 PM
To: 'Josette Duran'; Hal Hart
Cc: Beth McKibben
Subject: RE: Rezone - Staff Report

Josette,
Thank you for reviewing the report and your comments.
We will include Subarea 4 in the staff report, as well as Subarea 5; and will include the "Guidelines" that you pointed out too.
For your density question; the calculations for density will change once the parcel is subdivided. Once subdivided the density will be calculated for each parcel, roads do not count into this calculation.
Unfortunately, we will not be able to give you until tomorrow for your comments. The staff reports and attachments are due to our Administrative Staff today. I will be leaving soon for the day. So, if you are able to get whatever comments you have so far, please do.
Any comments received after today will be given to the Planning Commission the day of the meeting. Also, you may give comments to the Planning Commission the night of the meeting, when they open the hearing for public testimony.

Jonathan Lange, Planner II
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City & Borough of Juneau, Alaska
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Ph (907)586-0218 F (907)586-4529
Jonathan.Lange@juneau.org

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

From: Josette Duran [mailto:duran@acsalaska.net]
Sent: Tuesday, March 31, 2015 3:56 PM
To: Hal Hart; Jonathan Lange
Subject: Rezone - Staff Report

Gentlemen,

Thank you for your time this morning to hear our concerns about the rezone application. Of course, I am hammering away at putting our comments in written form for inclusion in the packet to the Planning Commission.

I have also just reviewed the draft staff report and thank you for that opportunity.

One BIG thing that stands out is that the parcel has been stated as being in Subarea 5 (Maps G, H & K), while it appears to me to belong in Subarea 4 (Maps F & G). There is a small portion of Map G (DZ School/Switzer and some IPU) that overlaps and is included on both maps, thus that portion of the map would be included in Subarea 5, but not the rezone parcel.

With that said, the Guidelines and Considerations for Subarea 4 state:

1. "Maintain the density of existing neighborhoods…" D-5. (period)
2. "Provide for increased community commercial development close to existing commercial areas *in the lower valley*." The rezone parcel is not in the lower valley where commercial development is being encouraged (and without language elsewhere would say it is not being encouraged elsewhere in the subarea). The MDR definition "Any commercial development should be of a scale consistent with a residential neighborhood…" What scale of commercial development is consistent within an existing D-5 neighborhood? I think the residents would say none.

If you could let me know if we agree on the Subarea 4 designation that would help (us both, I think!).

Other thing I see is page 16 last paragraph abut total density for land without the development of the streets--I thought the area of streets was included in the density calculation? So the density would not be reduced afterall?

I am hoping I can have until the morning to get our comments in?

Thanks,

Josette Duran
321-4663

Note:
Refer to JWMP enforceable policies WM1-WM11.
JWMP Policies do not apply to Federal Lands.
Federal Lands are excluded.

(See WEST VALLEY Map) for this area

WETLAND CATEGORIES

D2	EP	M5	A
D3	EP	M6	C
D4	EP	M7	B(S)/C(S)
D5	EP	M8	C
D6	EP	M9	C
D7	B(S)	M10	C
D8	B(S)	M13	C
J1	B(S)	M14	B
J2	A	M15	C
J3	A	M17	C
J4	A	M18	C
J5	A(R)	M19	D GREENBELT
J6	B(S)	M21	B GREENBELT
J7	B(R)/C	M26	B
M1	B	M27	B
M1A	B	M49	C(S)
M1B	B	M50	C
M1C	B	M51	C(S)
M2	EP	M52	C
M3	B	M53	C(S)
M4	C		

* ES wetlands are included in the local resource inventory but are not classified as A,B,C and D due to intertidal influence. See ES RESOURCE INVENTORY page for exact boundaries of ES1, ES2, ES5, ES7, ES11, ES15, ES18, ES40, ES41 and ES42.

(R) refers to Residential Road Corridor
(S) refers to Anadromous Stream and Lake Corridor*

* Anadromous water bodies are determined by the latest CBJ- adopted version of the Alaska Department of Fish and Game's "Water Important to Spawning, Rearing, or Migration of Anadromous Fishes- Southeastern Region."

JUNEAU WETLANDS MANAGEMENT PLAN
Management and Important Habitat Designations
EAST VALLEY
Juneau Coastal Management Plan
November 2007

2000 0 2000 Feet

N

Source: Base Maps: City & Borough of Juneau/Geographic Information System
Wetland Boundaries: Juneau Wetlands Management Plan- May 1994

Important Habitat Designations
Federal Lands
Wetlands Resource Inventory

(See LEMON CREEK Map) for this area

J1 J2 J3 J4 J5 J6 J7 D2 D3 D4 D5 D6 D7 D8 MW17 M17 M18 M19 M21 M14 M50 M16 M52 M51 M9 M13 M10 M26 M27 M53 M8 M5 ES11* M3 ES15* M2 M6 M4 M1B M1 M1C M1B M1A ES11* ES14* ES2* ES5* ES7*

ATTACHMENT E

LEMON CREEK TRAFFIC MAP ENLARGEMENT 2012

Prepared By

ALASKA DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
DIVISION OF DESIGN AND ENGINEERING SERVICES
SOUTHEAST REGION TRAFFIC AND SAFETY

LEGEND

999 AVERAGE DAILY TRAFFIC (SHOWN IN RED) COUNTS INCLUDE BOTH DIRECTIONS

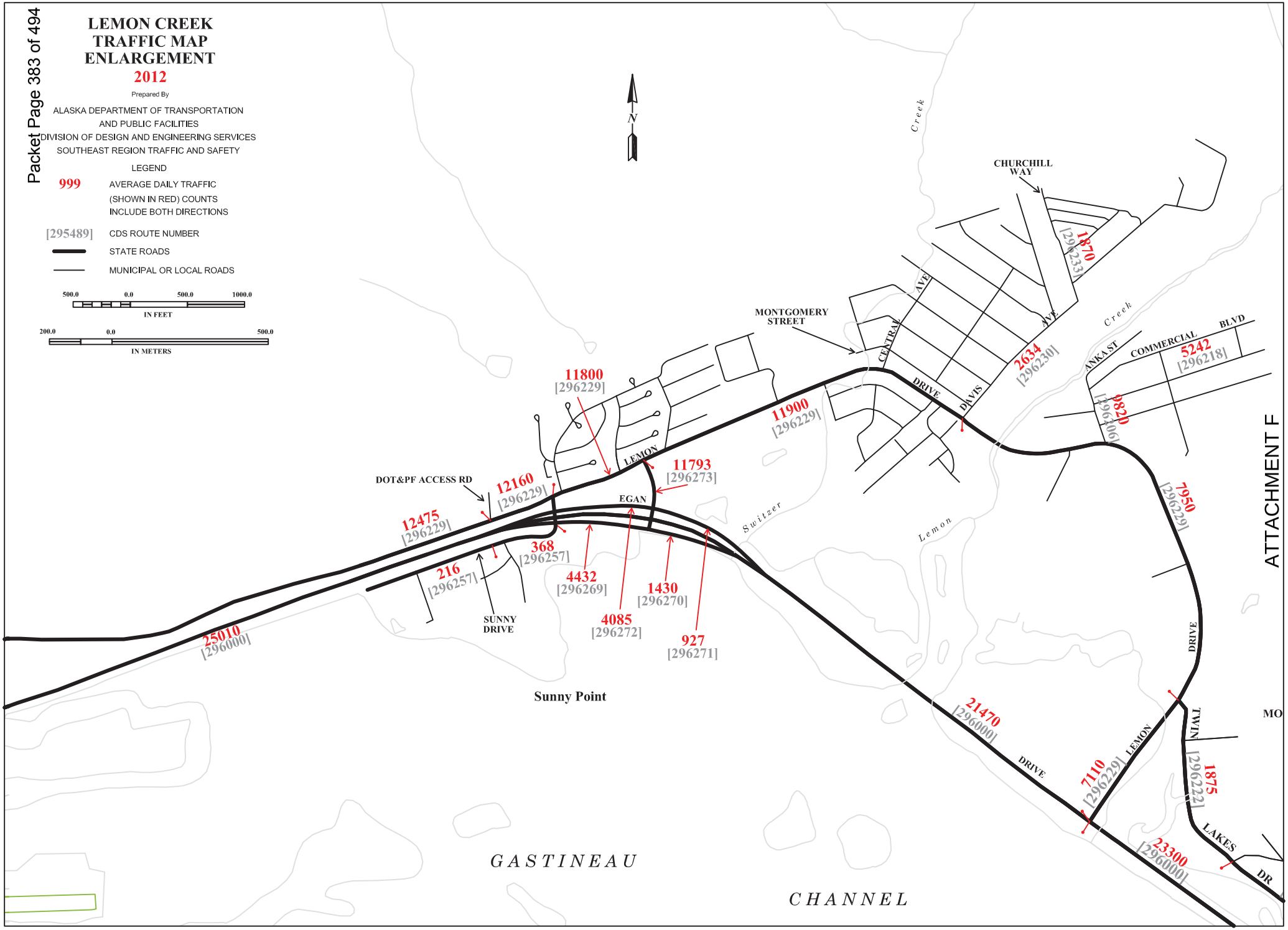
[295489] CDS ROUTE NUMBER

STATE ROADS

MUNICIPAL OR LOCAL ROADS

500.0 0.0 500.0 1000.0
IN FEET

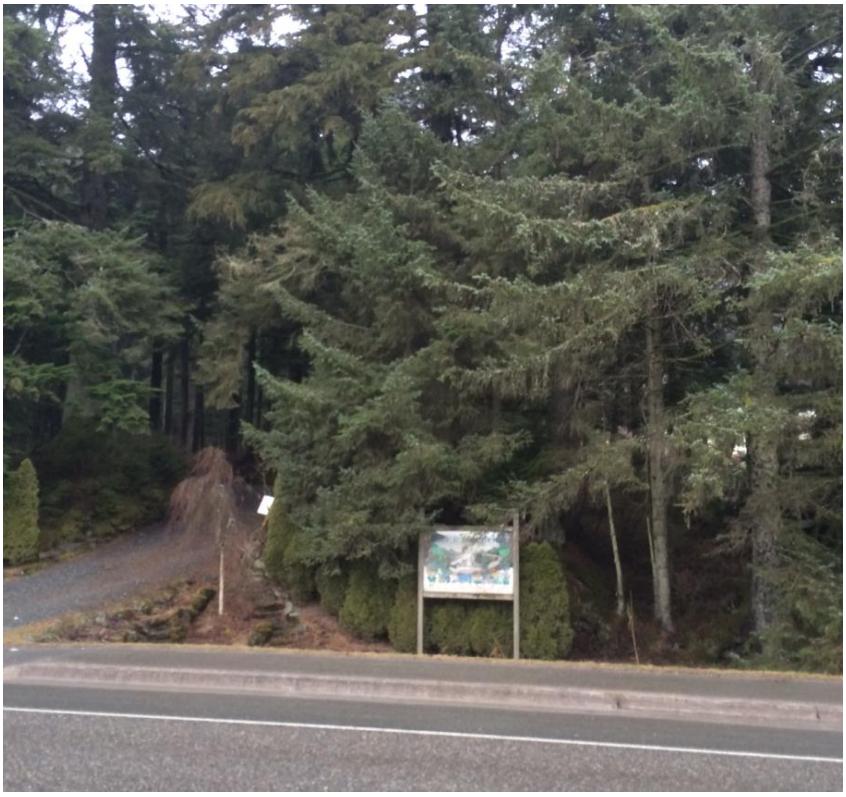
200.0 0.0 500.0
IN METERS



ATTACHMENT F

Existing Site – 7400 Glacier Highway

Vista Del Sol Subdivision to the West of Subject Parcel



Glacier Gardens – West of Subject Parcel.

Single-family development along Glacier Highway.

Single-family development along Glacier Highway to the west and bus stop approximately a quarter of a mile away from subject parcel.

Commercial development located on Glacier Highway west of subject parcel.

Looking west along Glacier Highway from CBJ Public Works buildings.

Single-family residence along Glacier Highway.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF RECOMMENDATION
Date: April 20, 2015
File No.: AME2015 0005

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

Application For:	A Rezone Request to change 19.71 acres from D-5 to a mix of D-18 and LC (Light Commercial).
Legal Description:	USS 1568 Tract B1
Property Address:	7400 Glacier Highway
Hearing Date:	April 14, 2015

The Planning Commission, at its regular public meeting on April 14, 2015, did not adopt the analysis and findings listed in the attached memorandum dated April 3, 2015, and recommended denial of the request to rezone 19.71 acres of D-5 to a mixture of Light Commercial and D-18. The Commission adopted the findings below to support their decision:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Land Use Code.

2. Although the requested D-18 zoning does not violate the land use maps of the Comprehensive Plan and is consistent with Map G the proposed zoning is not in harmony with the existing neighborhood and zoning of the area. LC zoning does not substantially conform with the Land Use maps of the Comprehensive Plan in that it allows densities greater than 20 dwelling units per acre.

3. The rezoning constitutes an area greater than two acres.

Attachments: April 3, 2015 memorandum from Jonathan Lange, Community Development, to the CBJ Planning Commission regarding AME2015 0005.

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

Project Planner: Jonathan Lange

Jonathan Lange, Planner
Community Development Department

Michael Satre, Chair
Planning Commission

Filed With City Clerk

4/22/15
Date

cc: **Plan Review**

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. 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.

Presented by: The Manager
Introduced: 05/19/2014
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2014-14(c)am

An Ordinance Amending the Land Use Code Relating to Rezoning Procedures.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment to Section. CBJ 49.75.130 Procedure, is amended to read:

49.75.130 Procedure.

A rezoning shall follow the procedure for a major development permit except for the following:

(a) The commission shall make a recommendation to the assembly to approve, approve with modifications, or deny a rezoning request. The commission shall prepare written findings in support of its recommendation. The commission's notice of recommendation shall be posted on the department's website within 10 days of the public hearing on the proposed rezone. If the commission recommends approval of the rezoning request or approval with modifications, the director shall forward the commission's written recommendation to the assembly with an ordinance to amend the official zoning map in accordance with the recommendation. If the commission recommends denial, the amendment shall be deemed disapproved unless the applicant files a notice of protest in accordance with CBJ 49.75.130(b).

(b) Protests.

(1) An applicant may protest the commission's recommendation to deny the rezoning by filing a written statement with the municipal clerk within 20 days of the commission's written notice of recommendation for denial, requesting that an ordinance amending the zoning map as set out in the application be submitted for action by the assembly. The director shall, within 30 days of the filing of the protest with the municipal clerk, prepare a draft ordinance to be appended to the notice of recommendation for consideration by the assembly.

(2) Any person may protest the commission's recommendation to approve a rezoning request or approve a rezoning request with modification by filing a written protest

with the municipal clerk within 20 days of the commission's written notice of recommendation.

(3) In the case of a timely filed protest and after introduction of the proposed ordinance at a regularly scheduled assembly meeting, the assembly shall hold a public hearing on the proposed rezoning. At the close of the hearing, the assembly shall approve the zoning map amendment as recommended by the commission, approve the zoning map amendment with modifications, or deny the zoning map amendment. If approved with modifications, the ordinance shall become effective only with the written consent of the owner(s) of the property to be rezoned.

(c) All rezonings shall be adopted by ordinance, and any conditions thereon shall be contained in the ordinance. Upon adoption of any such ordinance, the director shall cause the official zoning map to be amended in accordance with the adopted ordinance.

Section 3. Effective Date. This ordinance shall be effective 30 days after current, outstanding appeals are resolved.

Adopted this 29th day of September, 2014.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

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 10, 2015

TO: Planning Commission

FROM: Laura Boyce, AICP, Senior Planner
Community Development Department

FILE NO.: TXT2009-00001

PROPOSAL: Proposed Title 49 and Title 4 changes regarding the subdivision of land.

ATTACHMENTS

Attachment A Draft Subdivision Ordinance No. 2015-03

BACKGROUND

Since 2007, the Community Development Department (CDD) has been working on proposed revisions to Title 49 regarding the subdivision of land. The reasons for the proposed revisions are numerous. Some subdivision requirements in the existing Code originate from the 1960's. In the intervening 50-plus years, many amendments and additions were made to the Code resulting in a piecemeal approach to subdivisions. Furthermore, Code sections concerning subdivisions are scattered throughout Title 49. This has led to Code sections that conflict with each other, are out of date, or are repetitive. Additionally, general changes are needed in order to encourage orderly development within the Borough and reflect current subdivision practices.

While the original intent of this update was to create a stand-alone chapter for subdivisions as well as update requirements, the realization of a stand-alone chapter results in redundancies, confusion, and loss of requirements that apply to development other than subdivisions. This proposed ordinance, while not creating a stand-alone chapter, still accomplishes many of the goals of the original effort and keep proposed key policy changes intact. The existing subdivision permit section in Chapter 15 of Title 49 is proposed to emulate much of the format initially proposed in Chapter 17 (the stand-alone chapter). Specific policies and changes will be outlined below.

Although the majority of the proposed changes concern the subdivision of land, some of the changes do not. Minor changes or clarifications to other Code sections are included with this re-write that are not necessarily related to the subdivision of land. Since many of the Code chapters were "open" already for subdivision-related changes, other minor changes were incorporated.

The Subdivision Review Committee (SRC), a subcommittee of the Planning Commission, worked with CBJ staff in the review and creation of these proposed changes. In October, 2014, the SRC finished its review of the proposed changes and moved it to a Planning Commission Committee of the Whole

meeting for overview and consideration. With unanimous approval, the Committee of the Whole at its November 13, 2014, moved the proposed changes, with one exception, to the full Planning Commission for public hearing. On December 9, 2014, the Planning Commission moved the proposed changes to the Assembly for approval.

Since then, the Law Department and Community Development Department staff worked together to prepare the re-write in ordinance format for Assembly consideration. During this holistic review, it was discovered that creation of a new chapter solely for subdivisions created issues in other parts of the Code. Unfortunately, it was determined that a new subdivision chapter could not be realized at this time. The key policy decisions that the Subdivision Review Committee worked on, and the Planning Commission approved, are generally present in this draft, but reformatted within the existing Code, specifically in Chapter 15.

The draft ordinance incorporating these changes was brought back to the Subdivision Review Committee (SRC) for review and to discuss key policy questions that arose during ordinance creation, such as privately maintained access in rights-of-ways, common wall subdivision setback rules regarding additional building along the common wall boundary, and triggers for street improvements when 250 average daily trips are exceeded in subdivisions on private roads. The SRC met March 17, March 24, and finished its review at its March 31, 2015, meeting.

Discussion and summary of the proposed changes by chapter are included below.

CHAPTER 49.10 Administration and Compliance

An earlier version of proposed changes to this chapter included a change in Planning Commissioner's duties regarding right-of-way acquisitions; that change to this specific chapter is no longer proposed as it is covered elsewhere in this draft in a more appropriate section. Since the chapter was being reviewed at that time, the following minor housekeeping issues are proposed to reflect current practice:

Changes are proposed to this chapter to reflect the following:

- Planning Commission meetings are conducted under Robert's Rules of Order, rather than Mason's Manual (CBJ 49.10.130(d));
- Deletion of a specific term in CBJ 49.10.130(e), "and evidentiary" from development forms to make it more general rather than specific;
- Deletion of the term "under this section" as this section applied to the entirety of Title 49, not just this section (CBJ 49.10.620 Compliance order);

- Changes to Article VII, Wetlands Review Board as follows:
  - A change to reflect that regular meetings will be held when necessary to conduct business instead of requiring mandatory monthly meetings (CBJ 49.10.770(a);
  - A minor change to the Special Meetings and Public Notice sections to combine public notice requirements into one section (CBJ 49.10.770(b) and (c)); and
  - Meetings will be conducted under Robert's Rules of Order instead of Mason's Manual (CBJ 49.10.790).

CHAPTER 49.15 Permits

Originally, changes to the Permits chapter were proposed to remove the Subdivision Permit section entirely (CBJ 49.15 Article IV) so it could be located in its own new chapter (previously proposed Chapter 17). However, as stated earlier, that proposed move created unexpected internal inconsistencies and issues within the entirety of Title 49. Therefore, the Subdivision permit section is still located within the Permits chapter, but has changed. Article IV, as outlined below, incorporates much of the format proposed in the previously envisioned stand-alone chapter so that it is easier to use; the process and requirements regarding subdivisions are made clear. Also, other sections within the Permits chapter needed changing, such as removing Major Subdivisions from the Conditional Use permit review section as Major Subdivisions are no longer proposed as conditional uses. The following changes, including minor and significant, are proposed as follows:

- Inclusion of a new section for permit application cancellation and withdrawal. This section proposes a mechanism for applications to be cancelled due to inactivity by the applicant. Currently, there is no provision in Code to cancel applications; this results in numerous "open" inactive permits, some decades old. Additionally, this section includes notification that if an applicant withdraws an application just prior to the public hearing, then the application fee will be forfeited. This new section will apply to all permit types, not just subdivisions. (CBJ 49.15.150, Application cancellation and withdrawal).
- The Public Notice section includes additions and changes to clarify the intent of the public notice requirement. These changes include allowing the Director to determine public notice sign locations, requiring possible additional signs, requiring notification to proximate CBJ-recognized neighborhood associations, and public mailing cost will be incurred by the applicant rather than the CBJ (CBJ 49.15.230, Public notice). Some properties may be very large or have access from two or more rights-of-way. In cases such as this, the director can require additional public notice signs in order to ensure adequate public notice.
- The Development Permit Expiration section is deleted as it is incorporated into the new application and cancellation section in CBJ 49.15.150, as noted above (CBJ 49.15.240, Development permit expiration).
- A formatting change is made to the Effective Date section to clarify that major development permits are effective when filed with the clerk, while minor development permits are effective upon signing by the Director (CBJ 49.15.239, Effective date).

- The Conditional Use permit section is amended to delete reference to Major Subdivision applicability; Major Subdivisions will no longer be reviewed as conditional uses. The purpose of this proposed Code change is to amend the criteria for subdivision approval, where appropriate, to better fit subdivision development. Currently, Major Subdivisions are required to follow the Conditional Use permit process for approval by the Planning Commission. An additional minor change is added that the Planning Commission can condition a permit to include private, as well as public, utilities. (CBJ 49.15.330, Conditional use permit).
- Article IV, Minor and Major Subdivisions is deleted in its entirety with new and expanded requirements for subdivisions. This revised section seeks to fulfill the intent of the proposed stand-alone subdivision chapter and is discussed below. The purpose of this consolidation is to make it easier for the public to understand what is required for completing a subdivision development. It also will help staff administer the Code. With so many Code sections regarding subdivisions scattered throughout Title 49, a provision could be overlooked. Additional goals of these changes include helping to facilitate development by reducing initial upfront costs, as well as update current subdivision rules to reflect current practices.
    - The permitting process and criteria for approval has been modified to better suit subdivision development, rather than using general land use permitting procedures.
    - **There are two types of subdivision permits proposed, each with its own process and requirements.** Minor Subdivisions (1 - 13 Lots), and Major Subdivisions (more than 14 Lots). Currently, many steps in the approval process are not clear or not described in Title 49. The bulk of the revisions address these discrepancies.
    - **MINOR SUBDIVISIONS –**
        - **1 to 13 Lots** - The threshold for Minor Subdivisions will increase from the current limit of four lots, up to thirteen lots. Currently, any subdivision over four lots is a major subdivision and requires two full public hearings before the Planning Commission. This new process allows director approval and no public hearings for subdivisions of 1 to 13 lots. Additional information might be required for subdivisions of more than 5 lots. This will allow the Director to evaluate and use discretion to approve these somewhat larger subdivisions. These subdivisions do have complex issues that can be adequately addressed and approved by the director when higher levels of standards are applied. Part of the approach to streamline the permitting process is to allow more applications to be approved by the director.
        - **Two-step process** – There will be a clear two-step process for Minor Subdivisions, a preliminary plat and a final plat.
        - **The director's decisions on Minor Subdivisions will be formalized with a Notice of Decision for the preliminary plat.** The purpose of this change is to clarify and standardize the approval process for Minor Subdivisions. The Notice of Decision will clarify the status of the subdivision and itemize all remaining conditions. Public notice will be required for minor subdivisions. The preliminary plat Notice

of Decision may also be used by the developer to assist with obtaining financing so that construction can occur which is required for final plat approval.

- **Public notice required for Minor Subdivisions -** Currently, public notice is not required for Minor Subdivisions, but with the proposed increase in lots, the abutting or directly adjacent neighbors will be notified that subdivision will occur on the property.
- **Privately maintained access in right-of-way option available** – Minor Subdivisions of 13 or fewer lots have the option to construct a 20' wide gravel privately-maintained access in the right-of-way. This is discussed in more detail later in the report.

o **MAJOR SUBDIVISIONS –**

- **14 or more lots** – The threshold for Major Subdivisions will increase from 5 lots to 14 lots.
- **Two-step process –** The current two-step process for Major Subdivisions will remain in place, preliminary plat and final plat. These two steps will require public hearings and approval by the Planning Commission. Conditions can be placed on the preliminary and final plats.
- **The criteria, or findings, for approval of Major Subdivisions will be modified.** Currently, the criteria for approval of Major Subdivisions are the same as those used for approval of Conditional Use permits. Currently, major subdivisions are required to follow the Conditional Use permit process for approval by the Planning Commission. The purpose of this proposed Code change is to amend the criteria for subdivision approval, where appropriate, to better fit subdivision development. For example, one of the existing criteria that must be considered for approval of a Conditional Use permit is *"will substantially decrease the value of or be out of harmony with property in the neighboring area…".*

  The proposed changes would eliminate this criterion, as well as others. This is an important policy change based on the following premise: a subdivision is a use of land that is presumed to be compatible with surrounding development when developed to its zoning standards, rather than the subdivision be treated as a use of land that may or may not be appropriate for the neighborhood. The reason to treat subdivisions as compatible uses is that all lots in a new subdivision must meet the standards for the zoning district and any future use of these lots must comply with the existing zoning district. These proposed changes to the criteria do not preclude the Planning Commission from placing conditions on the plat approval.

- **A pre-application meeting is required for Minor and Major subdivisions.** The purpose for requiring a pre-application meeting is to help identify any major issues and/or required improvements early on in the process before an applicant completes costly plans and reports for subdivision platting. A sketch plat is required at the pre-application meeting for Major Subdivisions. For Minor Subdivisions, a sketch plat may be required at the Director's discretion.
- **The submittal and approval of construction plans will be integrated into the subdivision permitting process.** Approval of construction plans and completion of public improvements are a fundamental part of subdivision development. However, these major components are not currently clearly integrated into the subdivision approval process.
- **Plat standards and requirements** - The requirements for preliminary plats and final plats are clear in the proposed ordinance for Minor and Major Subdivisions. There is confusion with the current Code requirements as to what applies for a minor subdivision preliminary plat and what is required for a Major Subdivision. These changes clarify the necessary requirements and standards.

- **Lot Design –** All lots will meet the minimum dimensional standards for the zoning district in that they are located in. This remains the same as with current Code requirements. The following lot types are exceptions to this requirement. Some of these existing exceptions are being amended, deleted, or expanded, as detailed below.
  - **The "minimum rectangle" or Director's Discretion lot design –** this section of Code gives the director discretion to approve lot design that does not meet the minimum dimensional standards, but does meet minimum lot size requirements in cases of difficult topography or other circumstances. This section of code is being deleted in the draft ordinance as it has resulted in inefficient usage of land and poor subdivision design. Usually, this section results in lots that appear to be panhandles, but are not true panhandle design. Panhandle lot design is meant to apply to more rural lots that are large, but insufficiently wide; they result in two lots with shared access and a restriction that further subdivision is not allowed. The minimum rectangle section of Code has created lots that appear to be panhandles, but are not.
  - **Panhandle lots –** Panhandle lot design will include a limitation on the length of the panhandle – the portion that provides access from the road to the main portion of the lot. The panhandle portion cannot be longer than 300 feet in D-1 zone districts and 1-1/2 times the minimum lot depth in other residential districts. The minimum lot size for panhandle lots remains the same at 20,000 for those served by a public sewer system or 36,000 for those not served.
  - **Public use lots –** This is a new section of code that allows the Director for Minor Subdivisions and the Planning Commission for Major Subdivisions to waive the minimum dimensional requirements for lot size, width, and depth, as well as lot frontage requirements for lots that will serve in the public interest, such as a park, open space, public or private utilities, conservation lots, or similar uses. The current Code already

allows conservation lots when they are adjacent to the Mendenhall Game Refuge Area. The proposed ordinance would remove that restriction and allow conservation lots in any location where conservation lot requirements are met. The Director or Planning Commission can place restrictions that limit building development, further subdivision, or other restrictions and will be noted on the plat.

- **Privately maintained access in rights-of-way -** This section is moving from the Public Improvements chapter (Chapter 35) to the Permits chapter, Chapter 15, and is expanded from its current use. Currently, the Director can approve a driveway access in an existing platted public right-of-way that has not been constructed for Minor Subdivisions and the Planning Commission can approve for Major Subdivisions up to 8 lots through the Conditional Use process. This allows development to occur on lots that were previously platted, and the right-of-way provided, but not built. Current Code requires that the street must be constructed to CBJ standards before development can occur. This existing section recognizes that many rights-of-way were previously platted "on paper", but were not built. To provide relief to the lot owners along those unbuilt rights-of-way from paying for the cost of street improvements, they can apply for a driveway in a right-of-way permit. The current use of this permit type is that it only applies to previously platted subdivisions, not new subdivisions.

  The proposed changes expand the use of this concept to allow development of a gravel road that will meet minimum Fire Access requirements (currently 20 feet) in new subdivisions in the right-of-way without paying for construction of a full road with pavement, sidewalks, curb, gutter, etc. The Director can approve a privately maintained access in a right-of-way that will serve no more than 13 lots and the total average daily trips (ADT) cannot exceed 250 trips. The owners will enter into an agreement sharing the maintenance costs and also releasing the CBJ from maintenance requirements or any improvements. It will be a stand-alone permit approved by the Director and available for Minor Subdivisions only, as more than 13 lots will generally result in more than 250 ADT. Further subdivision resulting in 250 ADT or more cannot occur until the road is built to CBJ standards; that cost will be incurred by the property owners, not the CBJ.

  Owners that will be served by the privately maintained access road will be required to enter into an access agreement with the CBJ. This agreement acknowledges:

  - That the CBJ will not provide maintenance or snow removal;
  - That the agreement runs with the land and binds all heirs and successors;
  - That the CBJ is not liable for any injury, loss, or damage from the privately maintained access;
  - That the access road will not be blocked in any way;
  - That the CBJ will have unimpeded access in the right-of-way;
  - That the property owners will maintain the access road;
  - The CBJ will record the agreement with the State Recorder's Office for each lot or parcel of land subject to the agreement;

- That the owners are required to pay for right-of-way upgrades when existing or proposed development served by the privately maintained access road exceeds 250 average daily trips;
- The owners are prohibited from subdividing unless the access is upgraded or all property owners served by the privately maintained access sign a new agreement;
- Any new development that increases the estimated traffic above 250 ADT shall pay a proportionate share of the costs of the right-of-way upgrades (the proportionate share shall be the percentage increase in average daily trips); and
- The owners authorize the CBJ to amend the access agreement by adding a new owner only upon written approval of all existing owners subject to the original agreement, and the new agreement supersedes the previous agreement.

This section will clarify and provide a clear process for approving driveways in existing rights-of-way. (CBJ 49.15 Article IV Division 4)

- **Right-of-way Acquisitions -** Currently the Code does not address the unique situation concerning right-of-way acquisitions and associated platting requirements. This Code section will provide an orderly process to assist the CBJ and the State with right-of-way acquisitions by tailoring the platting requirements to facilitate construction of right-of-way. Regardless of the number of lots proposed, the intent is that right-of-way plats will be reviewed as minor Subdivisions by the Director. However, if the land acquisition will create a non-conformity to any of the lots, the Planning Commission will review it as a Major Subdivision and may condition approval. (CBJ 49.15.590, Right-of-way acquisitions.)
- **Monumentation** - The monumentation and platting requirements from Title 4 of the CBJ Administrative Code, as well as the monumentation sections from Chapter 35, are moving to this chapter to consolidate platting requirements in one location.
- **Remote Area Subdivisions** - The Remote Area Subdivisions section, the bulk of which is from Chapter 70, is now located in the subdivision section, Division 5, in order to consolidate the purpose, map citation, characteristics, and requirements for remote subdivisions for ease of use. (CBJ 49.15, Article IV, Division 5).
- **Planned Unit Developments** – this section is amended to add reference to the Stormwater Best Management Practices manual regarding stormwater management. Additionally, the definition section at CBJ 49.15.680 is being removed and placed into CBJ 49.80, the definitions chapter, to consolidate all definitions in one location.

<u>CHAPTER 49.25 Zoning Districts</u>

Changes are proposed to this chapter to reflect the following:

- The zoning district boundary section is amended to reflect the proposed change from street vacations to the expanded public way vacations, as well as to delete a section that is no longer applicable. (CBJ 49.25.110(g) and (h)).

- Clarification is added, including renumbering, to minor and major development in CBJ 49.25.300, Determining uses.
- Article IV, Dimensional Standards, is being amended to reflect that the existing substandard setback exception section can be applied to street side yard setbacks as well as front yard setbacks, which reflects current practice. (CBJ 49.25.430(4)(K)).

CHAPTER 49.35 Public Improvements

This chapter was originally proposed for deletion in its entirety and move to the stand-alone subdivision chapter. The problem that arose with this approach is that public improvements not only apply to subdivisions, but also to development generally. By moving the public improvement requirements to the stand-alone chapter, this limited their applicability to subdivisions only. As such, Chapter 35 will remain. Changes that were proposed to the improvement requirements remain and are incorporated into this chapter, as outlined below:

- A general applicability section will replace CBJ 49.35.120 and 130 that combines the intent of both existing sections.
- Construction plans are required for most subdivisions; however, the existing Code does not make it clear how construction plan review and approval fits into the subdivision process. This amended section, as well as the subdivision process section in CBJ 49.15. Article IV, provides that needed clarity regarding the process as well as the requirements. (CBJ 49.35.140, Construction plans.)
- **Street standards -** The street standard requirements outlined below were proposed by the Ad Hoc Housing Subcommittee and then listed as a priority on the CBJ housing matrix in 2013. These changes were requested by the Public Works and Facilities Committee and drafted by staff to aid in the facilitation of affordable housing. The costs to put in the required infrastructure, namely roads, sidewalks, curbs, gutters, and drainage, are high. By reducing the standards, it is presumed that it will cost the developer less to subdivide the land and develop the lots. The theory is that more affordable housing will become available as the cost of the road improvements will not be passed along to the future homebuyer. This newly expanded option to create a privately maintained access road in new rights-of-ways enables developers to create subdivisions with gravel roads, of which the maintenance will be shared between the lot owners. The existing and proposed street standards are outlined below.
    - Currently, the following street construction standards apply. Different requirements apply if the subdivision is located within the Urban Service Boundary and in other circumstances, as shown below:

	Right-of-way width	Roadway width	Paved/gravel	Curbs	Gutters	Streetlights	Sidewalks	Storm drainage system
Arterials – within and outside the Urban Service Boundary	100' for primary; 80' for secondary	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*
Collectors – within Urban Service Boundary	60'	32'	Paved	Yes	Yes	Yes	Both sides	Yes
Typical street – within Urban Service Boundary	50'	28'	Paved	Yes	Yes	Yes	Both sides	Yes
Local Access street – RR, D1, or D3 zone districts only – cannot exceed 600 feet in length and cannot serve more than 50 dwelling units – within Urban Service Boundary	60'	26'	22' of pavement	No	No	Yes	One side	Yes
Collectors – Outside Urban Service Boundary	60'	32'	Gravel	No	No	No	No	No
Other streets – Outside Urban Service Boundary	60'	28'; 24' if maximum traffic is less than 250 ADT	Gravel	No	No	No	No	No

* Developer is not responsible for construction of arterial streets

- The following street standards are proposed and provide an option for privately-maintained access as well as publicly-maintained access. The type of roadway required is proposed based upon average daily trips generated from the proposed subdivision. When this was created, the assumption was that a 13-lot subdivision would generally allow an accessory apartment. The accessory apartment traffic was assumed to be the same as a single-family dwelling. For 13 lots, each with an accessory apartment, the traffic would be close to the threshold of 250 ADT, which is the threshold for a Minor Subdivision.

  As noted below in the table, paving is required in the PM10 Non-Attainment Area, which essentially covers the entirety of the Mendenhall Valley (please refer to the draft map located at the end of Attachment A). The option for a gravel road is not available for proposed subdivisions subject to this area.

  For subdivisions resulting in 13 lots or fewer, which generally generate less than 250 ADT, the developer can construct a 22' gravel road that can be publicly maintained. This 22' gravel road is not required to have sidewalks, curb and gutters, or pavement; streetlights are required at the intersection of the new subdivision with the existing street system only. The other option for a developer is to construct a 20' gravel road, with approval by the Director, which will be privately-maintained. The owners within that subdivision will be required to share in the maintenance costs of the private access road and will enter in an agreement with the CBJ. Those owners will have to pay for street improvements (i.e, paving, one-sidewalk, curb and drainage on one side, streetlights) if the future subdivision will generate additional traffic over the 250 ADT threshold.

  The proposed street standards are shown below:

Average Daily Trips (ADT) *	(Adopted) Traffic Impact Analysis	Sidewalks	Curb and Subsurface Drainage	Travel Way Width	Street Lights	Right-of-way width	Paved Roadway
≤ 500 ADT	Yes	Both sides	Both sides	26 feet	Continuous	60' **	Required
251 – 499 ADT	Maybe	One side	One side	24 feet	All intersections	60'**	Required
≥ 250 ADT	No	Not required	Not required	22' for public maintenance; or as required for Fire apparatus access roads for private access roads in rights-of-ways (private maintenance) ****	Intersections of subdivisions on streets with external street system	60'**	Not required ***

* Relationship between ADT and number of single-family dwellings is based on 9.57 ADT per dwelling unit
** Right-of-way width may be reduced
*** Paving of roadway required for any street type within the area within the PM10 Non-Attainment Area Map
**** Private access road in right-of-way requires a private maintenance agreement (proposed CBJ 49.15 Article IV, Division 4)

- **Right-of-way width reductions** – The Director now has the discretion to reduce right-of-way width requirements in some situations. Depending on the type of road or public way, right-of-way widths can be reduced up to 30 feet in some situations, such as for half streets. Other types of rights-of-way, such as stairways and alleys, may be reduced by up to 5 feet.
- **Waivers** – In current Code, the Director for minor development and the Planning Commission for major development may waive certain improvements, such as curb and gutter requirements, in certain circumstances. Because the street standard requirements have changed significantly, those waivers are no longer needed. However, the option to waive the full construction of a required access road to neighboring unbuilt property still remains, as well as the option to waive constructing sidewalks and provide alternative pedestrian improvements instead.

CHAPTER 49.40 Access, Parking and Traffic

Changes are proposed to this chapter to reflect the following:

- The access requirements in Article 1, Access, will move to Chapters 15 and 35 respectively. The section will remain in "Reserved" status and the chapter title will be "Parking and Traffic" only. (CBJ 49.40.105 – 180).

CHAPTER 49.65 Specified Use Provisions

Changes are proposed to this chapter as follows:

- The bungalow lot and structure section is amended to clarify that Bungalow Subdivisions can occur in the D10-SF zone district. This is already reflected in the Table of Permissible Uses, but is missing from the list of applicable zoning districts here. (CBJ 49.65.610 and 620)
- Article VII, Common Wall Residential Development, is amended as follows:
  - To make clear the two-step process of how common wall structures and subdivisions are created.
  - To expand the parking and access requirements to include consideration of additional parking scenarios.
  - To clarify existing confusion in Title 49 regarding when the side yard setback requirement applies and when the zero-setback applies and thus, where development can occur along the zero-lot line. This change reflects current practice by the CBJ.

CHAPTER 49.70 Specified Area Provisions

Changes are proposed to this chapter as follows:

- Proposed changes now make it clear which type of hillside development activities warrant department review or Commission review. Minor development activities on hillsides will be reviewed by the department and major development activity and/or any activity in a mapped hazard area will require commission review and approval. Currently, there is ambiguity in

Article II, Hillside Endorsement, regarding when additional requirements are applicable. The existing exception section includes confusing wording; thus, this section has not applied consistently.

- Remote Subdivision Areas in Article XI are deleted and moved to Chapter 15, in the Subdivision Permit section, in order to consolidate the purpose, map citation, characteristics, and requirements for Remote Subdivisions into one section for ease of use. (CBJ 49.70.1100-1120)

CHAPTER 49.80 Definitions

Notable new, amended, and deleted definitions are proposed as follows:

- Development permit is expanded to include subdivision permits, all types, as well as special use permits for cell towers;
- Public way is amended to also mean right-of-way;
- Roadway, right-of-way, and street are also clarified and expanded;
- The subdivision definition now makes it clear when subdivision is a noun – the land resulting from division or re-division of land into two or more lots – and when it is an action – the act of developing, constructing, or improving property with a subdivision. The definition also now deletes the reference to land leases of 55 or more years. This means that the CBJ will no longer consider long-term leases, such as those leased for affordable housing purposes, as a type of subdivision.
- New definitions are added as follows, many of which are moved from the Planned Unit Development section in CBJ 49.15. Article VI:
    - Cluster wastewater system
    - Common facilities
    - Common open space
    - Community wastewater and disposal system
    - Conservation lot
    - Density bonus
    - Improved common open space
    - Natural area park
    - Panhandle lot
    - Planned unit development
    - Private improvements
    - Privately maintained access road
    - Public improvements
    - Public square
    - Quasi-public
    - Radial distance
    - Roadway width
    - Sight distance
    - Undisturbed common space

POTENTIAL POLICY IMPLICATIONS OF PROPOSED CHANGES

- These proposed changes expand when the Director makes final decisions and limits the Planning Commission's final decisions, such as by increasing the threshold for Minor Subdivisions. When the director makes a final decision on a permit, a person can appeal that decision to the Planning Commission pursuant to CBJ 49.20.110. Planning Commission decisions are also appealable to the Assembly. Potentially, more appeal cases stemming from the Director's decisions may come to the Planning Commission.
- The option to create a privately maintained access road in rights-of-ways (currently at 20-feet wide) enables developers to create subdivisions with gravel roads, of which the maintenance will be shared between the lot owners. While this might enable lower income home buyers to initially purchase these homes, they might not be able to pay for the road upgrade in the future when it is needed and thus, may seek assistance from the CBJ by requesting a Local Improvement District or a Capital Improvements Project for improvements.

  Furthermore, if the developer chooses to construct the 22' gravel road instead of applying for the privately maintained access in the right-of-way, the CBJ will then be responsible for the maintenance of the gravel road. Gravel roads cost the CBJ more to maintain than paved streets.
- Gravel roads are not allowed in the PM10 Management Area which generally covers the Mendenhall Valley. The Environmental Protection Agency declared the Mendenhall Valley a non-particulate matter attainment area due to air quality exceedances, in accordance with the Federal Clean Air Act, and there is a non-attainment area plan in place. Gravel roads would increase the particulate matter, and in conformance with that plan, would not be allowed in this area. (See map at the end of Attachment A).
- Regarding public notice, the Minor Subdivision process now proposes a new public notice type that will notify abutting neighbors of a proposed subdivision (of thirteen lots or fewer). Minor Subdivisions currently have no public notice requirement. Since the threshold for Minor Subdivisions has increased from the previous threshold of four, this new public notice type was proposed. This adds another type of public notice. The proposed changes also give the director discretion to require additional signs and can also indicate where they can be placed.
- Conservation lots are currently limited to the Mendenhall Wetlands Game Refuge. The proposed change would remove that restriction and allow them to be created anywhere, expanding their applicability.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

Chapter 7 – Natural Resources and Hazards

AIR QUALITY

Discussion on Page 87: ***Air quality refers to the quality or purity of the air we breathe, the quality of the air we see and see through, as well as the absence of harmful, nuisance or annoying sounds or odors that are transmitted through the air. Although breathable and visible air quality in the CBJ area has generally been high, it can be a serious problem in some areas of concentrated burning of***

fire places, wood-stoves, outdoor burning of refuse, and the increase of engine emissions from vehicles, cruise ships and aircraft. The Mendenhall and Lemon Creek Valleys are the areas most seriously affected by breathable air pollution, due to air inversions during the winter months. The CBJ has adopted air quality control regulations that prohibit wood-stove burning during periods of poor air quality, provide for emission standards for new wood-stoves, prohibit open burning during the winter, and require construction of energy- efficient single-family homes. The CBJ has also enacted laws to regulate open burning. Another significant effort being made to assure compliance with air quality regulations is through the program to pave residential streets to control dust. As a result of these efforts, the CBJ's air quality is relatively good most of the time.

POLICY 7.9 TO CONTINUE EDUCATIONAL PROGRAMS, CAPITAL IMPROVEMENT PROJECTS, AND REGULATORY MEASURES TO PROTECT AND IMPROVE OVERALL AIR QUALITY.

Chapter 8 – Transportation

Local Transportation System

POLICY 8.5 TO PROMOTE A BALANCED, WELL-INTEGRATED LOCAL MULTI-MODAL SURFACE TRANSPORTATION SYSTEM THAT PROVIDES SAFE, CONVENIENT, AND ENERGY-EFFICIENT ACCESS AND TRANSPORT FOR PEOPLE AND COMMODITIES.

8.5 – DG1 Require dedication of all rights-of-ways and easements, including those for trails, roads and transit corridors and facilities on subdivision plats and development plans as determined to be appropriate by the Planning Commission for that development. Obtain commitments to construct trails and local and collector roadway improvements from private developers when projects are approved, and ensure that those improvements are complete prior to issuing building permits on adjacent properties within that development.

8.5 – DG2 Review, implement and maintain appropriate and affordable development standards for major subdivisions and major developments to ensure safe and convenient vehicular traffic and to provide safe pedestrian and bicycle access internal to the subdivision/development as well as to ensure a Level of Service of D or better for roadways and intersections serving the development.

8.5 – DG4 Minimize access roadways or driveways onto major and minor arterial roadways or highways by requiring shared access points, such as a frontage road, and connections to adjacent subdivisions' roadways that lead to a "downstream" controlled or grade-separated intersection.

Chapter 10 – Land Use

Neighborhood Facilities

POLICY 10.5. THAT RESIDENTIAL DEVELOPMENT PROPOSALS, OTHER THAN SINGLE-FAMILY RESIDENCES, MUST BE LOCATED WITHIN THE URBAN SERVICE AREA BOUNDARY OR WITHIN A DESIGNATED NEW GROWTH AREA. APPROVAL OF NEW RESIDENTIAL DEVELOPMENT PERMITS

DEPENDS ON THE PROVISION OR AVAILABILITY OF NECESSARY PUBLIC AMENITIES AND FACILITIES, SUCH AS ACCESS, SEWER, AND WATER.

10.5 - SOP1 Encourage public/private partnerships in the development of new subdivisions with roads, intersections, separated pedestrian and bicycle pathways/trails, water and sanitary sewer systems that meet adopted CBJ standards.

10.5 - SOP2 Maintain the provisions in the Land Use Code that require developers to provide for access, facilities, and services prior to final plat approval.

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

10.6 - IA2 The CDD should improve the development review process to require all applications for major residential developments, including major subdivisions, to provide detailed site information at the pre-application stage of review that identifies existing on-site slopes, soil characteristics, natural hazards, drainage channels, locations of old growth trees, access to streets and public utilities, and existing buildings or historic resources, along with the proposed building(s) pads, lot configuration(s), drainage systems, and new road configurations. This pre-application review would focus the site and project analysis and would expedite the review process once the application is made.

Chapter 18 – Implementation and Administration

The Comprehensive Plan as a Guiding Planning Document

POLICY 18.1. TO ESTABLISH THIS COMPREHENSIVE PLAN AS THE PRIMARY POLICY DOCUMENT WITH WHICH TO GUIDE RESOURCE CONSERVATION AND FUTURE GROWTH AND DEVELOPMENT AND TO MANAGE THE PHYSICAL ENVIRONMENT.

18.1 - IA2 Revise, as necessary, zoning, subdivision and other land development ordinances to ensure consistency with the Plan's provisions. Amend the Land Use Code Maps (zoning designation maps), considering them to be the official application of the *Comprehensive Plan* Maps, to ensure that the zoning designations of specific sites within the CBJ are consistent with the Land Use Map designations of this *Plan*.

Discussion

The proposed changes regarding subdivision regulations generally support and further the Comprehensive Plan. The intent of the changes is to:

- Establish a process that facilitates the fair and predictable division of land;
- Encourage efficient and cost-effective provision of public services;
- Address traffic and circulation to reduce congestion;
- Provide for flexibility in the division and establishment of residential and commercial lots;
- Establish procedures for subdividing land to accommodate a variety of housing types; and

- Accomplish uniform monumentation for land subdivision and facilitate accurate legal descriptions for land conveyance.

One proposed change does not necessarily further the intent of Comprehensive Plan; this is regarding air quality generated from unpaved roads. Subdivisions that would generate 250 average daily trips (ADT) or less can construct gravel roads. These proposed changes could potentially increase the amount of unpaved roads in the City and Borough of Juneau which would impact air quality. However, current Title 49 requirements already allow gravel roads or unpaved roads to be built within the CBJ in certain situations. Currently, with approval, driveways in rights-of-ways can be built in existing unbuilt rights-of-ways; they cannot be built in newly created rights-of-ways and no further subdivision is allowed until the right-of-way is built to CBJ standards. Additionally, outside the Urban Service Area, local streets are not required to be paved. The proposed changes may potentially increase the amount of unpaved roads, and thereby, potentially impact air quality. While the Comprehensive Plan discusses air quality and unpaved roads, there is no clear policy, development guideline, implementing action, or standard operating procedure regarding the requirement to pave roads.

COMPLIANCE WITH THE JUNEAU NON-MOTORIZED TRANSPORTATION PLAN

The Juneau Non-motorized Transportation Plan includes twelve policies to support and encourage active transportation and increase the safety and effectiveness of the existing non-motorized system.

Policy 4 – Private Sector Development. Review design standards in Title 49 to provide opportunities to make subdivision design more context sensitive.

> *4B. In CBJ Chapter 49.35 Public Improvements, bike paths are listed under Article VI. Pedestrian Access. CBJ municipal code at Title 72 subjects bicyclists on roadways to all the duties applicable to vehicles. Accordingly, CBJ 49.35.630 Bike Paths, should be listed under Article II, Streets.*

Policy 5 – Transportation Planning. Integrate motorized and non-motorized transportation planning.

> *5B. In new subdivisions and neighborhoods, install facilities for non-motorized transportation, such as paths connecting cul-de-sacs or linking to broader trail systems, at the same time as the rest of the transportation network. This will ensure home purchasers know about and can use the non-motorized network and will prevent later 'surprises'. Note that not all neighborhood trails that connect cul-de-sacs and serve other non-motorized purposes that have been approved by the Planning Commission are captured on the maps.*

Discussion

The proposed subdivision changes include re-naming and amending the Pedestrian Access section in Chapter 35. Article IV of Chapter 35, the Public Improvement chapter, is now the Public Access section and includes Pedestrian and bicycle access requirements, streams and bodies of water, trailhead dedications, and acceleration and deceleration lanes. Shared-use pathways of a width no less than ten feet have been added to this section. Shared-use pathways may be required through blocks longer than 600 feet or where deemed necessary to provide circulation within and between residential areas

or to provide access to schools, shopping, or other community facilities. Sidewalks are required on one side for subdivisions that will generate more than 250 ADT and are required on both sides for those generating more than 500 ADT. Like the current code, sidewalk construction requirements may be waived in certain instances, but allow alternative pedestrian improvements.

FINDINGS

Staff finds that the proposed amendments are generally consistent with the Comprehensive Plan as they propose to facilitate orderly development and the fair and predictable division of land as well as to encourage more affordable housing by providing more options regarding subdivision improvement requirements. However, providing options for gravel streets may conflict with air quality policies as well as the potential costs to the CBJ for future improvements.

RECOMMENDATION

Staff recommends that the Planning Commission forward proposed TXT2009-00001 to the Assembly with a recommendation for adoption.

Presented by: The Manager
Introduced:
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2015-03

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJ 49.10.130, Meetings, is amended to read:

49.10.130 Meetings.

(a) Regular meetings shall be held on the second and fourth Tuesday of each month.

(b) Special meetings may be called by the chair or any three members of the commission. Public notice of special meetings shall be made 24 hours in advance and shall be supplied to the local news media and posted on the municipal bulletin board. Commission members will be notified by the department.

(c) Public notice for all permits and other land use ordinance actions shall be according to the requirements established for such actions.

(d) Meetings shall be conducted under Robert's Rules of Order ~~Mason's Manual~~, as modified by the commission.

(e) The commission may, by motion, establish its own rules of procedure and committees, meeting times, dates and places, media for public notice, development application ~~and evidentiary~~ forms, referral and review agencies and procedures, and any other matter reasonably necessary or desirable for the full and complete conduct of its duties pursuant to this title and any other provision of law.

ATTACHMENT A

Section 3. Amendment of Section. CBJ 49.10.770, Meetings, is amended to read:

49.10.770 Meetings.

(a) *Regular meetings*. The wetlands review board shall hold one regular meeting each month as necessary to conduct board business. ~~and shall hold additional regular meetings as the board may prescribe by resolution.~~

(b) *Special meetings*. The wetlands review board may hold special meetings upon the call of the chair or any two members. At least 24 hours before the meeting, personal notice shall be given to each board member designating the time, place, and purpose of the special meeting, or written notice shall be left at each member's usual place of residence. At least 24 hours before the meeting, copies of the notice shall also be delivered to the newspapers of general circulation in the municipality and to the commercial radio and television stations operating in the municipality. ~~No business may be transacted at any special meeting except as stated in the notice of the meeting. All meetings of the wetlands review board shall be publicly noticed in the same manner as other City and Borough boards and commissions, and shall be conducted in accordance with the Alaska Open Meetings Act~~.

(c) *Public notice*. No business may be transacted at any special meeting except as stated in the notice of the meeting. All meetings of the wetlands review board shall be publicly noticed in the same manner as other City and Borough boards and commissions, and shall be conducted in accordance with the Alaska Open Meetings Act.

Section 4. Amendment of Section. CBJ 49.10.790, Rules of Procedure, is amended to read:

49.10.790 Rules of Procedure.

Meetings shall be conducted under Robert's Rules of Order ~~Mason's Manual~~ and such additions or amendments to the rules as may be adopted by the wetlands review board.

Section 5. Amendment of Article. Chapter 49.15, Article I In General, is amended by adding a new section to read:

49.15.150 Application cancellation and withdrawal.

(a) A permit application may be cancelled for inactivity if an applicant fails to respond to

the department's written request for revisions, corrections, or additional information within 180 days of the date of the request. The director may extend the response period up to an additional 180 days. If an application is cancelled due to inactivity, the application fee shall be forfeited.

(b) For an application filed prior to the effective date of this ordinance, the director shall assess the status of the application. If the director determines the application is incomplete, the applicant shall be informed in writing of the additional information needed and that the application will be cancelled for inactivity if the applicant fails to provide the requested information within 180 days from the date of notice. The director shall not extend the response period beyond the initial 180 days from the date of notice.

(c) A development permit shall become void, and the application fee forfeited, 18 months after its effective date if no associated building permit, right-of-way permit or similar permit for construction has been issued and substantial construction progress pursuant thereto made, or if no plat has been issued in accordance with the plans for which the development permit was authorized. A development permit shall become void if all building permits issued for the development expire or become void.

(d) An applicant or property owner may withdraw a permit application at any time. If an application is withdrawn less than seven days before the public hearing on the application, the application fee shall be forfeited.

Section 6. Amendment of Section. CBJ 49.15.230, Public notice, is amended to read:

49.15.230 Public notice.

The purpose of the following public notice requirements is to reasonably inform interested parties that an application or matter is scheduled to be considered by the planning commission at a specific date, time, and place. The public notice must generally describe the application or matter. Unless otherwise provided public notice of planning commission consideration of development permits and rezonings shall be provided as follows:

(1) Permit consideration shall be included as an item in the posted agenda.

(2) Notice of the commission meeting, and the agenda item shall be published in a newspaper of general circulation in the City and Borough a minimum of ten days prior to the date of the meeting.

(3) The developer shall post a sign ~~on~~ at the site or other location approved by the director at least 14 days prior to the meeting. If the proposed development is on the road system, the ~~The~~ sign shall be visible from a public right-of-way. Signs shall be

between four square feet and 32 square feet in area, shall have a red background, and shall indicate in white lettering, 216-point font or larger, that a development permit or rezoning, as applicable, has been sought for the site, the date of the hearing ~~thereon~~, and that further information is available from the director. The developer shall maintain the sign and shall remove it within 14 days after final action on the application.

(4) The director shall mail notice of the application and the ~~initial meeting~~ public hearing ~~thereon~~ to the owners of record of all property and all neighborhood associations listed with the municipal clerk in accordance with CBJ 11.35 located within 500 feet of the property subject to the permit or rezoning. The actual cost of mailing shall be paid by the applicant.

(5) The applicant shall deliver individual written notice by certified mail, return receipt requested of the application and the initial meeting thereon to each tenant of any multifamily residential development for which the application seeks a change in use.

(6) The director may require more than one sign and may mail notice to additional owners of record of properties beyond 500 feet of the property under section (4) upon a determination that such expanded notice is required in order to provide reasonable public notice.

(7) The director may conduct one or more neighborhood meetings prior to the commission meeting. The purpose of a neighborhood meeting is to make application materials available to interested parties, to solicit input regarding an application, and for the department to describe the application review process.

Section 7. Repeal of Section. CBJ 49.15.240 Development permit expiration, is repealed and reserved.

Section 8. Amendment of Section. CBJ 49.15.239, Effective date, is amended to read:

49.15.239 Effective date.

(a) Major development permits and other planning commission decisions are effective on the date the notice of decision is filed with the municipal clerk.

(b) Minor development permits and other director approvals are effective on the date the director signs the permit.

~~A minor development permit shall be effective upon execution by the director. A major development permit shall be effective upon approval by the commission. A development permit shall not be final until the disposition of any appeal thereof, or until the time for appeal has run and no appeal has been filed.~~

Section 9. Amendment of Section. CBJ 49.15.330, Conditional use permit, is amended to read:

49.15.330 Conditional use permit.

(a) *Purpose.* A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied. ~~The procedures and standards established in this section shall also be applied to major subdivision preliminary plat approval pursuant to section 49.15.430.~~

. . .

(g) *Specific conditions.* The commission may alter the director's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:

. . .

(4) *Dedications.* Conveyance of title, easements, licenses, or other property interests to government entities, private or public utilities, owners' associations, or other common entities may be required.

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Section 10. Repeal and Reenactment of Article. CBJ 49.15, Article IV Minor and Major Subdivisions, is repealed in its entirety and reenacted to read:

Article IV. Subdivisions

Division 1. Permits

49.15.400 Purpose and applicability.
49.15.401 Minor subdivisions.
49.15.402 Major subdivisions.
49.15.403 Lot consolidations.
49.15.404 Public way vacations.

Division 2. Plat Requirements

49.15.410 Sketch plat.
49.15.411 Preliminary plat requirements.
49.15.412 Final plat requirements.
49.15.413 Plat expiration.
49.15.414 Plat effective date.
49.15.415 Recorded plats legalized.

Division 3. Design

49.15.420 Lots.
49.15.421 Cul-de-sac lots.
49.15.422 Public use lots.
49.15.423 Panhandle lots.
49.15.424 Access.

Division 4. Privately Maintained Access in Rights-of-Way

49.15.430 Purpose.
49.15.431 Application.
49.15.432 Department action.
49.15.433 Design criteria.
49.15.434 Access agreement.
49.15.435 Other requirements.

Division 5. Remote Area Maps and Subdivisions

49.15.440 Purpose.
49.15.441 Map.
49.15.442 Characteristics.

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49.15.443 Remote Subdivisions.

Division 6. Survey and Monumentation Standards

41.15.450 Licensed surveyor required.
49.15.451 Boundary lines – basis of bearing.
49.15.451 Accuracy of survey.
49.15.453 Monumentation.

Division 1. Permits

49.15.400 Purpose and applicability.

(a) The purpose of this article is to facilitate the subdivision of land to promote the public health, safety, and general welfare of the citizens of the CBJ in accordance with The Comprehensive Plan of the City and Borough of Juneau, Alaska. To meet this objective, this article is intended to:

(1) Establish a process that facilitates the fair and predictable division of land;

(2) Encourage the efficient and cost-effective provision of public services;

(3) Address traffic and circulation to reduce congestion;

(4) Provide for flexibility in the division and establishment of residential and commercial lots;

(5) Establish procedures for subdividing land to accommodate a variety of housing types; and

(6) Accomplish uniform monumentation for land subdivision and facilitate accurate legal descriptions for land conveyance.

(b) This article shall apply to any division or redivision of real property within the City and Borough. This article shall not apply to cemetery plots or land leases.

49.15.401 Minor subdivisions.

(a) A minor subdivision permit is required for the following:

(1) *Thirteen or fewer lots*. A minor subdivision permit is required for all subdivisions resulting in thirteen or fewer lots. No minor subdivision application may be filed or approved:

(A) If it is a part of or made in connection with a present or projected major

subdivision development as determined by the director;

(B) If the property is within a parcel any part of which has been subdivided by a minor subdivision within the preceding 24 months, unless the proposed subdivision creates no new lots; or

(C) For the subdivision of a parcel any part of which is within a landslide or avalanche area identified as such in the comprehensive plan, attachments thereto, other adopted maps, or in accordance with CBJ 49.70.300.

(2) *Accretion surveys*. The minor subdivision process shall be used for the review and recording of accretion surveys, regardless of the number of lots affected.

(3) *Conservation lot subdivisions*. The minor subdivision process shall be used for the review and recording of conservation lot subdivisions, regardless of the number of lots affected.

(4) *Lot line adjustments*. The minor subdivision process shall be used to review adjustments to any number of lot boundary lines if the subdivision does not result in an increase in the number of lots.

(5) *Right-of-way acquisition plats*. The minor subdivision process shall be used for the review and recording of right-of-way acquisition plats filed by an agency of government regardless of the number of lots affected, in accordance with CBJ 49.15.590 unless such acquisition creates any nonconforming lot, use, or structure.

(b) *Pre-application conference*. A pre-application conference is required prior to submitting an application for a minor subdivision. A sketch plat may be required at the director's discretion.

(c) *Preliminary plat*. The director shall be responsible for review and approval of the application for a preliminary plat.

(1) An applicant for a preliminary plat shall submit an application on a form provided by the department, accompanied by a draft preliminary plat and the appropriate fee. The draft plat shall meet the standards set forth in CBJ 49.15.411.

(2) The department shall send written notice of the application to the owners of abutting property following the director's determination that the application is complete.

(3) The director or applicant may request review by the subdivision review committee.

(4) *Review and approval*. The director shall approve the application if the following criteria are met:

(A) The preliminary plat complies with CBJ 49.15.411.

(B) The applicable subdivision development standards of this title are met, or can reasonably be met with conditions.

(C) The proposed subdivision will provide building sites suitable for the zoning district.

(D) The proposed street names are unique in the City and Borough or are continuations of existing streets, and are otherwise acceptable.

(E) The director of engineering and public works has reviewed the application and determined that:

(i) The subdivision meets applicable drainage and water quality requirements.

(ii) The streets and pedestrian ways as proposed accommodate anticipated traffic and align, and where appropriate, connect with streets and pedestrian ways serving adjacent properties.

(iii) The minor subdivision conforms to the requirements of this title and that any proposed improvements can feasibly be constructed in accordance with this title.

(iv) Where public sewer is not required, the applicant has shown that soils are suitable for individual on-lot wastewater treatment and disposal or has shown the feasibility of alternative methods for wastewater treatment and disposal.

(5) The decision of the director will be set forth in a notice of decision, signed by the director, with any conditions or plat notes required for final plat approval. If the preliminary plat is denied, the applicant may submit a revised plat application, without paying additional application fees, within 180 days from the date of the notice of decision.

(d) *Construction plans*. Upon approval of the preliminary plat, the applicant shall submit complete sets of construction plans for all required improvements to the department for review by the director of engineering and public works for compliance with CBJ 49.35.140.

(e) *Survey and monumentation*. Once the construction plans are approved, the applicant shall complete required surveying and monumentation in accordance with CBJ 49.15, Article IV, Division 6.

(f) *Final plat*. An application for a final plat shall be on a form provided by the department, accompanied by a final plat and the appropriate fee. The application shall be approved if the following criteria are met:

(1) The applicant has complied with any conditions or plat notes required by the director in the notice of decision approving the preliminary plat.

(2) The applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010.

(3) The final plat meets the criteria set forth in CBJ 49.15.412.

(4) The director may place such conditions upon the granting of final plat approval as are necessary to preserve the public welfare.

(g) *Plat recording*.

(1) The director shall sign the plat upon a determination that the final plat meets all of the requirements of this title, that all plat certificates have been signed and notarized, and the applicant has submitted all documents required for recording with the final plat in accordance with CBJ 49.15.412.

(2) The department shall file the original plat, at the applicant's expense, with the State Recorder's Office at Juneau.

49.15.402 Major subdivisions.

(a) A major subdivision permit is required for subdivisions resulting in fourteen or more lots.

(b) *Pre-application conference and sketch plat.* A pre-application conference and sketch plat (CBJ 49.15.410) is required prior to submitting an application for a major subdivision.

(c) *Preliminary plat*. The commission shall be responsible for approval of the preliminary plat.

(1) Application for a preliminary plat shall be on a form provided by the department, accompanied by a draft preliminary plat and the appropriate fee. The draft plat shall meet the standards set forth in CBJ 49.15.411.

(2) Public notice of the application shall be provided pursuant to CBJ 49.15.230.

(3) The director or applicant may request review by the subdivision review committee.

(4) The director shall prepare and submit a report to the commission addressing the following criteria:

(A) Whether the preliminary plat complies with CBJ 49.15.411.

(B) Whether the applicable subdivision development standards of this title are met, or can reasonably be met with conditions.

(C) Whether the proposed subdivision will provide building sites suitable for the zoning district.

(D) Whether the proposed street names are unique in the City and Borough or are continuations of existing streets, and are otherwise acceptable.

(E) Whether the director of engineering and public works has reviewed the application and determined that:

(1) The subdivision meets applicable drainage and water quality requirements.

(2) The streets and pedestrian ways as proposed accommodate anticipated traffic and align, and where appropriate, connect with streets and pedestrian ways serving adjacent properties.

(3) The subdivision conforms to the requirements of this title and that any proposed improvements can feasibly be constructed and will conform to the requirements of this title.

(4) Where public sewer is not required, the applicant has shown that soils are suitable for individual on-lot wastewater treatment and disposal or has shown the feasibility of alternative methods for wastewater treatment and disposal.

(F) Any conditions of approval or plat notes recommended by the director.

(5) In issuing its notice of decision on a preliminary plat, the commission may accept, amend, or reject the director's proposed recommendations. The decision of the commission approving or denying a preliminary plat application will be set forth in a notice of decision, and will specify any conditions or plat notes required for final plat approval. If the preliminary plat is denied, the applicant may submit a revised plat application, without paying additional application fees, within 180 days from the date of the notice of decision.

(d) *Construction plans*. Upon approval of the preliminary plat, the applicant shall submit complete sets of construction plans for all required improvements to the department for review by the director of engineering and public works for compliance with CBJ

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49.35.140.

(e) *Survey and monumentation*. Once the construction plans are approved, the applicant shall complete required surveying and monumentation in accordance with CBJ 49.15, Article IV, Division 6.

(f) *Final plat*. An application for a final plat shall be on a form provided by the department, accompanied by a final plat and the appropriate fee. The final plat shall meet the standards set forth in CBJ 49.15.412.

(1) Once the application is deemed complete, the director shall schedule the final plat for commission action. If commission action on the final plat will occur more than 12 months after approval of the preliminary plat, public notice of impending commission action on the final plat may be required.

(2) The director shall prepare and submit a report to the commission that addresses compliance of the final plat with this title and the criteria for final plat approval, and that specifies any conditions of approval or plat notes recommended by the director.

(3) The commission shall approve the application for a final plat if the following criteria are met:

(A) The applicant has complied with any conditions or plat notes required in the notice of decision approving the preliminary plat.

(B) The applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010.

(C) The final plat meets the standards set forth in CBJ 49.15.412.

(D) The commission may place such conditions upon the granting of final plat commission as are necessary to preserve the public welfare.

(g) *Plat recording*. The chair of the commission shall sign the plat upon a determination that the final plat meets all of the requirements of this title and that all plat certificates have been signed and notarized, and the applicant has submitted all documents required for recording with the final plat in accordance with CBJ 49.15.412. The department shall file the original plat with the State Recorder's Office at Juneau, at the applicant's expense.

49.15.403 Lot consolidations.

(a) An application for the consolidation of two or more abutting lots shall be submitted on a form provided by the department along with the application fee. An applicant must also submit one of the following:

(1) A plat prepared by a professional land surveyor licensed to practice in Alaska, unless the director finds that a legal description of the new parcel and a drawing showing all existing and proposed lot lines clearly identifies the new lot; or

(2) If the director determines that a plat is not required, the applicant shall submit a drawing, satisfactory to the director, indicating all existing and proposed lot lines.

(b) If a plat is required, the minor subdivision process shall apply. If a plat is not required, the director shall approve the application if the following criteria are met:

(1) All lots proposed for consolidation are under common ownership.

(2) CDD receives a certificate of payment of taxes from the CBJ Treasurer's office stating that all property taxes owing on the lots to be consolidated are paid in full.

(3) The lots are located in the same zoning district.

(4) Consolidation of the lots will not create a zoning or building code violation.

(5) The director of engineering and public works has reviewed and approved the lot consolidation proposal for conformity with the requirements of this title.

(c) The decision of the director will be set forth in a notice of decision, signed by the director. Upon director approval, the department shall prepare and provide to the applicant a letter of lot consolidation. The letter shall provide for acceptance of the consolidation by notarized signature thereon by the owner or owners of the new lot, and upon such execution, the department shall record the document at the applicant's expense.

49.15.404 Public way vacations.

(a) This section applies to petitions to vacate any portion of an existing public way, public easement, or any other area dedicated to the public. This section does not apply to property owned by the City and Borough in its proprietary capacity.

(b) *Pre-application conference.* A pre-application conference is required prior to submitting an application for a public way vacation.

(c) *Application.* Applications for public way vacations shall be submitted on a form provided by the department, and must be accompanied by the following:

(1) A petition by the City and Borough or signed by the owners of a majority of the land fronting the area sought to be vacated requesting the vacation.

(2) A deed or other sufficiently reliable legal instrument, describing the owners of

the land fronting the area sought to be vacated.

(3) A sketch plat and all relevant submittals required by CBJ 49.15.410 showing the area proposed to be vacated and the proposed configuration of all adjoining parcels that would be modified if the vacation application were approved.

(4) A deed, or other sufficiently reliable legal instrument, describing how title to the vacated area will be allocated consistent with this section.

(5) The application fee.

(6) If required, an appraisal by a qualified appraiser.

(7) If a traffic impact analysis is required or likely to be required as determined by the director, a traffic impact analysis in accordance with CBJ 49.40, Article III.

(d) *Commission review process*.

(1) After determining the application is complete, the department shall provide public notice consistent with CBJ 49.15.230.

(2) The director may transmit copies to other public or entities that may have an interest in the proposal for their comments.

(3) The director of engineering and public works shall review and comment on the application and will present written comments, including any recommended conditions of approval, to the director of community development.

(4) The director or applicant may request review and comment by the subdivision review committee.

(5) The director shall submit a recommendation to the commission addressing the following:

(A) Whether the area proposed to be vacated is a right-of-way acquired under the former 43 U.S.C. 932 (RS 2477 right-of-way).

(B) Whether there is any current or anticipated future public purpose to retain the area proposed to be vacated.

(C) Whether the proposed vacation will have a detrimental effect on the adjacent property or on the neighborhood.

(D) Whether the proposed vacation is in the best interest of the public.

(6) The commission shall consider requests to vacate public ways after public

hearing. The commission shall presume that all public ways and similar public areas are of value and of benefit to the public. The petitioner has the burden to prove otherwise.

(7) After public hearing, the commission shall make a recommendation to the assembly to approve, approve with modifications, or deny the proposed vacation request. The commission shall prepare written findings in support of its recommendation, which shall be forwarded to the assembly for its consideration. If the commission recommends approval of the request or approval with modifications, the commission must also make the necessary findings to determine how title to the vacated area should be ordered as follows:

(A) The title to the public area vacated on a plat attaches to the lot or land bordering the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the public area that lies on one side of the boundary line shall attach to the abutting property on that side, and the public area that lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated public area that lies inside the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the City and Borough. If the property vacated is a lot, title vests in the rightful owner.

(B) If the City and Borough acquired the vacated area for legal consideration, or by express dedication to and acceptance by the City and Borough other than as a subdivision platting requirement, then before final vacation the fair market value of the vacated area shall be deposited with the platting authority to be paid over to the City and Borough on final vacation as required by CBJ 53.09.600.

(8) If the commission recommends approval of the request or approval with modifications, the director shall forward an ordinance along with the commission's written recommendation to the assembly for its consideration.

(e) *Assembly review.* A vacation is not valid without approval by the assembly in its legislative capacity and the recording of a plat. If the assembly approves the vacation, the assembly shall approve the vacation by ordinance. If the assembly does not approve the vacation, a subsequent vacation application cannot be filed within one year from the date of the commission's recommendation.

(f) If the vacation of public way is approved, the property added to a parcel shall be platted per the subdivision requirements below.

(1) If the request involves a vacation that includes the resubdivision of thirteen or fewer lots, the submittal and platting requirements for a minor subdivision shall apply.

(2) If the request involves a vacation that includes the resubdivision of more than thirteen lots, the submittal and platting requirements for a major subdivision shall apply.

Division 2. Plat Requirements

49.15.410 Sketch plat.

(a) The sketch plat serves the following purposes:

(1) To inform the applicant of the City and Borough's subdivision requirements, public improvement requirements, and platting procedures before substantial costs are incurred by the developer in preparation of a subdivision application.

(2) To inform the department of the applicant's development plans.

(3) To identify issues with the proposed subdivision, such as issues with the subdivision layout, the extent and nature of required improvements, the location and protection of sensitive areas, impacts to adjoining properties, and traffic, platting, drainage and utilities requirements.

(b) A sketch plat is required for major subdivisions. A sketch plat may be required, at the director's discretion, for minor subdivisions.

(c) A sketch plat shall include the following:

(1) A scaled drawing of the property, at a scale no smaller than 200 feet to an inch.

(2) The size of the original tract or tracts being subdivided.

(3) A north arrow. The plat shall be oriented with north toward the top of the sheet.

(4) The name of the owner.

(5) The approximate locations of existing lot layouts of adjoining properties.

(6) Any existing rights-of-way, easements, or other encumbrances.

(7) The approximate location of existing structures.

(8) The approximate location and sizes of existing sewer lines, water lines, culverts, and other underground structures.

(9) Proposed phasing, if applicable.

(10) The number, dimensions, and approximate areas of all proposed lots.

(11) The locations and names of all planned streets or other public ways within the subdivision.

(12) If the sketch plat submitted covers only a part of the tract under the control of the applicant, the prospective street system of the unplatted part must be shown.

(13) The approximate location of any parcels proposed to be set aside for public use or for the use of all the property owners within the proposed subdivision, if applicable.

(14) Proposed connections to sewer and water or a plan for any on-lot wastewater disposal.

(15) Proposed plans for collecting and discharging drainage water.

49.15.411 Preliminary plat requirements.

(a) The preliminary plat shall be prepared by a professional land surveyor, registered in the State of Alaska.

(b) The preliminary plat shall be submitted on 22 by 34 inch sheets. The director of engineering and public works may approve alternate sheet sizes.

(c) The preliminary plat shall be drawn with black ink to a scale of one-inch to 100 feet or less, or other suitable scale, approved by the director of engineering and public works.

(d) The preliminary plat shall be oriented with north toward the top of the sheet. A vicinity map shall be located in the upper right-hand corner of the sheet. The vicinity map shall be oriented in the same direction as the plat. A suitable north arrow shall be shown for the plat and vicinity map.

(d) All line work and lettering must be of professional quality and all line widths and lettering sizes must be of such size that all information can be clearly shown without overlap or confusion.

(e) A preliminary plat shall contain the following information:

(1) An enclosed title block in the lower right-hand corner containing the following information:

(A) The proposed name of the subdivision.

(B) The legal description of the parcel to be subdivided including U.S. Survey, U.S. Mineral Survey, A.T.S. number, or section, township and range number, as applicable.

(C) "City and Borough of Juneau, Alaska."

(D) "State Recorder's Office at Juneau."

(E) The date the preliminary plat was prepared and revised.

(F) The horizontal scale.

(G) The name and address of the owner of record.

(H) The case number for the preliminary plat.

(I) The parcel numbers of the property.

(J) The name, address, and telephone number of the surveyor preparing the preliminary plat.

(2) Lot, block and street information:

(A) The area of each lot.

(B) The dimensions in feet and hundredths of a foot.

(C) An identifying number and letter for lots and blocks.

(D) Lots numbered consecutively commencing with the number "1" with no omissions or duplications.

(E) If the remainder of an original parcel being subdivided is relatively large, it shall be designated as a "tract" with an identifying number.

(F) All parcels of land intended to be dedicated for public use or reserved for the use of all of the property owners in the proposed subdivision shall be shown as lots, and consecutively numbered. The purpose and any conditions or limitations on the use of the parcel shall be noted on the plat.

(G) Abutting properties shall be shown with dashed lines, numbers, and/or letters.

(H) For resubdivisions or public way vacations, the lines and legal

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description of the previous lots shall be shown with light dashed lines, numbers, and/or letters, or by a separate plat on the same sheet showing the previous lot lines.

(I) The minimum data shown for each curve shall be as follows:

(a) Length.

(b) Central angle.

(c) Radius.

(d) Bearing and distance of long chord.

(J) Setbacks shall be shown on all corner lots and any lots with multiple frontage. Setbacks shall be shown on typical lots.

(3) Boundary lines:

(A) All boundary lines of the subdivision with bearings and distances described.

(B) All retraced boundary lines shall show record and measured bearings and distances where they differ. Record dimension information shall be shown within parentheses and include a record source identification.

(C) The exterior boundary lines of the subdivision shall be a solid black opaque line that is of a width that distinguishes it from all other property lines shown on the plat.

(D) If phasing is proposed, then the boundaries and number of each phase, sequential lot numbering, and a subdivision name consistent with previous phases shall be shown.

(4) Monumentation:

(A) The monuments used to establish the basis of bearing.

(B) Each monument found or set shall be identified on the plat by a symbol.

(C) A complete description of the monument, including type and all information printed on the cap. A typical drawing shall be shown for each type of monument cap set.

(D) A legend showing the symbols for all the types of monuments.

(E) The identification, description location, elevation, and datum of the benchmark used to establish vertical control.

(5) Site access, circulation, and utilities:

(A) The widths and names of existing rights-of-way within the subdivision, and rights-of-way within 100 feet of the subdivision boundary.

(B) Proposed rights-of-way, including their width and proposed names.

(C) The grades of existing and proposed streets within these rights-of-way.

(D) The width, ownership, use, and record reference of all proposed and existing easements within the subdivision, and any easements within 100 feet of the subdivision boundary.

(E) The width, ownership, and use of all proposed easements.

(F) All easements shall have sufficient dimensions shown to determine their location on the ground.

(G) Existing trails or pathways within the subdivision and within 100 feet of the subdivision boundary, including the width of any associated rights-of-way or easements.

(H) Proposed trails or pathways, and widths of their rights-of-way.

(I) If the plat submitted covers only a part of the tract under the control of the applicant, a sketch plat of the prospective street system of the unplatted part shall be submitted.

(6) Topographic information:

(A) For slopes of less than five percent, one foot contour lines and spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions.

(B) For slopes between five percent and ten percent show two foot contour lines.

(C) For slopes greater than ten percent show five foot contour lines.

(D) Every fifth elevation contour shall be distinctive and clearly labeled.

(E) Dashed lines shall represent existing contours.

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(F) Mapping shall include any significant features, which can materially affect the design of the subdivision, including, but not limited to structures, fences, walls, and utility poles.

(G) If irregular slopes or special features are present, additional contour information may be required by the director of engineering for planning or construction purposes. Additional required information may include projecting the topography of the site after grading has taken place that shows such items as:

(i) Pad elevations and drainage patterns for each lot;

(ii) Tops and toes of all manufactured slopes, including daylight lines; and

(iii) Existing and proposed retaining wall locations and heights.

(H) For subdivisions located in hillside areas, those areas with slopes greater than eighteen percent, additional requirements apply in accordance with CBJ 49.70 Article II.

(7) Sewer and water:

(A) Existing sewer and water mains within the tract with pipe sizes and grades.

(B) A draft plan for proposed water and sewer lines showing the size, approximate slope, and connection points with elevations for the purpose of determining the feasibility of construction.

(f) *Multisheet plats*. When a plat requires more than one sheet, exclusive of a certificate sheet, an index sheet shall be included. Each additional sheet shall include the following data:

(1) North arrow.

(2) Legend.

(3) Surveyor's seal and signature.

(4) Title block.

(5) Sheet _____ of _____.

(6) Scale.

(7) All plat notes.

(8) Vicinity map.

(9) When a plat requires more than three sheets, a cover sheet shall also be included showing the subdivision title, a key map, and all certificates.

(g) The preliminary plat shall be submitted with the following required documents:

(1) A lot closure report.

(2) Disclosure of all known environmental hazards and any proposed mitigation measures recommended in the applicable environmental document.

(h) *Additional mapping or reports*. If required by this title or by the director at the director's discretion, the following additional mapping or reports shall be submitted with the preliminary plat:

(1) Any portion of a special flood hazard area, landslide or avalanche area, or habitat area according to CBJ 49.70.310, or watersheds either existing at the proposed subdivision site or shown on the overlay maps adopted pursuant to this title to exist at the proposed subdivision site must be depicted on the preliminary plat.

(2) The boundaries of any wetland areas must be depicted on the preliminary plat. Boundaries must be determined by a person qualified to perform wetland delineations.

(3) *Soils report*. A soils report prepared by an engineer licensed by the State of Alaska shall be required if the proposed subdivision is located farther from the existing public sewer system than specified in CBJ 49.35, and the applicant chooses to provide on-lot waste disposal rather than to connect to the public system. A soils report shall include the following:

(A) Certification that the proposed lots are large enough and have soil of sufficient permeability to permit the construction of approved waste treatment systems for on-lot waste disposal.

(B) The location and size of drain fields for each lot.

(C) The locations and logs of test borings, percolation test results, and a hydrological evaluation of on-site sewage disposal.

(D) If the soils report indicates the soils found on the site are not of sufficient permeability or the lots are not large enough to permit the construction of systems for on-lot waste disposal, the size of the proposed lots

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must be increased or alternate methods for waste disposal proposed.

(E) The soils report shall describe the nature of the subsurface soils and any soil conditions that would affect the design of the proposed development. The soils report shall state whether the proposed subdivision plan is feasible and provide general solutions for all known geotechnical conditions or problems.

(4) *Drainage report*. A report specifying the method by which the applicant proposes to manage surface and subsurface drainage for the subdivision and the effect of such method on adjacent areas. The report must address the following:

(A) A calculation of the increase in stormwater runoff resulting from the proposed development as well as the runoff from all drainage areas associated with the site. Runoff calculations shall be based on a fully-developed subdivision and a 25-year storm event.

(B) How drainage from the proposed subdivision will join an established drainage channel or channels, unless the director of engineering and public works approves use of an alternative drainage way.

(C) An evaluation of existing drainage ways and structures located between the subdivision and the receiving water body and verification that the existing drainage ways can accommodate the increased runoff. If the increased runoff cannot be handled, the plan must propose general solutions to the problem.

(D) All required improvements, on or off-site, that are shown on the construction plans in accordance with CBJ 49.35, Article V, and that will be constructed as part of the subdivision.

(5) *Water*. This section does not apply to submittals for a subdivision of four or fewer lots. For subdivisions of five or more lots, including major subdivisions, the following shall be included where applicable in accordance with CBJ 49.15.412:

(A) If a proposed subdivision is located at greater distance from the existing public water system than specified in CBJ 49.35, Article III, and the applicant chooses not to connect to the public system, a statement that the applicant will provide a community water system or that individual wells will be used.

(B) A report by a registered engineer or geologist that clearly supports the legal and physical availability of adequate water. Methods for proof of water availability and the standards for quantity are listed in CBJ 49.35, Article III. This subsection does not apply to submittals for a subdivision designated as a remote subdivision in accordance with CBJ 49.15, Article IV, Division 5,

Remote subdivisions.

(C) A copy of the State application for a permit to appropriate water for the quantity of water required to meet the subdivisions demands.

(D) The director for minor subdivisions, and the planning commission for major subdivisions, may, for good cause, temporarily waive the requirement to provide a water report and proof of water, and condition the approval of the preliminary plat upon the provision of both documents as part of the final plat application and approval process.

(6) *Erosion control*. A report explaining the method by which the applicant proposes to control erosion and manage runoff and potential impacts to adjacent properties or water bodies. The report shall include a plan for preservation of ground cover may be required in areas where runoff and resulting erosion need to be minimized.

(7) *Traffic study*. A traffic impact analysis may be required with the preliminary plat in accordance with CBJ 49.40.300.

(8) *Shadow plats*. For subdivisions of five or more lots in transition areas, a shadow plat shall be submitted according to CBJ 49.70.710. The shadow plat shall consist of a sketch superimposed on the proposed subdivision layout. This sketch shall reflect any future resubdivision of the parcels into smaller lots consistent with the higher density and lot size allowed under the transition zoning.

49.15.412 Final plat requirements.

(a) All final plats must meet the requirements set forth in CBJ 49.15.411.

(b) The director for minor subdivisions, and the commission for major subdivisions, may place such conditions upon the granting of final plat approval as are necessary to preserve the public welfare. When such a condition of approval entails a restriction upon the use of all or part of the property being subdivided, a note specifying such restrictions shall be placed on the face of the plat. Such note shall constitute a restriction in favor of the municipality and the public and shall run with the land, enforceable against all subsequent owners. Any such restriction may be enforced against the applicant or any subsequent owner by the municipality by injunction or other appropriate action in the same manner as a permit or permit condition, or by any specifically affected member of the public.

(c) Certifications.

(1) The following notarized certificates shall appear on all plats. All certificates shall be certified and dated and signed before a notary public in accordance with A.S. 09.63, and must contain the relevant form of acknowledgment specified by A.S.

09.63.100.

(A) Ownership Certificate:

I (we)(corporate name) hereby certify that I am (we are)(corporation is) the owners of the property shown and described hereon and that I (we)(it) hereby adopt this plat of subdivision with my (our)(its) free consent, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as noted.

(B) 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.

(2) The following director's certificate shall appear on minor subdivision plats, signed by the director and attested to by the municipal clerk:

Director's Certificate

I hereby certify that the plat hereon has been found to comply with Title 49 of the Code of the City and Borough of Juneau and is approved by the City and Borough of Juneau, Department of Community Development, for recording in the office of the Juneau Recording District, Juneau, Alaska.

(3) The following certificate shall appear on all major subdivision plats, signed by the chair of the planning commission and attested to by the municipal clerk.

Planning commission certificate:

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of the City and Borough of Juneau, Alaska and that said plat has been approved by the Planning Commission by Plat Resolution No. _____, dated _____, 20_____, and that the plat shown hereon has been approved for recording in the office of the District Recording Office, Juneau, Alaska.

(d) *Certificate sheet*. The director may require a certificate sheet to be included with the final plat for clarity. The certificate sheet will include a title block, sheet number, and all certificates, statements, and acknowledgements required by this chapter.

(e) *Other documents*. While not required to be placed on the plat, the following documents are required, except as noted below:

(1) Certification of payment of taxes and special assessments levied against the property from the CBJ Treasurer.

(2) Certification of approval of the Alaska Department of Environmental Conservation as to domestic water supply and sewage disposal.

(3) A statement from each private utility company that will be serving the subdivision stating that the easements shown on the final plat are satisfactory for use by that utility company for service to the proposed subdivision and that arrangements have been made to convey such easements to the appropriate utility company that will use them; and

(4) Proof that all conditions of preliminary plat approval have been satisfactorily completed.

(5) Proof of construction plan approval.

(6) If a community water system is proposed, a certification of approval from the Alaska Department of Environmental Conservation is required. This requirement does not apply to submittals for a subdivision of four lots or fewer. For subdivisions involving five to thirteen lots, the following shall be included when applicable;

(7) *Improvement guarantee*. A draft improvement guarantee in accordance with CBJ 49.55 if the applicant is proposing to record the plat prior to the completion of all required improvements.

(c) *Submittals for final plat recording*. After the director or commission has approved the final plat for recording, the following additional materials must be submitted for recording

(1) One original reproducible plat on 22 by 34 inch sheets. The director may approve other suitable sheet sizes and will determine whether additional copies of the plat are required. The plat shall be drawn with black ink at a scale of one-inch equals 100 feet or less. The director may approve other suitable scales.

(2) Any improvement guarantee in accordance with CBJ 49.55.

(5) Deeds, easements, or rights-of-ways for land that the applicant is transferring to public agencies that are not dedicated or granted by the landowner's certificate on the final plat.

(6) Written evidence of rights-of-entry or permanent easements on or across private property not within the proposed subdivision that may be necessary to allow construction and maintenance of subdivision improvements, to allow for and to grant necessary slope rights, and any other similar needs.

49.15.413 Plat expiration.

A preliminary plat shall expire five years from the effective date of the notice of decision unless substantial progress has been made in construction of required improvements or an application for the final plat has been accepted.

49.15.414 Plat effective date.

Once the plat has been approved in accordance with this article, the plat shall become effective upon recordation with the State Recorder's Office at Juneau.

49.15.415 Recorded plats legalized.

(a) *Generally*. All plats recorded before March 30, 1953, whether executed and acknowledged in accordance with AS 40.15.050 or not, are validated and all streets, alleys or public thoroughfares on these plats are considered to have been dedicated to public use. This section does not prohibit the abandonment of a plat recorded before March 30, 1953, if a subsequent plat is filed indicating abandonment. The last plat of the area and the streets, alleys or thoroughfares shown on are deemed to be the streets, alleys or thoroughfares dedicated to public use. The streets, alleys or thoroughfares shown on an earlier plat of the same area or any part of it which is in conflict with those shown on the official plat are deemed to have been abandoned and vacated.

(b) *Missing plats*. Where a recorded plat is missing and no present record is available except by reference to the missing plat, a counterpart copy, approved by the planning commission, may be recorded and after recordation will be considered effective as of the original date of the missing plat and will have has the same legal effect and notice as the original missing plat.

Division 3. Design

49.15.420 Lots.

(a) *Generally*.

(1) Subdivision lots shall meet the minimum dimensional standards established by section 49.25.400, except as provided in CBJ 49.15.421 and CBJ 49.15.422.

(2) The shape, orientation, and setback lines of lots shall be appropriate for the development proposed. The director may require yard setbacks to be listed or labeled on the preliminary plat.

(3) Each lot must have at least one practical building site.

(4) Side lot lines should be at 90 degree angles to straight streets and radial to curved streets unless topographic conditions require otherwise.

(b) *Double frontage lots*. Except for corner lots, lots served by an alley, or where a frontage road or interior access road is required, double frontage lots should be avoided. When such lots are permitted by the commission or the director, the plat shall indicate which abutting street is not approved for access when access restrictions are deemed appropriate in order to:

(1) Prevent direct access to a collector or arterial street;

(2) Restrict access to prevent unsafe sight distances; or

(3) Prevent the construction or maintenance of driveways near intersections.

(c) *Shadow plats*. When the applicant is required to submit a shadow plat in accordance with CBJ 49.70.710, the director in the case of a minor subdivision, and the commission in the case of a major subdivision, shall review and approve the application based on how well the proposed lot layout will lend itself to future resubdivision as well as other requirements of this title.

49.15.421 Cul-de-sac lots.

If a proposed lot fronts on a cul-de-sac or a similar sharply curved right-of-way and the director for minor subdivisions and the commission for major subdivisions makes a determination that meeting minimum lot width at the front building line in accordance with the Table of Dimensional Standards in CBJ 49.25.400 is impractical, the minimum width may be reduced as necessary to achieve a reasonable lot configuration.

49.15.422 Public use lots.

The director for minor subdivisions and the commission for major subdivisions may waive the dimensional standards of the public use lot for minimum lot size, lot width, and lot depth as set forth in CBJ 49.25.400, for lot frontage and access requirements as set forth in CBJ 49.15.420, and the provision of public improvements as set forth in CBJ 49.35 if the proposed use of the lot is for open space, natural area park, public and private utilities, conservation lot, or similar use, and if the following requirements are met:

(1) The director or the commission finds that there is no public purpose or need that would be served by requiring the parcel meet these code provisions and are not applicable for the proposed public or quasi-public use of the lot.

(2) Restriction of building development, further subdivision, and other limitations

or restrictions shall be noted on the plat in accordance with CBJ 49.15.412.

(3) For uses restricted from any building development, that the land be put into some form of permanent protected status through the use of conservation easements, deed restriction, or other instruments to assure building development will not occur where prohibited.

(4) Unless otherwise provided, the minimum yard setback requirements may not be waived with respect to lots abutting the public use lot.

49.15.423 Panhandle lots.

(a) The subdivision of a parcel with a panhandle lot may be allowed in order to facilitate the subdivision of large parcels that are insufficiently wide but otherwise meet all other requirements for subdivision. Panhandle lots may be created by subdivision under this section if the new lots meet the following additional requirements:

(1) *Dimensional requirements.*

(A) The front and panhandle lots must meet all the dimensional and area requirements of this title.

(B) No part of the panhandle portion of the lot shall be less than 30 feet wide.

(C) The panhandle portion of the lot shall not be longer than 300 feet in D-1 zones and 1-1/2 times the minimum lot depth in other residential zoning districts.

(D) No buildings are allowed to be built or placed in the panhandle portion of the lot.

(E) In a D-1 zoning district, 30 feet of the width of the panhandle of the rear lot may be used in determining the width of the front lot.

(F) The common property line between the two lots in any zoning district shall be limited to two changes in direction.

(G) The lot width for the panhandle lot shall be the distance between its side boundaries measured behind the back lot line of the front lot. Such lot line shall also be considered the front lot line of the panhandle lot for the purpose of determining the front yard setback.

(2) *Minimum lot size*. Each lot shall be 20,000 square feet for lots served by a public sewer system. The minimum lot size for lots not served by a public sewer

system shall be 36,000 square feet. Any marine outfall serving the lots shall extend to a point four feet below mean lower low water, and each lot using such disposal must abut the salt water to a minimum extent of 30 feet.

(3) *Access and parking.*

(A) Only one access to the public right-of-way shall be permitted for the two lots. Such access shall be designated on the plat, in the form of an easement or plat note.

(B) Off street parking shall be provided in an amount sufficient to meet the requirements at CBJ 49.40, Article II.

(C) A driveway and parking plan shall be submitted and approved by the director prior to recording the plat.

(D) Back out parking is prohibited.

(E) The applicant must submit a plan that shows the feasibility of off street parking for the lots and a turnaround that will allow drivers to drive forward onto the road in front of their lot.

(F) The applicant must provide assurance in the form of an easement, plat note, and a maintenance agreement that is recorded with the subdivision, on forms acceptable to the director, ensuring the required access and parking areas will be constructed and maintained by all future property owners.

(G) Any portion of a driveway not located in a public right-of-way shall have a maximum grade not exceeding 15 percent. A profile of the proposed driveway centerline shall be submitted as part of the plat application, and must meet Alaska Department of Transportation and Public Facilities or CBJ driveway standards, as appropriate based on ownership of the right-of-way.

(H) Existing driveways and access points not meeting the requirements of this section must be abandoned, and improvements thereto removed and relocated prior to plat recordation.

(b) Neither lot resulting from a panhandle subdivision may be further divided into another panhandle subdivision.

49.15.424 Access.

(a) *Publicly Maintained Access.* Unless otherwise provided, all lots must have direct and practical access to a publicly maintained street with a minimum 30 feet of frontage on that street, or where the minimum lot width for the zoning district or use in the zoning district at CBJ 49.25.400 is less than 30 feet. These requirements for frontage and access can be

accomplished by:

(1) Dedication of a new right-of-way with construction of the street to public standards. This street must connect to an existing publicly maintained street;

(2) Use of an existing publicly maintained street;

(3) Upgrading the roadway within an existing right-of-way to public street standards. This existing right-of-way must be connected to another publically maintained street; or

(4) A combination of the above.

(b) *Privately Maintained Access.* A subdivision may create new lots fronting on right-of-ways not maintained by an agency of government as provided by CBJ 49.15, Article IV, Division 4.

Division 4. Privately Maintained Access in Rights-of-Way

49.15.430 Purpose.

With a permit, a privately maintained access road serving thirteen or fewer lots may be constructed within a right-of-way and constructed to less than full public street construction standards. Such permits may also allow subdivisions creating new lots accessed by a roadway not accepted for maintenance by an agency of government.

49.15.431 Application.

The applicant for a privately maintained access road permit must submit the following:

(1) An application, on a form provided by the department.

(2) A preliminary plan and profile of the proposed privately maintained access road and any proposed public or private utilities.

(3) An access agreement as required by CBJ 49.15.434.

49.15.432 Department action.

The director shall forward the complete application to the fire and engineering and public works departments for their review.

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49.15.433 Design criteria.

(a) If a proposed access road would abut and provide access to thirteen or fewer lots each limited to a single-family residence by the CBJ 49.25.400 Table of Dimensional Standards, or could serve thirteen or fewer dwelling units not including any properly permitted accessory apartments based on the existing maximum allowable residential density of the lots accessed by the privately maintained road, the director may approve, with or without conditions, a permit in the right-of-way if the following criteria is met:

(1) The proposed privately maintained access will be located in a public right-of-way that has not been accepted for public maintenance.

(2) The proposed privately maintained access does not endanger the public safety or welfare.

(3) The proposed privately maintained access will be improved to meet the needs for emergency service access.

(4) A privately maintained access shall only serve property in which the proposed uses do not exceed 250 average daily trips as determined by the director.

(5) Property served by the privately maintained access shall include accessory apartment traffic when allowed without a conditional use permit even if accessory apartments are not currently proposed.

49.15.434 Access agreement.

An access agreement must be executed between the City and Borough and all property owners proposed to be served by a privately maintained access road. The agreement must identify the parties and the property, all signatures must be notarized, and the agreement must include the following provisions:

(1) In exchange for the Grantee not being required to construct a road that can be accepted for maintenance by the City and Borough, and for the City and Borough of Juneau not maintaining the privately maintained access road, the parties execute this agreement with the intent for it to run with the land and bind all heirs, successors, and assigns consistent herein.

(2) The Grantee acknowledges that the City and Borough is not obligated to provide any maintenance or snow removal for the privately maintained access. The Grantee is required to arrange for maintenance and snow removal from the privately maintained access.

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(3) The Grantee and the Grantee's heirs, successors, and assigns will defend, indemnify and hold harmless the City and Borough from any claim or action for any injury, loss, or damage suffered by any person arising from the design, maintenance, or use of the privately maintained access.

(4) The Grantee will ensure that use of the privately maintained access road will not block vehicular or pedestrian access by the public in the right-of-way.

(5) The City and Borough will have unimpeded access in the right-of-way.

(6) The Grantee and the Grantee's heirs, successors, and assigns will maintain the privately maintained access road according to the conditions established in this agreement.

(7) The City and Borough will record a copy of the agreement, at the Grantee's expense, with the State Recorder's Office for each lot or parcel of land either, in the case of existing lots, those adjoining the segment of right-of-way in which the privately maintained access is to be located; or, in the case of lots created by subdivision and served by the privately maintained access, those lots so created.

(8) The owners of the lots subject to this agreement are required to pay for right-of-way upgrades when existing or proposed development served by the privately maintained access exceeds 250 average daily trips as determined by the director.

(9) The owners of the lots subject to this agreement are prohibited from subdividing unless the privately maintained access is upgraded or all the property owners served by the privately maintained access execute a new maintenance agreement.

(10) Any development that increases the estimated traffic above 250 average daily trips as determined by the director shall pay a proportionate share of the costs of the right-of-way upgrades, which will offset the costs imposed on the existing owners served by the privately maintained access. The proportionate share shall be the percentage increase in average daily trips.

(11) The owners of the lots subject to this agreement authorize the City and Borough to amend this access agreement by adding a new owner only upon presentation of a written and fully executed maintenance agreement between all the existing property owners subject to the original access agreement and the new property owner proposing to be served by the existing privately maintained access. Any amended access agreement supersedes an existing access agreement. After recording, the new access agreement shall be sent to all the owners subject to it.

49.15.435 Other requirements.

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(a) If a permit for privately maintained access in the public right-of-way is approved, the applicant must apply to the engineering and public works department for a permit to construct the privately maintained access as required by CBJ 62.05, accompanied by final construction plans. Additional fees and bonding may be required for final plan review, inspection, and construction of the access road and utilities.

(b) The applicant shall install a street sign, to be provided by the City and Borough, which shall indicate that the privately maintained access road is not maintained by the City and Borough.

Division 5. Remote Area Map and Subdivisions.

49.15.440 Purpose.

The purpose of this section is to provide for the waiver or reduction of submittal, design, and improvement requirements related to access and potable water for privately owned subdivisions in remote areas.

49.15.441 Map.

There is adopted the remote subdivision area maps A—E, dated June 5, 2006, as the same may be amended from time to time by the assembly by ordinance. For purposes of this Code, a remote subdivision is one located within a remote subdivision area as shown on the maps. The director may recommend an amendment to the maps upon a finding that the area recommended for designation as a remote subdivision area conforms to the characteristics specified in CBJ 49.15.442.

49.15.442 Characteristics.

Land proposed for inclusion within a remote subdivision area should not be:

(1) In the general proximity of a capital improvement listed in the current capital improvements program;

(2) Subject to a new growth area master plan or other private plan adopted by the City and Borough;

(3) Connected to the road system; or

(4) Served by a right-of-way, sewer system, water system, or fire protection service or police protection service operated or maintained by an agency of government.

49.15.443 Remote subdivisions.

(a) *Street improvements*. In areas designated as remote subdivisions, the director for minor subdivisions and the commission for major subdivisions may:

(1) Authorize a lesser improvement than that which would otherwise be required by CBJ 49.35, Article II upon a finding that such lesser improvement would provide sufficient and practical access to lots created by the subdivision, and that the developer has established a system for common maintenance of the improvements by property owners within the subdivision.

(2) Waive the requirements of CBJ 49.35, Article II upon a finding that construction of the required right-of-way is not necessary to provide for sufficient and practical access to lots created by the subdivision and would be an unnecessary public maintenance burden.

(b) *Access*. A remote subdivision shall be exempt from the requirements for direct and practical access on, and a minimum 30 feet of frontage to, a publically-maintained street upon a finding by the director for minor subdivisions or the commission for major subdivisions that the following conditions are met:

(1) Sufficient and practical access is provided by at least 30 feet of frontage on a navigable waterbody.

(2) There is no reasonable probability in the foreseeable future that frontage on a dedicated right-of-way will be necessary for access to the lot.

(3) A pedestrian easement must be provided, with a minimum width of ten feet, along the lots on the upland side as close to the line of extreme high tide as is practical given topography and existing easements.

(c) *Water*. Neither a community water system nor individual wells are required for subdivisions designated as remote.

Division 6. Survey and Monumentation Standards

49.15.450 Licensed surveyor required.

All land subdivided in accordance with CBJ Title 49 shall be surveyed by a professional land surveyor licensed in the State of Alaska.

49.15.451 Boundary lines, basis of bearing.

(a) Each existing boundary line of the proposed subdivision shall be retraced to an

existing monument of record. If a boundary consists of a U.S. Survey line, Mineral Survey line, or an Alaska Tidelands Survey line, the nearest recorded primary monument on each side of the proposed subdivision shall be located.

(b) A monumented centerline of a right-of-way must be considered in making the surveys and in preparing the plat. All monuments found shall be indicated and proper references made to field notes or maps of public record relating to the monuments. If the points were reset by ties, that fact shall be stated.

(c) The basis of bearing referred to on the plat shall be a line defined by two found monuments shown on the same record bearing and shall be clearly delineated or identified on the plat and in the basis of bearing statement

(d) A basis of bearing statement is required. The statement shall include the monument description, corner description, record bearing and the record documentation source with recording date.

(e) A note listing all plats of record, with recording information, pertinent to the boundary and property resolution must be listed on the plat.

49.15.452 Accuracy of survey.

A survey and traverse of the boundaries of the subdivision and all lots and blocks shall close within a limit of error of one foot in ten thousand feet of perimeter for field closures and one foot in twenty thousand feet for calculated distances.

49.15.453 Monumentation.

(a) The following monumentation is required for subdivisions of six or more lots:

(1) *Primary monuments*. Primary monuments shall conform to the following requirements:

(A) All exterior corners, points of curvature and points of tangency shall be monumented with a minimum two-inch diameter metal pipe, at least 30 inches long, with a minimum four-inch flange at the bottom. A minimum two and one half inch diameter metal cap shall be permanently attached at the top. If both the cap and the pipe are of nonferrous metal, then additives with magnetic qualities shall be permanently attached at both the top and bottom of the monument. Every primary monument cap shall be permanently stamped with the year set, the surveyor's registration number, year which the monument was set, initials of subdivision, and the corner identification. This data shall be orientated so that the data may be read when the reader is facing north. Monuments and accessories found in a disturbed condition shall

be returned to the original position and condition as nearly as possible or replaced so as to perpetuate the position.

(B) No portion of a survey or subdivision may be more than 1,320 feet from a primary monument.

(C) If an exterior boundary line is less than 2,640 feet, but more than 1,320 feet long, then the intermediate primary monument shall be set as close to the midpoint as practical.

(2) *Witness corners*. If the point for a primary monument is in a place that would be impractical to monument because of natural obstacles, a witness corner shall be set. The witness distance must be shown on the plat of survey, from the existing monument, as set, to the true corner position. Witness corners shall be set on a survey property line and at a distance considered reasonable and practical from the true corner point. Witness corners shall comply with the standards for primary monuments.

(3) *Alternate monuments*. If conditions make it impractical to set a primary monument, one of the following methods may be substituted:

(A) A two and one-half inch brass or aluminum cap may be grouted firmly into a boulder; or

(B) A five-eighths inch minimum drive rod may be driven to a depth necessary to provide a stable base for an aluminum cap. The depth of all drive rods shall be noted on the plat.

(4) *Secondary monuments*. All lot corners, interior angle points and interior curvature control points shall be monumented with at least a five-eighths inch metal rod three feet in length with a one and one-quarter inch cap.

(5) *Monumentation installation.*

(A) Monuments shall be installed by the applicant's land surveyor at points designated on the final plat.

(B) The applicant's surveyor must install monuments before the final plat is filed with the State of Alaska recorder's office. The director of engineering may require that monumentation be certified prior to final acceptance of the subdivision improvements to ensure that any monuments disturbed or destroyed during construction are reset.

(C) If construction begins prior to submittal of the final plat, all lot corners adjacent to any proposed improvements must be staked throughout construction.

(b) The following monumentation is required for subdivisions of five or fewer lots:

(1) All exterior corners of the plat and all corners of each lot shall be monumented with a five-eighths inch by 30 inch pipe or bar capped and marked as required by the director of engineering; provided, if a plat or lot corner is identical with a United States Survey, a United States Mineral Survey, or an Alaskan Tidelands Survey, the primary monument shall be shown on the plat or reestablished and shown if not found.

(2) Monumentation must meet all the requirements listed in subsection (a), above, with the exception that the type of monument set may be a secondary monument.

Section 11. Amendment of Article. CBJ 49.15, Article V Design Review Permits, is amended to read:

Article V. ~~Design Review Permits~~ <u>CBJ and State Project Review</u>

Section 12. Amendment of Section. CBJ 49.15.580 State project review, is amended to read:

49.15.580 State <u>and City and Borough</u> project review.

~~The commission shall review proposed Alaska State Capital Improvement Projects for consistency with this title pursuant to AS 35.30.010, and may impose conditions on and modifications to such projects.~~

<u>(a) *CBJ project review*: The commission shall review proposed City and Borough capital improvement projects for consistency with this title and may recommend conditions on and modifications to such projects through a notice of recommendation. The notice of recommendation shall be forwarded to the assembly for further action.</u>

<u>(b) *State project review*: The commission shall review proposed Alaska State capital improvement projects for consistency with this title pursuant to AS 35.30.010 and may impose conditions on and modifications to such projects. If the commission approves or approves with conditions or modifications, a notice of decision shall be issued. A notice of decision becomes final 90 days from the date the project was submitted unless modified or disapproved by the assembly. If the commission disapproves, a notice of recommendation and draft resolution shall be forwarded to the assembly for further action.</u>

Section 13. Amendment of Article. CBJ 49.15, Article V Design Review Permits, is amended by adding a new subsection to read:

49.15.590 Right-of-way acquisitions.

(a) The minor subdivision permit process shall govern right-of-way acquisition plats, except commission review through the major subdivision process shall be required if the acquisition of property for a right-of-way would create a nonconforming lot, use, or structure. The commission may approve creation of nonconforming lots, uses, or structures if each lot has at least one practical building site that may be reasonably developed. The commission may condition its approval.

(b) *Application requirements.*

(1) Signatures of the owners or lessees of the subject parcels are not required.

(2) The owner of land subject to a right-of-way acquisition may offer to sell or enter into a contract to sell land to the State or City and Borough before a final plat of the subdivision has been prepared, approved, filed, and recorded in accordance with this chapter.

(3) Applications for preliminary right-of-way acquisition plat approval shall comply with the requirements of CBJ 49.15.411, provided, however, that the following subsections are not applicable:

(A) CBJ 49.15.411(b)(2), unless the director determines that the proposed reduction in lot area of an existing parcel without public sewer access causes it to become unsuitable for on-lot waste disposal.

(B) CBJ 49.15.411(b)(2)(B), *Subdivision design*.

(C) CBJ 49.15.411(b)(4), *Water*.

(E) CBJ 49.15.411(b)(6), *Traffic study*.

(F) CBJ 49.15.411(b)(7), *Shadow plats*.

(c) *Final plat submittal.*

(1) All applications for right-of-way acquisition plats must comply with the requirements of CBJ 49.15.412, provided, however, that the following sections are not applicable:

(A) CBJ 49.15.412(a)(4)(B), *Proof of construction plan approval*.

(B) CBJ 49.15.412(a)(4)(D), *Utility statements*.

(C) CBJ 49.15.412(a)(4)(E), *Improvement guarantee draft*.

(D) CBJ 49.15.412(b)(4), *Improvement guarantee final*.

(E) CBJ 49.15.412(b)(5), *Deeds, easements, or rights-of-way*.

(d) *Design*. Right-of-way acquisition plats must comply with the design requirements of this title, provided, however, that the following sections are not applicable:

(2) CBJ 49.15.420 *Lots*.

(3) CBJ 49.35.220 *Streets*.

(e) *Improvements*. The requirement to construct public improvements according to CBJ 49.35 is waived except where the acquisition of right-of-way and subsequent change to property boundaries results in the loss of access to public utilities or street frontage for an existing lot necessitating replacement of these public improvements.

(f) *Survey and monumentation standards*. All applications for right-of-way acquisition plats must comply with the requirements of CBJ 49.15, Article IV, Division 6, except CBJ 49.15.453 is modified to require that only corners located along the new right-of-way line be monumented.

(g) *Right-of-way maps*. After completion of a right-of-way project, a final right-of-way map that identifies all required survey and monumentation information shall be submitted. The final right-of-way map will be reviewed by the director of the engineering and public works department for completeness and then recorded at the State Recorder's Office at Juneau at the applicant's expense.

Section 14. Amendment of Article. CBJ 49.70, Article XI, Remote Subdivision Areas is repealed and reserved.

Section 15. Amendment of Section. CBJ 49.15.670 Planned unit development design standards, is amended to read:

49.15.670 Planned unit development design standards.

. . .

(j) *Stormwater management.* Facilities for the control and disposal of stormwater must be adequate to serve the development site and areas draining through the site. Management shall be in accordance with the Stormwater Best Management Practices manual. Where appropriate, natural drainage channels, swales, or other similar areas within the common open space may be used for stormwater management at the development. The homeowners' association shall provide the engineering department with an evaluation of offsite drainage outfalls for the additional runoff contributed by the planned unit development. The commission may require construction of offsite drainage improvements necessary to accommodate additional runoff from the development.

Section 16. Amendment of Section. CBJ 49.15.680 Definitions, is repealed and reserved.

Section 17. Amendment of Section. CBJ 49.25.110 Zoning maps, is amended to read:

49.25.110 Zoning maps.

. . .

(g) ~~*Street*~~ *Public way vacations.* Whenever any street, alley or other public way is vacated as provided by CBJ 49.15.404 ~~section 49.15.450~~, the zoning districts adjoining the side of such public way shall automatically be extended to follow property lines legally created by such vacation. ~~Such extension following vacation shall have the same force and effect as boundary changes accomplished by explicit amendment~~.

(h) ~~*Stability.* In addition to designation as a particular zone, areas on the map shall be designated as stable areas not subject to bonus regulations.~~ *Reserved.*

Section 18. Amendment of Section. CBJ 49.25.300 Determining uses, is amended to read:

49.25.300 Determining uses.

. . .

(c) A combination of digits such as "1, 3" or "2, 3" indicates that the approval procedure for the identified use in the identified zone will vary depending on whether the project is a major or minor development.

(1) If the project is a minor development the first number of the combination shall indicate the applicable procedure.

(2) If the project is a major development the second number shall indicate the applicable procedure.

(3) ~~The following are the distinctions between minor and major development:~~ Minor development means development which is classified by zoning district as follows:

~~Minor development means development which is classified by zoning district as follows:~~

(A) *Rural Reserve District:* A residential development containing two or fewer dwelling units, two or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building ~~of~~ totaling less than 10,000 square feet or using less than one acre of land in total.

(B) *Single Family Residential Districts:* A residential development containing two or fewer dwelling units, two or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building ~~of~~ totaling less than 5,000 square feet or using less than 10,000 square feet of land in total.

(C) *Multifamily Family Residential Districts:* A residential development containing eight or fewer dwelling units, eight or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building ~~of~~ totaling less than 5,000 square feet or using less than 10,000 square feet of land in total.

(D) *Commercial and Mixed Use Districts:* A residential development containing 12 or fewer dwelling units, 12 or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building ~~of~~ totaling less than 10,000 square feet or using less than one-half acre of land in total.

(E) *Industrial Districts:* Non-residential buildings ~~of~~ totaling15,000 square feet or using less than one acre of land in total.

(4) Major development means all development activity that is not a minor development.

(5) *Exceptions*. Exceptions to the use of minor and major development classifications as a method of determining the applicable approval procedure shall be as noted in the table of permissible uses.

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Section 19. Amendment of Section. CBJ 49.25.430 Yard setbacks, is amended to read:

49.25.430 Yard setbacks.

. . .

(4)(K) *Existing substandard setbacks.* A new building may have a front yard setback or street side yard setback equal to the average front yard setback setback or street side yard setback of the three closest adjacent buildings. The average calculation shall be made using one building per lot. If any of the three buildings used in the averaging calculation is located a greater distance from the required setback, then the required front yard setback setback or street side yard setback shall be used to calculate the average.

An existing building located on the subject lot may be used as one of the three buildings to calculate the setback determination.

For purposes of this section, the buildings used in averaging must be either conforming or legally nonconforming enclosed buildings or carports and have a wall or column height of at least seven feet measured from the finished grade. Porches, bay windows and temporary buildings allowed to project into setbacks cannot be used for averaging. In no instance shall the required setback be less than half that required by this chapter or ten feet, whichever is greater.

If there are fewer than three buildings within 500 feet of the subject property, then the required setback shall be the average of front yard setbacks setback or street side yard setbacks of such fewer buildings, using a maximum of one building per lot.

Section 20. Repeal and Reenactment of Section. CBJ 49.35.120 Extent and nature of improvements, is repealed and reenacted to read:

49.35.120 Public improvements; generally.

(a) The developer must install all of the required improvements within the boundaries of the development, and may be required to make improvements beyond the development boundary in order for all of the improvements to function properly. In addition, improvements must be designed and constructed to provide for future extension to adjoining lands.

(b) The director of engineering and public works may prescribe different or additional standards if unusual or unforeseen conditions exist in a particular development, and the alternative meets or exceeds the intent of the original standard.

(c) Prior to a substantial change in the standards generally applicable to required improvements, the director of engineering and public works shall hold a public hearing on the proposed change. The hearing shall be preceded by ten days' published notice. The standards may be changed in response to comments received at the hearing or received at any other time prior to the effective date. The standards shall become effective 30 days after the first notice of the hearing is published. The manager may shorten the notice period or waive the requirement for a hearing and may specify an earlier effective date if the manager finds an emergency exists or that other conditions warrant such action. If the notice period is shortened to less than three days, a second hearing preceded by ten days' published notice shall be held.

Section 21. Repeal of Section. CBJ 49.35.130 Standard specifications, is repealed and reserved.

Section 22. Repeal and Reenactment of Section. CBJ 49.35.140 Construction plans, is repealed and reenacted to read:

49.35.140 Construction plans.

(a) *Generally*. The developer must submit construction plans for all proposed public improvements and associated private improvements and utilities within and outside the proposed development's boundary.

(b) *Construction plan submittal.*

(1) *Plan sets*. Prior to submittal of the final plat, and before the start of any construction, the developer must furnish to the City and Borough Permit Center complete sets of construction plans, profiles, details, and special construction provisions for all existing and proposed improvements. The director of engineering and public works shall determine the number of plan sets to be submitted. Plan sets will be forwarded to the appropriate City and Borough departments and agencies.

(2) *Engineer's stamp*. Construction plans must be stamped by the professional engineer licensed in the State of Alaska who is responsible for the improvement designs. Multiple engineer stamps are required for plans with multiple discipline designs, e.g., civil, electrical, structural engineering.

(c) *Construction plan – Details*.

(1) *Size*. All construction plans shall be submitted on 22 by 34 inch sheets. The director of engineering and public works may approve alternative sheet sizes.

(2) *Information*. The drawings must contain the following information:

(A) Name of subdivision.

(B) Type of work.

(C) Date.

(D) Name of engineer preparing the drawings and the engineer's stamp.

(E) Space for approval signature by the director of engineering.

(F) A north arrow and scale.

(3) *Scale*. Horizontal scale must be one inch equals 50 feet or greater. Vertical scale must be one inch equals five feet or less with a minimum scale of one inch equals ten feet. The director of engineering and public works may approve alternative scales.

(4) *Benchmarks*. The locations, elevations and description of datum of permanent benchmarks must be shown.

(5) *Street profiles*. Profiles of streets shall indicate finished and existing grades for centerline of the street and shall extend a minimum of 200 feet beyond the limits of the proposed project or, if intersecting an existing street, extend to the far side of the existing street.

(6) Plans and profiles, where applicable, shall include location, elevation, size, materials, and all other details of the proposed improvements.

(7) Complete survey data must be shown for all horizontal and vertical curves.

(8) Construction plans shall include the location of all existing and proposed utilities.

(d) *As-built drawings*. The developer, upon completion of required improvements, must submit a reproducible and digital format copy of as-built plans unless otherwise required by the director of engineering and public works.

Section 23. Repeal and Reenactment of Section. CBJ 49.35.210 Street system, is repealed and reenacted to read:

49.35.210 Street system.

(a) Subdivision street systems shall be designed for the most advantageous development of the entire neighborhood area and shall meet the following criteria:

(1) The street system shall provide for connecting streets into adjoining unsubdivided lands.

(2) Subdivision street systems shall be designed to maximize the number of connecting streets in a given area in order to reduce the volume of traffic and traffic delays on major streets (arterials and major collectors), to minimize bypass and through trips on residential streets, and to increase the number of local street connections facilitating safer bicycle and pedestrian travel.

(3) Traffic calming should be taken into account in street layout and design.

(b) *Major and minor arterials*. Except as provided in subsection (3) of this section, if a new subdivision involves frontage along an arterial street:

(1) The plat shall note that no lots shall access directly onto the arterial;

(2) Access shall be provided onto an interior access street or a separate frontage road.

(3) A parcel of land with less than 500 feet of frontage on a street, or with less than 350 feet in depth may be subdivided so as to allow access directly onto a minor arterial street if all of the following conditions are met:

(A) All of the resulting lots must meet the minimum lot area standard for a single family dwelling in the D-1 zoning district (36,000 sq. ft.).

(B) All of the lots must share a common access point and further subdivision of the newly created lots is not allowed.

(C) Common access to all lots is required and back out parking is prohibited. The applicant must submit a plan that shows the feasibility of off street parking for all lots and an adequate area for a turnaround to prevent back out parking.

(D) The applicant must provide assurance in the form of an easement, plat note, and a maintenance agreement that is recorded with the subdivision, all of which must be acceptable to the director, that ensures the required common access will be constructed and maintained by the property owners.

(E) The proposed subdivision must meet all other applicable subdivision standards and requirements.

(c) *Collector streets*. Collector streets in adjoining subdivisions shall be continued in the

new subdivision as needed.

(1) *Major collectors*. Except as provided in subsection (C) of this section, if a new subdivision involves frontage along a major collector street:

(A) The plat shall note that no lots shall access directly onto the major collector.

(B) Access shall be provided onto an interior access street or a separate frontage road.

(C) Exception a parcel of land with less than 500 feet of frontage or less than 350 feet of depth may be subdivided so as to allow access directly onto a major collector street.

(2) *Minor collectors*. Access for lots is allowed directly onto minor collector streets if no other restrictions apply.

Section 24. Repeal and Reenactment of Section. CBJ 49.35.220 Street names, is repealed and reenacted to read:

49.35.220 Street names.

(a) *New streets*. Street names must be unique in order to avoid confusion. When streets are extended, the name must remain the same for the new segment. Proposed street names shall be shown on preliminary plats. The names of streets fronting thirteen or fewer lots shall be approved by the director through the minor subdivision processes. The names of streets fronting more than thirteen lots shall be approved by the commission at the time of preliminary plat approval for major subdivisions.

(b) *Existing streets*. The commission shall approve applications to change the name of any existing public street or right-of-way.

(1) *Application*. The application must be on a form provided by the department and accompanied by:

(A) The application fee.

(B) Signed letters of approval from a majority of property owners whose properties have access to the public street proposed for the name change.

(2) *Procedure*. After public hearing, the commission shall review the proposed street name change for consistency with this section, and, upon a finding that the

change is consistent with this section and that the majority of property owners whose properties have access to the public street proposed for the name change approve of the change, shall approve the application.

(3) *Sign replacement*. If the name change is approved, the applicant shall be responsible for replacing all existing street name signs as specified by the department.

Section 25. Repeal and Reenactment of Section. CBJ 49.35.230 Design criteria, is repealed and reenacted to read:

49.35.230 Roadway classification map.

There are adopted roadway classification maps A - D, dated June 5, 2006, as the same may be amended from time to time by ordinance. These maps set forth the classification of streets and roadways within the CBJ. The roadway classification maps will govern references to streets in this title.

Section 26. Repeal and Reenactment of Section. CBJ 49.35.240 Construction standards, is repealed and reenacted to read:

49.35.240 Street design and construction standards.

(a) *Street design*.

(1) *Right-of-way widths*. The minimum right-of-way width of proposed streets is as follows:

(A) *Arterials*: 100 feet; minor, 80 feet.

(B) *Collectors*: 60 feet.

(C) *Streets other than arterials and collectors*: 60 feet.

(D) *Cul-de-sacs*: temporary or permanent turnaround: a diameter of 100 feet.

(E) *Alleys*: 20 feet.

(F) Stairways and other non-motorized access routes: 15 feet.

(G) *Half streets*. Whenever there exists a dedicated or platted half street or

alley adjacent to the tract of land to be developed, the other half of the street or alley must be platted, dedicated, and the entire street or alley constructed to current improvement standards.

(H) *Substandard width or improvements*. Any previously platted right-of-way with less than the minimum standards identified for the traffic generated shall be improved to meet the minimum requirements established by this title. Such determination shall be made by the department for minor subdivisions, and the planning commission for major subdivisions.

(2) *Right-of-way minimum width reductions*. The director may reduce minimum right-of-way width requirements:

(A) For a collector, the right-of-way width may be reduced by up to 10 feet.

(B) For streets with less than 500 average daily trips, or a driveway in a right-of-way, the width may be reduced by up to 25 feet.

(C) Where the dedicated right-of-way abuts and runs parallel to an exterior property line, will serve as a half-street, and will be developed as a low volume street or a driveway in a right-of-way, the width may be reduced by up to 30 feet.

(D) Alleys and stairway right-of-ways may be reduced by up to 5 feet.

(E) The director shall make written findings supporting right-of-way minimum width reductions granted under this section. The director's findings shall state that:

(i) The applicant has provided room for electric utility features and demonstrates that if the road is upgraded in the future to include additional sidewalks that there is sufficient right-of-way for construction of the sidewalks without need for retaining walls over two feet in height.

(ii) There is sufficient right-of-way or easements to allow for drainage improvements required by construction of the sidewalks

(iii) That any driveways shall be constructed to accommodate the elevations of future sidewalks.

(iv) No additional right-of-way width will be required in order to provide for sufficient access to abutting lands.

(v) There is sufficient room for snow storage.

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(3) *Sight distance*. Sight distances for intersection, passing and stopping must be in accordance with the specifications set forth in A Policy on Geometric Design of Highways and Streets.

(4) *Street grades*. Street grades are as follows:

(A) *Maximum*. Grades on arterial streets must not exceed six percent. Grades on other streets must not exceed 12 percent.

(B) *Minimum*. The minimum grade for all streets is one half percent.

(C) *Cross slope*. The minimum cross slope on all streets is 3 percent.

(D) *Exception*. Grades for all streets in hillside areas may be increased under certain circumstances according to Chapter 49.70, Article II, Hillside Development.

(5) *Intersections*.

(A) *Corner sight distance*. Corner sight distance must be in accordance with CBJ 49.35.240, however, in no case shall the sight distance be less than 200 feet.

(B) *Intersection angle*. Intersections of right-of-way lines must not be less than 60 degrees. The intersection of the centerline of the constructed roadway must not be less than 80 degrees.

(C) *Grade*. The grade for the approach leg of a new roadway at an intersection must not exceed 2 percent for the first 30 feet, measured from the edge of the existing roadway. The grade for the next 70 feet of the new roadway must not exceed 6 percent (See Figure 1).

(D) *Adjustment to grade*. In certain circumstances, the director of engineering may require the centerline grade to be adjusted to ensure the grades along the edge of the intersecting street do not exceed the maximum grades listed above.

(E) *Alignment*. A proposed street that will intersect with an existing cross street shall, whenever practicable, align with an existing street intersection on the opposite side of the cross street. Street jogs that have center line offsets of less than one hundred feet, shall not be permitted (See Figure 2).

(6) *Curves*. Curves shall be designed according to the following:

(A) *Design*. Curves shall be designed in accordance with A Policy on Geometric Design of Highways and Streets.

(B) *Vertical curve*. The minimum length of vertical curves is 200 feet unless otherwise approved by the director of engineering and public works.

(7) *Cul-de-sacs*.

(A) *Length*. Streets designed to have one end permanently closed shall be no more than 600 feet and not less than 150 feet in length measured from the center of the intersection to the radius point of the turnaround. The director for minor subdivisions, and the commission for major subdivisions, may authorize a longer or shorter cul-de-sac if it is found that the unique characteristics of the site warrant modification to the length.

(B) *Turnaround diameter*. The diameter of the right-of-way for a cul-de-sac turnaround is 100 feet.

(C) *Temporary cul-de-sacs*. Temporary cul-de-sacs will be allowed where a street can logically be extended in the near future, and if the following are met:

(i) The temporary portions of the cul-de-sac turnaround must be shown on easements on the plat rather than as dedicated right-of-way.

(ii) All of the cul-de-sac must be constructed to permanent street construction standards except as noted in (vii) below.

(iii) The CBJ will record a release of the easements for the temporary portions of the turnaround at the State Recorder's Office at Juneau at the time the turnaround is removed and the street improvements have been extended.

(iv) Easement lines for the temporary turnaround will be considered front property lines for determining building setbacks.

(v) All improvements, including utilities, must be designed to accommodate the eventual extension of the street and reversion of the temporary turnaround to adjoining properties.

(vi) Temporary cul-de-sacs must be extended to as close to the adjoining property boundary as practical. If it is not practical to construct the turnaround portion of the cul-de-sac at this location, then the right-of-way must be extended beyond the temporary turnaround to the adjoining property line, and the street extension constructed to standard (See Figure 4).

(vii) If the temporary turnaround is constructed on property outside

of the subdivision boundary, curb, gutter, and sidewalks are not required for the temporary turnaround.

(viii) Before final acceptance of all improvements by the CBJ, the developer must provide a financial guarantee to cover the cost of removal of the temporary turnaround and reconstruction of the street. The guarantee must be for a period of five years from the date the plat is recorded. If it is necessary to construct the street to the adjoining property within that five-year period, the developer can complete the reconstruction and extension, or the guarantee may be used by the CBJ for that purpose. If a right-of-way has not been dedicated on the adjoining property for the purpose of connection to the temporary cul-de-sac within this five-year period, the financial guarantee will be released.

(ix) When the developer of adjoining property is required to connect to the temporary cul-de-sac, and the temporary cul-de-sac has not been extended as authorized by this section, then the developer must remove the temporary portions of the turnaround and reconstruct and extend the street to CBJ standards.

(D) Hammerhead Turnarounds. Hammerhead turnarounds may be built in lieu of a temporary cul-de-sac, upon approval by the director of engineering and public works.

(b) *Street construction standards*. The developer must construct streets according to the following:

(1) *Arterials*. The subdivider is not responsible for the construction of arterial streets, but may be required to dedicate the necessary right-of-way during the platting process.

(2) *Other streets*. Other than arterials, street shall comply with the following:

Table 49.35.240 Table of roadway construction standards

Avg. Daily Trips (ADT)[i]	Adopted traffic impact analysis required	Sidewalks	Curb and Subsurface Drainage	Travel way width	Street lights	ROW Width[iii]	Paved Roadway Required
≥ 500	Yes	Both sides	Both sides	26 ft.	Continuous	60 ft	Yes
251 to 499	Maybe	One side	One side	24 ft.	All inter-sections	60 ft.	Yes
0 to 250	No	Not required	Not required	22 ft.[ii]	Inter-sections at streets with external street	60 ft.	No[iv]

					system		

[i] Relationship between ADT and number of single-family dwellings (SFD) created based on 9.57 average weekday trip ends per dwelling unit; Trip Generation, 7th Edition, Institute of Transportation Engineers, Use 210.
[ii] Or, if privately maintained access road, as required by the Fire Code at CBJ 19.10.
[iii] ROW width may be reduced as prescribed at CBJ 49.35.240.
[iv] Paving of roadway required for any street type within the area within the PM-10 Non-Attainment Area Map.

(3) *Signs and markings*. The subdivider must install street name signs, traffic control signs, and traffic control pavement markings in accordance with approved plans and the requirements of the current issue of the Manual on Uniform Traffic Control Devices, including the current Alaska Traffic Manual Supplement, published by the Alaska Department of Transportation and Public Facilities.

(c) *Street construction waivers*. The director, after considering the recommendations of the director of the engineering and public works department and of the fire marshal, may waive the following and no other street improvement requirements:

(1) *Right-of-way relocation*. If a plat is submitted for the purpose of relocating a right-of-way, the director may waive all or some of the construction requirements under the following conditions:

(A) The proposed relocation will improve access to abutting or neighboring property not otherwise adequately served.

(B) The subdivider has provided sufficient engineering information to demonstrate to the director of engineering the feasibility of constructing a public street at the location of the relocated right-of-way.

(C) The relocated right-of-way and the resulting subdivision layout will conform to all the other standards of this chapter.

(D) The improvements required in the new right-of-way will not be less than those in the existing right-of-way.

(E) No additional lots are being platted.

(2) *Stub streets*.

(A) The director for minor subdivisions and the commission for major subdivisions may waive the full construction of a roadway within a right-of-way that is required to provide access to a bordering property, and does not provide required access to any lot within the subdivision. The commission or director may require provision of a roadbed, utility line extensions, or other appropriate improvements (See Figure 5).

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(B) In addition, before final acceptance of subdivision improvements, the subdivider must provide a financial guarantee to cover the costs of constructing that part of the roadway improvements waived by the commission or director in subsection (A) of this section. The guarantee must be for a period of five years from the date the plat is recorded. If it is necessary to connect the roadway to adjoining property within that five-year period, the subdivider may complete the construction, or the guarantee may be used by the City and Borough for that purpose. If a right-of-way has not been dedicated on the adjoining property that accomplishes the connection to the stub street within this five-year period, the financial guarantee will be released.

(C) When the subdivider of adjoining property is required to connect to the stub street, and the stub street will not be constructed through subsection (B) of this section, then the subdivider of the adjoining property will be required to construct the stub street to City and Borough standards at the time.

(3) *Cost equivalent*. If a proposed subdivision includes dedication of a right-of-way that extends an existing street, the director may allow a subdivider to construct all or a portion of the existing street, as well as the proposed street, to a standard of improvement that would result in a cost equivalent to that of meeting the full improvement standards for the construction of the proposed street. The director will base its decision to allow this cost equivalent alternative on whether the proposal meets or exceeds the intent of the original standard.

(4) *Remote subdivisions*. The commission and the director may waive roadway improvements and other construction requirements for remote subdivisions.

(5) The procedure for waiving full construction of a street in an existing public right-of-way to public standards is found in chapter 49.15, Article IV, Division 4 Privately Maintained Access in Rights-of Way.

Section 27. Repeal and Reenactment of Section. CBJ 49.35.310 Systems required, is repealed and reenacted to read:

49.35.310 Water systems.

(a) For new development, the developer must construct a public water system that provides for daily water supply and fire protection needs if the following criteria are met:

(1) If development of five or more lots is proposed within 500 feet of an existing public water system; or

(2) If development of four or fewer is proposed within 200 feet of an existing public water system.

(b) *Nonresidential development*. The developer must provide an evaluation by an Alaska licensed engineer and submit the written evaluation to the director of engineering and public works for review and approval to determine the specific quantity and distribution requirements.

(c) *Distance*. For the purpose of this section, distance is measured as the radial distance from the closest water main to the nearest point of the subdivision boundary.

(d) *Fire protection*. Fire protection requirements are based on whether the development is located within or outside the fire protection service area. All public water distribution systems constructed according to subsections (a) or (b) of this section must be sized and constructed to meet fire flow and hydrant requirements, and provide the necessary fire flows for fire protection. All improvements must be constructed according to the International Fire Code (IFC). The director of engineering and public works and the City and Borough fire marshal must approve all plans.

(e) *Private water systems required*. If a proposed development is located at greater distances from the existing public water system than specified in subsection (a), and the developer chooses to not connect to the public system, the developer must construct a water system that provides for daily water supply and fire protection needs according to the following:

(1) *Development of five or more lots*.

(A) For development of five more lots, the developer must construct a water system adequate to supply water for daily use. There are two types of systems the developer may construct:

(i) *Community water system*. A developer can choose to construct a community water system if the following requirements are met:

(a) The community system meets the quantity standards specified by this section.

(b) Any proposed water system must be approved by the Alaska Department of Environmental Conservation and any other agency having jurisdiction. The developer must submit proof of approval to the department.

(c) All improvements must meet the city and borough standards for construction of public water systems. The community system must provide a separate service to the

boundary of each proposed lot.

(d) The developer must submit the appropriate documents that show the continued maintenance of the community water system is guaranteed. The city and borough may review and comment on the documents, but is not responsible for their content or enforcement of any provisions.

(ii) *Individual wells*. A developer can also choose the option of individual wells to supply daily water needs, if the following requirements are met:

(a) The developer must clearly demonstrate to the satisfaction of the director of engineering and public works, through test wells, draw down tests, and other suitable methods, that the quantity standards specified in this section can be met for all proposed lots.

(b) The proposed source and supply system must be approved by the Department of Natural Resources and other agencies having jurisdiction. Proof of the approval must be submitted to the department.

(B) Quantity requirements for development of five or more lots are as follows:

(i) *Residential use*. The proposed source and system for residential use must be capable of producing and delivering not less than 75 gallons per capita per day and a peak hour factor of 150 percent.

(ii) *Nonresidential development*. To determine quantity and distribution requirements for nonresidential development, the developer must provide an evaluation by an engineer licensed in the State of Alaska and submit the written evaluation to the director of engineering and public works for review and approval.

(iii) *Water rights*. The developer must show proof that the appropriate permit to appropriate water has been obtained from the State of Alaska for water rights for the source of water being proposed for use in the development.

(C) *Fire protection*. For a development of five or more lots proposed within the fire service area and not connecting to the public water system, the developer must construct a water supply system that will provide adequate fire protection. This distribution system must meet all the requirements of CBJ 49.15.__ above and may be separated or combined with the domestic

water supply system.

(2) Development of four or fewer lots.

(A) Neither a community water system, nor individual wells are required if the development is of four or fewer lots.

(B) Fire protection requirements will be determined at the time the individual lots are developed.

(3) *Exception for remote subdivisions*. Neither a community water system nor individual wells are required for subdivisions designated as remote subdivisions.

Section 28. Repeal of Section. CBJ 49.35.320 Fire flow, is repealed and reserved.

Section 29. Repeal and Reenactment of Section. CBJ 49.35.340 Oversizing lines, is repealed and reenacted to read:

49.35.340 Oversizing lines.

When the subdivider is required to install connecting lines, to increase the size of existing public lines, or to install a distribution system as part of a subdivision proposal, the director for minor subdivisions and the commission for major subdivisions, after reviewing a recommendation from the director of engineering, may require any or all parts of such installation to be oversized if the director of engineering and public works finds it likely that within the expected life of the new construction an increase in capacity will be required to serve other areas.

Section 30. Repeal and Reenactment of Section. CBJ 49.35.340 Systems required, is repealed and reenacted to read:

49.35.410 Sewer systems.

(a) For new development, the developer must construct a public sewer system connecting to the existing public sewer system if the following criteria are met:

(1) If development of five more lots is proposed within 500 feet of an existing public sewer system.

(2) If development of four or fewer lots is proposed within 200 feet of an existing

public sewer system.

(3) For the purpose of this section, distance is measured as the radial distance from the closest sewer main to the nearest point of the boundary of the proposed subdivision.

(b) If a proposed development is located at greater distances from the existing public sewer system than specified above, unless the developer chooses to connect to the public system, then a private system is required. Either of the following acceptable private systems may be installed.

(1) *Community and cluster wasterwater systems*. Community wastewater systems, which have shared collection, treatment, and disposal and cluster wastewater systems, which have individual on-site treatment with a shared collection and disposal system are acceptable if the following requirements are met:

(A) The developer must provide a report and certification by a registered, qualified engineer licensed by the State of Alaska, which clearly shows that the proposed community or cluster wastewater system will operate satisfactorily, and how it will meet all other state and federal standards, to the satisfaction of the director of engineering.

(B) The director of engineering and public works must review the report and make a recommendation to the commission. The director of engineering will not make independent findings, but will make a recommendation as to the adequacy of the methodology and data provided in the report.

(C) All improvements must meet the City and Borough standards of construction for public sewer systems.

(D) The proposed wastewater systems must be approved by the Alaska Department of Environmental Conservation and any other agencies having jurisdiction. Proof of approval must be submitted to the department.

(2) *On-site wastewater systems*. Wastewater systems, which have individual on-site treatment and individual on-site disposal shall be acceptable if all the following requirements are met:

(A) The developer must provide a report and certification by a registered, qualified engineer or geologist licensed by the State of Alaska, which clearly shows that the proposed lots are large enough and have existing soils of sufficient permeability to permit the construction of on-site wastewater treatment and disposal systems.

(B) The director of engineering and public works shall review the report and make a recommendation to the director for minor subdivisions and to the

commission for major subdivisions. The director of engineering and public works will not make independent findings but will make a recommendation as to the adequacy of the data provided and of the methodology proposed in the report for wastewater treatment and disposal.

(C) If adequate soils are not available onsite, the applicant can propose alternative methods for individual on-site wastewater systems. Alternative methods may include mound systems, marine outfalls, or other suitable wastewater systems. Review and approval of a proposal under this section must meet the applicable requirements of subsections (i) and (ii) of this section.

(c) *Residential wastewater systems – property owner responsibility*. The responsibilities of individual property owners for their individual wastewater systems are as follows:

(1) *Permitting*. All the owners of lots in new minor and major residential subdivisions using cluster or on-site wastewater systems must obtain a City and Borough on-site wastewater treatment and disposal system (OWTDS) permit from the engineering and public works department, and have completed construction and inspection of the system prior to issuance of any certificate of occupancy. The requirements for obtaining a wastewater treatment and disposal system permit, and the permit fees, shall be established by regulations issued by the manager pursuant to CBJ 01.60.

(2) *Limited maintenance contract required*. In addition, the property owners in new residential minor and major subdivisions shall be required to enter into a contract with the department of public works or its designee for inspection, monitoring, and treatment plant pumping of the private wastewater facility. All other maintenance of the wastewater system is the responsibility of the property owner.

(3) Violation of this section is an infraction.

(c) Compliance with (b) of this section does not exempt the developer or individual property owners from meeting all requirements of the Alaska State Department of Environmental Conservation regarding approval of wastewater systems.

Section 31. Repeal and Reenactment of Section. CBJ 49.35.420 Oversizing lines, is repealed and reenacted to read:

49.35.420 Oversizing lines.

When the subdivider is required to install connecting lines, to increase the size of existing public lines, or to install a distribution system as part of a subdivision proposal, the director for minor subdivisions and the commission for major subdivisions, after reviewing a recommendation from the director of engineering, may require any or all parts of such installation to be oversized if the director of engineering finds it likely that within the expected life of the new construction an increase in capacity will be required to serve other areas.

Section 32. Repeal of Section. CBJ 49.35.430 Private treatment systems, is repealed and reserved.

Section 33. Repeal and Reenactment of Section. CBJ 49.35.510 Drainage plans, is repealed and reenacted to read:

49.35.510 Drainage plans.

(a) The developer must provide a total surface drainage plan for approval by the director of engineering. This plan is an extension of the report submitted with the preliminary plat required by CBJ 49.15.411. The plan must be prepared by a civil engineer licensed to practice in the State of Alaska, must show all drainage facilities, and must include:

(1) The calculated increase in stormwater runoff resulting from the proposed development as well as the runoff from the total drainage area(s) associated with the site. Runoff calculation shall be based on a fully developed subdivision and a 25-year storm event.

(2) An evaluation of existing drainage ways and structures located between the development and the receiving water body shall verify that the existing drainage ways can accommodate the increased runoff.

(3) All public and any required private drainage facilities.

(4) A demonstration of how drainage from the proposed subdivision will outlet into an established drainage channel, unless an alternative drainage way is approved by the director of engineering and public works.

(b) *Easements*. All development must be provided with necessary drainage easements, and drainage facilities adequate to prevent increased surface or subsurface runoff to abutting properties.

(c) *Drainage systems required*. The developer must install all on and off-site improvements necessary to deal with increases in or changes to existing flows as shown on

the approved drainage plan.

(d) *Construction timing*. Any drainage improvements required by this section must be constructed and approved prior to or at the same time as the completion of any street construction.

Section 34. Repeal of Section. CBJ 49.35.530 Municipal planned area drainage system, is repealed and reserved.

Section 35. Repeal of Section. CBJ 49.35.540 Easements, is repealed and reserved.

Section 36. Repeal and Reenactment of Article. CBJ 49.35, Article VI Pedestrian Access, is repealed and reenacted to read:

ARTICLE VI. PUBLIC ACCESS

49.35.610 Pedestrian and bicycle access.
49.35.620 Streams and bodies of water.
49.35.630 Trailhead dedications or easements.
49.35.640 Acceleration and deceleration lanes.

49.35.610 Pedestrian and bicycle access.

(a) *Shared use pathways*. Shared-use pathways for pedestrian and bicycle use may be required through blocks longer than 600 feet, or where deemed necessary to provide reasonable circulation within and between residential areas, or to provide access to schools, playgrounds, shopping centers, transportation or other community facilities according to the following:

(1) *Shared-use pathway width*. The width of a shared use path must not be less than 10 feet.

(2) *Construction standards*. Shared-use pathways, where required, must be constructed according to the Alaska Department of Transportation and Public Facilities preconstruction manual on "Bicycle Ways." The director of engineering and public works may approve alternative construction when deemed appropriate to the

conditions of the site.

(3) *Right-of-way width*. A shared-use pathway must be located in dedicated right-of-way with a minimum width of 15 feet. The width of the right-of-way may be modified by the director for minor subdivisions and by the commission for major subdivisions, to accommodate the width of the fully constructed pathway and/or topographic features of the site.

(4) *Construction timing*. Shared-use pathways must be constructed prior to occupancy of any dwellings on lots located adjacent to the pathway, or at the time of all subdivision improvements are accepted by the City and Borough, whichever comes first.

(b) *Sidewalks*. The subdivider shall construct sidewalks according to table 49.17.525 in any residential subdivision, in all streets furnished with curbs and gutters, and in any commercial subdivision within the Urban Service Area.

(1) *Minimum width*. The minimum width of sidewalks is five feet.

(2) *Waiver*. The director, after consulting with the director of engineering and public works, may waive the requirement for sidewalks and allow alternative pedestrian improvements to be constructed upon a written finding that the alternative will:

(A) Take advantage of natural features of the site or implement the Juneau Non-Motorized Transportation Plan; and

(B) Provide a safety, quality, and functional equivalent to the requirement being waived.

49.35.620 Streams and bodies of water.

The developer shall convey such easements or make such dedications as may be made necessary in order to provide public access to all streams and public bodies of water.

49.35.630 Trailhead dedications or easements.

The developer shall convey such easements or make such dedications as may be made necessary in order to provide public access to existing trails.

49.35.640 Acceleration and deceleration lanes.

(a) If a driveway serves right-turning traffic from a parking area providing 200 or more parking spaces, and the road has a peak-hour traffic volume exceeding 750 vehicles per hour, an acceleration lane at least 200 feet long and at least ten feet wide measured from the driveway to the acceleration lane shall be provided.

(b) If a driveway serves as an entrance to a land development providing 100 or more parking spaces, a deceleration lane shall be provided for traffic turning right into the driveway from the road. The deceleration lane shall be at least 200 feet long and at least 13 feet wide measured from the road curb radius. A minimum 35-foot curb return radius shall be used from the deceleration lane in the driveway.

Section 37. Amendment of Section. CBJ 49.35.720, Provision of utilities (Reserved), is amended by adding a new section to read:

49.35.720 Utility access.

(a) Public rights-of-way or easements, together with the right of ingress and egress, shall be provided where necessary for public utilities. Where easements are required, and approved, for public water systems, sanitary sewers, storm drainage facilities, or other similar public uses, the following requirements apply:

(1) *Width.* All easements must be accessible for maintenance and must have adequate space within the easement to accomplish maintenance, excavation, and stockpiling of material. The minimum width for a public easement that does not abut a public right-of-way is 20 feet, unless otherwise required by the director of engineering.

(2) *Surface*. Easements shall be graded and compacted to provide a suitable surface for access and maintenance.

(3) *Restricted access*. Where easements adjoin a public street, the director of engineering and public works may require improvements to prevent access by the public.

(b) The director or planning commission shall require easements to be shown on a plat that grants access or other rights in the favor of certain properties. These private easements are not dedicated to or maintained by the public and must be noted as such on the plat.

(c) A note must be added to the plat stating the purpose of the easement, the grantee of the easement, restrictions on the easement use, and whether the easement is permanent or temporary, or private or public.

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Section 38. Amendment of Chapter. CBJ 49.40 Access, Parking and Traffic, is amended to read:

CHAPTER 49.40

~~ACCESS,~~ PARKING AND TRAFFIC

Section 39. Repeal of Article. CBJ 49.40, Article I Access, is repealed and reserved.

Section 40. Amendment of Section. CBJ 49.65.610 Bungalow lot subdivisions, is amended to read:

49.65.610 Bungalow lot subdivisions.

(a) Subdivisions creating bungalow lots must meet the following requirements:

(1) Lots must be served by municipal water and sewer and publicly maintained roads.

(2) In zoning districts D1, D3, D5, D10-SF and D10, subdivisions shall not exceed two bungalow lots for each standard lot.

(3) In zoning districts D15 and D18, bungalow lots may be platted without creating standard lots.

(4) A note shall be included on all plats which create bungalow lots, providing: "At the time of plat recording, structures on (lot and block number for all bungalow lots) were limited to one 1,000 square foot detached single-family residence per lot; other restrictions apply as well. See the City and Borough of Juneau Land Use Code for current regulations."

(5) Lots created through the Planned Unit Development process shall not be further subdivided into bungalow lots.

Section 41. Amendment of Section. CBJ 49.65.620 Review procedure, is amended to read:

49.65.620 Review procedure.

(a) The review procedure for bungalow lot subdivisions shall be:

(1) In zoning districts D1, D3, D5, D10-SF and D10:

(A) A minor subdivision procedure may be used for subdivision of a parcel into not more than four lots, provided that no fewer than one standard lot for each bungalow lot shall be created through this process.

(B) Subdivisions containing one standard lot and two bungalow lots shall be processed as major subdivisions.

(2) In zoning districts D15 and D18, bungalow lots may be platted through the subdivision process set forth in Chapter 49.15, Article IV~~, Minor and Major Subdivisions.~~

Section 42. Amendment of Section. CBJ 49.65.700 Purpose, is amended to read:

49.65.700 Purpose.

The purpose of this article is to allow, in certain residential districts, the development of common wall residential structures ~~that are~~ where each dwelling and underlying property is held under separate ownership.

Section 43. Amendment of Section. CBJ 49.65.705 Procedure, is amended to read:

49.65.705 Procedure.

~~An application shall be made for a development permit to construct a common wall residential structure. An application for four or fewer units shall be considered under the department approval process and one for over four dwelling units shall be considered under the allowable use procedure.~~

The development of a common wall subdivision involves a two-step approval process: the approval of a development permit and the approval of a common wall subdivision permit.

Section 44. Repeal and Reenactment of Section. CBJ 49.65.710 Four dwellings or less, is repealed and reenacted to read:

49.65.710 Development permits.

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(a) The development permits required for construction of common wall development are either department review, or planning commission review under the conditional use permit process. The particular permit is determined by which zoning district within which the project is located, and the proposed number of units, in accordance with the CBJ Table of Permissible Uses.

(1) *Department review.*

(A) *Application submittals*. The following submittals are required with an application for department approval:

(i) Building plans that meet the requirements of this chapter and Title 19.

(ii) A sketch plat in accordance with CBJ 49.15.410. The sketch plat must include information necessary to demonstrate that the proposed common wall development will be able to comply with all the dimensional standards of this article after the parcel and structure have been divided.

(iii) A draft set of common wall agreements and homeowner agreements which set forth the rights and obligations of the owners for all common elements of the development.

(B) *Application review*. The application shall be reviewed by the director in accordance with CBJ 49.15.310.

(2) *Planning commission review.*

(A) *Application submittals*. The following submittals shall be required with the conditional use permit application:

(i) Building plans that include a detailed site plan and elevations of the proposed structures. Plans suitable for a building permit application are not required at this time.

(ii) A draft set of common wall agreements and homeowner's agreements which set forth the rights and obligations of the owners for all common elements of the development.

(iii) A sketch plat in accordance with CBJ 49.15.410. The sketch plat must include that information necessary to demonstrate that the proposed common wall development will comply with all the dimensional standards of this article after the parcel and structure have been divided.

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(B) *Application review*. The commission will review and approve the application in accordance with CBJ 49.15.330.

Section 45. Repeal and Reenactment of Section. CBJ 49.65.720 Five dwellings or more, is repealed and reenacted to read:

49.65.720 Common wall subdivision.

(a) The applicant shall submit an application to subdivide the common wall development into individual dwellings and lots in accordance with 49.15.401, 49.15.402, CBJ 49.65 Article VII, and the following additional requirements:

(1) *Preliminary plat*. The following additional items will be submitted with the preliminary plat:

(A) An as-built survey that includes all structures and the location of the common walls in relation to the proposed common property lines.

(B) Framing inspections that document substantial construction of all units in accordance with the preliminary plans approved by the director or the commission through the department approval, or the conditional use process, respectively.

(C) Final common wall agreements and/or homeowners' agreements suitable for recording.

(b) *Final Plat*. After review and approval of the final plat, in accordance with CBJ 49..15.412, the plat and the common wall agreement documents may be recorded by the department at the State Recorder's Office at Juneau at the applicant's expense, after issuance of final occupancy permits.

Section 46. Amendment of Section. CBJ 49.65.730 Utilities, is amended to read:

49.65.730 <u>Separate</u> ~~U~~utilities.

All common wall dwellings must be served by individual public water and sewer services unless ~~suitable easements and maintenance agreements are provided~~ <u>unless otherwise authorized by CBJ Title 75.</u>

Section 47. Repeal and Reenactment of Section. CBJ 49.65.735 Parking and access, is repealed and reenacted to read:

49.65.735 Parking and access

(a) Common wall development shall meet the parking requirements for single-family dwellings in accordance with CBJ 49.40.

(b) For common wall structures of three or more dwellings, access to public rights-of-way may be restricted to common driveways for each pair of dwellings.

(c) The commission can consider alternative parking and access proposals, such as common parking areas, under the conditional use permitting process.

(d) All common parking and access arrangements shall include appropriate easements and homeowners' agreements.

Section 48. Amendment of Section. CBJ 49.65.740 Density, is amended to read:

49.65.740 Density.

The density allowed for common wall dwellings in any zoning district is the density specified for dwellings other than duplexes in that district and in accordance with CBJ 49.25, Article V.

Section 49. Amendment of Section. CBJ 49.65.750 Dimensional standards, is amended to read:

49.65.750 Dimensional standards.

. . .

(3) *Minimum side yard setback.* ~~The minimum side yard setback from the common property line is reduced to zero feet for the common wall only. The remaining side yard setbacks shall be ten feet in a D-5 zone, three feet in a D-10 SF zone, and five feet in a D-10, D-15, D-18 or MU2 zone. For any significant part of the structure opposite the common property line but not connected to the structure on the other lot, a five-foot minimum setback from the common property line shall be maintained or a minimum five-foot maintenance easement and adequate homeowners agreement provided.~~ The minimum side yard setback from the common property line is reduced to zero feet. The remaining side yard setbacks shall be ten feet in a D5 zone, three feet in a D10-SF zone, and five feet in a D10, D15, D18 or MU2 zone.

Section 50. Amendment of Section. CBJ 49.70.210 Scope, is amended to read:

49.70.210 Applicability and Scope.

(a) This article applies to all development on hillsides in the City and Borough that involves the following: ~~, except:~~

~~(1) Development on hillside lots which does not involve:~~

(1) ~~(A)~~ Removal of vegetative cover;

(2) ~~(B)~~ Excavation of any slope in excess of 18 percent;

(3) ~~(C)~~ Creation of a new slope in excess of 18 percent for a vertical distance of at least five feet; or

(4) ~~(D)~~ Any hazard area identified on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by the assembly by ordinance or any other areas determined to be susceptible to geophysical hazards.

(b) All hillside development endorsement applications shall be reviewed by the planning commission, except the following may be reviewed by the director:

(1)(~~2~~) ~~This article does not apply to~~ An excavation below finished grade for basements and footings of a building, a retaining wall or other structure authorized by a building permit, provided that this shall not exempt any fill made with the material from such excavation nor any excavation having an unsupported height greater than two feet after the completion of the associated structure.

(2)(~~3~~) Graves.

~~(4) Refuse disposal sites controlled by other regulations;~~

(3)(~~5~~) Mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate or clay provided such operations do not affect the location or peak volume of runoff, the location or amount of standing water, or the lateral support for, the stresses in, or the pressure upon, any adjacent or contiguous property.

(4)(~~6~~) Exploratory excavations less than 200 square feet in area and under the direction of a civil engineer with knowledge and experience in the application of geology in the design of civil work.

(5)(~~7~~) An excavation which:

(A) Is less than two feet in depth and covers less than 200 square feet; or

(B) Does not create a cut slope greater than five feet in height or steeper than 1½ horizontal to one vertical.

(6)(~~8~~) A fill less than one foot in depth and intended to support structures which fill is placed on natural terrain with a slope flatter than five horizontal to one vertical, which does not exceed 20 cubic yards on any one lot and which does not obstruct a drainage course.

(7)(9) A fill less than three feet in depth and not intended to support structures which fill is placed on natural terrain on a slope flatter than five horizontal to one vertical, which does not exceed 50 cubic yards on any one lot and which does not obstruct a drainage course.

(8)(~~10~~) Minor development.

Section 51. Amendment of Section. CBJ 49.70.220 Hillside development endorsement application, is amended to read:

49.70.220 Hillside development endorsement application.

(a) ~~*Endorsement required.* Except as set forth in section 49.70.210, all~~ All development on hillsides shall be pursuant to a hillside development endorsement ~~to the allowable or conditional use permit otherwise required~~.

(b) ~~*Compliance.*~~ The developer shall apply for and obtain a hillside development endorsement prior to any site work other than land and engineering surveys and soils exploration~~. If soils exploration requires construction of a drilling pad, platform, or other structure not exempt under section 49.70.210, then a hillside development endorsement for the pad, platform or structure shall be obtained~~.

~~(c) *Application.* Contemporaneous with an application for an allowable or conditional use permit, the developer shall submit one copy of a hillside development application, supporting materials, and fee to the department. The department shall forward the application to the municipal engineer. Applications shall be submitted prior to application for any associated building permit. The engineer shall return an incomplete application to the applicant within three working days of submission.~~

Section 52. Repeal and Reenactment of Section. CBJ 49.70.40 Submission requirements; application, is repealed and reenacted to read:

49.70.240 Application.

The application shall be accompanied by the following materials, which shall be signed and stamped by a civil engineer, architect, geologist or land surveyor licensed in the State of Alaska:

(1) A vicinity map, at a clear and legible scale, showing roads, place and street names and natural waterbodies.

(2) Site maps, showing the present condition of the site at a clear and legible scale compatible with the size of the development and including:

(A) Two-foot contours for flat terrain or five-foot contours for steep terrain and extending 50 feet in all directions beyond the development site; 12 percent line, 30 percent line;

(B) Water bodies, tidelands and drainage ways from the development site to accepting natural waterbody;

(C) Lot boundaries and easements for the site and adjacent lots; and

(D) Existing improvements on the site and adjacent lots, including structures, roads, driveways and utility lines.

(3) The application shall include a finished proposed site plan at a clear and legible scale that includes the following information:

(A) Finished grade at two-foot contours for flat terrain or five-foot contours for steep terrain and extending 50 feet in all directions beyond the development site; 12 percent line, 30 percent line.

(B) Water bodies, tidelands and drainage ways, and temporary and permanent drainage systems from the development site to the accepting natural waterbody.

(C) Lot boundaries, easements and setback lines.

(D) The location of improvements including structures, roads, driveways, utility lines, culverts, walls and cribbing.

(E) Clearing limits of existing vegetative cover.

(F) A cross section of the development site.

(4) The application shall include detailed engineering drawings of roads, driveways, parking areas, structural improvements for foundations, off-site stormwater runoff systems; cross sections and road elevations.

(5) A description of the source and type of any off-site fill, and the site for depositing excess fill.

(6) A landscaping plan, including all trees to be retained in excavation areas, all plant species and locations; temporary slope protection measures; erosion and siltation control measures; seeding or sodding materials, a planting and maintenance program; and methods of stabilization and protection of bare slopes.

(7) An engineering geologic report, including a summary of the relevant surface and bedrock geology of the site, a discussion of active geologic processes with conclusions and recommendations regarding the effect of geologic factors on the proposed development; data regarding the nature, distribution and relevant parameters of existing soils, recommendations for grading procedures; design criteria for corrective measures as necessary, and recommendations covering the suitability of the site for the proposed development.

(8) A work schedule, by phase.

(9) Such other different or more detailed submissions as may be required.

Section 53. Amendment of Section. CBJ 49.70.260 Criteria, is amended to read:

49.70.260 Criteria.

The commission <u>or director</u> shall consider the extent to which the development meets the following criteria:

(1) *Soil erosion.* Soil disturbance and soil erosion shall be minimized and the effects thereof mitigated.

(2) *Existing vegetation.* Depletion of existing vegetation shall be minimized.

(3) *Contours*. The developer shall recontour the finished grade to natural-appearing contours which are at or below 30 percent or the natural angle of repose for the soil type, whichever is lower, and which will hold vegetation.

(4) *Time of exposure and soil retention.* The developer shall minimize the period of time that soil is exposed and shall employ mats, silt blocks or other retention features to maximize soil retention.

(5) *Replanting*. The developer shall mat, where necessary, and plant all exposed soil in grass or other soil-retaining vegetation and shall maintain the vegetation for one full growing season after planting.

(6) *Drainage*. The developer shall minimize disturbance to the natural course of streams and drainage ways. Where disturbance is unavoidable, the developer shall provide a drainage system or structures which will minimize the possibility of sedimentation and soil erosion on-site and downstream and which will maintain or enhance the general stream characteristics, spawning quality, and other habitat features of the stream and its receiving waters. Where possible, development shall be designed so lot lines follow natural drainage ways.

(7) *Foundations*. The developer shall ensure that buildings will be constructed on geologically safe terrain.

(8) *Very steep slopes.* The developer shall minimize excavation on slopes over 30 percent.

(9) *Soil retention features*. The developer shall minimize the use of constructed retention features. Where used, their visual impact shall be minimized through the use of natural aggregate or wood, variation of facade, replanted terraces, and the like.

(10) *Wet weather periods*. The developer shall minimize exposure of soil during the periods of September 1—November 30 and March 1—May 1.

Section 54. Amendment of Section. CBJ 49.70.270 Conditions on approval, is amended to read:

49.70.270 Conditions on approval.

The commission <u>or director</u> may place conditions upon a hillside development endorsement as necessary or desirable to ensure that the spirit of this chapter will be implemented in the manner indicated in the application. Fulfillment of conditions shall be certified by the engineer. The conditions may consist of one or more of the following:

(1) *Development schedule.* The commission <u>or director</u> may place a reasonable time limit on or require phasing of construction activity associated with the development or any portion thereof, in order to minimize construction-related

disruption to traffic and neighbors or to ensure that the development is not used or occupied prior to substantial completion of required improvements.

(2) *Dedications*. The commission or director may require conveyances of title or other legal or equitable interests to public entities, public utilities, a homeowner's association, or other common entities. The developer may be required to construct any public facilities, such as drainage retention areas, to City and Borough standards prior to dedication.

(3) *Construction guarantees*. The commission or director may require the posting of a bond or other surety or collateral providing for whole or partial releases, in order to ensure that all required improvements are constructed as specified in the approved plans.

(4) *Lot size*. If justified by site topography, the commission or director may require larger lot areas than prescribed by zoning requirements.

Section 55. Amendment of Section. CBJ 49.70.710 Subdivisions in transition zones shadow platting, is amended to read:

49.70.710 Subdivisions in transition zones shadow platting.

(a) *Contents of application.* When a plat is submitted under chapter 49.15, article IV for a ~~major~~ subdivision of five or more lots in a transition zone, the application shall include a shadow plat of the property. The shadow plat shall be a sketch plat overlay of the actual lot layout proposed. This overlay shall reflect as nearly as possible the future resubdivision of the parcels into smaller lots, based upon the density and lot size allowed after public sewer and water are provided.

(b) *Commission decision.* The director for minor subdivisions, and the commission for major subdivisions shall review and approve the application ~~for a major subdivision~~ based on how well the proposed lot layout will lend itself to future resubdivision as well as other requirements of this title.

Section 56. Amendment of Section. CBJ 49.80.120 Definitions, is amended to read:

49.80.120 Definitions.

Development permit means department approvals, subdivision permits and approvals, allowable use permits, special use permits and conditional use permits.

. . .

~~*Minor development* means a subdivision of four or fewer lots in any zoning district; minor development is also classified by zoning district as follows:~~

~~*Rural Reserve District:* A residential development containing two or fewer dwelling units, two or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building of less than 10,000 square feet or using less than one acre of land.~~

~~*Single Family Residential Districts:* A residential development containing two or fewer dwelling units, two or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building of less than 5,000 square feet or using less than 10,000 square feet of land.~~

~~*Multifamily Family Residential Districts:* A residential development containing eight or fewer dwelling units, eight or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building of less than 5,000 square feet or using less than 10,000 square feet of land.~~

~~*Commercial and Mixed Use Districts:* A residential development containing 12 or fewer dwelling units, 12 or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building of less than 10,000 square feet or using less than one-half acre of land.~~

~~*Industrial Districts:* Non-residential buildings of 15,000 square feet or using less than one acre of land.~~

. . .

Public sewer and water system means any system that is operated by a municipality, governmental agency, or a public utility licensed as such by the state for the collection, treatment and disposal of wastes, ~~and the~~ furnishing of potable water and fire protection.

Public way means pedestrian ways, rights-of-way, and streets and any other way held for or held open by a public entity ~~the municipality~~ for purposes of public access.

. . .

Right-of-way means ~~a strip~~ a defined area of land, including surface, overhead and underground space, reserved or granted by deed, easement or dedication ~~condemned and occupied or intended to be occupied by a~~ for a street, alley, utility, walkway, sidewalk, road, ~~crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and~~ or other ~~similar uses~~ public ways.

. . .

ATTACHMENT A

Roadway means the portion of a street intended for vehicular traffic; where curbs are laid, the portion of the street between the back of the curbs.

. . .

Street means ~~the entire right-of-way of a public way which affords the principal means of access to properties abutting the right-of-way~~ a thoroughfare improved or intended to be improved for vehicular and pedestrian travel permanently open to general public use that affords the principal means of access, frontage and address to individual buildings, lots and blocks. Streets include a road, avenue, place, drive, boulevard, highway or other similar means of public thoroughfares except an alley. Unless otherwise indicated, the term street shall refer to both public and private streets. A street may be located on private property and not be publicly owned or maintained if it performs the poles of a public street.

. . .

Street, ~~major~~ arterial, means a street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterials and collectors.

. . .

Subdivider means the developer or owner of a subdivision.

. . .

Subdivision means ~~the division, redivision, or development of land into two or more lots, or land leases of 55 or more years~~ the division or redivision of a tractor or parcel of land into two or more lots, sites or other divisions and the act of developing, constructing or improving property with a subdivision as required by CBJ Title 49.

. . .

Urban service boundary means the boundary of the urban service area established in the comprehensive plan.

Section 57. Amendment of Section. CBJ 49.80.120 Definitions, is amended by the addition of the following definitions to be incorporated in alphabetical order:

Cluster wastewater system means a system with individual on-site wastewater treatment and a shared wastewater collection system under some form of common ownership, other than public ownership, that collects wastewater from two or more dwellings and conveys it for disposal to a suitable site near the dwellings.

Common facilities means streets, sidewalks, parking areas, community buildings, refuse disposal systems, sewer systems, and water systems, held in common ownership by planned unit development homeowners.

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Common open space means open space held in common ownership by planned unit development homeowners. Buildings, parking areas, and similar improvements may be located in and included in the calculation of common open space if related and necessary to the function of the open space. Stormwater drainage and flood storage may be located in and included in the calculation of the common open space. Common on-site sewage disposal systems, but not individual septic systems, may be located in and included in the calculation of common open space. Streets may be located in but shall not be included in the calculation of common open space.

Community wastewater and disposal system means a system with a shared wastewater treatment and collection system under some form of common ownership, other than public ownership, that collects wastewater from two or more dwellings and conveys it to a treatment plant and disposal system located on a suitable site near the dwellings.

Conservation lot means an undeveloped or remediated parcel where building development is permanently prohibited. A conservation lot is intended to preserve open space, environmentally sensitive areas, scenic views, wetlands, and buffers.

Density bonus means an increase in allowable density above that otherwise allowed in the zoning district in which the planned unit development is located.

Improved common open space means common open space containing common facilities, recreational equipment, parks, gardens, picnic areas, landscaping, or other outdoor improvements.

Natural area park means a lot owned by a government and characterized by areas of natural quality designed to serve the entire community by providing fish and wildlife habitat, open space/natural areas, access to water, and opportunities for passive and dispersed recreation activities. Development is prohibited except for structures, roads, and trails necessary for public use, education, maintenance, and protection of the resource.

Panhandle lot means a lot where the only owned access to the right of way is a narrow strip of land, the width of which is less than the minimum required by code.

Planned unit development means a tract of land at least two acres in area, under single, corporation, firm, partnership, or association ownership, planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and according to approved preliminary and final development plans. Planned unit developments shall comply with all requirements of the land use code, except to the extent that such requirements are superseded by a permit issued pursuant to this article.

Private improvements means those improvements required as part of a subdivision or other land use permit that will not be maintained by the City and Borough or other agency of government.

Privately maintained access road means a road that the department or the

commission has permitted to be constructed at less than full public street standards in an existing right-of-way. Privately maintained access roads can be used by the public and can provide access to more than one parcel, but will not be publicly maintained. A privately maintained access road is distinguished from an ordinary driveway in that an ordinary driveway provides access between a parcel of land and the public portion of the street, and is not for public access (See Figure 6).

Public improvements means any construction incidental to servicing or furnishing facilities to a development, including but not limited to: streets; retaining walls; street signs and markings; curbs and gutters; street lights and associated power conduits; sidewalks; shared use pathways; sewer mains, pump stations, service laterals, manholes, cleanouts and all associated parts; storm sewer mains, manholes, catch basins, pump stations, service laterals, and all associated parts; water mains, fire hydrants, service laterals, valves, pump stations, reservoirs, and all associated parts.

Public square means an area dedicated for public use for temporary leisure, assembly, markets, and similar uses.

Quasi-public means property or infrastructure that is normally owned by the public sector, but owned by the private sector serving in the public interest.

Radial distance means the shortest distance measured along a radius extending from a point of the object being measured from to a point on the object being measured to.

Roadway Width is measured as the paved section of a paved street or from shoulder to shoulder on a gravel street.

Sight distance means the distance that a driver needs to react appropriately to a situation, including stopping sight distance, passing sight distance, and intersection sight distance.

Undisturbed common open space means common open space left in its natural condition.

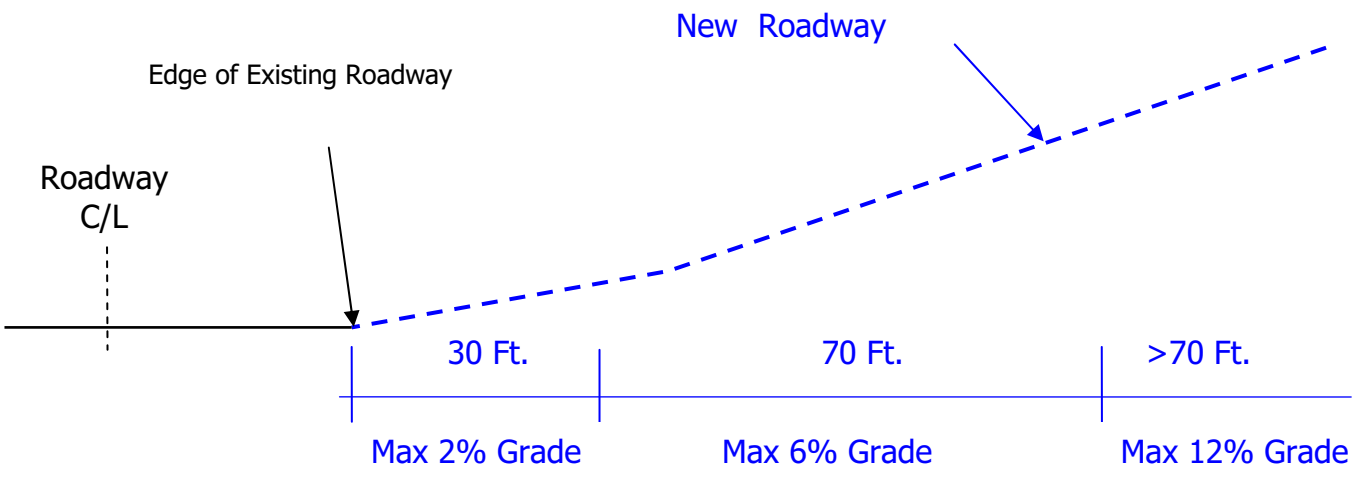
Section 57. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2015.

_____
Merrill Sanford, Mayor

Attest:

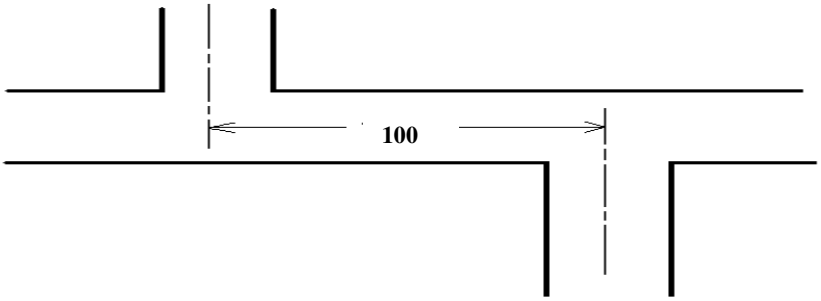
_____
Laurie J. Sica, Municipal Clerk



Maximum Grades at the Intersection of a New Roadway

FIGURE 1

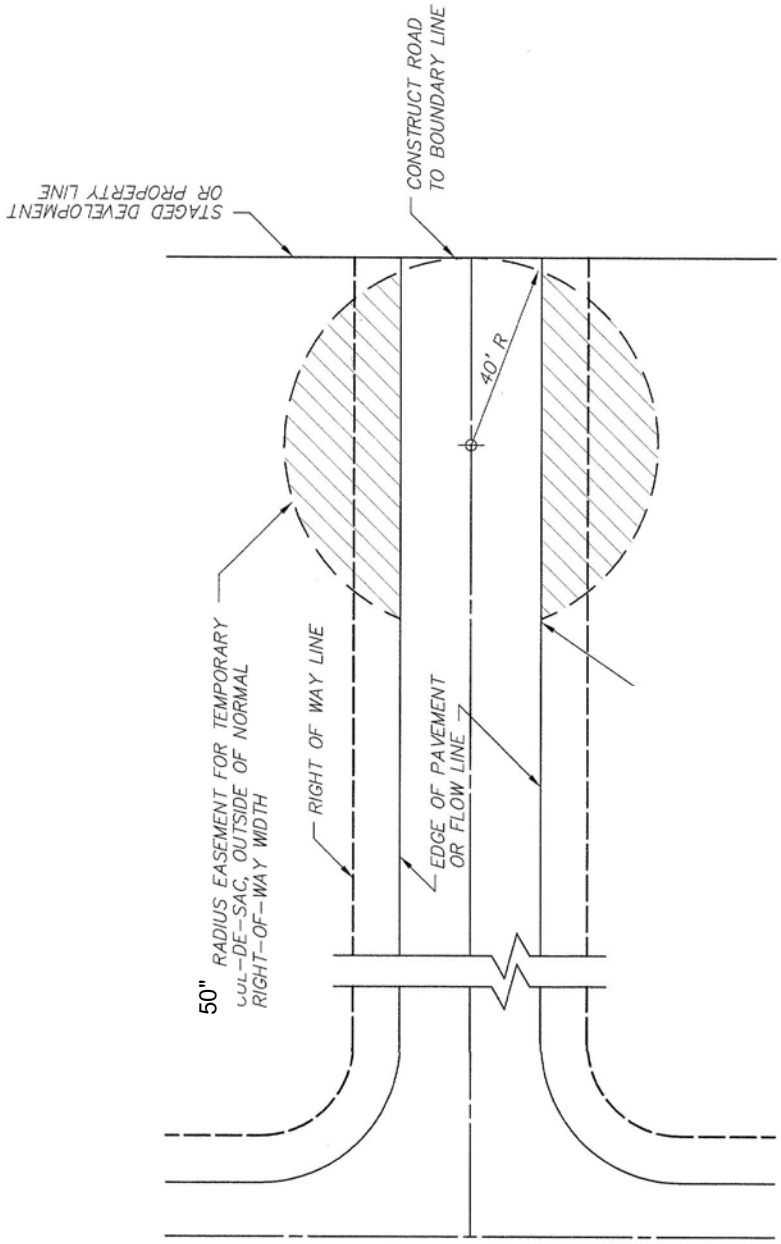
ATTACHMENT A



Street jogs shall be no less than 100' apart, measured from the center of the street.

FIGURE 3

(NOT TO SCALE)



ATTACHMENT A

FIGURE 5.

ATTACHMENT A

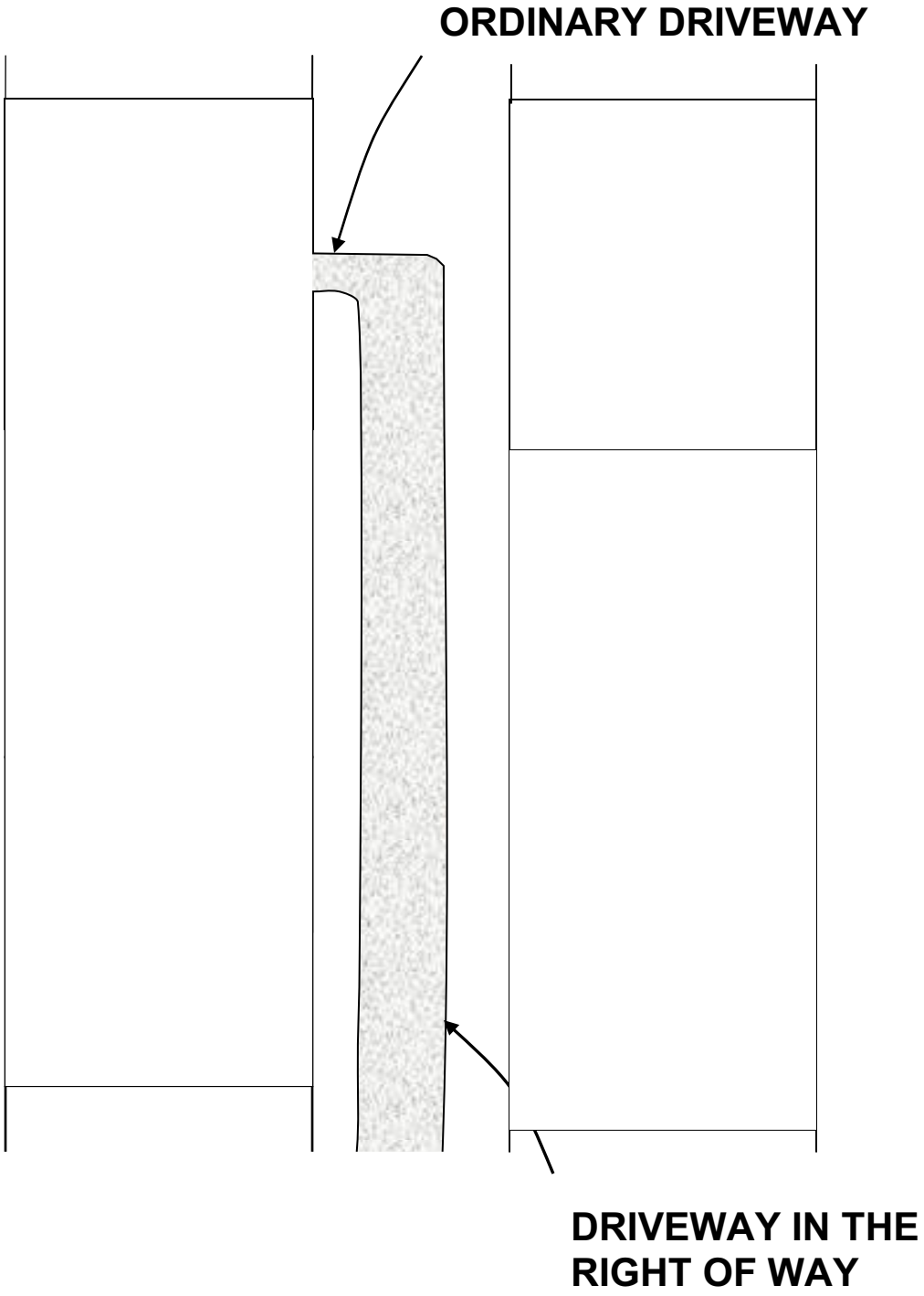
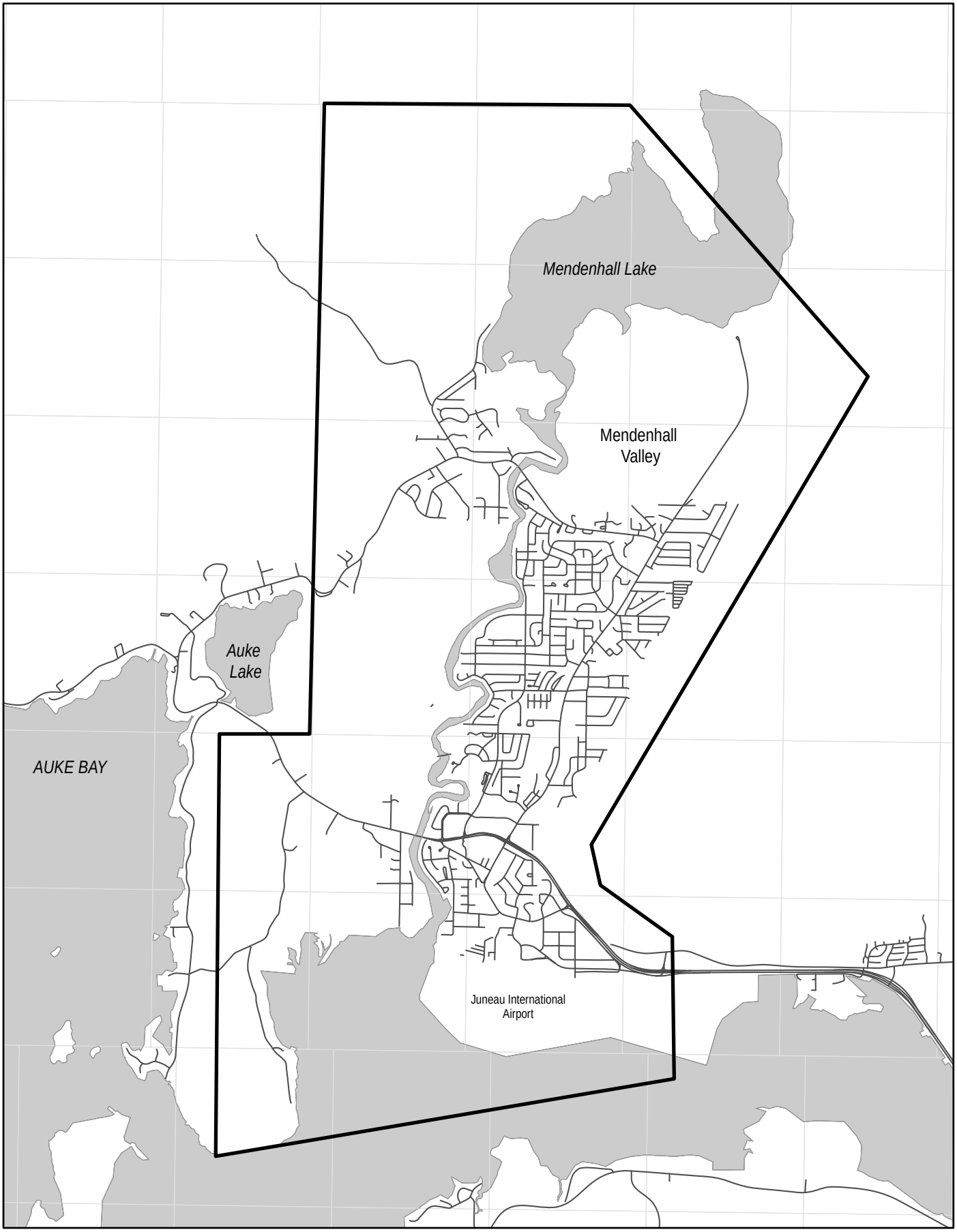


FIGURE. 6

ATTACHMENT A



Project source: P:\quinn\Projects\CDD\Overlay districts\paving_requirement.mxd

STREET PAVING REQUIREMENT BOUNDARY

ATTACHMENT A

0 0.5 1 2 Miles

N