Agenda

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

March 10, 2015
Assembly Chambers
7:00 PM

I. ROLL CALL

II. APPROVAL OF MINUTES

- **A.** February 10, 2015 Planning Commission Committee of the Whole Minutes
- **B.** February 10, 2015 Regular Planning Commission Meeting

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

IV. PLANNING COMMISSION LIAISON REPORT

V. RECONSIDERATION OF THE FOLLOWING ITEMS

VI. CONSENT AGENDA

- **A.** 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.
- **B.** VAR2015 0003: Variance request to allow work within 330 feet of an eagles nest for the Glacier Highway Pavement Rehabilitation Project # 67564.
- **C.** CSP2015 0001: CSP review for Glacier Highway Pavement Rehabilitation from Lena Cove to Tee Harbor State Project # 67564.
- **D.** CSP2015 0002: A City Project review for an expansion of the Southeast Alaska Food Bank on leased City owned land.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

VIII. UNFINISHED BUSINESS

IX. REGULAR AGENDA

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

XII. DIRECTOR'S REPORT

- **A.** "PUDs and Master Planned Communities" Planning Magazine February 2015
- **B.** "Planning Commissions Contribution to the Capital Improvement Plan" Planning Magazine February 2015

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

- **A.** Juneau Commission on Sustainability Meeting Minutes, January 31, 2015
- **B.** Wetland Review Board Minutes, January 29, 2015

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XV. ADJOURNMENT

MINUTES

PLANNING COMMISSION
Committee of the Whole Meeting
City and Borough of Juneau
Mike Satre, Chairman

Review of Draft Auke Bay Area Plan

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I. ROLL CALL

Dennis Watson, Vice Chairman, called the Committee of the Whole meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 6:03 pm.

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

Commissioners absent: Mike Satre, Chairman; Ben Haight

Staff present: Hal Hart, Planning Director; Beth McKibben, Senior Planner;
Teri Camery, Senior Planner; Eric Feldt, Planner II;
Tim Felstead, Planner I; Chrissy McNally, Planner I;
Allison Eddins, Planner I

II. REGULAR AGENDA

AME2013 0012: Review of the Draft Auke Bay Area Plan.
Applicant: City and Borough of Juneau
Location: Borough-wide

Recommendations from CBJ Port Director
Mr. Feldt told the Commission he had four items regarding the Draft Plan he wished to address. The first item was regarding the comments made by Carl Uchytil, CBJ Port Director. Mr. Uchytil had recommended adding some UAS (University of Alaska Southeast) data to the Plan, said Mr. Feldt. While it was good data, said Mr. Feldt, the Plan is broad in scope, and not currently outlined at that level of specificity.

Mr. Uchytil had also requested that certain groups be identified for the management of certain goals and policies, said Mr. Feldt. He noted those bodies were left out intentionally, because the

committee did not want to get too far ahead of itself, and it did not know the amount of staff time identifying those goals and policies would consume.

Recommendations from Juneau Commission on Sustainability
The Juneau Commission on Sustainability submitted comments from the Juneau Climate Action Plan which were very specific in nature, said Mr. Feldt. These items would be very easy for the Commission or the Assembly to incorporate into the Area Plan as a reference, said Mr. Feldt, which is their recommendation.

Land Ownership Map
It was brought to their attention that three islands in the Channel Islands State Marine Park are in fact owned by the state, said Mr. Feldt, which needs to be clarified in the existing packet.

Auke Bay Steering Committee Recent Action
The Auke Bay Steering Committee met several weeks ago and addressed four items, said Mr. Feldt:

1. The modification and clarification of language in the view shed section
2. Edits of land use and recreation portions with consolidation into the land use section of the Plan with modification of the map located in Appendix C
3. Ensure that the language reflects an aspirational tone as suggested and reviewed by the Law Department rather than dictate actions to the CBJ reflecting a regulatory tone
4. Ensure that the Comprehensive Plan land use designation, primarily for the center or core of Auke Bay, sets up a vision for the proposed town center

Mr. Feldt said he presented the Draft Plan to the Assembly the night before, (February 9, 2015), and it was well received. The Assembly wanted to ensure that City funds were not inadvertently dedicated to any proposed projects in the plan, said Mr. Feldt, which ties back to the aspirational as opposed to regulatory tone of the language.

While the tone of the Plan is aspirational, said Mr. Feldt, the guidance it provides is real. The staff is working hard for the next step of the Plan which will be implementation of the Plan, said Mr. Feldt.

Commission Questions and Comments
Mr. Voelckers referenced the proposed Comprehensive Plan Land Use Map noting that he was a little surprised that some property still remained with some vestigial Marine Use zoning, and that he preferred the Medium Density Residential zoning as a type of boundary coming into the proposed town center area. He asked why the staff seem to prefer the Marine Mixed Use zoning as opposed to the Medium Density Residential zoning.

Mr. Feldt responded that the isolated marine mixed use pieces of property to which Mr. Voelckers referred were beyond the center boundaries really addressed by the Committee. Those "islands" of Marine Mixed Use zoning do look strange, said Mr. Feldt, and will be re-evaluated during the next Comprehensive Plan amendment process which is expected to take place within the next few years. Also, stated Mr. Feldt, some of these individual property owners have not yet been notified of the process.

Mr. Hart added that this situation also arose because the Committee was operating from a position of consensus, which is a much stronger planning model leading to a stronger probability of implementation.

Mr. Voelckers asked if this implies that adjusting the zoning of the pieces of property under discussion currently zoned Marine Mixed Use would necessarily result in conflict from the property owners.

Stating that he had attended a number of the meetings, Mr. Jackson said he was surprised that some of the synergies of the University did not mesh with some of the plans he sees expressed on paper. He added he did like the fact that the cultural vision for the area was expressed in the Plan, and the historical significance of the Auke Bay people for the area.

UAS Chancellor John Pugh attended a recent Steering Committee meeting and provided valuable insight, said Mr. Feldt. While not all synergy elements between UAS and Auke Bay may be expressed in the plan, said Mr. Feldt, other elements are, such as increasing pedestrian connections between UAS and Auke Bay, year-long maintenance of pedestrian trails and sidewalks, and transit use, which would be of benefit for university students.

The transference of private property to UAS is a longer-term issue to be addressed, said Mr. Hart. As part of this process said Mr. Hart, they now have a staff member attending the master planning sessions of UAS. This is an example of the synergy which Mr. Jackson was referencing, said Mr. Hart. Other issues such as future private property claims for UAS were beyond the scope of the Plan at this time, said Mr. Hart.

Mr. Jackson suggested that this could be addressed in the next implementation phase of the Plan.

Ms. Grewe stated she wanted to reiterate that her concern for the speed limit in the Auke Bay area differs from the methodology utilized by the Department of Transportation (DOT) for setting the speed limit. She said while the DOT sets speed limits based upon actual behavior that she felt, being a planner by trade and education, that she felt if there is a certain concept for a community hub or a town center that the design and behavior should be set accordingly.

She noted that the vision regarding traffic speed on Page 41 of the Plan was, "To reduce speeds in the Hub by transforming the character of the community to a safe, walkable Small Town

Center." Ms. Grewe asked if this was the strongest language related to transportation in the plan.

Mr. Feldt stated that the broad goal 10 on page 48 states that, "Auke Bay will be a comfortable, inviting and safe place to walk and bicycle for everyone, including children, elderly, and school groups." In addition, he said, Policy 10.1 is to, "implement traffic calming measures to reduce traffic speeds." He noted that is followed by the policy put forth to work with DOT&PF (Department of Public Transportation and Public Facilities) to reduce the speed to a maximum of 30 mph in the Hub.

Mr. Feldt said he interpreted these as goals which could be implemented in phases either as development occurs or after DOT employs a traffic count initiating changes in the speed limit. These policies have been suggested following a lot of discussion by the Steering Committee and with Department of Transportation, said Mr. Feldt.

Ms. Grewe asked if there would be set opportunities in the future to change the speed limit in the area in concert with DOT. She said the last time DOT spoke with the Commission it seemed quite entrenched in its methodology.

Mr. Hart said at the end of the next implementation project for the area in 2016 which includes sidewalks and improvements by DOT, the area traffic will be reviewed again by DOT as a result of these improvements. Each project in the area will begin changing the Auke Bay town center environment, said Mr. Hart. There is also the idea of implementing a gateway feature to the community which would have a traffic-calming effect, said Mr. Hart.

Mr. LeVine asked what the process was for the document from now to its completion. He asked what happens to input received from the community in terms of the process of its incorporation into the document.

Mr. Feldt said they would like the existing Auke Bay Steering Committee members to remain involved in the process and began analyzing zoning district changes. They would like to consolidate a lot of the various zones within the core area, he said. Part of that process will also be looking at height regulations, massing of buildings and the preservation of views, said Mr. Feldt. They also want to assure that parking is not a restriction to development, said Mr. Feldt.

Mr. Hart added they have not received consensus on the issue of parking in the area.

The document goes before the Assembly on February 23, (2015), said Mr. Feldt.

Mr. Watson said when considering height requirements in the area to keep in mind that construction is occurring against steep slopes in many instances. He said he has noted since the construction of the roundabout that traffic has calmed throughout the area significantly.

Mr. Watson noted the parking referenced at Auke Bay School on Page 34 is no longer allowed at Auke Bay school during non-school months. A temporary agreement with the school district may be negotiated with CBJ Docks and Harbors while construction is underway, said Mr. Watson. He said he is disappointed that the school district is being rigid about the parking being curtailed during months when the parking lot is not being used by the school district.

The traffic count through the Auke Bay school area is only ten percent higher than the traffic count of Gastineau school right, now said Mr. Watson. There has been one accident in the area since 2007, said Mr. Watson.

Mr. Jackson said he would like to see a formal steering committee with bylaws named in the document. He said he has seen too many plans sit on a shelf, and he felt a formal steering committee would assist with implementation of the plan.

Mr. Hart said implementation of the plan is an extremely important component.

III. **OTHER BUSINESS** - None

IV. **REPORT OF REGULAR AND SPECIAL COMMITTEES** - None

V. **ADJOURNMENT**

The meeting was adjourned at 6:50 p.m.

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MINUTES

PLANNING COMMISSION
Regular Meeting
City and Borough of Juneau
Mike Satre, Chairman

February 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 7:01 pm.

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

Commissioners absent: Ben Haight

Staff present: Hal Hart, Planning Director; Beth McKibben, Senior Planner; Teri Camery, Senior Planner; Eric Feldt, Planner II; Jonathan Lange, Planner II; Chrissy McNally, Planner I; Allison Eddins, Planner I; Tim Felstead, Planner I; Robert Palmer, City Attorney; Greg Chaney, Lands and Resources Manager; Gary Gillette, Port Engineer

Chairman Satre announced that AME2015 0003; the proposed amendment to Title 49.45.410 to change signage enforcement fees, was removed from the agenda.

II. APPROVAL OF MINUTES

- January 13, 2015 – Regular Planning Commission Meeting

MOTION: *by Mr. Miller, to approve the January 13, 2015, Regular Planning Commission 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

Assembly Liaison Loren Jones reported that the Assembly Finance Committee meeting is tomorrow night (February 11, 2015). The topic of discussion is the Tax Exemption Committee established by the Assembly.

The Assembly was briefed on the Draft Auke Bay Plan at last night's meeting, said Mr. Jones. It was received with very positive comments, he said.

The CIP (Capital Improvement Project) plan has been presented for the second time to the Public Works and Facilities Committee, said Mr. Jones. On Monday it was referred to the Finance Committee for final tweaking before passage by the Assembly.

The Remote Subdivision Ordinance which was before the Assembly, was referred back to the Lands Committee, said Mr. Jones.

A letter was received by the Assembly from Southeast Builders regarding a property tax exemption bill which may be introduced to the Legislature this session, said Mr. Jones.

At last night's Assembly Committee of the Whole meeting there was a fairly lengthy discussion on accessory apartments, said Mr. Jones. The Assembly is strongly in support of the ordinance in general, said Mr. Jones, but at his suggestion a new version of the ordinance will be put forth.

Mr. Jones said there are currently three instances in which the Director could make a decision on an accessory apartment; however if one of those conditions was not met, a Conditional Use permit was required. This contingency was whether or not the property was located on a sewer system, said Mr. Jones. An amendment was put forth for the Assembly to consider on this aspect of the ordinance, said Mr. Jones. If the property was not on a sewer system and there was an engineer's report stipulating the existing sewer system can handle an accessory apartment, then a Conditional Use permit would not be required, said Mr. Jones. This will be before the Assembly for a public hearing at the February 23, (2015) meeting, said Mr. Jones.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

Commissioner Grewe requested that CSP2014 0025 and USE 2014 0020 be pulled from the Consent Agenda and be placed under the Regular Agenda for purposes of discussion.

Commissioner Voelckers requested that CSP 2014 0023 be pulled from the Consent Agenda and placed under the Regular Agenda for purposes of discussion.

CSP2014 0024:	Review of North Scott Drive drainage improvements for consistency with Title 49 and adopted plans.
Applicant:	City and Borough of Juneau
Location:	North Scott Drive

Staff Recommendation
Staff recommends that the Planning Commission adopt the findings in this staff report and recommend to the Assembly that CSP2014 0024 is consistent with adopted local plans and policies, as required by CBJ 49.15.540 and AS 35.30.010.

VAR2014 0029:	A variance to reduce the 20-foot front yard setback for an existing building.
Applicant:	Kim & Ethel Smith
Location:	3112 Wildmeadow Lane

Staff Recommendation
Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested Variance, VAR2012 0029.

The Variance would allow for the reduction of a front yard setback from 20 feet for an existing garage and dwelling unit. This, in turn, enables an existing building to remain when a proposed subdivision of the current lot is completed.

MOTION: *by Mr. Miller, to approve items* CSP2014 0024 and VAR2014 0029 *on the amended Consent Agenda as read with staff's findings, analyses and recommendations.*

The motion was approved with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS

AME2014 0011:	Amend Ordinance 2014-32 Wireless Communication Facilities for consistency with new Federal changes.
Applicant:	City and Borough of Juneau
Location:	Borough-wide

Staff Recommendation
Staff recommends that the Planning Commission adopt the Director's analysis and findings, and recommends that the Assembly approve this ordinance amendment.

Mr. Feldt outlined the seven proposed changes in the Wireless Communication Facilities Ordinance for the Commission.

1) Collocation eligible facility request is an expedited 60 day process, said Mr. Feldt, replacing what was a 90 day process in the proposed ordinance. This is also not subject to yard setbacks, he noted.

2) There are two modifications to section 49.65.950 (b), said Mr. Feldt. One is concealment and the other is development of the conditions of the tower. For example, if the proposed modification to a tower does not meet the concealment requirements, it is a substantial change and is no longer an Eligible Facility's Request.

3) It states a stop in the "shot clock" time for the applicant to revise an application if it is previously deemed incomplete, said Mr. Feldt.

4) Any decisions by the Director of Wireless Communications Facilities must be made in writing and supported by substantial evidence, and postmarked prior to the shot clock deadline date, said Mr. Feldt.

5) Eligible Facilities Requests now follow the same exemption provided to collocation, because those requests are on existing towers previously approved by the CBJ.

6) An Eligible Facility Request would now be exempt from 49.65.960(b) because by definition, these requests are collocations or other forms of minor changes on existing towers.

7) The modifications add new definitions for:
   - ✓ Eligible Facilities Request
   - ✓ Eligible Support Structure
   - ✓ Transmission Equipment
   - ✓ Wireless Tower
   - ✓ WCF site

   The modifications add revised definitions for:
   - ✓ Base Station
   - ✓ Collocation
   - ✓ Tower/Wireless Tower
   - ✓ Attached WCF

Commission Comments and Questions
Mr. Voelckers asked why on Page 6 of 12, on line four, the language regarding applications requiring a special use permit had been struck.

The language was struck to simplify how the ordinance was read, said Mr. Feldt.

Mr. Voelckers said he was raising the question for the staff because it appeared to him that striking out the language created a missing element.

Mr. Palmer said he did not feel that a missing element was created by striking out that language because the language that was stricken out is still carried out later in the code.

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Mr. LeVine said the clause mentioned by Mr. Voelckers stood out to him as confusing as well. He said that at the bottom of Page 12, the language is also unclear regarding the approval of a facility request in writing by the Director.

Mr. Palmer said the CBJ Code states facility requests specifically have to be approved in writing by the Director, while federal law is less demanding on the subject, a recent Supreme Court decision stating that as long as a decision is in the minutes of a planning commission meeting, it does not need to be in writing by the director.

Mr. Levine added the language at the bottom of Page 3 of 12 was unnecessarily cumbersome regarding towers other than towers in the public right of way, specifically,"… by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet…" He said he felt it was intended to mean, "Fewer than 20 feet from the closest antenna array".

Mr. Palmer responded that this was not language they have at their discretion to change.

Motion: *by Mr. Watson, that AME2014 0011 be approved with staff's findings, analysis and recommendations, and moved for unanimous consent.*

The motion was approved by unanimous consent.

IX. REGULAR AGENDA

CSP2014 0023:	Dedicate a driveway and utility easement crossing a CBJ-owned fraction of Lot 1, USS 3559.
Applicant:	Lisa Machamer
Location:	North Douglas Highway

Staff Recommendation

It is the recommendation of the Community Development Department that the Planning Commission adopt the Director's Findings on the proposed project, and recommend that the Assembly approve an easement for access to Lot 5, USS 3559 across Lot 1, USS 3559, as described in the project application materials and drawings attached, with the following conditions:

1. That the CBJ Manager may revoke the rights-of-entry, if the applicants or their successors in interest have not constructed the driveways after five years from the date of issuance of the rights-of-entry. The CBJ Manager may extend the rights-of-entry, for good cause.
2. That the easements be revoked if the grantees do not use the driveway for a period of more than five years.

3. That the easements be revoked if the grantees' property is served by a dedicated, constructed CBJ street.
4. That the CBJ reserves the right to utilize portions of the driveway alignment for a dedicated CBJ street.
5. That the easement be used to serve single family or duplex residences on the grantees' properties. No commercial use is allowed.
6. Utilities such as electric, telephone, cable, water, and sewer lines may be located in the easement corridor.
7. The easement is not exclusive. The CBJ may grant other overlapping easements.
8. The grantees of the easements are responsible for construction and maintenance of any improvements.
9. The CBJ reserves the right of public pedestrian access along the easement.
10. The grantees may gate the driveway to control vehicular access.
11. The grantees shall provide as-built surveys of the driveways once constructed.
12. The grantees may be required to relocate the driveways to a new location upon direction of the Assembly in accordance with CBJ 53.09.300(i).
13. The grantees shall obtain all authorizations and permits necessary to construct the driveway.

Mr. Voelckers said he requested that this item be pulled from the Consent Agenda because he had comments about the routing of the access road. He said there was the possibility that in the future this parcel of land could be developed. The driveway angles over and intersects the lot in the middle of the parcel, said Mr. Voelckers. The rest of the entire peninsula is City land, said Mr. Voelckers. Mr. Voelckers suggested the routing be changed so that the lot was intercepted at the corner, so that the road could be logically extended in the future.

Mr. Cheney clarified that the CBJ Lands Department is the actual applicant on this application. He said while the particular alignment may look odd on paper there is a reason for it and that is because the land is extremely swampy.

MOTION: *by Mr. Watson, that CSP2014 0023 be approved with staff's findings and recommendations, and that the motion be approved by unanimous consent.*

The motion was approved by unanimous consent

CSP2014 0025 & USE2014 0020:	City/State Project review to allow boat maintenance and repair, structures and parking at the Auke Bay Loading Facility and a Conditional Use Permit modification to allow boat repair and maintenance, structures and parking at the Auke Bay Loading Facility
Applicant:	City and Borough of Juneau
Location:	13575 Glacier Highway

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit and recommend approval of the City Project Review to the Assembly, which would allow 1) boat repair and maintenance; and 2) structures and parking at the Auke Bay Loading Facility (ABLF).

Ms. Grewe said she had requested this item be pulled from the Consent Agenda because there was articulate written public comment regarding the expansion of the facility.

Ms. Camery provided a brief overview of the project. She said there are two areas in the code which address noise issues. The first area of the code is the Disturbing the Peace section of the code. The other section of the code is regarding performance standards, said Ms. Camery, which is very specific for industrial activities.

Ms. Grewe said she had a problem with the fact that just because this was a Conditional Use permit required for an expansion of what is already existing, that the possible impact to the public was being glossed over. She added she was looking for some solid reasons as to why the Commission should approve this Conditional Use permit.

Ms. Camery responded that the staff report does addresses impacts to the public through a review of traffic and noise impacts from boat maintenance and repair. A detailed description is included in the staff report as to what those activities look like, said Ms. Camery. It was concluded that this would not result in any additional traffic of any significant amount, nor would the number of boats using the facility be increased, said Ms. Camery. The boat maintenance and repair would either be contracted out or performed by the boat owners themselves, she said. Lighting was also evaluated, she said.

Mr. Gillette told the Commission as people have been using this area for storage of their vessels, they have subsequently been asking for permission to repair their vessels in this area. They want to allow people to be able to perform repairs on their boats, said Mr. Gillette. He said this will not be a boat-building facility. Generally the repairs involve sanding and painting of the inside and outside of the boats and repair to the engines, he said.

One option is to enable people to perform repairs on their own boats, and another option is to move the repair facility currently located at Statter Harbor to this location, he said.

The concerns mentioned by the staff were environmental concerns regarding how waste streams would be handled, he said. Those concerns are addressed in the report, he said. A DEC (Department of Environmental Conservation) multi-sector permit is also required, he said.

They do not anticipate much of an increase in the noise level, said Mr. Gillette, in addition to the existing level which already includes the pulling of boats, washing, and placement in storage. The loudest anticipated noise would be from power washers, said Mr. Gillette. The

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anticipated noise generated from the power washers would be less than that allowed by CBJ code for nighttime use, said Mr. Gillette.

Ms. Grewe said it appeared to her that the original permit was for owners to work on the vessels that they owned. She said Mr. Gillette had mentioned the possibility of increased commercial activity at this location. She asked if this was encouraging work of private owners on boats or a commercial boat yard atmosphere, and questioned the subsequent impact on residents in the surrounding neighborhood.

Mr. Gillette said one of the intentions is to move the Auke Bay boat yard which consists of commercial boat repair and maintenance to this location.

Mr. Voelckers asked if there is specific use language in place defining the activity of the boat yard.

Mr. Gillette responded that he did not think there was language defining specific activities which would be allowed or precluded within the boat yard.

Mr. Watson asked if it would be realistic to assign basic hours of operation to the facility.

Mr. Gillette said he would hate to put constraints on the hours of operation of the facility especially in the summer, since fishermen often had a short time to repair boats before heading back out to fish. He said he saw the only potential problem being noise, which was controlled by ordinance.

Commercial boat user Bob Janes spoke in favor of the Conditional Use permit. He said he was also on the Harbor Board, although not speaking in that capacity. Due to the increased use of the Auke Bay area, it is important to move the facility, said Mr. Janes.

MOTION: *by Mr. Watson, to approve CSP2014 0025 & USE2014 0020 with staff's findings and recommendations, and to ask for unanimous consent.*

The motion was approved by unanimous consent.

USE2015 0001:	Conditional Use to allow 56 housing units plus office and clinic space to be developed in a GC zone.
Applicant:	MRV Architects
Location:	1944 Allen Court

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the development of 56

housing units plus office and clinic space in a General Commercial zone. The approval is subject to the following conditions:

1. Prior to issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy, a minimum of 10% of the lot must be planted with vegetation or the installation of vegetation must be bonded for.

2. The vegetative cover/landscaped areas shown on the plans submitted shall be maintained with live vegetative cover as shown in the approved plans

3. Prior to issuance of a Building Permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed, located and installed to minimize offsite glare. Approval of the plan shall be at the discretion of the Community Development Department Director, according to the requirements at CBJ 49.40.230(d)

Due to a conflict Commissioner Voelckers left the Commission panel for consideration of USE2015 0001 and VAR2015 0001.

Mr. LeVine noted that prior to his seat on the Commission he had sat on the board of directors for the Glory Hole. He said he checked with the Law Department, and was assured this does not cause any conflict with his consideration of the items before the Commission this evening.

Ms. McKibben explained the request for the Conditional Use permit by MRV Architects in conjunction with the Glory Hole, is to allow 56 single room occupancy multi-family units with office and clinic space, and a request to reduce required parking from 105 to 37 parking spaces. The proposed project is located on Allen Court off of Jenkin Drive in the Lemon Creek commercial area, said Ms. McKibben. The property is owned by Tlingit and Haida Regional Housing Authority, which intends to retain the ownership of the land, said Ms. McKibben. The land is zoned General Commercial with city water and sewer, said Ms. McKibben.

The housing is intended for the chronically homeless, said Ms. McKibben, and comes with a 20 year deed restriction which is the requirement for the grant funding sought by the applicant. The project is proposed in two phases, said Ms. McKibben. The applicant is currently only seeking funding for Phase 1 which consists of the housing units, and Front Street Clinic , said Ms. McKibben. Each housing unit is 250 square feet, and includes a full bath and kitchen, she said. The Front Street Clinic will utilize 2,100 square feet, said Ms. McKibben. In addition there is 400 square feet of office space which would be used to manage the residential portion of the building, she said. There is also a kitchen and dining area accessory to the residential use, she said.

Phase II, located on the first floor, is all office space, noted Ms. McKibben. It is envisioned this

office space would be utilized for social service agencies, she said. Access to the residential portion of the building would be through one controlled entrance, said Ms. McKibben.

A conditional use permit is required because the request is for more than 12 units of housing, said Ms. McKibben. All of the uses proposed by the applicant are allowed in the General Commercial zoning district, said Ms. McKibben.

All of the setbacks, heights, and vegetative cover requirements would be met, said Ms. McKibben. The building will be staffed 24 hours a day, and there will be a director and a special projects coordinator, said Ms. McKibben. There will be a van available with a half-time driver, she added, to provide transportation services for the residents. There will also be two housing specialists available per shift, she said.

It was determined that a traffic impact analysis was not required, said Ms. McKibben. The calculation of required parking spaces for the 56 residential units would be 70 parking spaces, she said. The applicant is asking for the parking variance because the population served as a non-driving population, said Ms. McKibben.

The applicant is suggesting that they meet all of the required parking for the office space and that two of the parking spaces would be dedicated for residential use, said Ms. McKibben.

Mr. Miller asked if the 37 parking spaces take into account possible visitors to residents.

Ms. McKibben stated she believed those two spaces that are designated as residential would be for visitors.

Applicant
Mariya Lovishchuk, Executive Director for the Glory Hole, said the operating plan will be consistent with other Housing First facilities. She repeated Ms. McKibben to state there will be staffing available 24 hours a day. As a result of the neighborhood meeting held in January, they increased the hours of the van driver from half-time to full-time, she said. They did consider visitor parking when they considered the parking plan, said Ms. Lovishchuk, and the residents of the facility will not have cars nor will they drive them, she said.

Sherri Von Wolf, of MRV Architects, summarized the presentation given by Ms. McKibben.

Public Comment
Pam Watts, Executive Director of JAHMI, (Juneau Alliance for Mental Health, Inc.) said her experience also includes 10 years as clinical director and executive director of the Juneau Recovery Hospital, now known as Rain Forest Recovery Center. She said she has also spent four years as the executive director on the State Advisory Board on Alcoholism and Drug Abuse. She said in the past her training had indicated that the only way to recover from alcoholism was

through abstinence. Therefore, she said when she first heard about this Housing First model about 14 years ago, she did not view it in a favorable light.

Ms. Watts said she has not been able to ignore the statistics that have indicated this model can work and help with costs to the community, public safety and emergency services. As she has subsequently been able to visit working programs outside of the state, she has become even more convinced of the efficacy of these programs, she said. People are allowed to drink within this housing model, she said, but they were only allowed to drink within their rooms and not allowed to bring in people from outside, she said. People that come into the housing establish new friendships and are not reluctant to leave the outside environment from which they come, she said.

Mr. LeVine asked about the potential for sharing parking with Tlingit and Haida located on the adjoining property.

Ms. Lovishchuk said the meaning of that was the parking pattern would be similar.

Mr. Watson asked when they anticipated the project to begin.

Ms. Lovishchuk said they are applying for the AHFC (Alaska Housing Finance Corporation) special-needs housing grant with a deadline of March 31, (2015). If they are awarded the grant, they plan on beginning construction for Phase 1 of the project August of this year, said Ms. Lovishchuk.

Norton Gregory, Housing Manager for Tlingit and Haida Regional Housing Authority, said he has also been a member of the Juneau Affordable Housing Commission for the past five years. He said in January he visited a Housing First project in Seattle. He said he did not notice any unruly or undesirable behavior on the part of the tenants, and that the grounds were clean and well managed.

He said the proposed building is something he is comfortable residing next to in his place of work at Tlingit and Haida. He said both the Juneau Affordable Housing Commission and the Tlingit and Haida Regional Housing Authority support this project.

Chamber of Commerce representative Lance Stevens spoke against the project location. He said he does understand there is a need in the community for compassionate care of fellow community members, but that there were concerns about the proposed location for the project.

They were concerned about lack of resident and public safety, said Mr. Stevens. There are no public walkways and a lot of commercial traffic in the area, said Mr. Stevens. The lighting is also poor for pedestrians, he added. He also expressed the concern that the housing in the future could serve populations of people that would be driving.

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Juneau resident Merry Ellefson said that she was fully in support of this Housing First project. She said she has spent the last three years studying homelessness in Juneau and that nothing solves homelessness like a home.

Juneau resident Michael Patterson spoke in favor of the project. He said he has walked up and down the road for the proposed project many times and has never encountered the big vehicles mentioned by Mr. Stevens or experienced lack of space in which to walk. He said he has grown up with a lot of people who subsequently died on the streets, who would have benefited from this type of housing.

Carlton Hein said he is one of the Emergency medical doctors at Bartlett Regional Hospital, and also Vice President for the Board of Front Street Clinic. Our community spends an inordinate amount of money on a small amount of people without really helping them, said Dr. Hein. Having a place to live is really the first step in beginning to change these behaviors, he said. Sometimes people just stay drunk because it is easier than dealing with the pain of being out in the rain in the cold, he said. If there are some pedestrian issues for the area of the project they are solvable problems and not a reason to cancel the project, he said. The chance of anyone who qualifies for this housing having a car is just not likely, said Dr. Hein. If their circumstances improved to the point where they had a car, they would be on the path to move out of the housing, he said.

Ricardo Worl, President and CEO for Tlingit and Haida Regional Housing Authority, said the idea to contribute their land for this project was not taken lightly. It is their contention that the concerns of traffic and public safety are outweighed by the significant cost savings to the community and the improvement of the image and public safety of the town area, which represents the capital of Alaska. Does Juneau as a community want to continue to ignore the needs of its homeless, said Mr. Worl.

Bryce Johnson, Chief of the Juneau Police Department, said the Police Department would not be supporting this project if it was just moving the problem from one area to another. Currently up to 50 percent of the Police Department is tied up handling inebriates at Bartlett Regional Hospital, said Chief Johnson. Under Title 47, the Juneau Police Department has a duty to take individuals who are not able to care for themselves to their homes, and if they do not have a home, they need to transport them to Rain Forest Recovery or to the hospital, said Chief Johnson. An officer has to sit with an individual while they are at Bartlett Regional Hospital which amounts to hours, said Chief Johnson. With half of the officers taken off the street, protection for the community is severely affected, he said. With this housing in place for this population, they anticipate more officers being freed to serve the community, and if they do need to transport an inebriated individual, they will have a place to transport them to, said Chief Johnson.

The project itself will be well lit, said Ms. Lovishchuk, and it will have security cameras. The site was chosen with great care and its selection also enables the budget to work, and puts it in contention for the grant funding which they seek, said Ms. Lovishchuk.

Chairman Satre asked if there was a way a time limit could be placed upon the variance.

Mr. Palmer said the approval could be conditioned so the application would have to come back for review within a set period of time. The other option would be to pin the variance to the deed restriction so that when the deed restriction lapsed the variance would have to come back to the Commission, said Mr. Palmer.

MOTION: *by Mr. Miller, to approve USE2015 0001 with staff's findings, analysis, and recommendations.*

Speaking in favor the motion, Mr. Miller said the few problems that might exist with the location are far outweighed by the benefits of the program and the location itself. Mr. Miller said he has actually worked in the area for several years, and is very familiar with the location, and while there may be some pedestrian issues to resolve, that they can be overcome. He said he would later consider putting pedestrian improvements on the CIP (Capital Improvement Projects) for this area.

Mr. Watson said he also supported the motion. He said he hoped the Assembly would take action to see that public transportation went up that road.

Chairman Satre said the Lemon Creek Area Plan is on the two to five year priority list of the Assembly, where pedestrian pathways and bus services for the area could be considered.

The motion passed with no objection.

Chairman Satre adjourned as the Planning Commission and reconvened as the Board of Adjustment to take action on VAR2015 0001.

X. BOARD OF ADJUSTMENT

VAR2015 0001:	A variance to reduce the parking requirements.
Applicant:	MRV Architects
Location:	1944 Allen Court

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and approve the requested Variance, VAR2015 0001. The Variance permit would allow for the reduction in required parking spaces from 105 to 37 for 56 units of permanent supportive housing for the chronically homeless and 7,200 square feet of clinic/office space.

MOTION: *by Mr. Watson, to approve VAR2015 0001 with the condition that within one year of expiration of the deed restriction for vulnerable, low income residents, this variance is required to return to the Planning Commission for continued approval, and asked for unanimous consent.*

The motion passed by unanimous consent.

AME2013 0012:	Planning Commission review and recommendation to the Assembly of the Draft Auke Bay Area Plan.
Applicant:	City and Borough of Juneau
Location:	Borough-wide

Staff Recommendation

Staff recommends the Planning Commission forward the Draft Auke Bay Area Plan to the Assembly with a recommendation of adoption.

Mr. Feldt said the Auke Bay Area Plan was presented to the Assembly Committee of the Whole last night (February 9, 2015). It was well received, and will be in front of the Assembly on February 23, (2015) when it will be scheduled for final action on March 16, (2015). The staff is working on an implementation plan to initiate the rezoning process with the Auke Bay Steering Committee which will also include building heights, setbacks, massing and streetscapes, said Mr. Feldt.

Mr. LeVine asked Mr. Feldt if in his view the changes to the Plan between now and its submission to the Assembly are relatively minor and do not warrant further consideration by the Commission.

Mr. Feldt said this assessment was correct.

Mr. Voelckers said on Page 53 of the plan regarding implementation that he was curious if there was a timeline in place.

Mr. Hart said the next task undertaken by the Committee will be formulation of a timeline for implementation of the plan. If he has a staff in place he said he would like to see the process beginning in March. Without staff funding they would work at a committee level, said Mr. Hart.

Their goal is to keep the process simple, he said. They would like to have the completed implementation strategy back to the Commission by June or July, said Mr. Hart.

Mr. Watson stated his concern is that the nature of the steep hillsides in the area be taken into consideration with the 55 foot height limit. He added he was disappointed that comments from the Docks and Harbors Department did include any long term plans of the Auke Bay harbor congestion and break water were not included in the Plan.

Dr. Lawrence Lee Oldaker read some of his thoughts to the Commission on future

implementation of the plan, and asked that the Commission approve the Plan and assist in its implementation.

MOTION: *by Mr. Peters, that AME2013 0012, the Draft Auke Bay Area Plan, be forwarded to the Assembly for adoption.*

The motion passed with no objection.

XI. OTHER BUSINESS

Wetlands Review Board Annual Report

Ms. Camery noted this report was taken to the Assembly Human Resources Committee at last Monday's meeting. Ms. Wright was reappointed to the Wetlands Review Board, said Ms. Camery. She said the most critical item addressed by the Board was ongoing review of the Juneau Wetland Management Update. The Board has done excellent work ensuring the scientific integrity of the project, said Ms. Camery.

Mr. Watson asked when the completed mapping would be presented to the Commission. The stream mapping should be before the Commission this fall, said Ms. Camery. The preliminary draft of the Juneau Wetland Management Plan Update should also be submitted to the Commission in the fall, said Ms. Camery. The grant expires in June, 2016, she said.

XII. DIRECTOR'S REPORT - None

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES

Lands Committee
Mr. Peters reported that the Lands Committee met last night (February 9, 2015) and that there is continued discussion on the zoning for Hidden Valley.

Wetland Review Board
At their meeting they had an update on the Juneau Wetland Management Plan, said Mr. Miller. The contractor performed 345 assessments in 2014, said Mr. Miller. Only 20 assessments remain, he said. At this time it appears they may even be under-budget, said Mr. Miller.

Public Works and Facilities
Mr. Watson said they had an excellent presentation by Mr. Carroll of DOT at their meeting. They have 25 road project plans, said Mr. Watson, and are looking at the possibility of more roundabouts on Stephen Richards and on the Back Loop Road.

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Voelckers verified that a joint meeting with the Assembly was scheduled for March 10, (2015).

Chairman Satre said he wanted to make the comment that when items are pulled from the Consent Agenda that the Commission should feel no sense of urgency to rush through those items. He said he wanted to ascertain that the same due diligence was granted those items as any others on the Agenda.

XV. ADJOURNMENT

The meeting was adjourned at 9:52 p.m.

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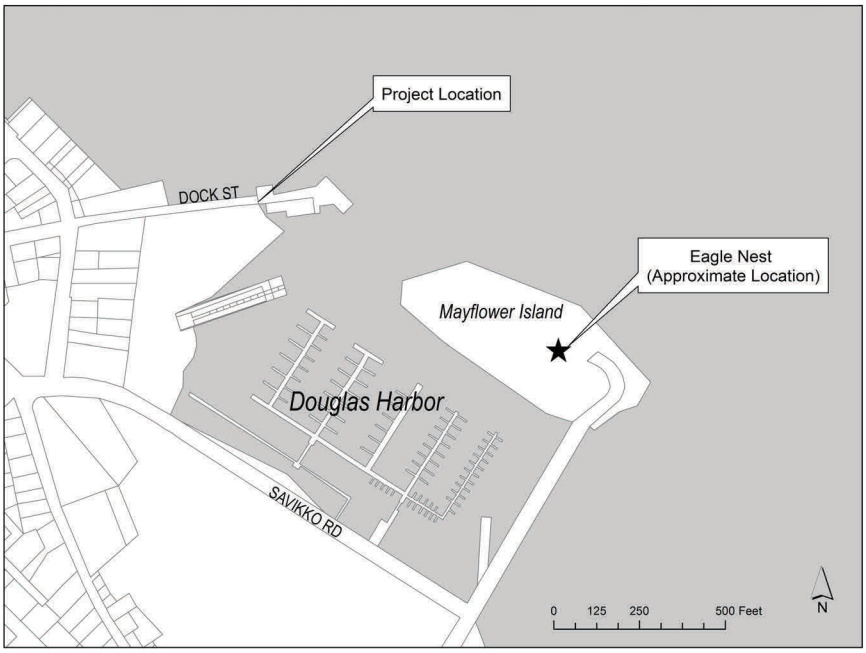
NOTICE OF PUBLIC HEARING



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: Variance to allow work within 330 feet of an eagle nest.

File No:	VAR2015 0002	Applicant:	City and Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	2-D04-0-T32-006-1
Hearing Date:	March 10, 2015	Owner:	City and Borough of Juneau
Hearing Time:	7:00 PM	Site Address:	115 Dock Street
Place:	Assembly Chambers	Zoned:	WI - Waterfront Industrial
	Municipal Building	Accessed Via:	Dock Street
	155 South Seward Street	Nesting Location:	2-D04-0-T32-004-0
	Juneau, Alaska 99801		100 Savikko Road

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 www.juneau.org/plancomm.

Date notice was printed: February 4, 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: February 25, 2015

TO: Board of Adjustment

FROM: Chrissy McNally, Planner
Community Development Department

FILE NO.: VAR2015 0002

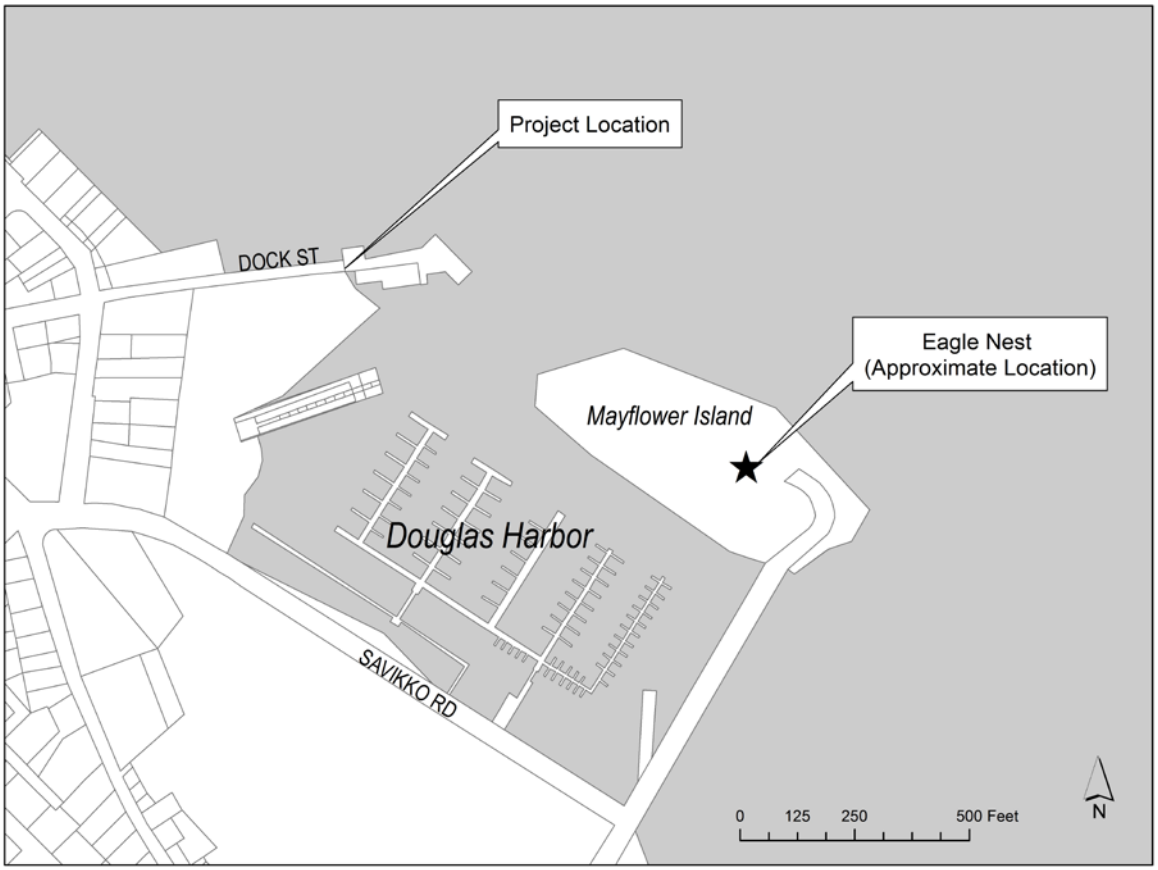
PROPOSAL: A Variance request to dredge and reconstruct the southern portion of Douglas Boat Harbor within 330 feet of an eagle nest located on Mayflower Island.

GENERAL INFORMATION

Applicant:	Gary Gillette, CBJ Docks and Harbors Department
Property Owner:	City and Borough of Juneau
Property Address:	120 Savikko Rd
Legal Description:	ATS 14 FR
Parcel Code Number:	2-D04-0-T32-004-0; project location 2-D04-0-T32-004-0; nesting location
Site Size:	Approx. 10 acres
Zoning:	Waterfront Industrial
Utilities:	CBJ Water & Sewer
Access:	Savikko Road
Existing Land Use:	Douglas Boat Harbor

Surrounding Land Use: North - (Waterfront Commercial) Mayflower Island
South - (D - 18) Robert Savikko Recreation Park/ Treadwell Arena
East - Gastineau Channel
West - (D - 18) Robert Savikko Recreation Park/ Treadwell Arena

VICINITY MAP



ATTACHMENTS

Attachment A: Variance application
Attachment B: Notice of Decision VAR2007-00012
Attachment C: Notice of Decision VAR2009-00024
Attachment D: Public comment
Attachment E: Public notice

PROJECT DESCRIPTION

The City and Borough of Juneau (CBJ) Docks and Harbors Department is planning the renovation of Douglas Boat Harbor within 330 feet of an eagle nest that is located on Mayflower Island (Vicinity map). According to CBJ § 49.70.310 (a)(2), development is prohibited within 330 feet of an eagle nest on public land, therefore a variance to allow such development must be granted by the CBJ Board of Adjustment in order for the project to continue.

BACKGROUND

A variance to the 330-foot development setback was first approved in 2007; however, the variance expired because the project was delayed due to the discovery of trace amounts of mercury in the harbor (Attachment C). The Variance was re-approved in 2009 (Attachment D). However, Docks and Harbors was not able to acquire the necessary Corps of Engineer permit prior to the Variance expiring a second time. Presently, Docks and Harbors has received their Corps of Engineers permit and is ready to commence with the project.

ANALYSIS

The project plan provided in the application depicts existing and proposed moorage features of the Douglas Boat Harbor (Attachment A). The eagle nest, shown in the vicinity map, is perched on a tree upon Mayflower Island and has existed in that location for many years and is frequently used (Attachment E). This nest is not hidden from the view of the public and is within audible distance to Savikko Park activities, boat traffic within the harbor and Gastineau Channel. There is a driveway connecting the harbor to the US Coast Guard station located on the island. Therefore, the eagles using the nest exhibit habituation to human activity.

Renovation of the harbor will result in temporary increased levels of noise in the area, especially during the installation of the pylons. Regardless of the type of pile driver used, noise levels in the harbor will be increased. To minimize undesired levels of noise, the following code shall be adhered:

> *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 building official. Such permit shall be issued by the building official only upon a determination that such operation during hours not otherwise permitted under*

> *this section is necessary and will not result in unreasonable disturbance to surrounding residents*

Since these limitations of hours of operation are already codified, staff recommends these construction hours be listed as an advisory condition of approval.

In 2009, the US Fish and Wildlife Service (USF&WS) reviewed the project in terms of disturbances to eagles and eaglets using the nest and advised that construction shall not occur between the hours of 7pm - 7am. This temporal condition intended to respect the eaglet/ parent feeding times during the early morning and late evening hours of the day. Also, the USF&WS recommended pile driving not take place prior to August 31, which marks the ending of the eaglet incubation period. Instead of requiring this limitation, Variance VAR2009 00024 conditioned the use of a qualified spotter to ensure disturbance to the eagles/ eaglets was minimized for at least the first week of pile driving.

Recently, the CBJ Community Development Department has been reviewing the eagle ordinance for enforceability. Staff has determined that the Community Development Department does not have the expertise to conduct spotting, nor funding to hire a spotter. Traditionally, CBJ has relied on the expertise of USF&WS biologists to enforce its eagle ordinance. However, recent cuts to USF&WS staff no longer allow the continuation of this relationship. In the future, the CBJ Community Development Department should identify the necessary qualifications to perform spotter duties to ensure this condition can be implemented.

CBJ Docks and Harbors has consulted USF&WS regarding the concerns during the incubation period. Docks and Harbors intends to apply for a USF&WS Eagle Take Permit to ensure all precautions are taken to protect the eagles utilizing the subject nest.

The staff report for VAR 2009 00024 stated that the Alaska Department of Fish and Game (ADF&G) also commented on this project and recommended a prohibition of 'in-water' construction from March 15 through June 15 to minimize adverse effects to the out-migratory salmon and herring spawning period within the Gastineau Channel. However, when solicited for comments for this Variance application, ADF&G staff stated this was not a recommended condition.

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.

If the recommended methods and times of construction as stated earlier are adopted, the encroachment into the 330' habitat setback shall not discourage the continued use of the eagle nest. There are also property owners and existing buildings upon Mayflower Island, located much closer to the eagle nest than the Harbor floats that have not disturbed the eagles.

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.

With the recommended conditions, the eagles will still be able to successfully utilize the nest. Public comment received testifies to the habituation of the eagles.

Yes. Criterion 2 is met.

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

The construction within the 330' habitat setback does not negatively affect any nearby properties.

Yes. Criterion 3 is met.

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

The continuation and renovation of the floats and shorelines within the Douglas Harbor is allowed within the Waterfront Industrial District as listed in Section 10.510 under CBJ§ 49.25.300 *Table of Permissible Uses* with a building permit.

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;

Strict adherence to the 330' development restriction would prevent a significant portion of the Harbor renovation to occur, which is a permissible use as stated above. With the recommended conditions, the renovation will not harm the eagles.

Yes. Sub-criterion 5A is met.

(B) Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;

The renovation of Douglas Harbor will expand the size of the floats, but not increase the number of the floats nor be any closer to the eagle nest. The design of renovated floats, fingers, and pylons will be consistent to those already existing upon the northern floats. Therefore, the development restriction unreasonably prevents the owner from renovating the portion of the Harbor, and with the recommended conditions, the renovation will not harm the eagles.

Yes. Sub-criterion 5B is met.

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

The site does not contain any unique physical features that would render compliance with the standards unreasonably expensive.

No. Sub-criterion 5C is not met.

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

No non-conformities exist at the construction site.

No. Sub-criterion 5D is not met.

Criterion 5 is met because 5A and 5B are met.

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

The renovation of the three floats and fingers, southern headwalk, pylons, gangway, and shoreline preservation are needed, not only to accommodate larger moorings, but also to ensure public safety due to the aging of the original floats. With the recommended conditions, the use of the eagle nest will not be seriously impacted.

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 renovation. The application submittal by the applicant, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.20

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

Not Applicable.

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

Yes. Based on the analysis above, staff finds that the Variance meets the criteria of CBJ §49.20.250, *Grounds for Variances.*

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

RECOMMENDATION

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.*

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 1/13/15
Project Name (City Staff to Assign Name)		

INFORMATION

Project Description: Demolition, dredging and reconstruction of South end of Douglas Harbor

PROPERTY LOCATION

Street Address: 115 Dock Street	City/Zip: 99801
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot): ATS 14 FR	
Assessor's Parcel Number(s): 2D0401320061	

PROJECT / APPLICANT

LANDOWNER/ LESSEE

Property Owner's Name: CBJ - Docks & Harbors	Contact Person: Gary Gillette	Work Phone: 586-0398
Mailing Address: 155 Seward ST Juneau 99801	Home Phone:	Fax Number:
E-mail Address	Other Contact Phone Number(s):	

LANDOWNER/ LESSEE CONSENT

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

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

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

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

X _____ Landowner/Lessee Signature — Date: 13 JAN 2015

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: CBJ Docks & Harbors	Contact Person: Gary Gillette	Work Phone: 586-0398
Mailing Address	Home Phone:	Fax Number:
E-mail Address	Other Contact Phone Number(s):	

X _____ Applicant's Signature — Date of Application: 13 Jan 15

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

STAFF APPROVALS

✔	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit			
	City/State Project Review and City Land Action			
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)			
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
X	Variance Case (De Minimis and all other Variance case types)		11/13/15	var 15-002
	Wetlands Permits			
	Zone Change Application			
	Other (Describe)			

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

Comments:

Permit Intake Initials

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

I:\FORMS\2010 Applications — Revised November 2009

ATTACHMENT A

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
PRJ2007-071	Douglas Harbor Renovation	Var 15-002	

TYPE OF VARIANCE REQUESTED:

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

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:
Demolition, dredging, and reconstruction of south end of Douglas Boat Harbor

Previous Variance Applications? [x] YES [ ] NO Date of Filing: 4/23/07; 7/16/09

Previous Case Number(s): VAR 2007-012, VAR 2009-024

Was the Variance Granted? [x] YES [ ] NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S): An eagle tree is located on Douglas Island within 320 feet of harbor facility and location of proposed development

UTILITIES AVAILABLE: WATER: [x] Public [ ] On Site SEWER: [ ] Public [ ] On Site

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
The physical location would not change due to property ownership

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
Could not make important safety improvements to Douglas Harbor

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

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

VARIANCE FEES

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

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

TO BE COMPLETED BY THE APPLICANT

Port of Juneau

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

January 13, 2015

Eric Feldt, Planner
Community Development Department
City and Borough of Juneau
155 South Seward Street
Juneau, Alaska 99801

Re: Douglas Boat Harbor Renovation

Dear Mr. Feldt;

CBJ Docks and Harbors has been in the process of planning and permitting the renovation of the south section of Douglas Harbor over the past few years. In May 2007 the Planning Commission approved a city project review (CSP2007-00005) and a variance (VAR2007-00012) for the removal and replacement of the moorage float system in the old section of the harbor. Due to delays in the permitting process with the Army Corps of Engineers (ACOE) a subsequent variance (VAR2009-00024) was granted as the previous variance expired.

The project permitting through the ACOE was exhaustive and only recently came to an end with a permit issued on June, 30, 2014. Due to the delay, the previous variance has now expired thus Docks and Harbors seeks the required variance for development within 330 feet of a known eagle tree on Juneau Island.

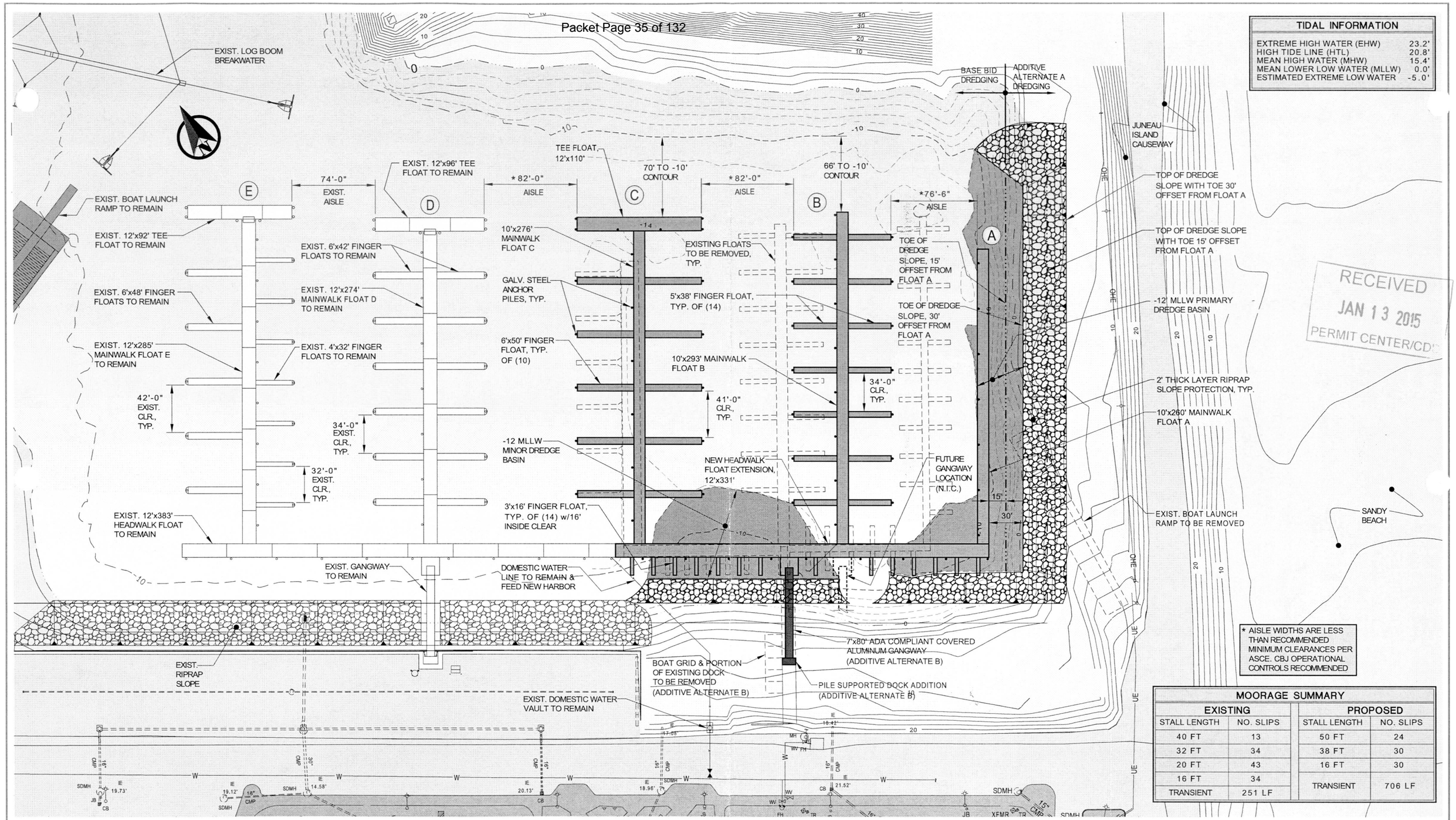
Thanks for your consideration. If you have questions or need further information please contact me at your convenience.

Sincerely;

Gary Gillette, Architect
CBJ Port Engineer

RECEIVED
JAN 13 2015
PERMIT CENTER/CDD

Attachment: Design Drawing of Douglas Harbor Rebuild Project



TIDAL INFORMATION	
EXTREME HIGH WATER (EHW)	23.2'
HIGH TIDE LINE (HTL)	20.8'
MEAN HIGH WATER (MHW)	15.4'
MEAN LOWER LOW WATER (MLLW)	0.0'
ESTIMATED EXTREME LOW WATER	-5.0'

RECEIVED
JAN 13 2015
PERMIT CENTER/CDD

* AISLE WIDTHS ARE LESS THAN RECOMMENDED MINIMUM CLEARANCES PER ASCE. CBJ OPERATIONAL CONTROLS RECOMMENDED

MOORAGE SUMMARY			
EXISTING		PROPOSED	
STALL LENGTH	NO. SLIPS	STALL LENGTH	NO. SLIPS
40 FT	13	50 FT	24
32 FT	34	38 FT	30
20 FT	43	16 FT	30
16 FT	34	TRANSIENT	706 LF
TRANSIENT	251 LF		

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY
DOCKS & HARBORS DEPARTMENT

REVISIONS

REV.	DATE	DESCRIPTION	DWN.	CKD.	APP.

ATTACHMENT A

PND ENGINEERS, INC.
9360 Glacier Highway Ste 100
Juneau, Alaska 99801
Phone: 907-586-2093
Fax: 907-586-2099
www.pnd-anc.com

DESIGN: AWS CHECKED: CRS
DRAWN: AWS APPROVED: CRS
SCALE: SCALE IN FEET 0 40 80

STATE OF ALASKA 49TH Charles R. Somerville CE-8845 REGISTERED PROFESSIONAL ENGINEER
DATE: 2/13/2007

OLD DOUGLAS HARBOR RENOVATION
CBJ PROJECT NO. DH 06-350

SHEET TITLE: SITE PLAN

PN&D PROJECT NO.: 062065.01 DWG. FILE:

SHEET 1 OF 1

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: May 9, 2007
File No.: VAR2007-00012

PND Engineers, Inc.
Attn: Dick Somerville
9360 Glacier Highway, Ste. 100
Juneau, AK 99801

Application For: A Variance request to reduce minimum required setback from an eagle's nest.

Legal Description: ATS 14 FR

Parcel Code No.: 2-D04-0-T32-005-0

Hearing Date: May 8, 2007

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 2, 2007 and approve the Variance to be conducted as described in the project description and project drawing submitted with the application and with the following conditions:

1. There shall be no construction between the hours of 7pm – 7am.
2. Noise levels shall not exceed 65 decibels at the property line during the day or 55 decibels at night.
3. In-water construction shall be prohibited between March 15 through June 15, due to the spawning of salmon and herring in Anadromous streams.

Attachment: May 2, 2007 memorandum from Eric S. Feldt, Community Development to the CBJ Board of Adjustment regarding VAR2007-00012.

This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain a building permit for any and all improvements requiring such.

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 Sec. 49.20.120).

Effective Date: The permit is effective upon approval by the Board, May 8, 2007.

Expiration Date: The permit will expire 18 months after the effective date or November 8, 2008, 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 permit expires.

PND Engineers, Inc.
File No.: VAR2007-00012
May 9, 2007
Page 2 of 2

Project Planner: _____ _____

Eric S. Feldt, Planner
Community Development Department

Daniel Bruce, Chairman
Planning Commission

_____ 5/10/07

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 - 1-800-949-4232, or fax 360-438-3208.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: August 12th 2009
File No.: VAR2009-00024

City & Borough of Juneau
Attn. Gary Gillette
155 S. Seward St.
Juneau, AK 99801

Application For:	A variance request to renovate half of Douglas Boat Harbor within the 330-foot Habitat Setback of an eagle's nest located on Mayflower Island.
Legal Description:	ATS 14 FR
Parcel Code No.:	2-D04-0-T32-005-0
Hearing Date:	August 11th 2009

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated July 30th 2009, and approved the Variance to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Construction shall not occur from the hours of 7pm through 7 am.
2. Noise levels shall not exceed 65 decibels at the property line during the day or 55 decibels at nights.
3. In-water construction shall be prohibited from March 15th through June 15th.
4. The use of a qualified spotter to ensure disturbance to the eagles/ eaglets is minimized for at least the first week of pile driving shall be required.

Advisory Condition:

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

Attachment: July 30th 2009, memorandum from Eric Feldt, Community Development, to the CBJ Board of Adjustment regarding VAR2009-00024.

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, August 11th 2009.

Expiration Date: The permit will expire 18 months after the effective date, or February 11th, 2011, 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: _____
Eric Feldt, Planner
Community Development Department

_____
Maria Gladziszewski, Chair
Planning Commission

_____
Filed With City Clerk

8/13/09
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.

Megan Daniels

From: Brenwynne Grigg
Sent: Thursday, February 12, 2015 11:08 AM
To: Holly Kveum; Megan Daniels; Christine McNally
Subject: FW: Tell it to City Hall Form:Suggestion

Chrissy,
Below is public comment concerning your case.

Brenwynne W. Grigg, Administrative Officer

Community Development Department
office: 907.586.0766 I cell: 704.747.6587
email: brenwynne.grigg@juneau.org

From: Diane Cathcart
Sent: Thursday, February 12, 2015 11:03 AM
To: 'SWILL38776@AOL.COM'; Planning Commission
Cc: Brenwynne Grigg; Hal Hart
Subject: RE: Tell it to City Hall Form:Suggestion

Thank you for your email Mr. Williams. I have included the Planning Commission in this response so they are aware of your email.

~Diane

Diane Cathcart
Executive Assistant III
City Manager's/Mayor's Office
155 S. Seward St
Juneau, AK 99801
907-586-5240
New Email Address for CBJ: Diane.Cathcart@juneau.org

From: SWILL38776@AOL.COM [mailto:SWILL38776@AOL.COM]
Sent: Thursday, February 12, 2015 9:13 AM
To: Diane Cathcart
Subject: Tell it to City Hall Form:Suggestion

Suggestion	**Contact Information**
Date: 02/08/2015 **Time:** am **Location:** douglas	**Name:** Susanne & Sandy Williams **Telephone:** 907 364 2243 **Email:** SWILL38776@AOL.COM **Address:** 640 fifth street **City:** Douglas **Zip Code:** 99824
Department Involved: Community_Development **Person Notified:** Brenwynne.Jenkins@juneau.org	

02/8/2015 To Planning Commission: The eagle pair & family on Mayflower Island are urban eagles, known to us for several years. “Eddie and Edwina” have perched on our property trees and back deck whenever they were picking branches off for their island nest, eating or looking around. They ignore our Labor Guinness watching them. Any construction, ballgames, Gold Rush Days, Independence Day & other events in the park and harbor over the past years have not driven them away. We live at 640 Fifth Street, Douglas. Susanne & Sandy Williams Swill38776@aol.com

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: March 10, 2015
File No.: VAR2015 0002

City and Borough of Juneau
Docks and Harbors
155 S. Seward Street
Juneau, AK 99801

Application For:	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.
Legal Description:	ATS 14 FR
Property Address:	115 Dock Street
Parcel Code No.:	2-D04-0-T32-006-1
Hearing Date:	March 10, 2015

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated February 25, 2015 and approved the Variance to be conducted as described in the project description and project drawings submitted with the application and with the following advisory conditions:

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

Attachment: February 25, 2015 memorandum from Chrissy McNally, Community Development, to the CBJ Board of Adjustment regarding VAR2015 0002.

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, March 10, 2015

Expiration Date: The permit will expire 18 months after the effective date, or September 10, 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

_____
Filed With City Clerk

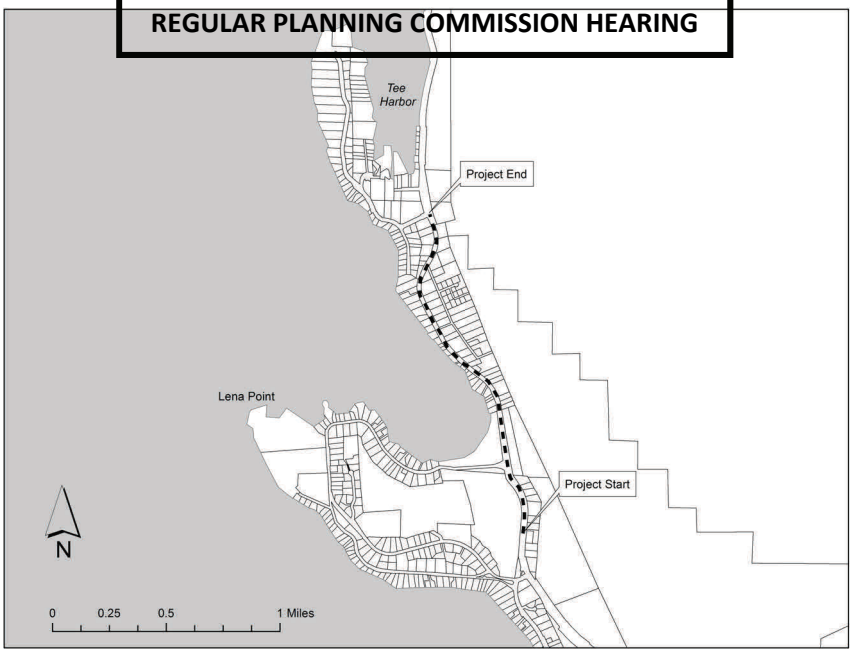
3/11/2015
Date

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

RESCHEDULED TO THE MARCH 10, 2015
REGULAR PLANNING COMMISSION 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: CSP2015 0001: CSP review for Glacier Highway pavement rehabilitation from Lena Cove to Tee Harbor.

VAR2015 0003: Variance request to allow work within 330 feet of eagles nests for the Glacier Highway Pavement Rehabilitation Project.

File No:	CSP2015 0001 & VAR2015 0003	Applicant:	State of Alaska DOT/PF
To:	Adjacent Property Owners	Property PCN:	N/A
Hearing Date:	** March 10, 2015 **	Owner:	State of Alaska DOT/PF
Hearing Time:	7:00 PM	Size:	1.5 Miles
Place:	Assembly Chambers	Zoned:	D-1
	Municipal Building	Site Address:	Glacier Highway from Lena Cove to Tee Harbor
	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.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: February 6, 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: February 25, 2015

TO: Board of Adjustment

FROM: Allison Eddins, Planner
Community Development Department

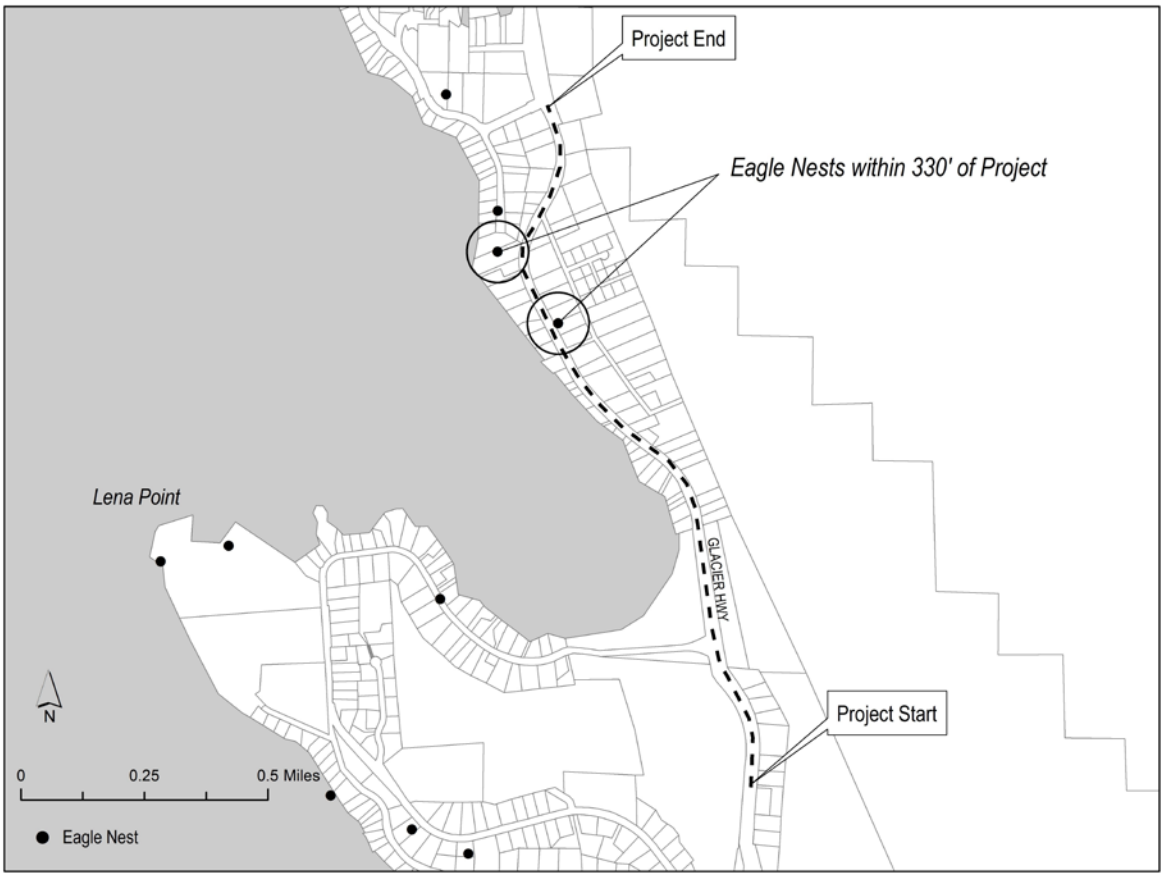
FILE NO.: VAR2015 0003

PROPOSAL: Variance request to allow work within 330 feet of an eagles nest for the Glacier Highway Pavement Rehabilitation Project # 67564.

GENERAL INFORMATION

Applicant:	Alaska Department of Transportation and Public Facilities
Property Owner:	Alaska Department of Transportation and Public Facilities
Property Address:	Glacier Highway from Lena Cove to Tee Harbor
Parcel Code Number:	DOT Right-of-way
Site Size:	1.5 miles
Comprehensive Plan Future Land Use Designation:	RDR, MC, IPU (Map D)
Zoning:	Arterial Road
Utilities:	Public
Existing Land Use:	Arterial Highway
Surrounding Land Use:	North - Waterfront Commercial South - D1; Single Family Residential East - Rural Reserve West - D1; Single Family Residential

VICINITY MAP



ATTACHMENTS

Attachment A: Variance Application
Attachment B: Project Description
Attachment C: Abutter's Notice
Attachment D: Aerial Survey Map of Eagle Tree #132
Attachment E: Aerial Survey Map of Eagle Tree # 205
Attachment F: USFWS Eagle Take Permit

PROJECT DESCRIPTION

Glacier Highway is part of the National Highway System and is classified as an arterial roadway. The section of Glacier Highway experiences Average Daily Traffic (ADT) of approximately 2,086 vehicles through the project area. The applicant, Alaska Department of Transportation and Public Facilities, is proposing to conduct roadway rehabilitation on approximately 1.5 miles of Glacier Highway from Lena Loop Road to Point Stephens Road. This section of roadway is scheduled for resurfacing, guardrail replacement, bicycle/pedestrian improvements, culvert extensions/relocations and retaining wall construction. This project is being reviewed for consistency with local land use codes and regulations through CSP2015 0001. Construction is expected to begin in summer 2015 and continue through the end of the 2015 construction season.

The proposed development requires a Variance for construction that will include embankment widening, culvert replacement and extension, retaining wall construction, guardrail post driving, and paving equipment operating within 330 feet of eagles' nests during the construction period. The CBJ Land Use Code states the following:

> ***49.70.310 Habitat***
> *(a) Development in the following areas is prohibited:*
> *(2) Within 330 feet of an eagle nest on public land;*
> *(3) Within 50 feet of an eagle nest on private land, provided that there shall be no construction within 330 feet of such nest between March 1 and August 31 if it contains actively nesting eagles*

Aerial surveillance was conducted by DOT&PF in the spring of 2014 and found that there are two active Bald Eagle nests within the 330 foot No Development Zone. Eagle Tree # 132 is located approximately 305 feet from the roadway (See Attachment D). Eagle Tree # 205 is located approximately 140 feet from the roadway (See Attachment E). Due to the proximity of project activities to the nests, DOT&PF is seeking a Variance that would allow construction to take place within the 330 foot No Development Zone.

BACKGROUND

CBJ has traditionally relied on the expertise of the Juneau USFWS field office to evaluate and condition, if necessary, projects within the 330 foot eagle nest setback. The 2013 Comprehensive Plan acknowledges this relationship under POLICIES 7.14.- IA2 and 7.14 – IA4.

> POLICY 7.14 – IA2 *Work with the United States Fish and Wildlife Services on an as-needed basis to identify eagle nest locations and best practices*

POLICY 7.14 – IA4 *Request that the USFWS evaluate the bald eagle in the CBJ urban area in terms of population, behavior and tolerance of human presence and activity. Consider any new suggestions from USFWS for enhancing the presence and health of eagles in the urban area.*

DOT&PF applied for and received an Eagle Take Permit from USFWS which authorizes disturbance of eagles along the project route (See Attachment F).

The application materials required by USFWS provide the CBJ with appropriate information to conduct a thorough review of the proposed variance. While the variance is not contingent upon receiving an approved permit from USFWS, the CBJ variance decision is based upon the design set forth in the USFWS Eagle Take Permit application material. Staff is therefore considering that material as a good source on which it can judge if there are sufficient mitigation measures and protective measures in place by DOT&PF to meet the variance standards of Title 49.

While bald eagles were removed from the Endangered Species list in 2007, the Bald and Golden Eagle Protection Act ensures their continued preservation. In September 2009, USFWS instituted two new permits to allow limited incidental take or disturbance of eagles through public safety activities or other development projects. The Eagle Protection Act defines disturbance as;

> *"to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."*

If an applicant receives a permit for disturbance, any activity related to the approved project description is allowed, except for cutting the tree or killing the eagle. The USFWS permit requires nesting surveys to be conducted prior to construction, to identify all eagle nests within 660 feet of the proposed construction activities, as well as eagle foraging areas in the vicinity of the construction site. The permit also limits vegetative clearing within a 330' foot radius of the nest site. In some instances, the applicant is required to submit an annual eagle monitoring report for three years following the completion of the activity.

USFWS eagle permits are voluntary, not mandatory. However, issuance of an eagle permit provides the applicant with a guarantee against federal prosecution under the Eagle Protection Act if the project results in disturbance or take. It is up to the applicant to determine whether the risk of disturbance from the project is worth the time and cost of obtaining the federal permit. If an applicant has obtained an Eagle Take Permit from USFWS through the federal permit process, CBJ

will defer to the USFWS recommendation. CBJ will not, however, repeat federal permit conditions on CBJ authorizations. If the applicant has not obtained a USFWS permit, since the permit is voluntary, CBJ will seek as much information as possible from USFWS about the sensitivity of the particular nest and what modifications may be needed to ensure protection.

ANALYSIS

Variance Requirements

Under CBJ §49.20.250 where hardship and practical difficulties result from an extraordinary situation or unique physical feature affecting only a specific parcel of property or structures lawfully existing thereon and render it difficult to carry out the provisions of Title 49, the Board of Adjustment may grant a Variance in harmony with the general purpose and intent of Title 49. A Variance may wave any requirement or regulation of Title 49 concerning dimensional and other design standards, but not those concerning the use of land or structures, housing density, lot coverage, or those establishing construction standards. A Variance may be granted after the prescribed hearing and after the Board of Adjustment has determined:

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

The relaxation applied for would give substantial relief to the property owner, AKDOT&PF, by allowing maintenance of Egan Drive. A lesser relaxation is not practical because the maintenance must take place on the specified right-of-way within 330' of an existing eagle nest. Failing to maintain the roadway would result in a public safety hazard. The Variance would be consistent with justice to other property owners along the highway by allowing required maintenance to provide safe access to their property.

Yes. Criterion 1 has been met.

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

The intent of Title 49 is established in Section 49.05.100 Purpose and Intent. Those sections, which are applicable to the requested variance, are as follows:

1) To achieve the goals and objectives and implement the policies of the Juneau Comprehensive Plan;
2) To ensure that future growth and development in the City and Borough is in accord

with the values of its residents;

3) To identify and secure, for present and future residences, the beneficial impacts of growth while minimizing the negative impacts;
4) To ensure that future growth is of the appropriate type, design, and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;
6) To recognize the economic value of land and encourage its proper and beneficial use.

A grant of the Variance would allow construction in accordance with intent numbers 1, 2, 3, 4, and 6 to proceed within the summer building season while minimizing disturbance to eagles by following the requirements of the USFWS Eagle Permit, which includes limited vegetation removal, eagle nest monitoring, and reporting requirements.

Yes. Criterion 2 has been met.

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

Construction within the eagle nest setback would not injure nearby property. All work would be within the right-of-way. While traffic delays can be expected with the duration of the project, a Variance to the eagle nest setback would not further impact delays associated with road construction.

Yes. Criterion 3 has been met.

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

Road construction is allowed in all zoning districts; therefore the Variance does not authorize uses not allowed in the district involved.

Yes. Criterion 4 has been met.

5. That compliance with the existing standards would:

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

Highway maintenance is not identified in the Table of Permissible Uses. However, compliance with the standard would unreasonably prevent the owner, AKDOT&PF, from maintaining this section of Glacier Highway. Road construction must take place during the warmer months that coincide with the eagle nesting period.

Yes. Sub-criterion 5(A)has been met.

(B) Unreasonably prevent the owner from using the property in a manner which is consistent as to scale, amenities, appearance or features, with existing development in the neighborhood of the subject property;

Compliance with the standard would unreasonably prevent the owner, AKDOT&PF, from maintaining the section of Glacier Highway that lies within 330 feet of an eagle nest in a manner which is consistent with the amenities and appearance of the rest of Glacier Highway. Allowing the highway to fall into disrepair would create a public safety hazard and be detrimental to the amenities, appearance, and features of existing development in the neighborhood of the subject property.

Yes. Sub-criterion 5(B) has been met.

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

There is no alternative to conducting the necessary maintenance in the developed right-of-way.

Yes. Sub-criterion 5(C) has been met.

or

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

There are no pre-existing non-conforming conditions along this section of Glacier Highway.

No. Sub-criterion 5(D) has not been met.

Yes, Criterion 5 is met because 5A, 5B, and 5C are met.

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

A grant of the Variance would allow Glacier Highway, from Lena Loop Road to Point Stephens Road, to be rehabilitated according to current AASHTO road safety standards, which would provide a significant benefit to the neighborhood. Mitigation measures enforced by the USFWS through the applicant's Eagle Take Permit would ensure that detriments to eagle nests and eagle nesting behavior would be minimized to the greatest extent practicable. There is an abundance of eagle nests along Glacier Highway, indicating that bald eagles have become habituated to human development. Therefore, the Variance would result in more benefits than detriments to the neighborhood.

Yes. Criterion 6 has been met.

FINDINGS

1. Is the application for the requested Variance complete?

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

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

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

Not Applicable

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

Yes. Based on the analysis above, staff finds that the proposal does meet the criteria of CBJ 49.20.250, Grounds for Variances. Specifically, the Variance meets criteria 1, 2, 3, 4, 5 and 6.

RECOMMENDATION

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.

VARIANCE APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		VAR 15-003	1/15/15

TO BE COMPLETED BY THE APPLICANT

TYPE OF VARIANCE REQUESTED:

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

DESCRIPTION OF ACTIVITY WHICH REQUIRES A VARIANCE:
DOT&PF proposes a project to resurface, restore, and rehabilitate apporoximately 1.7 miles of Glacier Highway between MP 15.8 and 17.4. Activities would include embankment widening, grinding and paving, culvert work, replacement of guardrail, signs, utilities, mailboxes, retaining walls.

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

Previous Case Number(s): _____

Was the Variance Granted? ☐ YES ☐ NO

UNIQUE CHARACTERISTICS OF LAND OR BUILDING(S):
None

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

WHY WOULD A VARIANCE BE NEEDED FOR THIS PROPERTY REGARDLESS OF THE OWNER?
Bald eagles nests within 330 feet of Glacier Highway, and project activities would potentially occur within 330 feet of two active bald eagle nests. The eagles are habituated to the high volume of commuter, commercial and industrial traffic on Glacier Highway, as well as other human activities.

WHAT HARDSHIP WOULD RESULT IF THE VARIANCE WERE NOT GRANTED?
Juneau residents would suffer if the main access road between town and all points north were allowed to further deteriorate.

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

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

VARIANCE FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ 400			
Adjustment	$			
Total Fee	$ 400	006735	02d6086	1/15/15

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

Attachment A

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: 1/15/15
Project Name (City Staff to Assign Name)		

INFORMATION

Project Description: Glacier Hwy Pavement Rehabilitation Lena Pt to Tee Harbor

PROJECT / APPLICANT

PROPERTY LOCATION

Street Address: Glacier Hwy Milepost (MP) 15.8 - 17.4	City/Zip: 99801
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)	
Assessor's Parcel Number(s)	

LANDOWNER/ LESSEE

Property Owner's Name: State of Alaska, DOT&PF	Contact Person: Jane Gendron	Work Phone: 465-4499
Mailing Address: PO Box 112506, Juneau, AK 99811-2506	Home Phone:	Fax Number:
E-mail Address: jane.gendron@alaska.gov	Other Contact Phone Number(s):	

LANDOWNER/ LESSEE CONSENT

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

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

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

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

X _____ Landowner/Lessee Signature _____ Date

X _____ Landowner/Lessee Signature _____ Date

NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.

APPLICANT

If the same as OWNER, write "SAME" and sign and date at X below

Applicant's Name: Same.	Contact Person:	Work Phone:
Mailing Address	Home Phone:	Fax Number:
E-mail Address	Other Contact Phone Number(s):	

X Jane Gendron Applicant's Signature — 1/9/15 Date of Application

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

STAFF APPROVALS

✓	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit			
	City/State Project Review and City Land Action			
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)			
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)			
	Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)			
	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)			
X	Variance Case (De Minimis and all other Variance case types)		1/15/15	VAR15-003
	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

Glacier Highway Pavement Rehabilitation Lena Point to Tee Harbor
Project Location and Description

Project Location

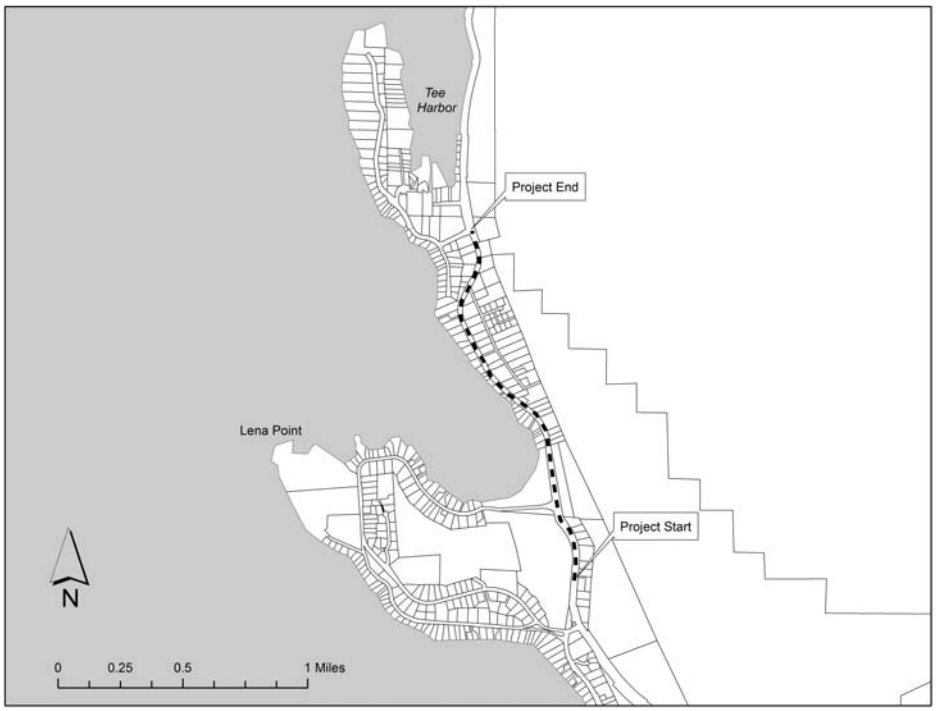
The proposed project is located on Glacier Highway. The beginning of the project (BOP) is at the Milepost (MP) 15.8 between the southern and northern entrance of Point Lena Loop Road, continuing about 1.7 miles north to the intersection with Point Stephens Road, which is the end of the project (EOP). The project is located Township 40S, Range 65E, Section 18 and 19, Copper River Meridian on the USGS Juneau B-3 topographic quadrangle.

Project Description

DOT&PF would resurface, restore, and rehabilitate Glacier Highway between MP 15.8 and MP 17.2 (Figures 1 and 2). All project activities would take place within the DOT&PF right-of-way (ROW) with the exception of narrow slivers of ROW that would be obtained from approximately seven parcels. Existing pavement on Glacier Highway within the project area varies from 28 feet including a 2 foot shoulder in the northern half of the corridor to 34 feet with a 5 foot shoulder along the southern half. The proposed project would provide a consistent paved width of 34 feet, with 11 foot wide travel lanes and 6 foot wide shoulders (Figure 3, Attachment 1). To construct the project DOT&PF would

- Remove and replace existing asphalt
- Rebuild the base and sub-base in areas of failure
- Replace or extend culverts and construct new drainage ditches as required
- Relocate, replace, or add new utilities, guardrail, signs and mailboxes
- Construct new retaining walls as required
- Clear roadside vegetation to improve sight distance
- Adjust and/or realign driveway approaches to match new grades
- Widen the existing embankment as required

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 allow work within 330 feet of eagles nests for the Glacier Highway Pavement Rehabilitation Project (CSP2015 0001).**

File No:	VAR2015 0003	Applicant:	State of Alaska Department of Transportation
To:	Adjacent Property Owners	Property PCN:	N/A
Hearing Date:	February 24, 2015	Owner:	State of Alaska Department of Transportation
Hearing Time:	7:00 PM	Size:	1.5 Miles
Place:	Assembly Chambers	Zoned:	D-1
	Municipal Building	Site Address:	Glacier Highway from Lena Cove to Tee Harbor
	155 South Seward Street	Accessed Via:	Glacier Highway
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

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

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

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Attachment C

Date notice was printed: February 3, 2015

Figure 4.2 – Eagle Tree 133 in Project Area State of Alaska Department of Transportation and Public Facilities Southeast Region	**PROJECT NO. 67564** **JNU GLACIER HIGHWAY RECONSTRUCTION:** **LENA COVE TO TEE HARBOR**

Figure 4.3 – Eagle Tree 132 in Project Area State of Alaska Department of Transportation and Public Facilities Southeast Region	**PROJECT NO. 67564** **JNU GLACIER HIGHWAY RECONSTRUCTION:** **LENA COVE TO TEE HARBOR**

Figure 4.4 – Eagle Tree 193 in Project Area State of Alaska Department of Transportation and Public Facilities Southeast Region	**PROJECT NO. 67564** **JNU GLACIER HIGHWAY RECONSTRUCTION:** **LENA COVE TO TEE HARBOR**

STATE OF ALASKA

SEAN PARNELL, GOVERNOR

P.O. BOX 115526
JUNEAU, AK 99811-5526
PHONE: (907) 465-4190
FAX: (907) 465-6142

DEPARTMENT OF FISH AND GAME

DIVISION OF WILDLIFE CONSERVATION

MEMORANDUM

TO: Patrick J. Kemp
Commissioner
Department of Transportation and Public Facilities

FROM: Bruce Dale
Deputy Director

DATE: January 30, 2014

SUBJECT: Authorization to take bald eagles during 2014

In 2007 the United States Fish and Wildlife Service (FWS) removed bald eagles from the list of threatened and endangered species, and the Bald and Golden Eagle Protection Act (BAGEPA) became the primary federal law protecting eagles. In 2009 the FWS published a rule under the BAGEPA authorizing a permit program that allows take of eagles under certain circumstances. The FWS has primary jurisdiction over eagles throughout the United States. However, Alaska also retains management and permitting authority, and eagle take as defined in the BAGEPA requires written authorization from both the FWS and the Department of Fish and Game (DFG).

The DFG, Division of Wildlife Conservation (DWC) recognizes that the Department of Transportation and Public Facilities (DOT&PF) commonly undertakes projects that are in the public's interest, but also have the potential to take or disturb bald eagles. We further recognize that DOT&PF staff expend considerable effort to minimize effects of projects on eagles and to acquire FWS Eagle Take permits. Because DOT&PF projects already undergo review by the FWS and the public, we have determined that additional review of individual projects by DWC is unnecessary. Consequently, DWC authorizes take or disturbance of bald eagles associated with all projects for which DOT&PF has acquired a FWS permit. This authorization is valid through December 31, 2014 and may be renewed by submitting a request (paper or e-mail) to the DWC, Permits Section at dfg.dwc.permits@alaska.gov or P.O. Box 115526 Juneau, AK 99811-5526.

Figure 4.1 – Eagle Tree 205 in Project Area
State of Alaska
Department of Transportation
and Public Facilities
Southeast Region

PROJECT NO. 67564
JNU GLACIER HIGHWAY RECONSTRUCTION:
LENA COVE TO TEE HARBOR

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
Migratory Bird Permit Office
1011 E. Tudor Rd (MS-201) - Anchorage, AK 99503
Tel: 907-786-3693 Fax: 907-786-3927
Email: permitsR7MB@fws.gov

FEDERAL FISH AND WILDLIFE PERMIT

2. AUTHORITY-STATUTES
16 USC 668a

REGULATIONS
50 CFR 13
50 CFR 22.26

1. PERMITTEE

ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES
dba THE STATE OF ALASKA
PO BOX 112506
ATTN: JANE GENDRON
JUNEAU, AK 99811-2506
U.S.A.

3. NUMBER
MB56710B-0

4. RENEWABLE ☒ YES ☐ NO

5. MAY COPY ☒ YES ☐ NO

6. EFFECTIVE 01/28/2015

7. EXPIRES 12/31/2016

8. NAME AND TITLE OF PRINCIPAL OFFICER *(If #1 is a business)*
AL H CLOUGH
REGIONAL DIRECTOR

9. TYPE OF PERMIT
EAGLE TAKE ASSOCIATED WITH BUT NOT THE PURPOSE OF AN ACTIVITY

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

Glacier Hwy., Juneau, AK

11. CONDITIONS AND AUTHORIZATIONS

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL, TRIBAL, OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

D. This permit is only valid with authorization from Alaska Department of Fish and Game. Contact:

Alaska Department of Fish and Game
Division of Wildlife Conservation
PO Box 115526
Juneau, AK 99811-5526
(907) 465-4148
Dfg.dwc.permits@alaska.gov <mailto:Dfg.dwc.permits@alaska.gov>

E. You are authorized to disturb bald eagles among four nests (see coordinates below) located between mileposts 15.8 and 17.4 of Glacier Highway in Juneau, Alaska. Authorized disturbance is limited to work associated with resurfacing, restoration, and rehabilitation of Glacier Highway as described in ADOT's Eagle Take Permit Application submitted to U.S. Fish and Wildlife Service June 23, 2014. Potential impacts to bald eagles include loss of one year's productivity for one breeding pair.

F. You must comply with the following avoidance, minimization, or other mitigation measures prescribed by the permit issuing office, including:

i) The project shall be completed with the smallest footprint practicable while still meeting the purpose and need of

☒ ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

See Conditions G, H, L, and M

ISSUED BY	TITLE	DATE
Eric J. Taylor	CHIEF, DIVISION OF MIGRATORY BIRD MANAGEMENT - REGION 7	01/28/2015

the project;

ii) Sufficient vegetation shall be maintained to visually screen project activities from each nest;

iii) Standard mufflers shall be installed, and used, on all construction vehicles; and

iv) Contractors shall work with Project Engineers to limit time necessary within the 330' primary zone of nests only to that required for completion of the work.

G. You are required to monitor eagle use of the area including:

i. OCCUPANCY SURVEY
April 15 - May 25, every year in which project activities occur within 660' of a BAEA nest.
Conduct ground or aerial-based nest surveys from a clear vantage point to determine both the status (active vs. inactive) and occupancy (number of eggs and/or chicks) of each nest identified in Condition E. Status may be determined by adult behavior (incubating posture, food delivery, etc.) rather than direct observations of eggs or chicks.

ii. PRODUCTIVITY SURVEY
July 15 - July 31, every year in which project activities occur within 660' of a BAEA nest.
Conduct ground or aerial-based nest surveys, from a clear vantage point, to determine both the status (active vs. inactive) and occupancy (number of eggs and/or chicks) of nests identified as active during the previous occupancy survey.

iii. NEST FIDELITY SURVEY
April 15 - June 1, following any year in which project activities occur within 660' of a BAEA nest. Conduct ground or aerial-based nest surveys, from a clear vantage point, to determine both the status (active vs. inactive) and occupancy (number of eggs and/or chicks) of each nest identified in Condition E..

You must submit an annual report summarizing the information you obtained through monitoring to the Migratory Bird Permit Office by December 31 of the year in which the survey was conducted. Submit reports to:

U.S. Fish and Wildlife Service
Migratory Bird Management
ATTN: Jordan Muir
1011 E Tudor Road MS-201
Anchorage, AK 99503
907-786-3503

H. Any previously unidentified eagle nest located within a half mile radius of the project area discovered prior to June 1, 2016 must be reported to the migratory bird permit issuing office **(907-786-3503)** within 10 days of discovery.

I. You remain responsible for all outstanding monitoring requirements and mitigation measures required under the terms of the permit for take that occurs prior to cancellation, expiration, suspension, or revocation of the permit.

J. This permit does not authorize intentional take of live eagles, eggs or young.

K. The authorizations granted by permits issued under this section apply only to take that results from activities conducted in accordance with the description contained in the permit application and the terms of the permit. If the permitted activity changes, you must immediately contact the Service to determine whether a permit amendment is required in order to retain take authorization.

L. You must immediately notify the migratory bird permit issuing office **(907-786-3503 or 907-786-3693)** regarding any apparent injury or death occurring to any eagle, including viable eggs, during project activities. You must immediately transport any injured eagle to the Juneau Raptor Center **(907-790-5424 or 907-586-8393 or by emergency pager at 907-790-5424).**

M. You must contact the migratory bird issuing office **(907-786-3503)** immediately upon discovery of any unanticipated take.

N. While the permit is valid and for up to 3 years after it expires, you must allow Service personnel, or other qualified persons designated by the Service, access to the areas where eagles are likely to be affected, at any reasonable hour, and with reasonable notice from the Service, for purposes of monitoring eagles at the site(s).

O. You may delegate the authority granted in this permit to the following subpermittee(s): any other person/business who is (1) employed by or under contract to you for the activities specified in this permit, or (2) otherwise designated a subpermittee by you in writing. Any subpermittee who has been delegated this authority may not re-delegate to another individual/business.

P. Subpermittees must be at least 18 years of age. You are responsible for ensuring that your subpermittees are qualified to perform the work and adhere to the terms of your permit. You are also responsible for maintaining current records of designated subpermittees. As the permittee, you are ultimately legally responsible for compliance with the terms and conditions of this permit and that responsibility may not be delegated.

Q. You and any subpermittees must carry a legible copy of this permit and display it upon request whenever exercising its authority.

R. All of the provisions and conditions of the governing regulations at 50 CFR 13 and 50 CFR 22.26 are conditions of your permit. Failure to comply with the conditions of your permit could be cause for suspension of the permit and/or citation. For copies of the regulations, visit: www.fws.gov/permits/mbpermits/birdbasics.html.

S. This permit does not authorize you to conduct activities on Federal, State, Tribal, or other public or private property other than your own without additional prior written permits or permission from the agency/landowner.

T. You must maintain records as required in 50 CFR 13.46. All records relating to the permitted activities must be kept at the location indicated in writing by you to the migratory bird permit issuing office.

U. Acceptance of this permit authorizes the U.S. Fish and Wildlife Service to inspect and audit or copy any permits, books or records required to be kept by the permit and governing regulations (50 CFR 13.46).

V. Permittees and subpermittees operating under this permit may not take or disturb eagles contrary to the laws or regulations of any State, Tribal, or Municipal government, and none of the privileges of this authorization are valid unless the permittee possesses the appropriate State permits, or other authorizations, if required.

W. The U.S. Fish and Wildlife Service is not liable for any damage or injury to person, wildlife, or property that occurs as the result of carrying out the activities associated with this permit.

X. The terms and conditions of this permit that are not specifically prescribed by regulations at 50 CFR parts 10, 13, and 22, should not be construed as precedent and are subject to revision for purposes of any future permit issued under this section.

Nest Site Coordinates:

Nest ID	Coordinates (NAD83)	
193	58.41N	134.76W
132	58.40N	134.76W
133	58.40N	134.76W
205	58.40N	134.75W

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

BOARD OF ADJUSTMENT
NOTICE OF DECISION
Date: March 10, 2015
File No.: VAR2015 0003

State of Alaska
Attn: Jane Gendron
P.O. Box 112506
Juneau, AK 99811-2506

Application For: Variance request to allow work within 330 feet of an eagles nest for the Glacier Hwy Pavement Rehabilitation Project # 67564.

Property Address: Glacier Highway from Lena Cove to Tee Harbor

Hearing Date: March 10, 2015

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated February 23, 2015, and approved the Variance to be conducted as described in the project description and project drawings submitted with the application.

Attachment: February 23 2015, memorandum from Allison Eddins, Community Development, to the CBJ Board of Adjustment regarding VAR2015 0003.

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, March 10, 2015

Expiration Date: The permit will expire 18 months after the effective date, or September 10, 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: A Eddins

Allison Eddins, Planner
Community Development Department

Michael Satre, Chair
Planning Commission

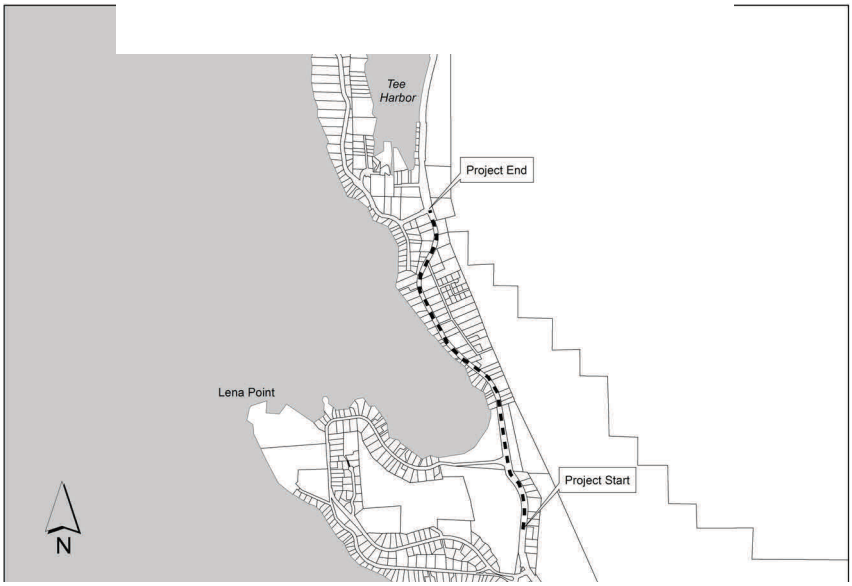
Elizabeth J McEwen
Filed With City Clerk

3/11/2015
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: CSP2015 0001: CSP review for Glacier Highway pavement rehabilitation from Lena Cove to Tee Harbor.

VAR2015 0003: Variance request to allow work within 330 feet of eagles nests for the Glacier Highway Pavement Rehabilitation Project.

File No:	CSP2015 0001 & VAR2015 0003	Applicant:	State of Alaska DOT/PF
To:	Adjacent Property Owners	Property PCN:	N/A
Hearing Date:	** March 10, 2015 **	Owner:	State of Alaska DOT/PF
Hearing Time:	7:00 PM	Size:	1.5 Miles
Place:	Assembly Chambers	Zoned:	D-1
	Municipal Building	Site Address:	Glacier Highway from Lena Cove to Tee Harbor
	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.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

Date notice was printed: February 6, 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: February 23, 2015

TO: Planning Commission

FROM: Allison Eddins, Planner
Community Development Department

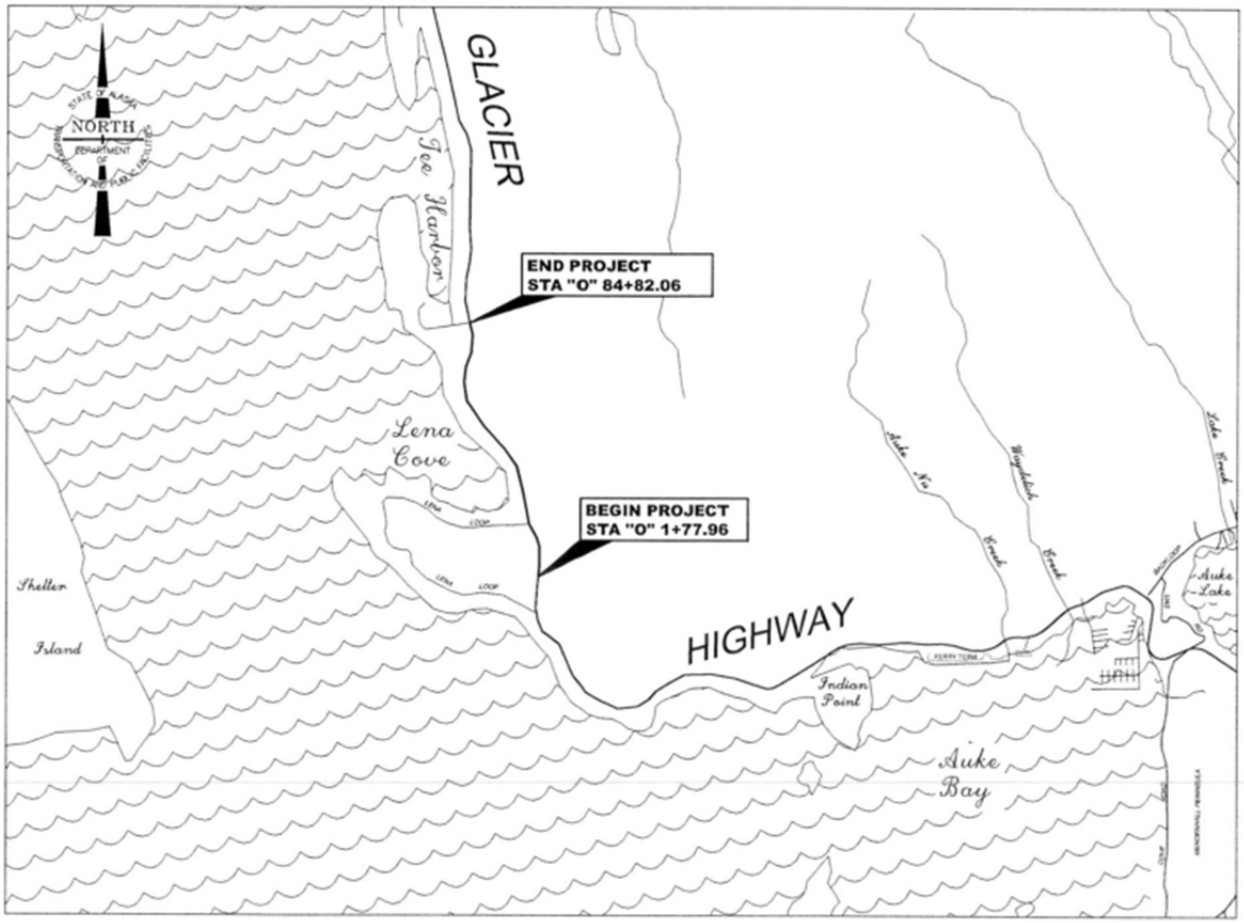
FILE NO.: CSP2015 0001

PROPOSAL: CSP review for Glacier Highway Pavement Rehabilitation from Lena Cove to Tee Harbor State Project # 67564.

GENERAL INFORMATION

Applicant:	State of Alaska Department of Transportation and Public Facilities
Property Owner:	State of Alaska Department of Transportation and Public Facilities
Property Address:	Glacier Highway from Lena Cove to Tee Harbor
Parcel Code No.:	DOT Right-of-Way
Site Size:	1.5 miles
Comprehensive Plan Future Land Use Designation:	RDR, MC, IPU (Map D)
Zoning:	Arterial Road
Utilities:	Public
Existing Land Use:	Arterial Highway
Surrounding Land Use:	North - Waterfront Commercial South - D1; Single Family Residential East - Rural Reserve West - D1; Single Family Residential

VICINITY MAP



ATTACHMENTS

Attachment A: Project Application
Attachment B: Project Description
Attachment C: Abutter's Notice
Attachment D: Cross-Juneau Bikeway Map
Attachment E: Table 1130-8

BACKGROUND

The Alaska Department of Transportation and Public Facilities have submitted a proposal to rehabilitate a portion of Glacier Highway from Lena Cove to Tee Harbor. The project includes removing and replacing existing asphalt, rebuilding the base and sub-base in areas where necessary, widening the shoulders on both the west and east sides of the roadway, creating dedicated bike lanes, and reducing the travel lane widths from 12 feet, in both directions, to 11 feet, in both directions.
As part of this project, ADOT&PF has applied for a Variance (VAR2015 0003) to allow road rehabilitation work to occur within 330 feet of two Bald Eagle's nests. Staff has recommended that VAR15-03 be granted. ADOT&PF also applied for and received an Eagle Take Permit from the United States Fish and Wildlife Service.

ANALYSIS

The Alaska Department of Transportation and Public Facilities list this project as *State Project No. 67564 Glacier Highway Pavement Rehabilitation Lean Cove to Tee Harbor*. According to the FY15 State Transportation Improvement Program (STIP), the estimated project costs are $3.6 million. The project will begin in the summer of 2015 and DOT plans to complete the project by the end of the 2015 construction season.

In addition to the activities stated above, the Glacier Highway road rehabilitation will also include the replacement, relocation and construction of roadside appurtenances. This section of Glacier Highway contains 13 fire hydrants located in the DOT right-of-way. Reconstructing the sub-base and replacing the existing asphalt can slightly raise the height of the roadway, however slightly. Whenever necessary, the hydrants will be raised and/or adjusted to meet CBJ Fire Code Standards. As part of this process, water to the hydrants will have to be shut off, one at a time, for a maximum of 3 hours each.

The existing guardrail in the section of right-of-way that abuts USS 3267 Lot 47 will be replaced with a metal guardrail. Many of the culverts along this section of Glacier Highway will either be replaced or extended. One culvert will be relocated just west of its existing location. DOT is proposing to construct new retaining walls within the right-of-way abutting lots 47FR, 56A and 57.

When this project was originally designed the rehabilitation work would extend from MP 15.8 at Lena Loop Road to MP 17.4 at Point Stephens Road. ADOT&PF has decided to extend the project approximately 500 feet to the north in order to provide consistent shoulder width along Glacier Highway. North of the Chilkat Road and Glacier Highway intersection, the shoulder widths are already 6 feet. Moving the end of the project north 500 feet to this intersection will provide much needed consistency in shoulder width and quality.

CONFORMITY WITH ADOPTED PLANS

This project was reviewed for conformance with Title 49, the 2013 Comprehensive Plan, Non-Motorized Transportation Plan (NMTP) and the Area-Wide Transportation Plan (AWTP).

Title 49

The roadway rehabilitation of Glacier Highway meets the public improvement standards of Title 49. Section 49.35.210 requires arterial streets to have a minimum right-of-way width of 100 feet. The right-of-way along this section of Glacier Highway meets, and in some sections, exceeds the 100 foot requirement. The plan for Glacier Highway calls for a two percent grading. This falls within the requirements of 49.35.230 which states that grades shall not exceed six percent.

2013 Comprehensive Plan

The Glacier Highway roadway rehabilitation project will be an improvement of current conditions and shows compliance with the 2013 Comprehensive Plan.

> **POLICY 8.6 – TO PROMOTE AND FACILITATE TRANSPORTATION ALTERNATIVES TO PRIVATE VEHICLES AS A MEANS OF REDUCING TRAFFIC CONGESTION, AIR POLLUTION AND THE CONSUUMPTION OF FOSSIL FUELS, AND TO PROVIDE SAFE AND HEALTHY MEANS OF TRANSPORTATION TO ALL PEOPLE.**
>
> 8.6 DG1 Require sidewalks and bicycle paths or lanes along newly constructed arterial and collector streets where appropriate, and provide or work with ADOT&PF to provide such amenities along existing roads to provide safe and efficient access and recreation and to reduce pedestrian/automobile conflicts.
>
> 8.6.IA2 Work with the Alaska Department of Transportation and Public Facilities (ADOT&PF) to construct sidewalks and /or separated paths. *If these are not practical, a wide shoulder of at least 48" along roads that lack such improvements,* with a priority given to those corridors which have Average Annual Daily Traffic (AADT) of 4000 vehicles or more.
>
> **POLICY 8.8 - TO RESPOND TO THE SPECIAL TRANSPORTATION NEEDS OF EACH SUBAREA OF THE CBJ AND TO INTEGRATE THEM INTO A BOROUGH-WIDE COMPREHENSIVE TRANSPORTATION PLAN. THIS SYSTEM SHOULD SEEK TO REDUCE THE CONSUMPTION OF FOSSIL FUELS BY FACILITATING EFFICIENT ROUTES OF TRAVEL, CONVENIENT AND RAPID TRANSIT, AND SAFE MOTORIZED AND NON-MOTORIZED TRAVELWAYS.**

8.8 – IA17 – Require sidewalks and bicycle paths or lanes along newly constructed arterial and collector streets where appropriate, and provide or work with ADOT&PF to provide such amenities to existing roads to provide safe and efficient access and recreation and to reduce pedestrian/automobile conflicts.

Non-Motorized Transportation Plan (NMTP)

The NMTP was adopted in 2009 and serves as a guide for the development of a community-wide bicycle and walking network. Chapter 5 catalogues Juneau's non-motorized facilities and deficiencies. The lack of pedestrian and bicycle facilities on Glacier Highway is mentioned.

Chapter 5 Section 3 – Deficiencies in Juneau's Non-Motorized Transportation System
Roads in rural areas often do not have paved shoulders, sidewalks or separated paths and are dangerous for pedestrians. Thane Road, North Douglas Hwy from boat launch to the end of the road, and *Glacier Highway from Lena Point to Tee Harbor are currently dangerous for pedestrians and bicyclists*.

The NMTP goes on to list out specific policies that will help Juneau implement the recommendation of the plan.

POLICY 12 - CROSS JUNEAU BIKEWAY – WORKING TO CONSTRUCT BIKE LANES TO AASHTO STANDARDS AND TO THE ADOT&PF HIGHWAY PRECONSTRUCTION MANUAL OF "BICYCLE WAYS" IS A HIGH PRIORITY FOR JUNEAU'S NON-MOTORIZED NETWORK.

12A. Construct or improve the sections of the cross Juneau bikeway to build a complete network.

The section of Glacier Highway from Lean Cove to Tee Harbor is in the direct path of the cross Juneau bikeway (See Attachment D). With the proposed widening of the shoulders to 6 feet on both sides of the roadway and the painting of the bicycle symbol in the shoulder, DOT will be providing a safer and more efficient path for both cyclists and pedestrians.

Area-Wide Transportation Plan

While the AWTP does not mention this section of Glacier Highway, it does make a recommendation for roadway and bicycle/pedestrian improvements in the "Out the Road" area (page 21).

62. GLACIER HIGHWAY-TEE HARBOR TO ECHO COVE IMPROVEMENTS – WIDEN GLACIER HIGHWAY TRAVEL LANES AND PROVIDE A PEDESTRIAN AND BICYCLE PATHWAY, OR SHOULDER LANE, FROM TEE HARBOR TO THE END OF THE ROAD.

ADOT&PF consider Glacier Highway to be a rural arterial roadway in a mountainous terrain. This project is proposing to reduce travel lane widths to 11 feet and increase shoulder widths to 6 feet. According to table 1130-8 of the Pre-Construction Manual that ADOT&PF uses, and in accordance with AASHTO requirements, an 11 foot wide travel lane with a 6 foot wide shoulder is recommended for arterial roads in mountainous terrain that have between 751 to 1500 average daily trips and less than 10% truck traffic (See Attachment E).

HABITAT

Along the 1.5 mile length of the Glacier Highway project, there are two active eagles' nests within the 330 foot *No Development Zone*, and an additional two eagles' nest within the 660 foot *No Development Zone* established by the U.S. Fish and Wildlife Service (See Attachment F). The applicant has applied to the USFWS for a permit that would allow development to take place during the spring and summer seasons. The applicant has also applied for a variance with CBJ.

FINDINGS

Staff finds the proposed Glacier Highway roadway rehabilitation project to be consistent with CBJ adopted plans.

RECOMMENDATION

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

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.

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		CSP 2015001	1/15/15

TO BE COMPLETED BY THE APPLICANT

TYPE OF PROJECT REVIEW:

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

DESCRIPTION OF PROJECT

See attached description in cover letter.

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

CURRENT USE OF LAND OR BUILDING(S):

Land is currently highway right-of-way that is used for the transportation of people and goods.

PROPOSED USE OF LAND OR BUILDING(S):

The proposed use of land is to maintain and enhance its current use as a highway by rehabilitating the pavement and widening the highway to meet AASHTO standards.

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

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

Capital Improvement Program # (CIP) _____

Local Improvement District # (LID) _____

State Project # 67564

ESTIMATED PROJECT COST: $ 3,600,000.00

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

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

CITY/STATE PROJECT FEES

	Fees	Check No.	Receipt	Date
Application Fees	$ 1600			
Total Fee	$ 1600	039717	0046687	1/15/15

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

&

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

ATTACHMENT A

DEVELOPMENT PERMIT APPLICATION

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

PROJECT / APPLICANT INFORMATION

Project Description
Rehabilitate Glacier Highway from the end of the completed Auke Rec. Bypass Project near MP 15.8 to MP 17.4 at Point Stephens Road intersection. The pavement will be rehabilitated by: (1) removing and replacing existing asphalt and (2) rebuilding the base and sub-base in areas of failure. The road will be widened so that shoulders and travel lanes meet current AASHTO standards. Replacement and relocation of roadside appurtenances as needed.

PROPERTY LOCATION

Street Address	City/Zip
Glacier HWY Mile post 15.8 to mile post 17.4	Juneau/99801

Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot)
Alaska DOT Right-of-Way along Glacier HWY from mile post 15.8 to mile post 17.4 at Point Stevens Road intersection

Assessor's Parcel Number(s)
N/A

LANDOWNER/ LESSEE

Property Owner's Name	Contact Person:	Work Phone:
State of Alaska	Christopher Goins	907-465-4443
Mailing Address	**Home Phone:**	**Fax Number:**
P.O. Box 112506, Juneau, Alaska 99811-2506	-	-
E-mail Address	**Other Contact Phone Number(s):**	
christopher.goins@alaska.gov	-	

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 DOT [signature] — Landowner/Lessee Signature — Date: 11/15/2015

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 [signature] — Applicant's Signature — Date of Application: 11/15/2015

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

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

Comments:

Permit Intake Initials

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

THE STATE of ALASKA
GOVERNOR BILL WALKER

Department of Transportation and Public Facilities
SOUTHCOAST REGION
6860 Glacier Highway
PO Box 112506
Juneau, Alaska 99801-2506
Main: (907) 465-1799
Toll free: (800) 575-4540
Fax: (907) 465-2030
TTY-TDD: (800) 770-8973
dot.state.ak.us

RECEIVED
JAN 15 2015
PERMIT CENTER/CDD

January 15, 2015

City/Borough of Juneau
155 S. Seward St.
Juneau, AK 99801

RE: Federal Project No. MGE-EBE-0933(43) - State Project No. 67564
JNU: Glacier Hwy Pavement Rehabilitation Lena Pt. to Tee

To whom it may concern:

We are submitting the enclosed project and land action review application, development permit application, $1,600.00 review fee, and the preliminary project plans for your review and comment. In addition to a general review, please specifically review for compliance in accordance with AS 35.30.020.

Under AS 35.30.020, the Department must comply with local planning and zoning ordinances and other regulations in the same manner and to the same extent as other landowners. If you believe that the Department's construction of this project would result in a violation of planning, zoning, or other regulations generally applicable to landowners, please identify the portions of the project that would be in violation, and the specific planning, zoning, or other regulations that you believe would be violated.

The Glacier Highway Pavement Rehabilitation Lena Point to Tee Harbor Project submitted for your review is designed to rehabilitate Glacier Highway from the end of the completed Auke Rec. Bypass Project near MP 15.8 to MP 17.4 at the Point Stephens Road intersection. The pavement will be rehabilitated by: (1) removing and replacing existing asphalt and (2) rebuilding the base and sub-base in areas of failure. The road will be widened by increasing shoulder widths to 6-feet from their current widths that range from 2 to 5-feet. Additionally, travel lane widths will be reduced to 11-feet from their current width of 12-feet. Widening of the road and shoulders is necessary to meet current AASHTO standards. Replacement and relocation of roadside appurtenances will be completed as necessary to accomplish the work. Please see the attached plans for further details.

If we have not received comments regarding the project's compliance with planning and zoning ordinances within 90 days after submittal of these plans, the Department will proceed with the

project as planned. If you have any questions, I can be reached by phone at: (907) 465-4443, or by e-mail at: christopher.goins@alaska.gov.

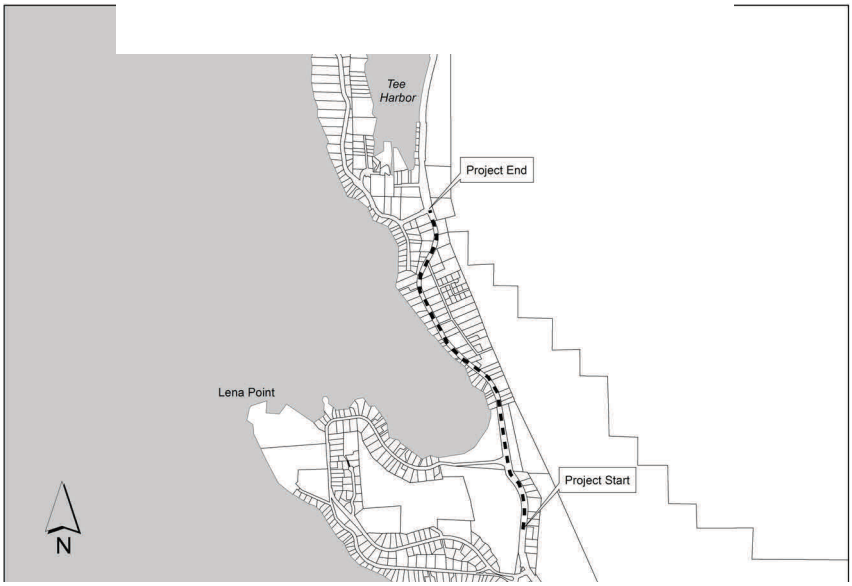
Sincerely,

Christopher Goins, P.E.
DOT&PF Engineering Manager

Enc: Project and Land Action Review Application, Development Permit Application, Application Review Fee, and Preliminary Project Plans

RECEIVED
JAN 15 2015
PERMIT CENTER

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: CSP2015 0001: CSP review for Glacier Highway pavement rehabilitation from Lena Cove to Tee Harbor.

VAR2015 0003: Variance request to allow work within 330 feet of eagles nests for the Glacier Highway Pavement Rehabilitation Project.

File No:	CSP2015 0001 & VAR2015 0003	Applicant:	State of Alaska DOT/PF
To:	Adjacent Property Owners	Property PCN:	N/A
Hearing Date:	** March 10, 2015 **	Owner:	State of Alaska DOT/PF
Hearing Time:	7:00 PM	Size:	1.5 Miles
Place:	Assembly Chambers	Zoned:	D-1
	Municipal Building	Site Address:	Glacier Highway from Lena Cove to Tee Harbor
	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.

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

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

Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at www.juneau.org/plancomm.

ATTACHMENT C

Date notice was printed: February 6, 2015

Figure 4.2 – Eagle Tree 133 in Project Area State of Alaska Department of Transportation and Public Facilities Southeast Region	**PROJECT NO. 67564** **JNU GLACIER HIGHWAY RECONSTRUCTION:** **LENA COVE TO TEE HARBOR**

ATTACHMENT D

Figure 4.3 – Eagle Tree 132 in Project Area State of Alaska Department of Transportation and Public Facilities Southeast Region	**PROJECT NO. 67564** **JNU GLACIER HIGHWAY RECONSTRUCTION:** **LENA COVE TO TEE HARBOR**

Figure 4.4 – Eagle Tree 193 in Project Area
State of Alaska
Department of Transportation
and Public Facilities
Southeast Region

PROJECT NO. 67564
JNU GLACIER HIGHWAY RECONSTRUCTION:
LENA COVE TO TEE HARBOR

STATE OF ALASKA

SEAN PARNELL, GOVERNOR

P.O. BOX 115526
JUNEAU, AK 99811-5526
PHONE: (907) 465-4190
FAX: (907) 465-6142

DEPARTMENT OF FISH AND GAME

DIVISION OF WILDLIFE CONSERVATION

MEMORANDUM

TO: Patrick J. Kemp
Commissioner
Department of Transportation and Public Facilities

FROM: Bruce Dale
Deputy Director

DATE: January 30, 2014

SUBJECT: Authorization to take bald eagles during 2014

In 2007 the United States Fish and Wildlife Service (FWS) removed bald eagles from the list of threatened and endangered species, and the Bald and Golden Eagle Protection Act (BAGEPA) became the primary federal law protecting eagles. In 2009 the FWS published a rule under the BAGEPA authorizing a permit program that allows take of eagles under certain circumstances. The FWS has primary jurisdiction over eagles throughout the United States. However, Alaska also retains management and permitting authority, and eagle take as defined in the BAGEPA requires written authorization from both the FWS and the Department of Fish and Game (DFG).

The DFG, Division of Wildlife Conservation (DWC) recognizes that the Department of Transportation and Public Facilities (DOT&PF) commonly undertakes projects that are in the public's interest, but also have the potential to take or disturb bald eagles. We further recognize that DOT&PF staff expend considerable effort to minimize effects of projects on eagles and to acquire FWS Eagle Take permits. Because DOT&PF projects already undergo review by the FWS and the public, we have determined that additional review of individual projects by DWC is unnecessary. Consequently, DWC authorizes take or disturbance of bald eagles associated with all projects for which DOT&PF has acquired a FWS permit. This authorization is valid through December 31, 2014 and may be renewed by submitting a request (paper or e-mail) to the DWC, Permits Section at dfg.dwc.permits@alaska.gov or P.O. Box 115526 Juneau, AK 99811-5526.

Table 1130-8
Off the National Highway System

Rural Arterial Roadway

Lane and Shoulder Widths for New Construction and Reconstruction

(For Rehabilitation Projects, see 3R Standards, Section 1160 and for ADTs greater than 2,000, reference the AASHTO *A Policy on the Geometric Design of Highways and Streets 2001*)

Lane width presents distance from centerline marking lines to the shoulder marking line.

Arterial Roads **Design Year ADT 0-2000 vpd** **>10% Trucks – (Reference NCHRP Report 362 Table 29(f))**												
Design Year Traffic Volumes (ADT) in Vehicles per Day												
Design Speed (mph)	0-250		251-400		401-600		601-750		751-1500		1501-2000	
	Lane	Shoulder	Lane	Shoulder	Lane	Shoulder	Lane	Shoulder	Lane	Shoulder	Lane	Shoulder
LEVEL TERRAIN												
40	10	3	10	3	10	5	10	5	10	7	10	7
50	10	3	10	3	10	5	10	5	10	7	10	7
60*	11	2	11	2	11	4	11	4	11	4	11	8
70*	12	2	12	2	12	4	12	4	12	4	12	8
ROLLING TERRAIN												
40	10	3	11	2	11	4	11	4	11	4	11	8
50*	10	3	11	2	11	4	11	4	11	4	11	8
60*	10	3	11	2	11	4	11	4	11	4	12	8
MOUNTAINOUS TERRAIN												
20	10	3	10	3	10	5	10	5	10	5	10	6
30	10	3	10	3	10	5	10	5	10	5	10	6
40*	10	3	10	3	11	2	11	2	11	6	12	6
50*	10	3	11	2	11	2	11	2	11	6	12	6

*Recommend Design Speed Range for Terrain, AASHTO GB 2001 Discussion page 448

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF DECISION
Date: March 10, 2015
File No.: CSP2015 0001

State of Alaska
Attn.: Christopher Goins
P.O. Box 112506
Juneau, AK 99801

Application For: State Project Review for Glacier Highway Pavement Rehabilitation from Lena Cove to Tee Harbor State Project # 67564.

Legal Description or ROW name: Glacier Highway

Hearing Date: March 10, 2015

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated February 23, 2015, and approved the Glacier Highway Pavement Rehabilitation to be conducted as described in the project description and drawings submitted with the application (in accordance with the following 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 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.

Attachments: March 10, 2015 memorandum from Allison Eddins, Community Development, to the CBJ Planning Commission regarding CSP2015 0001.

Effective Date: The permit is effective upon approval by the Commission, March 10, 2015.

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

Project Planner: A. Eddins

Allison Eddins, Planner
Community Development Department

Michael Satre, Chair
Planning Commission

Elizabeth J. McEwen

Filed With City Clerk

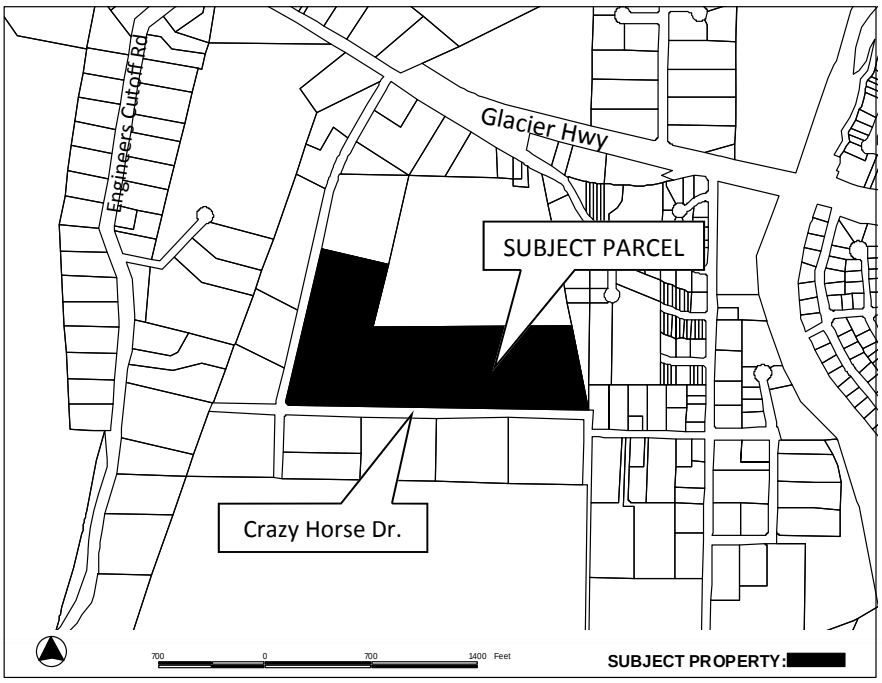
3/11/2015

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 State Government 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



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 City Project review for an expansion of the Southeast Alaska Food Bank on leased City owned land.**

File No:	CSP2015 0002	Applicant:	City and Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	4-B17-0-110-012-0
Hearing Date:	March 10, 2015	Owner:	City and Borough of Juneau
Hearing Time:	7:00 PM	Size:	31.97 Acres; Proposed Lease Area: 0.5 acres
Place:	Assembly Chambers	Zoned:	Industrial
	Municipal Building	Site Address:	10020 Crazy Horse Drive
	155 South Seward Street	Accessed Via:	Crazy Horse Drive
	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 at 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 2, 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: February 24, 2015

TO: Planning Commission

FROM: Jonathan Lange, Planner
Community Development Department

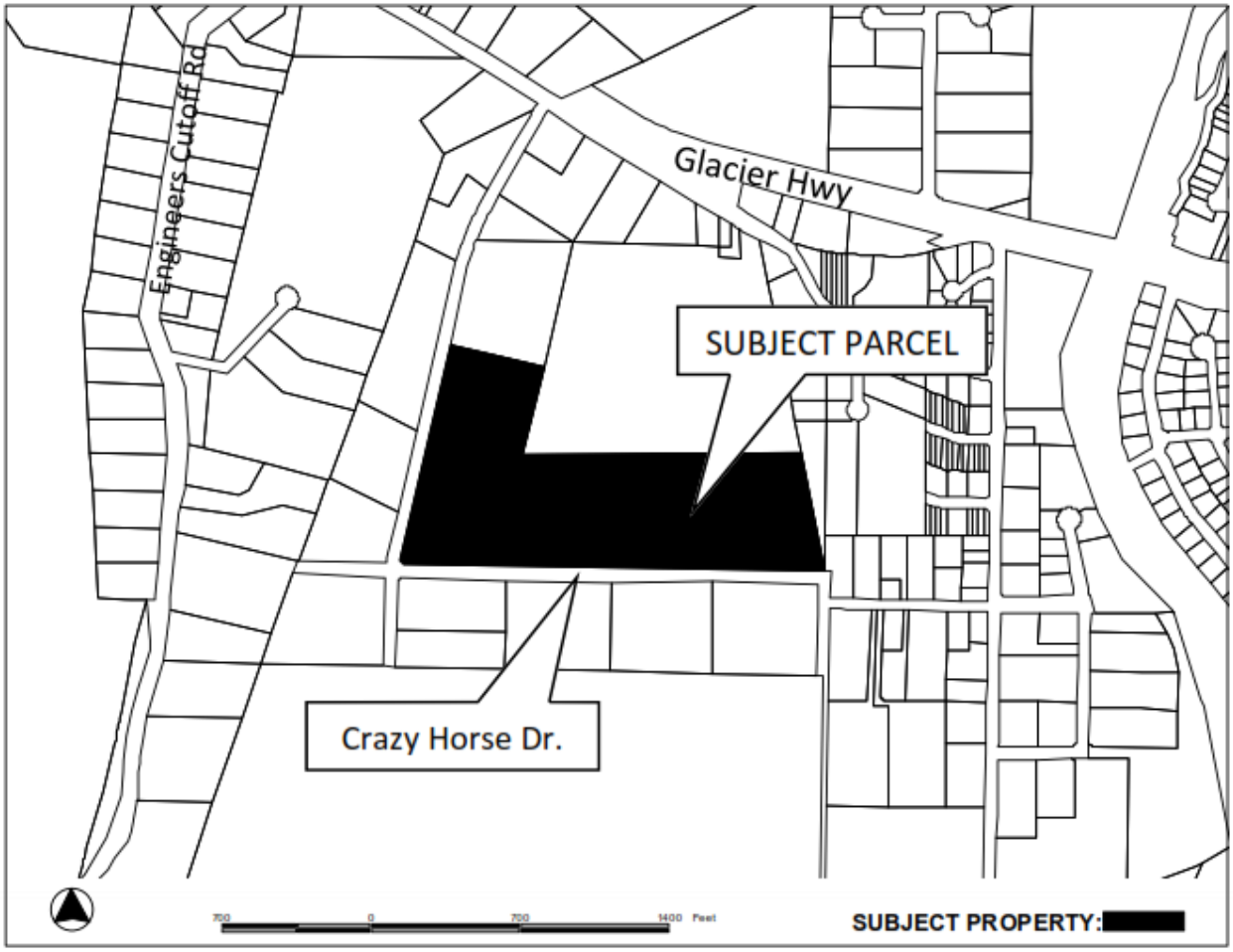
FILE NO.: CSP2015 0002

PROPOSAL: A City Project review for an expansion of the Southeast Alaska Food Bank on leased City owned land.

GENERAL INFORMATION

Applicant:	City and Borough of Juneau
Property Owner:	City and Borough of Juneau
Property Address:	10020 Crazy Horse Drive
Legal Description:	U.S. Survey 1041
Parcel Code No.:	4-B17-0-110-012-0
Site Size:	31.97 acres; 0.5 acres (affected lease area)
Comprehensive Plan Future Land Use Designation:	IPU – Institutional and Public Use
Zoning:	Industrial
Utilities:	Public Water and On-site Sewer
Access:	Crazy Horse Drive
Existing Land Use:	Food Bank - Warehouse
Surrounding Land Use:	North I (Industrial) – Commercial Mix-use with Caretakers Unit South I – Vacant East I – CBJ School Shop

West I – Vacant CBJ Land



ATTACHMENTS

Attachment A – City Project Review and Development Permit Applications and Narrative
Attachment B – Site Plan
Attachment C – Land Lease
Attachment D – Public Notice
Attachment E – Comments
Attachment F – Site Pictures

PROJECT DESCRIPTION

The City and Borough of Juneau (CBJ) Division of Lands and Resources has submitted a City Land Action Review Application to expand the leased land at 10020 Crazy Horse Drive for an expansion of the Southeast Alaska Food Bank. The proposal includes an expansion of the

warehouse building for food storage and distribution and an expansion of the parking lot. The expansion of the leased area would be from the current 0.25 acre to 0.5 acre (see Attachment B). The subject area for the leased land is located within a 31.97 acre CBJ lot, which is mostly vacant except for the current food bank.

The Southeast Alaska Food Bank provides food to individuals and over 25 agencies or organizations throughout southeast Alaska. The proposed expansion of the leased land will help facilitate an expansion of the food bank facility to help better provide for the needs of the organization and region (see Attachment A for applicant's narrative).

ANALYSIS

CBJ Title 49.10.170(c) *City and borough land acquisitions, disposals and projects*. The Commission shall review and make recommendations to the Assembly on land acquisitions and disposals, as prescribed by Title 53, or capital improvement projects 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.

The project site is located within the Industrial zoning district. The proposed expansion is to be 1,840 square feet of warehouse building. The expansion of the warehouse constitutes Minor Development in the Industrial zoning district and will only require a building permit for fill and construction. The parking requirement for the proposed building would be 1 space per 1,000 square feet. The current food bank building is 1,150 square feet, requiring 2 parking spaces. The proposed expansion would require 2 parking spaces. One of the four required spaces would need to be an accessible parking space. An off-street loading area will be required to be designated at the time of building permit review.

The proposed expansion and construction of the Southeast Alaska Food Bank complies with the standards and regulations in the City and Borough of Juneau Land Use Code Title 49 and will be required to comply with all dimensional standards therein and all building code requirements of Title 19, the Building Code.

Comments

Ron King, CBJ Chief Regulatory Surveyor with the General Engineering Department, stated that "a complete grading plan will be required with the building plans" and that "grading, drainage and utilities must be addressed."

CONFORMITY WITH ADOPTED PLANS

Staff reviewed the CBJ 2013 Comprehensive Plan Update for policies that may be relevant to the proposed project:

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.

POLICY 7.5. TO PROTECT HIGH-VALUE WETLANDS FROM ADVERSE EFFECTS OF DEVELOPMENT THROUGH LAND USE MANAGEMENT AND TO SPONSOR OR PARTICIPATE IN EFFORTS TO ENHANCE OR RESTORE THE ENVIRONNMENTATL VALUES OF WETLANDS IN THE BOROUGH.

As mentioned below in the Habitat section, the subject lot contains Category B wetlands. Prior to filling of the wetlands the applicant will be required to receive a fill permit through the Army Corps of Engineers.

POLICY 13.3. TO PROMOTE QUALITY MEDICAL AND SOCIAL SERVICES IN THE CBJ TO ENSURE THE SAFETY, HEALTH, WELL-BING AND SELF-SUFFICIENCY OF ITS RESIDENTS.

The proposed expansion of the Southeast Alaska Food Bank would help to provide much needed space for the organization to provide food for those in need throughout the southeast Alaska region.

HABITAT

The proposed area or building pad for the development is in or near a mapped Category B wetland. A permit from the Army Corps of Engineers will be required prior to filling of the wetlands for the proposed expansion. Staff does not find any other habitat issues associated with the proposed project.

FINDINGS

All evidence indicates that the proposed project complies with the CBJ Land Use Code and applicable plans, including the Comprehensive Plan.

RECOMMENDATION

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.

DEVELOPMENT PERMIT APPLICATION

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

PROJECT / APPLICANT INFORMATION

Project Description
The Southeast Alaska Food Bank plans to expand its lease lot at Crazy Horse Drive to accommodate a new warehouse building for food storage and distribution and an expanded parking area to meet the growing supply and demand for free and reduced cost food resources. Materials submitted in support include the purpose and scale of the proposed expansion, a site plan, and the original lease.

Street Address 10020 Crazy Horse Drive	**City/Zip**
Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) Fraction of USS No. 1041	
Assessor's Parcel Number(s) 4B1701100120	

Property Owner's Name CITY AND BOROUGH OF JUNEAU; LANDS & RESOURCES	**Contact Person:** Dan Bleidorn	**Work Phone:**
Mailing Address 155 South Seward Street	**Home Phone:**	**Fax Number:**
E-mail Address dan.bleidorn@juneau.org	**Other Contact Phone Number(s):** 907-586-0224	

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 Daniel Bleidorn — **Landowner/Lessee Signature** — **Date** 01/21/15

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

X Daniel Bleidorn — **Applicant's Signature** — **Date of Application** 01/21/15

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

STAFF APPROVALS

	Permit Type	***SIGN	Date Received	Application Number(s)
	Building/Grading Permit	[redacted]		
	City/State Project Review and City Land Action	[redacted]		
	Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)	[redacted]		
	Mining Case (Small, Large, Rural, Extraction, Exploration)			
	Sign Approval (If more than one, fill in all applicable permit #'s)	[redacted]		
	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)	[redacted]		
	Wetlands Permits			
	Zone Change Application			
	Other (Describe) _____			

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

Comments:

Permit Intake Initials

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

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
		CSP	

TO BE COMPLETED BY THE APPLICANT

TYPE OF PROJECT REVIEW:

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

DESCRIPTION OF PROJECT

To resolve space constraints and better serve the community, the Southeast Alaska Food Bank proposes to expand its existing building and parking lot to the north. To accommodate growing demand for the organization's services, the Food Bank Board of Directors desires to construct a 1,840 square foot (23' x 80') storage facility and office space on the north side of the existing building. The SOuthease Alaska Food Bank is asking to expand their lease area

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

CURRENT USE OF LAND OR BUILDING(S):

Southeast Alaska Food Bank leases .25 acre

PROPOSED USE OF LAND OR BUILDING(S):

The Southeast Alaska Food Bank is requesting an expansion of their lease area to .5 acres

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

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

Capital Improvement Program # (CIP) _____

Local Improvement District # (LID) _____

State Project # _____

ESTIMATED PROJECT COST: $_____

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

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

CITY/STATE PROJECT FEES

	Fees	Check No.	Receipt	Date
Application Fees	$_____	_____	_____	_____
Total Fee	$_____	_____	_____	_____

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

&

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

CITY/STATE PROJECT REVIEW REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Sheinberg Associates
1107 West 8th Street, Suite 4 • Juneau, AK 99801 • (907) 586-3141 • Fax (907) 586-2331

January 9, 2015

Greg Chaney, Lands and Resources Manager
Division of Lands and Resources
City and Borough of Juneau
155 S Seward Street
Juneau, Alaska 99801

SUBJECT: Southeast Alaska Food Bank Lease Lot Proposal

Dear Mr. Chaney,

Thank you for meeting with me to discuss the expansion of the City and Borough of Juneau lease with the Southeast Alaska Food Bank. Attached you will find a proposal from Sheinberg Associates on behalf of the Southeast Alaska Food Bank to expand its lease lot at 10020 Crazy Horse Drive to accommodate a new warehouse building for food storage and distribution and an expanded parking area to meet the growing supply and demand for free and reduced cost food resources. Materials submitted in support include the purpose and scale of the proposed expansion, a site plan, and the original lease language and resolution.

If you have any question about these materials please do not hesitate to contact me. Thank you for your consideration. The Southeast Alaska Food Bank hopes to move forward with a modified lease as expediently as possible. I look forward to hearing from you about the schedule for review and action.

Regards,

Sarah Bronstein, Community Planner
SHEINBERG ASSOCIATES

Attachment

January 9, 2015

Southeast Alaska Food Bank Lease Lot Proposal

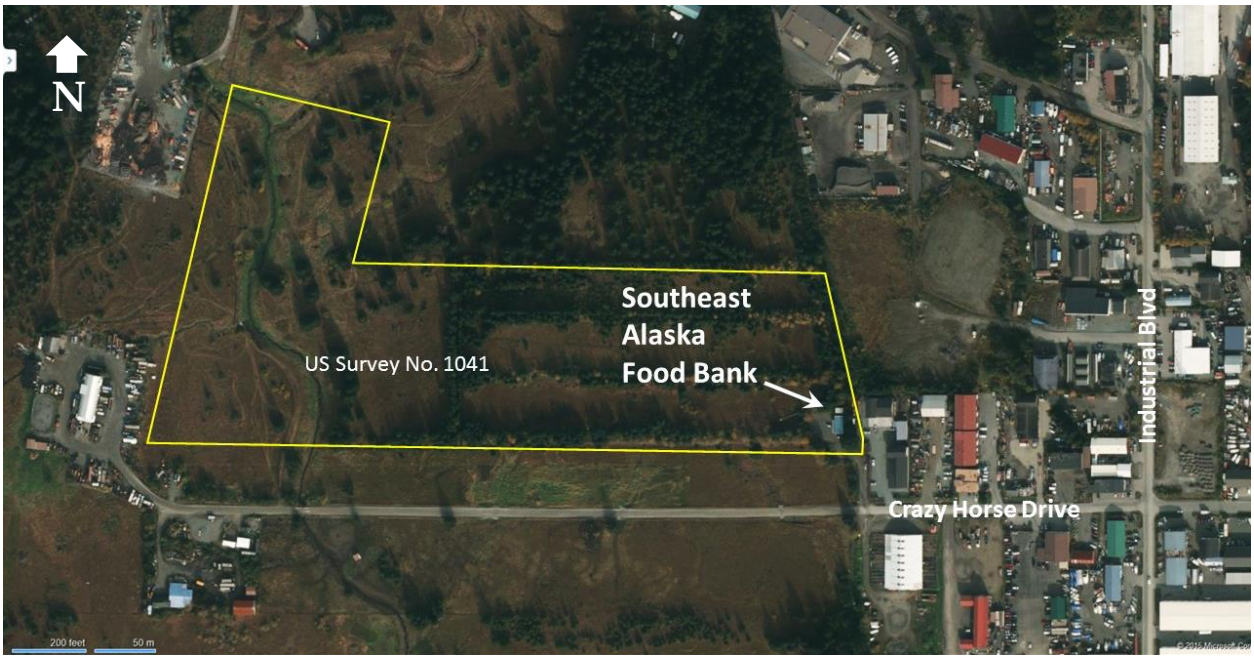
Attachments

Attachment A: Survey of Lease Lot with existing building
Attachment B: Site Plan with proposed lease lot expansion and new building
Attachment C: Southeast Alaska Food Bank Land Lease (2005)

Introduction

The Southeast Alaska Food Bank seeks to expand its 0.25 acre lease lot at 10020 Crazy Horse Drive in order to accommodate the construction of a storage warehouse on the north side of their existing building, and the extension of its parking area to accommodate existing and future traffic. This new building and parking lot will require an additional 0.25 acres of land, bringing the total size of the modified lease lot to 0.5 acres.

Aerial Site Map



The current lease lot for the Food Bank is a 0.25 acre portion of a 31 acre parcel (USS No. 1041 above) at the end of Crazy Horse Drive, off of Industrial Boulevard.

Background

The Southeast Alaska Food Bank collects surplus and unmarketable food and redistributes it to individuals, as well as 25 to 30 agencies, soup kitchens, and food pantries throughout the region. Partner organizations and agencies pick up supplies from the Food Bank on Monday through Friday, and the Food Bank is open to individuals on Saturdays. In 2014, the Food Bank distributed 300,000 pounds of food, up from 258,000 pounds in 2013.

A typical Saturday is like this week; on January 9 the Food Bank documented distribution of 5,050 pounds of free food to approximately 90 people, an average of over 56 pounds per person. On its Facebook page, the Food Bank noted, "This day there was a large amount of dairy items and bananas so that everyone who came by was able to pick up enough food to help get them through the next week or so."

The Southeast Alaska Food Bank operates out of a warehouse at 10020 Crazy Horse Drive. The existing building sits on a City and Borough of Juneau (CBJ)-owned 0.25 acre lease lot accessed via Curtis Avenue (Attachment A). The lease lot is a fraction of a larger CBJ-owned lot totaling 31 acres. The lease lot was approved by CBJ Assembly Resolution in 2001. The current lease was signed and notarized in 2005 for a 25 year term (Attachment C).

Partner Agencies

AWARE Shelter
Boys and Girls Club of Juneau
Catholic Community Services
Dreams, Inc.
Echo Ranch Bible Camp
Gastineau Human Services
Glacier Valley Baptist Church
Gold Creek Child Care
Juneau Adventist Community Services
Juneau Alliance of Mental Health, Inc.
Juneau Christian Center/Bethel Christian
Juneau Friends Meeting Church
Juneau Unitarian Universalist Fellowship
Juneau Youth Services
NAMI of Juneau/Polaris House
Northern Lights United Church
REACH
Resurrection Lutheran Church
SAGA
Salvation Army of Angoon
Salvation Army of Juneau
SIMS Foster Group Home
SAIL/ORCA
St. Brendan's Episcopal Church
St. Vincent de Paul
The Glory Hole
Zach Gordon Youth Center

The existing facility no longer meets the needs of the organization and community. The current building, at 1,150 ft^2 (23' x 50'), contains 4 freezers, 2 refrigerators and shelving for non-perishable items, with minimal aisle space and overflow storage areas. As the Food Bank's reach and activities have increased, the organization has struggled to manage the volume of goods donated by local sources. With limited freezer and refrigerator space, staff is sometimes forced to discard meat and other perishable items that cannot be immediately used by agencies or taken by individuals. Additionally, the parking area that serves volunteers and clients, as well as large pick-up and delivery vehicles, is crowded at peak periods. On Saturdays when the Food Bank is open to the public, there is not enough shelving room for all of the food, nor hallway space for the 50 to 100 clients who routinely come to receive groceries for the week.

Proposal

To resolve space constraints and better serve the community, the Southeast Alaska Food Bank proposes to expand its existing building and parking lot to the north. To accommodate growing

demand for the organization's services, the Food Bank Board of Directors desires to construct a 1,840 square foot (23' x 80') storage facility and office space on the north side of the existing building. The parking lot would also be extended northward in front of the new building. The site would continue to operate as a food bank, with no change in day-to-day use or services provided on site.

This expansion will require a re-negotiation of the lease with an expanded lease lot area. The existing building lies approximately 20 feet from the rear lease lot line. There is ample room for expansion as the currently leased area is a small part of the larger 31 acre parcel (US Survey No. 1041), and the northern lot line of the larger parcel is roughly 350+ feet beyond the current leased lot boundary. The lot line of the parcel immediately to the east of the Food Bank lease lot angles slightly to the northwest, but does not infringe upon the desired lease lot expansion.

The limited refrigerator and cooler space at the Southeast Alaska Food Bank's current facility sometimes necessitates throwing out food that can't be immediately used by clients or partner agencies.

The current lease lot area is approximately a quarter of an acre. The Southeast Alaska Food Bank proposes to increase the size of the lot to approximately 0.5 acres, as shown in the attached site plan (Attachment B). According to the current lease, which was negotiated in 2005, "the lease may be modified only by an agreement in writing by all parties in interest." In initial communications, the CBJ Lands and Resources Department has indicated that modifying the existing lease would be the most expeditious means to obtain a larger lease lot. Whether by this method or through the negotiation of a new lease agreement, the Food Bank would like to pursue the expanded lease lot as quickly as is reasonable.

Conclusion

The Southeast Alaska Food Bank plays a critical role in providing food to poor and homeless residents in Juneau and the region. Many households and local philanthropic organizations rely upon the food they receive from the Food Bank. The Food Bank, in turn, has benefitted from the use of the city-owned site at 10020 Crazy Horse Avenue. By agreeing to an expanded lease lot, the City and Borough of Juneau can enable the Southeast Alaska Food Bank to better meet the needs of poor households and service agencies throughout the region for years to come.

XXXXXXXX

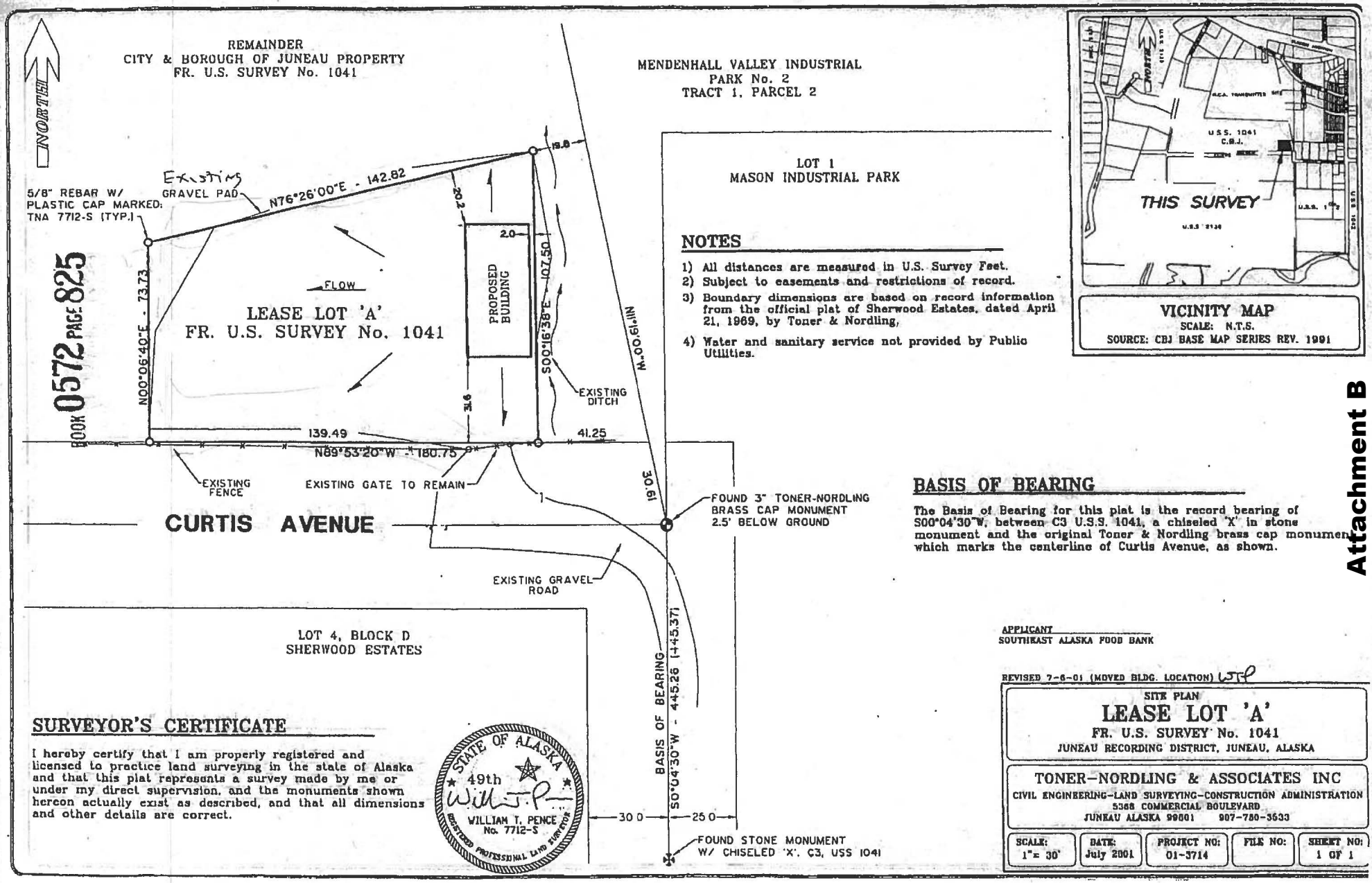


EXHIBIT A

Attachment B

Attachment B

1 **SITE PLAN**

SCALE: 0 10' 20' 40'

Jensen
Yorba
Lott
Inc.

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

SE Alaska Food Bank

Juneau, Alaska

Stc

PERMIT

REVISIONS

SHEET TITLE
SITE PLAN

DATE: January 5, 2015
FILE: 14037

A101

LAND LEASE
SOUTHEAST ALASKA FOOD BANK

PART I. PARTIES. This lease is between the City and Borough of Juneau, Alaska, a municipal corporation in the State of Alaska, hereafter "City", and Southeast Alaska Food Bank, an Alaska non-profit corporation, hereafter "Lessee".

PART II. LEASE ADMINISTRATION. All communications about this lease shall be directed as follows, any reliance on a communication with a person other than that listed below is at the party's own risk.

City:
Attn: Steve Gilbertson, CBJ Lands-Resources Manager
City and Borough of Juneau
155 S. Seward Street
Juneau, AK 99801
Phone: (907) 586-5252; Fax: (907) 586-5385

Lessee:
Attn: Wylie Warner, Chair of the Board of Directors, Southeast Alaska Food Bank
4416 North Riverside Dr.
Juneau, AK 99801
Phone: (907) 465-1864; Fax: (907) 465-2107

PART III. LEASE DESCRIPTION. This lease agreement is identified as: Southeast Alaska Food Bank Land Lease. The following appendices are attached and are considered a part of this agreement as well as anything incorporated by reference or attached to those appendices.

Appendix A: Property Description & Additional Lease Provisions
Appendix B: Lease Provisions Required by CBJ 53.20
Appendix C: Standard Provisions

If in conflict, the order of precedence shall be: this document, Appendix A, B, and then C.

PART IV. LEASE EXECUTION. The City and Lessee agree and sign below. This contract is not effective until signed by the City.

City:
Date: 12/16/05
By: _____
Authorized Representative
Rod Swope, City and Borough Manager

Lessee:
Date: December 14, 2005
By: _____
Authorized Representative
Wylie Warner, Chair of the Board of Directors, Southeast Alaska Food Bank

Approved as to content, Steve Gilbertson, CBJ Lands and Resources
By: Steve Gilbertson

Approved as to form, Margaret H. Boggs, CBJ Law Department
By: M. Boggs

CITY ACKNOWLEDGMENT	LESSEE ACKNOWLEDGMENT
STATE OF ALASKA)) ss: FIRST JUDICIAL DISTRICT)	STATE OF ALASKA)) ss: FIRST JUDICIAL DISTRICT _____)
THIS IS TO CERTIFY that on the 16 day of December, 2005, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared ROD SWOPE to me known to be the identical individual(s) described in and who executed the foregoing instrument as the CITY and BOROUGH MANAGER of the CITY AND BOROUGH OF JUNEAU, ALASKA, a municipal corporation which executed the above and foregoing instrument; who on oath stated that he was duly authorized to execute said instrument on behalf of said corporation; who acknowledged to me that he signed the same freely and voluntarily on behalf of said corporation for the uses and purposes therein mentioned.	THIS IS TO CERTIFY that on the 14 day of December, 2005, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared WYLIE WARNER to me known to be the identical individual described in and who executed the foregoing instrument as Chair of the Board of Southeast Alaska Food Bank, a non-profit corporation, which executed the above and foregoing instrument; who on oath stated that he was duly authorized to execute said instrument on behalf of nonprofit; and acknowledged to me he signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.
WITNESS my hand and official seal the day and year in the certificate first above written.	WITNESS my hand and official seal the day and year in the certificate first above written.
Debra A. Meyer Notary Public for the State of Alaska My Commission Expires: 8-8-2008	Mary E. Miller Notary Public for the State of Alaska My Commission Expires: 5/13/2009
(seal) DEBRA A. MEYER NOTARY EXP. 8-8-2008 PUBLIC STATE OF ALASKA	(seal) STATE OF ALASKA OFFICIAL SEAL Mary E. Miller NOTARY PUBLIC My Commission Expires 5/13/09

APPENDIX A: PROPERTY DESCRIPTION & ADDITIONAL LEASE PROVISIONS

DESCRIPTION OF PROPERTY

The property subject to this lease, described below, shall generally be referred to as "the Property" or "the Leased Premises." The Leased Premises are: A fraction of U.S. Survey 1041, comprising .25 acre, more or less, and located at the end of Crazy Horse Drive, Juneau, Alaska. The lease area is more particularly delineated in Exhibit A, which is attached and incorporated therein.

AUTHORITY

This lease is entered into pursuant to the authority of the CBJ 53.20.020, CBJ 53.09.610(b), and CBJ Assembly Resolution No. 2098, a copy of which is attached as Exhibit B and incorporated herein.

TERM

The effective date of this lease is the date of signing. The term of the lease is twenty-five (25) years, commencing on the effective date of this lease, unless sooner terminated.

LEASE PAYMENTS

Lessee shall pay the sum of Twenty-Five Dollars ($25.00) as rent for the entire Lease term. This lump sum rent payment shall be due on the effective date of the Lease.

AUTHORIZED USE OF PROPERTY

As stated in Resolution No. 2098, Lessee agrees to use the leased land for the sole purpose of operating a non-profit food warehouse to serve the needy and the homeless. Use or development for other than the allowed uses shall constitute a violation of this Lease.

REVOCATION

This lease is terminable by City if, for any period or periods totaling more than 18 months, the leased premises are not used for the authorized use.

INDEMNITY

Southeast Alaska Food Bank agrees to indemnify, defend, and save City and its officers, employees, and agents harmless to the maximum extent allowable under Alaska law from any claim or liability (of whatever kind including attorneys fees) for damages to property or injuries to persons arising out of the Southeast Alaska Food Bank's use and occupancy of the leased premises.

IMPOSITIONS

During the term of this Lease, Lessee shall pay, in addition to any rent, all real and personal property taxes and assessments which may be imposed or assessed against or with respect to the leased premises.

INSURANCE

Lessee will maintain or cause to be maintained, at its sole cost and expense, insurance coverage extending to property damage, liability, bodily injury, and death arising out of Lessee's activities under the lease, including, but not limited to, Lessee's occupancy and use of the leased premises and activities conducted on the premises.

The policy shall name City as an additional insured and shall contain a clause that the insurer will not cancel or change the insurance without first giving City 31 days' prior written notice.

Lessee shall furnish to the CBJ Office of Risk Management a certificate of insurance for the above-required coverage, and all insurance policies shall be in form and substance reasonably satisfactory to CBJ, and shall be issued by a company or companies satisfactory to CBJ. Failure to provide satisfactory evidence of insurance, or the lapse of the policy once acquired, is a material breach and grounds for termination of the Lease. Required insurance is subject to annual review by the CBJ Office of Risk Management.

Lessee understands that City carries no fire or other casualty insurance on the Leased Premises or improvements located thereon belonging to Lessee, and that it is Lessee's obligation to obtain adequate insurance for protection of Lessee's buildings, fixtures, or personal property located on the Leased Premises.

APPENDIX B: LEASE PROVISIONS REQUIRED BY CBJ 53.20

Responsibility to Properly Locate on Leased Premises.

As required by CBJ 53.20.160, it shall be the responsibility of the Lessee to properly locate Lessee and Lessee's improvements on the Leased Premises and failure to so locate shall render the Lessee liable as provided by law.

Approval of Other Authorities.

As required by CBJ 3.20.180, the issuance by the city and borough of leases under the provisions of this title does not relieve the lessee of responsibility of obtaining licenses or permits as may be required by the city and borough or by duly authorized state or federal agencies. CBJ

Terms and Conditions of Leases required by CBJ 53.20.190.

As required by CBJ 53.20.190, the following terms and conditions govern all leases and are incorporated into this lease unless modified by resolution of the assembly for this specific lease. Modifications of the provisions of this appendix applicable to this specific lease, if any, must specifically modify such provisions and be supported by the relevant resolution to be effective.

(1) Lease Utilization. The leased lands shall be utilized only for purposes within the scope of the application and the terms of the lease, and in conformity with the provisions of the city and borough code, and applicable state and federal laws and regulations. Utilization or development for other than the allowed uses shall constitute a violation of the lease and subject the lease to cancellation at any time.

(2) Adjustment of Rental. The lessee agrees to a review and adjustment of the annual rental payment by City not less often than every fifth year beginning with the rental due after completion of each review period. Any changes or adjustments shall be based primarily upon the values of comparable land in the same or similar areas; such evaluations shall also include all improvements, placed upon or made to the land, to which the city and borough has right or title excluding landfill placed upon the land by the lessee except that the value of any improvements credited against rentals shall be included in the value. The lessee may protest the adjustment to City, and if denied wholly or in part, an appeal may be taken to the assembly. The decision of the assembly shall be final.

(3) Subleasing. The lessee may sublease lands or any part thereof leased to him hereunder; provided, that the proposed sublessee first applies to City for a permit therefor; and further provided, that the improvements on the leased lands are the substantial reason for the sublease. Leases not having improvements thereon shall not be sublet. Subleases shall be in writing and be subject to the terms and conditions of the original lease; all terms, conditions, and covenants of the underlying lease which may be made to apply to the sublease are hereby incorporated into the sublease.

(4) Assignments. Any lessee may assign the lands leased to him; provided, that the proposed assignment shall be first approved by City. The assignee shall be subject to all of the provisions of the lease. All terms, conditions, and covenants of the underlying lease which may be made applicable to the assignment are hereby incorporated into the assignment.

(5) Modification. The lease may be modified only by an agreement in writing signed by all parties in interest or their successor in interest.

(6) Cancellation and Forfeiture.

(A) The lease, if in good standing, may be canceled in whole or in part, at any time, upon mutual written agreement by the lessee and City.

(B) City may cancel the lease if it is used for any unlawful purpose.

(C) If the lessee shall default in the performance or observance of any of the lease terms, covenants or stipulations thereto, or of the regulations now or hereafter in force, or any of the provisions of this code, and should the default continue for thirty calendar days after service of written notice by the city and borough without remedy by the lessee of the conditions warranting default, the city and borough may subject the lessee to appropriate legal action including, but not limited to, forfeiture of the lease. No improvements may be removed by the lessee or other person during any time the lessee is in default.

(D) Failure to make substantial use of the land, consistent with the proposed use, within one year shall in the discretion of City with the approval of the assembly constitute grounds for cancellation.

(7) Notice or Demand. Any notice or demand, which under the terms of a lease or under any statute must be given or made by the parties thereto, shall be in writing, and be given or made by registered or certified mail, addressed to the other party at the address of record. However, either party may designate in writing such new or other address to which the notice or demand shall thereafter be so given, made or mailed. A notice given hereunder shall be deemed delivered when deposited in a United States general or branch post office enclosed in a registered or certified mail prepaid wrapper or envelope addressed as hereinbefore provided.

(8) Rights of Mortgagee or Lienholder. In the event of cancellation or forfeiture of a lease for cause, the holder of a properly recorded mortgage, conditional assignment or collateral assignment will have the option to acquire the lease for the unexpired term thereof, subject to the same terms and conditions as in the original lease.

(9) Entry and Reentry. In the event that the lease should be terminated as hereinbefore provided, or by summary proceedings or otherwise, or in the event that the demised lands, or any part thereof, should be abandoned by the lessee during the term, the City or its agents, servants, or representative, may, immediately or any time thereafter, reenter and resume possession of the lands or such thereof, and remove all persons and property therefrom either by summary proceedings or by a suitable action or proceeding at law without being liable for any damages therefor. No reentry by the City shall be deemed an acceptance of a surrender of the lease.

(10) Release. In the event that the lease should be terminated as herein provided, or by summary proceedings, or otherwise, City may offer the lands for lease or other appropriate disposal pursuant to the provisions of the city and borough code.

(11) Forfeiture of Rental. In the event that the lease should be terminated because of any breach by the lessee, as herein provided, the annual rental payment last made by the lessee shall be forfeited and retained by the City as partial or total damages for the breach.

(12) Written Waiver. The receipt of rent by the City with knowledge of any breach of the lease by the lessee or of any default on the part of the lessee in observance or performance of any of the conditions or covenants of the lease, shall not be deemed to be a waiver of any provision of the lease. No failure on the part of the City to enforce any covenant or provision therein contained, nor any waiver of any right thereunder by the City unless in writing, shall discharge or invalidate such covenants or provisions or affect the right of the City to enforce the same in the event of any subsequent breach or default. The receipt, by the City, of any rent or any other sum of money after the termination, in any manner, of the term demised, or after the giving by the City of any notice thereunder to effect such termination, shall not reinstate, continue, or extend the resultant term therein demised, or destroy, or in any manner impair the efficacy of any such notice or termination as may have been given thereunder by the City to the lessee prior to the receipt of any such sum of money or other consideration, unless so agreed to in writing and signed by the City.

(13) Expiration of Lease. Unless the lease is renewed or sooner terminated as provided herein, the lessee shall peaceably and quietly leave, surrender and yield up unto the City all of the leased land on the last day of the term of the lease.

(14) Renewal Preference. Any renewal preference granted the lessee is a privilege, and is neither a right nor bargained for consideration. The lease renewal procedure and renewal preference shall be that provided by ordinance in effect on the date the application for renewal is received by the designated official.

(15) Removal or Reversion of Improvements upon Termination of Lease. Improvements owned by the lessee shall within sixty calendar days after the termination of the lease be removed by lessee; provided, such removal will not cause injury or damage to the lands or improvements demised; and further provided, that City may extend the time for removing such improvements in cases where hardship is proven. Improvements owned by the lessee may, with the consent of City, be sold to the succeeding lessee. All periods of time granted the lessee to remove improvements are subject to the lessee's paying to the city and borough pro rata lease rentals for the period.

(A) If any improvements and/or chattels not owned by City and having an appraised value in excess of five thousand dollars as determined by the assessor are not removed within the time allowed, such improvements

and/or chattels shall upon due notice to the lessee, be sold at public sale under the direction of City. The proceeds of the sale shall inure to the lessee preceding if lessee placed such improvements and/or chattels on the lands, after deducting for the city and borough rents due and owing and expenses incurred in making such sale. Such rights to the proceeds of the sale shall expire one year from the date of such sale. If no bids acceptable to the city and borough manager are received, title to such improvements and/or chattels shall vest in the city and borough.

(B) If any improvements and/or chattels having an appraised value of five thousand dollars or less, as determined by the assessor, are not removed within the time allowed, such improvements and/or chattels shall revert to, and absolute title shall vest in, the city and borough.

(16) Rental for Improvements or Chattels not Removed. Any improvements and/or chattels belonging to the lessee or placed on the lease during the lessee's tenure with or without his permission and remaining upon the premises after the termination date of the lease shall entitle the City to charge the lessee a reasonable rent therefor.

(17) Compliance with Regulations and Code. The lessee shall comply with all regulations, rules, and the code of the city and borough of Juneau, and with all state and federal regulations, rules and laws as the code or any such rules, regulations or laws may affect the activity upon or associated with the leased land.

(18) Condition of Premises. The lessee shall keep the premises of the lease in neat, clean, sanitary and safe condition and shall take all reasonable precautions to prevent, and take all necessary action to suppress destruction or uncontrolled grass, brush or other fire on the leased lands. The lessee shall not undertake any activity which causes or increases a sloughing off or loss of surface materials of the leased land.

(19) Inspection. The lessee shall allow an authorized representative of the city and borough to enter the leased land for inspection at any reasonable time.

(20) Use of Material. The lessee of the surface rights shall not sell or remove for use elsewhere any timber, stone, gravel, peat moss, topsoils, or any other material valuable for building or commercial purposes; provided, however, that material required for the development of the leasehold may be used, if its use is first approved by City.

(21) Rights-of-Way. The City expressly reserves the right to grant easements or rights-of-way across leased land if it is determined in the best interest of the city and borough to do so. If the City grants an easement or right-of-way across any of the leased land, the lessee shall be entitled to damages for all lessee-owned improvements or crops destroyed or damaged. Damages shall be limited to improvements and crops only, and loss shall be determined by fair market value. Annual rentals may be adjusted to compensate the lessee for loss of use.

(22) Warranty. The city and borough does not warrant by its classification or leasing of land that the land is ideally suited for the use authorized under the classification or lease and no guaranty is given or implied that it shall be profitable to employ land to said use.

(23) Lease Rental Credit. When authorized in writing by City prior to the commencement of any work, the lessee may be granted credit against current or future rent; provided, the work accomplished on or off the leased area, results in increased valuation of the leased or other city and borough-owned lands. The authorization may stipulate type of work, standards of construction and the maximum allowable credit for the specific project Title to improvements or chattels credited against rent under this section shall vest immediately and be in the city and borough and shall not be removed by the lessee upon termination of the lease.

APPENDIX C: STANDARD PROVISIONS

(1) Holding Over. If Lessee holds over beyond the expiration of the term of this lease and the term has not been extended or renewed in writing, such holding over will be a tenancy from month-to-month only.

(2) Interest on Late Payments. Should any installment of rent or other charges provided for under the terms of this lease not be paid when due, the same shall bear interest at the rate established by ordinance for late payments or at the rate of 12 percent per annum, if no rate has been set by ordinance.

(3) Taxes, Assessments, and Liens. During the term of this lease, Lessee shall pay, in addition to the rents, all taxes, assessments, rates, charges, and utility bills for the Leased Premises and Lessee shall promptly pay or otherwise cause to be discharged, any claim resulting or likely to result in a lien, against the Leased Premises or the improvements placed thereon.

(4) Easements. Lessee shall place no building or structure over any portion of the Leased Premises where the same has been set aside or reserved for easements.

(5) Encumbrance of Parcel. The Lessee shall not encumber or cloud the City's title to the Leased Premises or enter into any lease, easement, or other obligation of the City's title without the prior written consent of the City; and any such act or omission, without the prior written consent of the City, shall be void against the City and may be considered a breach of this lease.

(6) Valid Existing Rights. This lease is entered into and made subject to all existing rights, including easements, rights-of-way, reservations, or other interests in land in existence, on the date of execution of this lease.

(7) State Discrimination Laws. Lessee agrees, in using and operating the Leased Premises, to comply with applicable sections of Alaska law prohibiting discrimination, particularly Title 18 of the Alaska Statutes, Chapter 80, Article 4 (Discriminatory Practices Prohibited.) In the event of Lessee's failure to comply any of the above non-discrimination covenants, City shall have the right to terminate the lease.

(8) Unsafe Use. The Lessee shall not do anything in or upon the Leased Premises, nor bring or keep anything therein, which will unreasonably increase or tend to increase the risk of fire or cause a safety hazard to persons or obstruct or interfere with the rights of any other tenant(s) or in any way injure or annoy them or which violates or causes violation of any applicable health, fire, environmental or other regulation by any level of government.

(9) Hold Harmless. Lessee agrees to defend, indemnify, and save City, its employees, volunteers, consultants, and insurers, with respect to any action, claim, or lawsuit arising out of the use and occupancy of the Leased Premises by Lessee. This agreement to defend, indemnify, and hold harmless is without limitation as to the amount of fees, and without limitation as to any damages resulting from settlement, judgment, or verdict, and includes the award of any attorneys fees even if in excess of Alaska Civil Rule 82. The obligations of Lessee arise immediately upon notice to the City of any action, claim, or lawsuit. City shall notify Lessee in a timely manner of the need for indemnification, but such notice is not a condition precedent to Lessee's obligations and may be waived where the Lessee has actual notice. This agreement applies, and is in full force and effect whenever and wherever any action, claim, or lawsuit is initiated, filed, or otherwise brought against City.

(10) Successors. This lease shall be binding on the successors, administrators, executors, heirs, and assigns of the Lessee and City.

I:\LANDS\2004\Food Bank Lease\2005-11-22 ---MHB----SE AK Food Bank Land Lease.frm

Presented by: The Manager
Introduced: 05/07/2001
Drafted by: J.R. Corso

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2098

A Resolution Authorizing the Manager to Lease A .25 Acre Parcel of Land Near Crazy Horse Drive at a Reduced Rate to Southeast Alaska Food Bank for the Purpose of Operating a Food Warehouse.

WHEREAS, the Southeast Alaska Food Bank, a non-profit organization, provides a food distribution system for service groups assisting the needy and homeless throughout Southeast Alaska, and

WHEREAS, the Food Bank has in the past operated in donated space and has been obliged to move six times in ten years, and

WHEREAS, the Food Bank urgently seeks a more permanent location to establish its facility, and

WHEREAS, Palmer resident Roy Geist has offered to donate and construct a warehouse for the Food Bank program if it can locate property on which to place the building, and

WHEREAS, the City and Borough owns a small filled area at the end of Crazy Horse Drive, a fraction of U.S. Survey 1041, located in an industrial zoning district and suitable for the Food Bank warehouse, and

WHEREAS, CBJ 53.09.610(b) authorizes the lease of City land at less than market value to a private, non-profit corporation that provides a public service supplemental to a government service, and

WHEREAS, the Assembly Lands Committee at its meeting of April 16, 2001, recommended approval of the proposed lease to Southeast Alaska Food Bank;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Authorization to Lease. The Manager is authorized to lease a fraction of U.S. Survey 1041, comprising .25 acre, more or less, to Southeast Alaska

Food Bank, for the sole purpose of operating a non-profit food warehouse to serve the needy and homeless.

Section 2. Term. The lease shall be for a term of 25 years, but shall be terminable by the lessor if, for any period or periods totaling more than 18 months, the property is not used for the authorized purpose.

Section 3. Rent. Rent shall be $1.00 per year. The Assembly finds that the proposed use is for the purpose of providing a service to the public which is supplemental to a governmental service or is in lieu of a service which could or should reasonably be provided by the State or the City and Borough.

Section 4. Other Terms and Conditions. The Manager is authorized to:

(a) use monies from the Housing Fund to pay for the building permit costs associated with the construction of the warehouse; and

(b) include other lease terms and conditions as may be in the public interest.

Section 5. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 7th day of May, 2001.

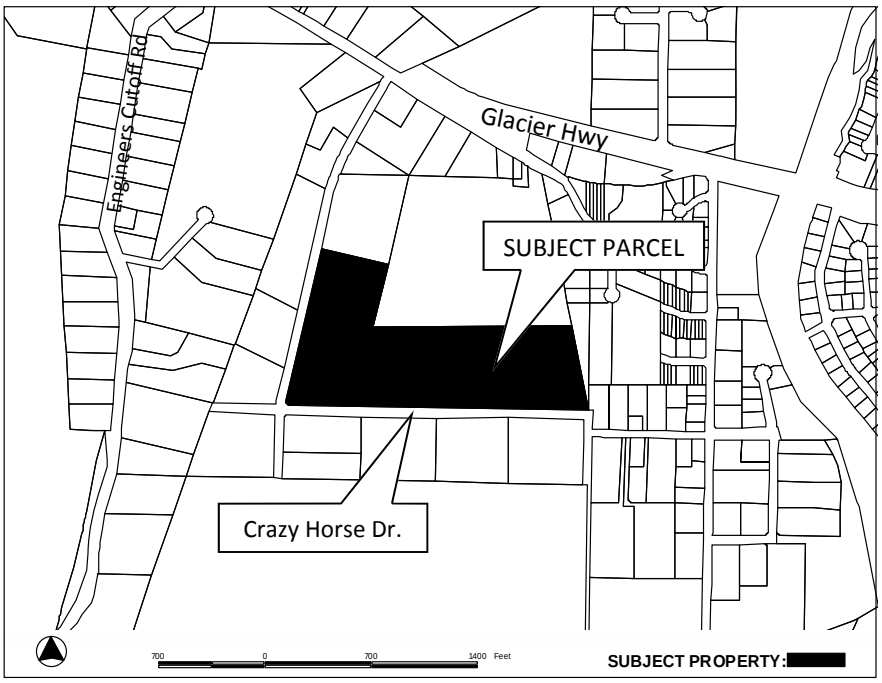
Sally Smith, Mayor

Attest:

Laurie J. Sica, Clerk

Attachment C

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 City Project review for an expansion of the Southeast Alaska Food Bank on leased City owned land.**

File No:	CSP2015 0002	Applicant:	City and Borough of Juneau
To:	Adjacent Property Owners	Property PCN:	4-B17-0-110-012-0
Hearing Date:	March 10, 2015	Owner:	City and Borough of Juneau
Hearing Time:	7:00 PM	Size:	31.97 Acres; Proposed Lease Area: 0.5 acres
Place:	Assembly Chambers	Zoned:	Industrial
	Municipal Building	Site Address:	10020 Crazy Horse Drive
	155 South Seward Street	Accessed Via:	Crazy Horse Drive
	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 at 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.

Attachment D

Date notice was printed: February 2, 2015

Jonathan Lange

Subject: FW: Review Comments for CSP2015 0002 - A City Project review for an expansion of the Southeast Alaska Food Bank on leased City owned land.

From: Ron King
Sent: Tuesday, January 27, 2015 11:48 AM
To: Jonathan Lange; Charlie Ford; Dan Jager; Sven Pearson; David Campbell
Subject: RE: Review Comments for CSP2015 0002 - A City Project review for an expansion of the Southeast Alaska Food Bank on leased City owned land.

GE has no issues with the expansion, however a complete grading plan will be required with the building plans. Grading, drainage and utilities must be addressed.

Ron King PLS
General Engineering
907-586-0881

From: Jonathan Lange
Sent: Tuesday, January 27, 2015 11:42 AM
To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; David Campbell
Subject: Review Comments for CSP2015 0002 - A City Project review for an expansion of the Southeast Alaska Food Bank on leased City owned land.

Subject: Please review the attached documents related to a City Project review for an expansion of the Southeast Alaska Food Bank on leased City owned land.
File: CSP2015 0002
Parcel: 4-B17-0-110-012-0
Address: 10020 Crazy Horse Drive
The proposal is to expand the area of the land lease for expansion of building and parking lot for the Southeast Alaska Food Bank.
Please see the attached application and proposed plans.
Please send me comments by February 6, 2015 or as soon as possible.
I look forward to receiving your comments.
Let me know if you require any additional information for this project or have any questions.

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

Jonathan Lange

Subject: FW: Review Comments for CSP2015 0002 - A City Project review for an expansion of the Southeast Alaska Food Bank on leased City owned land.

From: Charlie Ford
Sent: Tuesday, January 27, 2015 11:56 AM
To: Jonathan Lange; Ron King; Dan Jager; Sven Pearson; David Campbell
Subject: RE: Review Comments for CSP2015 0002 - A City Project review for an expansion of the Southeast Alaska Food Bank on leased City owned land.

The Building Department has no issues with this project at this time.

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: Tuesday, January 27, 2015 11:42 AM
To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; David Campbell
Subject: Review Comments for CSP2015 0002 - A City Project review for an expansion of the Southeast Alaska Food Bank on leased City owned land.

Subject: Please review the attached documents related to a City Project review for an expansion of the Southeast Alaska Food Bank on leased City owned land.
File: CSP2015 0002
Parcel: 4-B17-0-110-012-0
Address: 10020 Crazy Horse Drive
The proposal is to expand the area of the land lease for expansion of building and parking lot for the Southeast Alaska Food Bank.
Please see the attached application and proposed plans.
Please send me comments by February 6, 2015 or as soon as possible.
I look forward to receiving your comments.
Let me know if you require any additional information for this project or have any questions.

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**

ATTACHMENT E

Jonathan Lange

Subject: FW: Review Comments for CSP2015 0002 - A City Project review for an expansion of the Southeast Alaska Food Bank on leased City owned land.

From: Dan Jager
Sent: Tuesday, January 27, 2015 12:00 PM
To: Jonathan Lange
Subject: RE: Review Comments for CSP2015 0002 - A City Project review for an expansion of the Southeast Alaska Food Bank on leased City owned land.

The fire dept. does not see any issues with this at this time. Thanks.
Dan

From: Jonathan Lange
Sent: Tuesday, January 27, 2015 11:42 AM
To: Charlie Ford; Ron King; Dan Jager; Sven Pearson; David Campbell
Subject: Review Comments for CSP2015 0002 - A City Project review for an expansion of the Southeast Alaska Food Bank on leased City owned land.

Subject: Please review the attached documents related to a City Project review for an expansion of the Southeast Alaska Food Bank on leased City owned land.
File: CSP2015 0002
Parcel: 4-B17-0-110-012-0
Address: 10020 Crazy Horse Drive
The proposal is to expand the area of the land lease for expansion of building and parking lot for the Southeast Alaska Food Bank.
Please see the attached application and proposed plans.
Please send me comments by February 6, 2015 or as soon as possible.
I look forward to receiving your comments.
Let me know if you require any additional information for this project or have any questions.

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

ATTACHMENT E

ATTACHMENT F
View West down Crazy Horse Dr.

ATTACHMENT F
View North to SE AK Food Bank Lot

ATTACHMENT F
View East - Current Building

ATTACHMENT F
View East - Current Building and Parking

ATTACHMENT F
View North to adjacent
CBJ School Shops

ATTACHMENT F
View West from SE AK
Food Bank driveway
entrance

CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

PLANNING COMMISSION
NOTICE OF RECOMMENDATION
Date: March 10, 2015
File No.: CSP2015 0002

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

Application For:	Planning Commission Recommendation to the City and Borough Assembly regarding a City Project review for an expansion of the Southeast Alaska Food Bank on leased City owned land.
Legal Description or ROW name:	U.S. Survey 1041
Property Address:	10020 Crazy Horse Drive
Parcel Code No.:	4-B17-0-110-012-0
Hearing Date:	March 10, 2015

The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated February 24, 2015, and recommended that the City and Borough Assembly approve the request.

Attachments: February 24, 2015 memorandum from Jonathan Lange, Community Development, to the CBJ Planning Commission regarding CSP2015 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: Jonathan Lange
Jonathan Lange, Planner
Community Development Department

Michael Satre, Chair
Planning Commission

Filed With City Clerk

3/11/2015
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.

The Glen is a PUD developed by the village of Glenview, Illinois, on the site of a former naval air base. It incorporates a mix of housing, recreation, and commercial uses.

PUDs and Master Planned Communities

PLANNING TOOLS

A MODERN ZONING CODE INCLUDES AN OFTEN COMPLEX array of standards and processes. These include use, setback, building height, and coverage requirements for zoning districts, with more progressive codes featuring building and site design standards. A development that complies with these standards can be approved "by right" or through a discretionary process such as a conditional use permit. These can work well for individual lots where the development can feasibly integrate the standards, and variance processes can allow exceptions where the standards create an individual hardship. The trend in modern codes is to expand the range of by-right approvals, with development outcomes described with precise detail.

But what about projects that break the mold? What if an applicant has a better idea? What about large, integrated developments where the community's zoning (or even form-based) rules don't work—but that achieve other, important comprehensive planning policies? Many communities have an option for planned unit developments that allow for a negotiated approval process.

Why do communities have PUDs?

PUDs emerged from the desire for developers of master planned communities to avoid the cookie-cutter metrics of conventional zoning. Relief from rigid use, setback, height, parking, and similar restrictions would open communities to more creative master planning. Accordingly, communities developed PUDs to negotiate development approvals with very general, flexible standards. The result was a design outcome produced by negotiations between the applicant and the community, rather than the strict limits of zoning.

These negotiated development approvals were thought to yield the following benefits.

FLEXIBILITY. By negotiating alternative standards, applicants may calibrate their projects more closely to current market conditions, financing demands, topography, and their development program than the existing zoning standards—which may have been written years ago.

COMPATIBILITY. A better designed project is likely to provide a better fit for the neighborhood, with standards suited to current conditions rather than an outdated code.

INTEGRATION. PUDs often allow the negotiation of all facets of a development, from permitted uses to site design to infrastructure. This can ensure that buildings, sites, and streets are integrated, creating a more successful outcome from both a community design and market perspective.

Of course, another cure for many of the issues mentioned above is to update the development code. Putting good, plan- and market-friendly standards in

PHOTOS BY CAROLYN TORMA

place can obviate the need to negotiate better developments. Form-based codes can effectively integrate lot, building, and site design with infrastructure. Modern building, site, landscaping, and sustainable development standards can answer many questions about development parameters without resorting to lengthy negotiations.

How are PUDs codified, approved, and enforced?

PUDs are often codified as a separate zoning district, and approval requires rezoning. In most states, this is a legislative decision. If the decision is quasi-judicial, it requires standards—albeit very general ones. Typical standards may include "compatibility with the surrounding area," "harmony with neighborhood character," and that "streets are suitable and adequate to carry anticipated traffic. . . ." Some communities also require that exceptions granted through the PUD process are offset by the project's design and amenities.

Some communities also codify PUDs as a form of discretionary approval, such as a conditional use permit. In states where rezoning is considered legislative, this gives property owners some protection in court if the decision-making body acts in an arbitrary manner. But it offers little advantage in terms of the cost, certainty, or timing of the development approval process.

PUDs are often enforced through staged development approvals (typical of master planned development), zoning conditions followed by traditional enforcement mechanisms, or development agreements. Development agreements are an increasingly popular tool, locking in the developer's rights on a long-term basis while giving communities contractual remedies that are not available through traditional zoning enforcement.

What are the problems with PUDs?

PUDs are, almost by definition, the exception rather than the rule. Unfortunately, for many communities, PUD approval is the norm.

This can tie up planning commissions, legislative bodies (such as city councils and county commissions), staff, and the general public in endless negotiations. This reduces certainty in the approval process, drives up development costs, and absorbs an inordinate amount of staff time. It also diverts legislative bodies from legislation and planning commissions from planning, involving them in administration. Legislative officials often respond to the immediate gripes of surrounding neighborhoods (i.e., their voters) rather than long-range, comprehensive planning goals. While the PUD projects often demonstrate a high level of design quality, this could come at a cost—from increased expenses to the failure of good projects that die the death of a thousand cuts.

If this scenario doesn't sound like good planning to you, there are ways to tame the PUD process. First, update your zoning code. Clear, workable standards are usually a better alternative for all parties than the uncertainty of negotiation. Second, build conditions that are routinely negotiated into the development standards. Finally, clarify in the PUD standards or findings that the PUD is only available when the other standards cannot work for the development—assuming that the existing standards reflect best practices for the community.

Use PUDs with caution

PUDs are a useful tool to process unusual or large developments, and can even produce better design outcomes than traditional zoning standards. However, there are better tools for communities to provide desired outcomes—such as performance- or form-based zoning. Even with a well-designed code, there is always room for unusual developments—those that provide offsetting public benefits and creative master planning. PUDs can also bridge the transition from an old to a new code. In their proper context they are a useful—but costly—tool.

— Mark White, AICP

White is a principal in the firm of White & Smith, LLC, Planning and Law Group.

The Glen, in Glenview, Illinois, planned in the mid-1990s, provides both single-family homes and multifamily housing.

QuickNotes that best practices include "an economic analysis of the fiscal impact of new investments, including the life cycle costs of maintenance. . . ." He suggested that communities should have a set of adopted facilities standards and a comprehensive public facilities plan that will guide the short-term CIP.

Elected officials use the CIP to announce new development projects to the community. Holzheimer clarified that the CIP "is often required by law and usually involves a relatively formal process of public hearings and adoption by the local governing body. Many states provide a handbook for preparing a CIP in the context of specific state statutes."

Stuart Meck, FAICP, described how the CIP is funded in a 1996 issue of *The Commissioner*. "In the CIP, the local government decides how it is going to finance improvements and how the projects are to be phased. For some improvements, like street resurfacing, the local government may simply set aside an amount from its general fund—an unrestricted fund whose source is local property, sales, and income taxes and other miscellaneous revenues. . . . Other improvements, like water and sewer lines, may be paid for through enterprise funds, which are supported through utility rates and tap-in fees. . . . In some cases, the local government may decide that it has to sell bonds to pay for the improvements. General obligation bonds are used to fund costly improvements. . . ."

Other revenue sources may include special fund accounts, like park impact fees, infrastructure loan programs, and assessments. Holzheimer described the funding strategy that starts with "projections of annual aggregate costs for facilities and infrastructure as a cash-flow model," adding that "this should be developed with consideration for population and employment."

Financing the CIP has become more expensive in recent decades. Therefore, local governments have looked to exactions, fees, and linkage programs, among other strategies, to help fund capital projects.

In reviewing the CIP, the planning commission can assess projects that impact the community's physical development. This review will always take place within the context of the comprehensive plan. Once the planning commission and other reviewers have passed along their comments, the city council or other legislative body deliberates. How the body adopts the plan is spelled out in the ordinance; the plan is then manifested as the capital budget. Again, the legislative body works with two budgets, the other being the operating budget.

Questions the planning commission should ask:

- Does the project appear in the local government's comprehensive plan?
- Does the plan include special policies that ensure that new facilities such as civic and recreational centers and libraries are accessible by different modes of transportation . . . or that they carry out certain urban design or architectural themes?
- Is the project itself well thought out? Have feasibility studies on alternatives been adequate?
- Do the estimates of the project cost seem realistic based on current contractors' bids for similar projects in the area?
- Is the project related to other projects, and is the sequence of construction reasonable?
- If the project will serve a developing area, such as the addition of new sewer lines, what are the assumptions as to the service levels and the ultimate population of the area?
- Have all agencies that might be affected by a project been contacted?
- Is there a good balance between repair and maintenance of facilities in mature neighborhoods versus installations of new improvements in developing areas?
- In general, is the local government spending enough on capital projects in comparison with annual operating expenses?

(Adapted from Stuart Meck, FAICP, "The CIP: A Planning Commission's Powerful Tool," *The Commissioner*, Spring 1996.)

—*Carolyn Torma*

Torma is APA's director of education and citizen engagement and editor of The Commissioner.

Major infrastructure improvements, like this one in New York City, are frequent elements of capital improvement plans.

KEN TANNENBAUM/iStock/Thinkstock

The New York City Department of Transportation's capital streets projects plan has created pedestrian-friendly plazas and improved bike lanes on streets.

TUPUNGATO/iStock/Thinkstock

The Planning Commission's Contribution to the Capital Improvement Plan

BEST PRACTICES

AN OFTEN OVERLOOKED, BUT USEFUL, TOOL FOR PLANNING commissions is the capital improvement plan. What are these plans and how do they relate to the planning commission? The website of the National Capital Planning Commission, the planning agency for the Washington, D.C. area, says, "Capital improvement plans provide a link between the visions articulated by comprehensive plans and annual capital expenditure budgets. They allow for a systematic, simultaneous evaluation of potential projects. They also facilitate coordination among the units of government that are responsible for project implementation." Concord, North Carolina, defines the CIP in the following manner: "The purpose of the Capital Improvement Plan (CIP) is to forecast and match projected revenues and capital needs over a (5)-year period. Long range capital planning is an important management tool that strengthens the linkages between community infrastructure needs and the financial capacity of the City."

The CIP is one important means of linking plans to budget and implementation. By participating in the CIP process, the planning commission can provide valuable advice to elected officials on which projects further sound planning in the community. Planning staff can facilitate the engagement of the commission as they often participate with the municipal manager and finance and engineering staff as part of the preparation team. All municipal departments are asked to contribute to the plan with requests for funding.

It is important to note that the CIP focuses on major projects planned for a three- to six-year span, the sources of revenue for funding, and the annual expected expenditure. The CIP is not an annual budget of recurring expenses, such as running the community library. Examples of projects in the CIP might include construction of a new sewage plant, acquisition and development of a new park, or major street reconstruction. Infrastructure is often a major focus of the CIP.

The late Terry Holzheimer, FAICP, wrote in the April 2010 issue of PAS

City and Borough of Juneau (CBJ)
Juneau Commission on Sustainability (JCOS)
Draft Meeting Minutes
Annual Retreat January 31, 2015
CBJ Assembly Chambers

I. Meeting called to order at 10:13 A.M.

Present: Steve Behnke (Acting Chair), Beth McKibben (CBJ Staff Liason), Kate Bevegni, Darrell Wetherall, Amy Skilbred, Clint Gundelfinger, Duff Mitchell

- Introductions from JCOS participants were given.

II. Agenda amended to move the Auke Bay Plan Comments to Action Items.

- Steve Behnke delivered a discussion/preview of the 2015 Annual Retreat agenda.

III. Public Participation - Gretchen Keiser

IV. Action Items

- Auke Bay Plan Comments
  - Kate Bevegni discussed the draft letter which showed support of the Auke Bay Plan(ABP) and provided a request to incorporate and reference the Climate Action Plan (JCAP) as part of the ABP.
  - Bob Deering inquired as to the boundaries of the ABP; Beth Mckibben delineated the boundaries from the ABP.
  - Amy Skilbred inquired about how the Auke Bay area residents felt about the ABP.
  - Ms. Bevegni replied that the ABP steering committee was very rooted in the community with volunteers from that area and community support.
  - Steve Behnke stated that the letter did what we needed it today, namely showing JCOS support and requesting incorporation of the JCAP. Mr. Behnke motioned to send the letter. Mr. Deering and Ms. Skilbred seconded the motion.
  - It was decided to review the letter and send it the week of February 2-6, 2015.

VI. Information Items

Committees

- Outreach/Accountability
  Kate Bevegni (Co-Chair)
  Duff Mitchell (Co-Chair)
  Amy Skilbred
  Clint Gundelfinger

- Energy Plan (including Building Codes)
  Bob Deering (Chair)
  Darrell Wetherall

Steve Behnke
Clint Gundelfinger

- Solid Waste (including Bio-Solids)
  Bob Deering (Chair)
  Kate Bevegni

- Others
  - Amy SKilbred initiated a discussion regarding the subject of food security.
  - Beth McKibben referenced the email from Erich Schaal regarding land use codes for farm animals and discussed some of the pertinent CBJ code
  - It was suggested that we entertain a presentation on the subject and discuss at a regular JCOS meeting.

Focus for 2015

- Review and reminder of JCOS charge and the Comprehensive Plan—Discuss potential revisions to the sustainability section of the Comprehensive Plan.
  - Beth McKibben commented that there was an entire chapter in the Comprehensive Plan dedicated to sustainability in addition to the chapter (6) on energy.
  - Steve Behnke added that the chapter has useful content including indicators and that we are charged with developing indicators, but that indicators are not much good if a decision making body does not use them.
  - By indicators is meant sustainability indicators for CBJ used to guide and evaluate decision making.
  - Duff Mitchell commented that focusing on GHG reduction goals is forward thinking and also serves as an indicator (if and how those goals are being met).
  - Bob Deering brought up the concept of leading indicators vs. lagging indicators.
  - Steve Behnke inquired as to the time frame for revisions to the Comprehensive Plan; Beth McKibben stated we were getting close to the end of the time period.
  - Beth McKibben further iterated that sustainability principles are embedded throughout the entire Comprehensive Plan and as such we should not limit our participation to merely two chapters (previously referred to). Ms. McKibben also suggested that we investigate other communities' sustainability plans/programs.
  - Duff Mitchell commented in support of the idea of how we thread the concepts of sustainability throughout the Comprehensive Plan and suggested

that we take a few minutes each meeting to address quantized portions of the Comprehensive Plan with regards to concepts of sustainability. Clint Gundelfinger agreed with Mr. Mitchell regarding this approach.

- Steve Behnke replied that our role is to work with the CBJ/Assembly and other groups to implement sustainability concepts rather than review everything and suggested that it may be better to focus on a few things and then work to get sustainability concepts incorporated into CBJ business.
- Amy Skilbred added that it would be helpful to have people come to us to discuss sustainability within the context of the various projects they are involved in.
- Bob Deering added that engaging in that type of activity would also force people to then think about incorporating sustainability concepts.
- Kate Bevegni stated that we are also doing that already with the Green Team going to them.
- All engaged in a collective discussion on bringing people in to present and explain their various projects in reference to the Climate Action Plan and the Comprehensive Plan.
- Duff Mitchell suggested sending out a letter to various groups requesting information or a report on how they have contributed to the Climate Action Plan and/or the Comprehensive Plan.
- Bob Deering suggested limiting the idea to selected project reviews.

- Review JCAP implementation plan—JCOS and CBJ progress on top action items.
  - Steve Behnke reminded everyone that we have this great implementation plan and whilst looking at review processes for CBJ we should revisit the implementation plan for guidance and outlines.
  - Duff Mitchell suggested acquiring feedback from other entities/groups as to how they are contributing and implementing components of the JCAP and as an example referred to the NOAA facility. Mr. Mitchell offered to draft a letter to send out.
  - Clint Gundelfinger suggested the development of an award for those individuals or entities who implement aspects of the JCAP. This idea was discussed by the entire group.

- Energy plan—JCOS role in advising and overseeing the project.
  - Steve Behnke stated the project was proceeding and that a key component was working with decision priorities.
  - Darrell Wetherall added that this was a hands on JCOS project.

- Bob Deering commented that we need to be cognizant of the decrease in fuel prices and how that may affect accounting.

- Solid Waste – Biosolids treatment/disposal and waste management—JCOS role moving forward and supporting the Assembly with this 2015 priority.
    - Beth McKibben stated that we are currently waiting on the CBJ assembly.
    - It was discussed that we should keep this on the agenda for 2015 regarding any unresolved issues and continued monitoring.

- Advocacy and Community Outreach—invite community members involved in different aspects of sustainability to JCOS meetings to give short briefings as well as CBJ directors or staff and potentially area students. How can JCOS use Facebook and our website more effectively?
    - This was addressed in part during the discussion of the Comprehensive Plan.
    - Amy Skilbred suggested enhancements to the JCOS website and utilizing Facebook and news articles.
    - Duff Mitchell brought up his idea of a high school liaison and highlighted the Earth Day and July 4th efforts and activities.
    - It was suggested that we also entertain the idea of a tribal liaison.
    - Clint Gundelfinger inquired as to whether the annual home show might be a good venue for public outreach and this was discussed.

- Accountability at CBJ – how CBJ is implementing the JCAP? Discuss the green team mechanism and resourcing implementing sustainability at CBJ versus potential cost savings; Incorporating sustainability checks into the CIP process, can JCOS do this as a project so we catch all projects right at the start?
    - This was addressed in part during the discussion of the Comprehensive Plan.
    - Steve Behnke commented that he was skeptical about going through the CIP process for all projects; focusing on big projects might be more effective.
    - Kate Bevegni suggested establishing embedded sustainability “checkpoints” or a project sustainability checklist.

- Building code—continue work on improving it for residential buildings and creating a new one for commercial buildings.
    - JCOS just sent a letter to Building Advisory Committee regarding upgrading codes to be in line with IEC and we are waiting on receiving feedback.

- JCOS members going to Committee as a Whole Assembly meetings –Would it make a big difference for JCOS potential impact by knowing more about current issues?
    - It was discussed and suggested that it would be most efficient to have Kate Troll report on COW meeting subjects.

- Updating climate change predicted impacts for Juneau.
    - It was suggested to have John Neary (director of Mendenhall Glacier Visitors Center) give a presentation on the subject of predicted climatic impacts to the Juneau area.

Annual Report – due June 2015

- It was decided to discuss the Annual Report during a regular JCOS meeting.

Future Presentations

- February/March – Rich Ritter, CBJ, Energy efficiency and City projects
- March/April – Greg Smith –CBJ building maintenance upgrades
- Scott Willis
- Food security
    - Sara Lewis- Cooperative Extension/Food Security
    - Leia Heifwitz- food
- SEACC – energy plan

Attendance

- Discussion to change the CBJ Assembly liaison and the CBJ Staff liaison to become non-voting members in order to reduce the number of members required for a quorum from six down to five.
- It was decided to make this an agenda item for the next regular meeting.

Additional

- Gretchen Keiser commented that we (JCOS) have a full plate and were hitting all the subjects we were responsible for.

VII. Meeting adjourned at 1:10 P.M.

MINUTES
WETLANDS REVIEW BOARD
REGULAR MEETING
January 29, 2015, 5:15 p.m. Marine View 4th floor conference room

Meeting Summary

Roll Call

Board Members Present: Amy Sumner, Brenda Wright, Lisa Hoferkamp, Dan Miller, Nina Horne; Jerry Medina

Board Members Absent: Andrew Campbell

A quorum was present.

Staff Members Present: Teri Camery, CBJ Senior Planner; Christine McNally, CBJ Planner

Public Present:

Meeting called to order at 5:20 p.m.

II. August 21, 2014 Regular Meeting minutes approved with edits

III. Agenda was approved

IV. Public Participation on Non-Agenda Items

None

V. Board Comments.

None.

VI. <u>Agenda Items</u>

1) Juneau Wetlands Management Plan Update

Ms. Camery noted that the Board has not met since August. The September and October board meetings were cancelled due to lack of agenda items, while the November and December board meetings were cancelled due to lack of a quorum. She said that the primary news is on the grant as always.

Ms. Camery explained that Bosworth Botanical Consulting (BBC) ended the 2014 wetland assessment field season in mid-October. BBC completed a total of 345 assessments and they are

far ahead of schedule. Approximately 20 assessments are left, so BBC expects to the 2015 field season to end as early as mid-May, rather than August as listed in the schedule, depending on weather conditions.

CDD sent out a letter last September to approximately 20 property owners with large vacant parcels to encourage them to take advantage of the free wetland assessments funded under the grant. The letter also informed property owners that off-site assessments (which do not require site visits and owner permission) would be conducted when permission for on-site assessments is not granted. We did not receive permission from Goldbelt Inc. for an on-site assessment on their West Douglas property. This area is a high priority for CBJ to obtain information on, since CBJ is pursuing development of a new road to Middle Point on the back side of the island. BBC will complete an off-site assessment for this property, and approximately 10 others which will utilize the 2013 LiDAR and imagery and extrapolation from adjacent properties.

CDD received approximately 10 requests for private property assessments. Off-site assessments will have a separate enumeration system and separate section in the JWMP Update so it is clear that off-site assessments do not have the same level of scientific accuracy as on-site assessments. We expect to have approximately 30 off-site assessments among 15 or so properties.

Ms. Camery explained that two private property owners in particular have been very enthusiastic about the wetland assessments and she hopes that they will become champions of the JWMP Update when it moves through the Planning Commission and Assembly at a later time. The CBJ Lands Manager is actively using the assessment information in planning efforts for the Switzer Creek and Pederson Hill subdivisions. One North Douglas property owner has been utilizing the assessments on two properties to determine both development and mitigation options. He is excited about working with the information, and his work will be a great example for others. The other property owner is a prominent developer in the community and he has been promoting the benefits of the assessment work to other he knows.

The 2014 Field Season Report was received on January 26 from BBC. This report includes a detailed summary of field methods and a detailed summary of results. This report was not received in time to include in the WRB packet. It will be sent to the Board in next month's packet instead. The Board is not required to formally review and comment on this report, however feedback is still appreciated. This report will be part of the February WRB packet after CDD staff have sent comments and edits back to BBC for a modified report.

Ms. Camery reviewed the next steps on the grant scope of work, including the 2015 Field Plan, 2015 field season work, and JWMP Update preliminary draft report, which is due in October 2015. The preliminary draft requires formal review by the WRB and also the Habitat Mapping Working Group. The project is on schedule for completion by May 2016. We remain significantly under budget in most budget categories, and Bosworth Botanical Consulting has done excellent work.

1) **Stream Mapping Update**

Ms. McNally explained that the initial stream mapping work has been completed, using the 2013 LiDAR and imagery acquired under the grant. CDD and MIS used Rivertools software to run the stream models,. CDD now has the modeled streams overlay and the ADFG Anadromous Waters Catalog overlay on the imagery. The next task is to cross-reference the models with the Alaska Department of Fish and Game Anadromous Waters Catalog maps, to ensure complete accuracy of both CBJ's and ADFG's maps. The purpose of this part of the grant is to develop accurate maps of anadromous streams and lakes for equitable and consistent implementation of the land use code 50-foot no-development setback. After cross-referencing is complete, CDD will produce preliminary stream maps for review and approval by the Planning Commission and Assembly. We expect this part of the project to be complete by September 2015.

VII. Pending Permits and Updates

Auke Bay Loading Facility. Ms. Camery explained that CBJ Docks and Harbors has proposed adding boat repair and maintenance to the ABLF. This project is not coming to the WRB for advisory review because no changes have been proposed to the intertidal fill footprint or the surrounding Auke Nu Cove mitigation area. The project includes stringent Best Management Practices to ensure that pollutants are captured and treated before reaching the cove.

Lemon Creek Gravel Extraction. Ms. Camery explained that extraction is expected to begin in early February. Staff always receives many complaints from the surrounding neighborhood on this development. CDD's response has been to ensure enforcement of the project conditions (approximately 36) on the Conditional Use Permit Notice of Decision. CDD staff had a meeting on January 7, 2015 with SECON and their contractors to go over each Conditional Use Permit condition point by point to ensure full compliance. ADF&G and USFWS continue to monitor the project closely and have been generally pleased with SECON's operation. SECON is still interested in additional gravel mining farther upstream, and expects to turn in a Conditional Use Permit for this development within a couple more months or so. Ms. Camery said that she visited the site that day, and the water level in the creek is high so this could delay operations.

Ms. Hoferkamp asked whether the existing gravel extraction area will be restored before SECON moves to a new area. Ms. Camery explained that the current Conditional Use Permit is valid for six years and will expire in 2018. Restoration efforts on the creek are continuous, as explained in the project description and habitat conditions. For example, SECON is required to anchor any large woody debris that they encounter to promote habitat from back-eddies. She asked SECON about this, and SECON said that the debris never stays where they put it, but it always anchors somewhere downstream and creates habitat there. She noted that the Conditional Use Permit conditions include a special exception to ADF&G's timing window for the project so SECON can link excavation areas to ensure that fish don't get stranded on ponds. However SECON has never needed to use this exception, because the excavated pits have been refilling by themselves each year. She said there is tremendous bedload coming down the creek, and the irony is that the material is from SECON's own property far upstream.

Ms. Hoferkamp requested a site visit to the new gravel extraction area after the application is received. Ms. Camery said she would be glad to organize a site visit later, but it could be challenging because the Hidden Valley road does not have public access.

Mr. Miller thought that a site visit to the existing operation would be helpful, so the Board could take that knowledge to the next review upstream. He said there would be many benefits from the upstream location, since it will not have the conflicts with the neighborhood.

Ms. Horne suggested inviting someone from ADF&G to the site visit at the existing area to explain the ongoing restoration work on the stream. Ms. Camery agreed that this was a good idea, however SECON often begins gravel extraction operations on short notice and it may not be possible to meet the city public notice requirements for a board site visit. She said she would try. Mr. Geiger suggested that the Board could also visit the site before and after gravel operations to see the difference.

Staffing. Ms. Camery explained that Mr. Goddard left the department for a position in Washington, and CBJ is currently hiring for the position. She said that she will be out of town from late February through the month of March, and to contact Ms. McNally with any questions that may come up during that time.

Board Appointments. Ben Haight will take Mr. Jackson's position as one of two Planning Commission representatives on the board. Dan Miller will continue as the other Planning Commission representative.

VIII. Planning Commission Liaison Update.

None.

IX. Next meeting: Thursday February 19, 5:15 p.m., City Hall room 224

The meeting was adjourned at approximately 5:55 p.m.