

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

January 8, 2019
Assembly Chambers
7:00 PM

I. ROLL CALL

- A. Swearing in of new Planning Commission members

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- A. November 27, 2018 DRAFT Minutes - Planning Commission Regular Meeting
- B. December 11, 2018 DRAFT Minutes - Planning Commission Committee of the Whole
- C. December 11, 2018 DRAFT Minutes - Planning Commission Regular Meeting

IV. WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE

- A. Additional Materials for January 8, 2019

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VI. ITEMS FOR RECONSIDERATION

VII. CONSENT AGENDA

VIII. UNFINISHED BUSINESS

- A. USE2018 0016: A Conditional Use Permit to allow a 32-unit residential condominium development

IX. REGULAR AGENDA

X. BOARD OF ADJUSTMENT

XI. OTHER BUSINESS

- A. Election of Officers and Planning Commission Committee Assignments
- B. Adoption of 2019 Planning Commission calendar

XII. STAFF REPORTS

XIII. COMMITTEE REPORTS

XIV. LIAISON REPORT

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVII. EXECUTIVE SESSION

XVIII. ADJOURNMENT

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
November 27, 2018

I. ROLL CALL

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

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, Nathaniel Dye, Percy Frisby, Andrew Campbell, Dan Miller, Carl Greene

Commissioners absent: Dan Hickok

Staff present: Jill Maclean, CDD Director; Beth McKibben, Senior Planner; Tim Felstead, Planner II; Allison Eddins, Planner II; Laurel Bruggeman, Planner I; Robert Palmer, City Attorney; Jane Mores, Assistant City Attorney

Assembly members: Loren Jones,
Wade Bryson, Assembly Liaison to the Planning Commission

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

Mr. Voelckers requested that the presentation by the Assembly Liaison to the Planning Commission be brought back to the beginning of the agenda rather than the end.

The Commission voiced no objection.

III. APPROVAL OF MINUTES

A. October 23, 2018 Draft Minutes – Regular Planning Commission Meeting

MOTION: *by Mr. LeVine, to approve the Planning Commission October 23, 2018, regular meeting minutes with any minor corrections by commission member or staff.*

The motion passed with no objection.

IV. LIAISON REPORT

Mr. Bryson reported that at the Assembly Committee of the Whole meeting held on November 19, the Assembly discussed the Archipelago project and the Sherwood Lane rezone. Those two items were introduced at last the November 26, (2018) Assembly meeting, and will be open for public comment at the next regular Assembly meeting. The Archipelago project had mixed reviews from the Assembly. They wanted more information. The Assembly did not recommend the Sherwood Lane rezone. That was an eight to one vote, said Mr. Bryson. Having been present at the Planning Commission meeting when this item was discussed, Mr. Bryson said he was the one in favor of the project. Mr. Bryson said he attended the Birch Lane public meeting for the next phase of the Birch Lane repave project. It was a great presentation, and most neighbors feel very comfortable with this project, he reported.

Commission Comments and Questions

Mr. Levine asked what concerns were expressed by the Assembly about the Archipelago project.

Mr. Bryson stated that he felt the main concern of the Assembly was that it wanted to ascertain that the private component of this project is not receiving a “sweetheart deal”. It wants to make sure that all parties are paying the fair market value and that the City is not giving up any interest unnecessarily. There were also some concerns expressed by Assembly members that as the community grows the infrastructure for tourism, that this development takes place responsibly, stated Mr. Bryson. He said the City Manager is very confident that appropriate progress is being made.

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

VI. ITEMS FOR RECONSIDERATION – None

VII. CONSENT AGENDA

SMF2018 0001: A subdivision of one (1) lot into five (5) lots within a Planned Unit Development

Applicant: Douglas Island Development LLC

Location: 1011 Teufelshund Way

Staff Recommendation

Since the plat is generally consistent with the Preliminary Plat and the conditions of approval

have been met, staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the requested Final Plat. We further recommend that the approval be subject to the following conditions:

1. *The homeowners' association documents shall be recorded with the approved final plat*
2. *Prior to the final plat recording, certification from the CBJ Treasurer is required that all real property taxes and special assessments levied against the property for the year of recording have been paid.*

CSP2018 0013: A City Project to pave and make drainage, water, and sewer improvements along Birch Lane between Mendenhall Boulevard and Dogwood Lane

Applicant: City & Borough of Juneau, Engineering and Public Works

Location: Birch Lane between Mendenhall Blvd and Dogwood Lane

Staff Recommendation

Staff recommends that the Planning Commission find CSP2018 0013 to be consistent with adopted local plans and polices, as required by CBJ 49.15.580, and **approve** CSP2018 0013 to repave and make drainage improvements on Birch Lane between Mendenhall Boulevard and Dogwood Lane with the following two advisory conditions in order to provide consistency with adopted plans and for the benefit of the applicant and the project contractor:

1. Per *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 is first obtained from the Building Official. Such a permit shall be issued by the Building Official only upon a determination that operation during those hours 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 Marshal 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 a fine as an unlawful street closure under CBJ 72.17.010.

MOTION: *by Mr. LeVine to accept SMF2018 0001 and CSP2018 0013 on the consent agenda.*

The motion passed with no objection.

VIII. UNFINISHED BUSINESS

Mr. Voelckers recused himself from USE2018 0016 due to a conflict.

Mr. Levine said that even though he was absent at the initial presentation of this item, that he has studied it thoroughly and feels fully confident that he can responsibly discuss this issue.

The Commission voiced no objection to Mr. LeVine's participation on this item.

USE2018 0016: A Conditional Use Permit to allow a 32-unit residential condominium development.

Applicant: The Jetty

Location: 11798 Glacier Highway

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a 32 unit condominium development in the General Commercial zoning district.

The approval is subject to the following conditions:

1. Prior to the issuance of a Building Permit, the applicant will provide a detailed landscape plan for the parking area.
2. Prior to a Certificate of Occupancy being issued for the building, the landscaping must be installed or bonded for.
3. Prior to the issuance of a Certificate of Occupancy, the parking spaces will need to be striped and properly signed.
4. Prior to issuing a Temporary Certificate of Occupancy for the first dwelling, a Homeowners Association Agreement shall be submitted for review and approval by Community Development Department. The HOA agreement shall specify how common facilities such as the parking area and pedestrian walkway and required landscaping and vegetation will be properly maintained.
5. Prior to the issuance of a Building Permit, the applicant shall submit a detailed drainage and snow storage plan.
6. Prior to the issuance of a Building Permit, the applicant shall submit a parking and site circulation plan that has been prepared by a licensed engineer or architect.

MOTION: *by Mr. Campbell, to open up item USE2018 0016 back up for discussion.*

During the roll call vote, all eight Commission members present at the meeting approved opening up this item for discussion. Six affirmative votes were required.

Ms. Maclean noted that since the last public hearing on this item, that the staff has received new information. She suggested that the Planning Commission consider continuing the public

hearing to a January Planning Commission meeting so the staff has time to review the supplemental information which has been submitted. She said the staff could create a supplemental staff report and also put out a public notice to the abutters so they would also have the opportunity to comment on the new materials received after the hearing closed.

Mr. LeVine said this makes sense to him, but that he wondered if this delay would negatively affect the applicant.

Ms. Maclean said she mentioned January because it is too late to advertise the public hearing for the December meeting. There is only one Planning Commission meeting in December, she noted.

Mr. Dye asked about the origin of the new information the staff needs to evaluate.

Ms. Maclean stated that the applicants have provided more information which has not yet been reviewed or analyzed.

Mr. Campbell suggested that the applicant be allowed to address the concern of Mr. LeVine about the impact of a possible delay on this item until January.

Mr. LeVine asked if it would be possible to hear just from the applicant with allowing additional comments from the public.

Mr. Palmer said if comment was opened up to the applicant it would only be fair to open up comment to the public. He said comment from the applicant and the public could be limited to the subject of whether delaying action on this item until January had a negative impact on the applicant.

Mr. Miller said that whether or not this was an undue burden on the applicant that the staff needed to review the new information.

MOTION: *by Mr. Miller, that this item be heard including public testimony at the earliest next possible meeting.*

Mr. LeVine said that he understood the intent of the motion and that he felt it was the right thing to do, but that he wondered if a motion to continue had to be dealt with at the next meeting, which Ms. Maclean said was not possible. He suggested that the motion include a date which could be the January 8, 2019, Planning Commission meeting.

Mr. Miller accepted the friendly amendment.

The motion, with the friendly amendment, passed with no objection.

IX. REGULAR AGENDA

AME2018 0015: A text amendment to Title 49, the Land Use Code, CBJ 49.35.240, regarding improvement standards

Applicant: City and Borough of Juneau

Location: Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission review and consider the proposed change to the Land Use Code and forward a recommendation for approval to the Assembly.

This recommendation should include that the associated ordinance include a provision that any financial guarantees provided under the auspices of the 2015 code revision for temporary cul-de-sac removal and stub street construction be returned to the appropriate developer.

Mr. Felstead told the Planning Commission the proposed ordinance would remove the requirement for a subdivision developer to provide a financial guarantee for a period of five years for construction of a type of platted ROW (Right of Way) referred to as a “stub street”.

Mr. Felstead said the Title 49 Committee as suggested by the Planning Commission reviewed this ordinance once again and recommended that all financial guarantee requirements be removed and that a limited length of stub street be allowed beyond a temporary cul-de-sac if it had all the necessary requirements for that subdivision.

The temporary cul-de-sac would need to provide all of the access and frontage requirements that were necessary for that subdivision, said Mr. Felstead.

It had been suggested by the Title 49 Committee that all cul-de-sacs just remain in place, said Mr. Felstead. However, he said, the City Engineering Department requested that temporary cul-de-sac provisions remain. They noted there could be issues regarding the snow clearance and potential issues with drainage ditches when the street is extended, and there was also the potential for land to be added on the tax roll, said Mr. Felstead.

Mr. Felstead said therefore, there is still language in the ordinance regarding temporary cul-de-sacs. The stub street would be limited in length to the lot width of the zoning district, said Mr. Felstead.

The proposed changes to the land use code has the substantive changes as follows, said Mr. Felstead:

- ✓ Clarifies that temporary cul-de-sacs are intended to facilitate practical road extensions at any time in the future, not just the near future.

- ✓ Clarifies the turnaround easements allow all the public access maintenance that occurs with dedicated ROW until the easement is vacated.
- ✓ Any unconstructed but platted ROW that continues after a temporary cul-de-sac is considered a stub street and is subject to stub street provisions.
- ✓ The temporary cul-de-sac stub street has a maximum length of the minimum lot width for the zoning district.
- ✓ Clarifies that a temporary cul-de-sac has to be constructed up to or be in any lot in the subdivision that has been identified for a future subdivision phase.
- ✓ Provides amended illustrations of temporary cul-de-sac configurations relative to lots within and outside of the subdivision.
- ✓ Clarifies that the turnaround can be an easement on a lot outside of the subdivision.
- ✓ There is no requirement for a financial guarantee for a temporary cul-de-sac turnaround removal or stub streets. Removal of a temporary turnaround or construction of an unconstructed stub street would be the responsibility of the next developer.
- ✓ Added that it should be demonstrated that the stub street alignment could be constructed to CBJ standards such as a street not be platted where it would have to exceed maximum ROW grades.
- ✓ It is amended that the cul-de-sac definition be a street with a turnaround and not just the turnaround portion as is currently the case

Commission Comments and Questions

Mr. LeVine asked why the suggestion of the CBJ Engineering Department was not sent back to the Title 49 Committee for review. He also suggested that the “must” be changed to a “may” on page 128, item “I” of the packet. He asked if that would satisfy the concerns that were expressed by the Engineering Department.

Mr. Felstead said it is difficult to speak for the Engineering Department.

Mr. Voelckers said this all made sense, with the exception of how the temporary cul-de-sac is treated. He said he does understand the Engineering Department has snowplowing issues to address. He said he did not completely understand the concern of the Engineering Department that a cul-de-sac created drainage ditch issues. He said he felt if the cul-de-sac was built to City standards in the first place, then there would be adequate drainage in place.

Mr. Felstead said for specific feedback on these concerns they would need to speak with the Engineering Department.

Mr. Miller said what they are calling a “temporary” cul-de-sac may exist for many years.

He said perhaps the general Engineering Department should speak to the Commission.

Mr. Miller said he agreed that if it is constructed that it would need to be up to certain standards.

Mr. LeVine said that he agreed with the comments of Mr. Miller, and that the language could state that the director may direct the removal of the cul-de-sac in consultation with the developer and general engineering and neighbors.

Ms. Maclean said that she recollected the staff was to review this language with the Engineering Department and then bring it back to the Commission, not the Title 49 Committee. She said if there were other comments or revisions the Commission would like to discuss this evening that the staff could then meet with the Engineering Department and come back to the Planning Commission at the December meeting with those comments. They could ask a representative from the Engineering Department at that meeting to answer questions as well, said Ms. Maclean.

There was no public comment on this item.

This item was continued to the next regular planning Commission meeting.

CSP2018 0012: Planning Commission CIP recommended priorities for FY2020-24

Applicant: City and Borough of Juneau

Location: Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission consider any additional amendments to the attached memorandum and then forward the memorandum to the Director of Engineering and Public Works, and the Assembly Public Works and Facilities Committee.

Mr. Felstead said a memorandum has been drafted by a subcommittee of four Planning Commission members on the Commission's input for the Capital Improvement Projects (CIP). This letter would be forwarded to the Director of Engineering and Public Works, he said.

They have included a recommendation for provision of land for community gardens and local agriculture, he said. This is added under "sustainability". The reconstruction of Capital Avenue has also been added to the specific project list, said Mr. Felstead. Mr. Felstead said he also added an acknowledgment of Juneau's renewable hydropower as a solid reason to switch to heat pumps.

Mr. Voelckers said he does think community gardens are an important priority and that they belong on this list.

Mr. LeVine said he felt the edits are excellent and that this process is working well.

Chairman Haight said they wanted the CIP recommendations from the Commission to be open for public comment. The Commission has become more proactive over the past few years regarding its input on the CIP recommendations, said Chairman Haight.

Public Comment

Juneau resident Rob Cadmus told the Commission that he would like to support early work on Capital Avenue. He said his home abuts Capital Avenue. There are complex land owner issues and a social component of work in that area, which he felt was important. This is a transitional zone, he said, which in the past has collected a lot of garbage and graffiti.

Commission Comments and Questions

Mr. Voelckers said he felt the Commission should provide its input on the CIP even earlier in the process in the future. He added they should also work on making this process open to the public for its comments.

Mr. Frisby thanked the committee and staff for doing a good job on the memorandum.

MOTION: *By Mr. LeVine, to accept the letter and have it sent to the Director of Engineering.*

The motion passed with no objection.

X. **BOARD OF ADJUSTMENT** - None

XI. **OTHER BUSINESS** - None

XII. **STAFF REPORTS**

Ms. Maclean reported that there was more discussion by the Assembly on the Alternative Residential Subdivision (ARS) ordinance. The staff was asked to evaluate when it may be necessary to require a pedestrian way or a sidewalk for larger developments. She said maybe a certain number of trips a day for the development could dictate when a pathway would be required. Ms. Maclean said the staff would like to work with a few commissioners to draft some language.

This will be discussed by the Title 49 Committee on Monday, December 3, at noon.

Ms. Maclean said there will be a Committee of the Whole meeting at 5:30 on December 11, (2018) to discuss nonconforming lots.

Ms. Maclean said the Assembly is holding its retreat at Bartlett Hospital on Saturday, December 1, at 8:30 a.m. on the second floor and that the Commission is invited.

Mr. Palmer introduced Jane Mores, the new Assistant City Attorney.

XIII. COMMITTEE REPORTS

Mr. Dye asked if the steering committee for Blueprint Downtown has met yet.

Mr. Voelckers said the final public meeting will be held on January 24. He added there are three walking tours set up and that information will be distributed soon. There will be a walking tour in mid-December, and two more Saturdays in January.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XVI. EXECUTIVE SESSION - None

XVII. ADJOURNMENT

The meeting was adjourned at 8:01 p.m.

Agenda
Planning Commission
Committee of the Whole
 CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
 December 11, 2018

I. ROLL CALL

Ben Haight, 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 5:45 p.m.

Commissioners present: Ben Haight, Chairman; Dan Miller, Dan Hickok, Andrew Campbell, Nathaniel Dye, Carl Greene

Commissioners absent: Percy Frisby, Paul Voelckers, Michael LeVine

Staff present: Jill Maclean, CDD Director; Beth McKibben, Senior Planner; Laura Boyce, Senior Planner

Assembly members: Wade Bryson

II. REGULAR AGENDA

AME2018 0009: Proposed amendments to 49.30 – Nonconforming Development

Ms. McKibben told the Commission that the primary concept of this proposed amendment to 49.30 is to be less stringent on benign nonconforming situations and more stringent on those that would have a more detrimental effect on public health and safety. The best way to address conformity is to make sure that zoning works, she said. The ADOD (Alternative Development Overlay District) is a good example of this. The other concept is to sanction benign developments. Every community decides what is benign for them, she said. In some residential uses, allowed density may not be conforming to the current code, she said.

The community is experiencing challenges as the finance community is reticent to finance nonconforming properties, said Ms. McKibben.

The other goal is to phase out detrimental nonconforming uses, said Ms. McKibben. There are not too many of these within the community, she noted. Some of these properties truly do not

belong in their existing neighborhood, she said. The goal is that over time these properties will be moved to an area in which they fit, she said.

A change which had recently been made to the draft ordinance is the nonconforming use. The language states that a nonconforming use may be expanded as long it still comports with the neighborhood, she said, with no negative impact.

Other changes were made based upon the discussion at the last meeting regarding nonconforming structures, said Ms. McKibben. A nonconforming structure may be reconstructed in compliance with regulations when they are accidentally damaged or destroyed. If it is intentionally destroyed, it can only be reconstructed in accordance with the current code, said Ms. McKibben. Previously the language stated that a nonconforming structure could be reconstructed whether its damage was by accident or intentional, said Ms. McKibben.

Additional new language was added concerning overcoming a presumption of abandonment, said Ms. McKibben. This provides a method for a property owner to overcome a determination that a nonconforming situation has been abandoned. This would be approved by the Director and could be protested to the Board of Adjustment at a Nonconforming Situation Review. This draft has language which specifically defines what abandonment is, said Ms. McKibben.

Proof of Nonconforming Situation was changed by the staff to Proof of Nonconforming Status, said Ms. McKibben. It is now clearer to have a group defined as nonconforming status such as if someone wanted to sell their four plex which was legally nonconforming. They would have proof of nonconforming status, said Ms. McKibben. The process has not really changed even though the name changed, she noted.

The Nonconforming Situation Review language has also changed since last viewed by the Commission, said Ms. McKibben. This process allows the Board of Adjustment to review, limit, or deny:

- ✓ The change of use to a different use which is prohibited by the base zone
- ✓ Expansion of nonconforming use
- ✓ Change from a nonconforming, nonresidential use to an allowed residential use that exceeds the allowed density in RR, D1, D3, D5, D10SF, D10, D15 and D18 zones
- ✓ Reconstruction of a nonconforming dwelling unit on sites that exceed the maximum residential density standards when an applicant does not provide standard evidence for a Proof of Nonconforming Situation when the Director does not find the evidence to be satisfactory

Commission Comments and Questions

Mr. Miller asked for clarification of a legal nonconforming status. He asked if this would fit

within the Nonconforming Situation Review and if there was an avenue other than the Planning Commission which could review the status.

Ms. McKibben said the proof of nonconforming status which is a staff review. As part of this work CDD needs to reach out to the business and finance communities, the appraisers and the title companies. They could then notify their client that they need to obtain a legal nonconforming status, she said. Often people don't know that their property is nonconforming until it comes to sale, said Ms. McKibben. That would enable the sale to proceed much more smoothly, she said. If they want to appeal the staff decision on the nonconforming status, then the next step would be the Nonconforming Situation Review, she said.

The adoption of ordinance 15-03 provides the opportunity for the Planning Commission to approve right-of-way acquisitions that create nonconforming situations if each lot has at least one building that can be reasonably developed, explained Ms. McKibben. The nonconforming situations created by these acquisitions will be considered legally nonconforming and should be documented as such. This draft nonconforming code works with that process.

In general, a legally nonconforming use that is operated and maintained, has the right to continue operating. Some nonconforming codes provide for amortization of nonconforming uses, meaning the nonconforming use is given a period of time, such as five years, to become conforming, or else move. This is not a process that Juneau has used and is not proposed with this language. If a nonconforming use is not being maintained or well operated, there are other processes outside of Title 49 that can be used to address the problem.

At the last meeting it was discussed what transpires when a nonconforming status is lost, said Ms. McKibben. Language currently in the code states that it is lost if the repair cost of the structure is more than 75 percent of the cost of the replacement of the entire building, exclusive of foundation, with new material. The extent of building damage shall be determined by the building official.

The current proposal is as follows:

- ✓ Nonconforming use - if intentionally destroyed, nonconforming rights are lost, and the redevelopment must comply with current regulations. If accidentally destroyed to the 75 percent threshold, then the nonconforming use cannot be reconstructed or developed.
- ✓ Nonconforming density for more than one dwelling unit - if intentionally destroyed, nonconforming density rights are lost. If accidentally destroyed, there is no replacement cost threshold, and nonconforming density may be reconstructed.
- ✓ Nonconforming density to one dwelling unit - if intentionally destroyed, nonconforming density rights are lost. If accidentally destroyed to the 75 percent cost threshold, the nonconforming density cannot be reconstructed.

- ✓ Nonconforming structure - if intentionally destroyed, nonconforming rights are lost and the construction must comply with current regulations. If accidentally destroyed to the 75 percent threshold, the reconstruction must comply with the current dimensional standards.

Mr. Miller inquired about the case of a nonconforming density.

Ms. McKibben referred the Commission to the table presented earlier which allows for the reconstruction of the dwelling which has a nonconforming density.

Mr. Miller said he has never liked the 75 percent rule. Mr. Miller said he believed that a lot of the legally nonconforming situations in Juneau are in the downtown area. Most of these lots are benign, said Mr. Miller. Referring to more recently constructed and deemed nonconforming buildings along Glacier Highway, Mr. Miller said if they were to be destroyed for over 75 percent of the value, they would not be able to reconstruct their buildings at the same location. They would have to conform to the newer code.

Mr. Dye said he agreed with much of what Mr. Miller said. The purpose of zoning is to spur development in a certain direction, said Mr. Dye. He said he does have some concern about it being too easy to rebuild to a non-conforming standard. He said he does not want nonconforming construction so easy to obtain that zoning regulations become meaningless.

A nonconforming density with a nonconforming structure on a nonconforming lot are exempt from the 75 percent rule, said Mr. Miller. He said he feels this is a good rule. He said he did not think it was fair that some structures were exempt from this 75 percent rule while the others are not. He said they should both be able to rebuild on the same footprint without having to meet the existing setback requirements.

Mr. Dye said he did agree that single-family nonconforming residential units are more benign than other multi-residential nonconforming structures. He said it did seem to be a little unfair that the 75 percent rule still exists for single-family units. Mr. Dye asked the staff if they could set a date which would encompass 100 percent rebuild.

Ms. Maclean said for the most part it is the two town areas which have the most nonconforming single-family residences and structures. The ADOD's are in place to protect those residences, she said.

Ms. McKibben said perhaps once they accomplished the downtown zoning, that they look again at the nonconforming structures in that area. She said they have a number of exceptions for an instance with a nonconforming lot to be granted reduced setbacks. The evaluation for the downtown zoning should result in very few nonconforming structures, she said. It may be a better time to discuss this particular issue when they have a better idea of what the new

downtown zoning will be like, she added.

Mr. Dye said they are trying to protect single-family residences as well as multi-family residences until the zoning is fixed.

In answer to a question posed by Mr. Dye, Ms. McKibben said there are currently no sidebars placed upon what the nonconforming density could be increased to. Referring to line 261 of the draft ordinance, Ms. McKibben read that in all residential zones, (RR – D18) a change from a nonconforming nonresidential use to an allowed residential use that exceeds the allowed density would be the expansion of a nonconforming use. On line 301 of the draft ordinance, Ms. McKibben read that nonconforming residential density will have no net increase in overall detrimental impact on the surrounding area taking into consideration factors such as vehicle trips, impact on surrounding street parking and on lot coverage, vegetative cover, and conformity with the Land Use Plan.

Mr. Dye said he was thinking of a chart similar for the one developed for the Alternative Residential Subdivision (ARS). For D5 zoning for example, maximum development would fall just a little under the zoning for D10, he explained.

Ms. McKibben said she understood they are talking about making a nonconforming use to be changed to a nonconforming density. If this was in a D1 zone there would be the highest density possible.

Mr. Dye said he did have a concern that the ordinance would limit rezone work. He said perhaps it opened up a bigger area than may be optimal.

Mr. Miller posited that if the propane business on Mendenhall Boulevard decided to purchase an industrial lot for their business and change their nonconforming uses to a nonconforming density, their lot could be a D10 zone when everyone around them was zoned D5.

This is an incentive to get rid of nonconforming uses, said Ms. McKibben. This is a concept that has existed in the language, but they had not discussed it very much, she said. The idea is that residential uses are probably more compatible with the neighborhood, she said. They could be more specific about criteria evaluated in the Nonconforming Situation Review that would make the Commission more comfortable, she said. They could put in language as suggested by Mr. Dye, she added. They could combine the two approaches, she said.

Ms. Maclean said she liked the limits suggested by Mr. Dye. She added they do already have bonuses in Title 49 such as the apartments on Riverside Drive which received extra units. There are alternative ways to gain units or density, she said.

The Board of Adjustment through the Nonconforming Situation Review could deny a request, said Ms. McKibben, or it could apply conditions. If there is a density of D15 proposed in a D5 zoning district, and the Commission found that the traffic was incompatible with the area or the site could not be adequately buffered from the adjacent D5 zoning, the Commission could apply conditions, she said.

Mr. Dye clarified that to apply for a change in density the applicant would already have to be in a legally nonconforming situation.

Ms. McKibben clarified for Mr. Dye that things that are not legal need to go away, or become legal.

To clarify what is “intentional” Ms. McKibben said if an individual burns their own house down, that is intentional. If someone else burns that house down, that is not intentional, she said, unless there is evidence that the owner paid someone else to burn their house down, she said.

Changes within the Current Draft Ordinance

On line 44, under nonconforming uses for continued operation, the continued operation has changed to reflect the conversation from the last meeting, said Ms. McKibben. She said based upon the conversation at the last Planning Commission meeting, the Commission seemed to be fine with expansion of the use inside of the building as long as there were not external negative impacts that affected the neighborhood.

“Overcoming presumption of abandonment” on line 208 of the draft ordinance, said Ms. McKibben, has been adjusted. It defines abandonment, and this is decided by the Director. If the applicant is not satisfied with the Director’s decision, that decision can be protested through a Nonconforming Situation Review by the Board of Adjustment. All of the Director’s decisions within this ordinance can be protested through the Board of Adjustment through the Nonconforming Situation Review, said Ms. McKibben.

Mr. Miller asked if there are time frames associated with abandonment.

Abandonment would be a little bit different depending upon the nonconforming situation, said Ms. McKibben. A nonconforming residential density, for example, can be reconstructed no matter how long it has been vacant or abandoned, she said. Once the reconstruction process has begun, it must be completed within three years, she explained. There is a timeline for a nonconforming use, she said. “Once abandoned, the prior legal nonconforming status of the use shall be lost and any use of the property should comply with all applicable provisions of this title, unless the nonconforming use is established to the Nonconforming Situation Review.”

If the propane store changes to a duplex, the previous use of the propane store cannot be regained, said Ms. McKibben. A property would be considered abandoned if no action had been

taken on the property within a year unless the owner can demonstrate that they had to make substantial efforts to continue the use. That is consistent with the current code, said Ms. McKibben.

One dwelling unit that is nonconforming can be reconstructed within three years, said Ms. McKibben.

Mr. Dye asked why there is no time limit for residential density on residential abandonment.

This concept had been discussed at the Title 49 meeting in the support of residential uses and densities, said Ms. McKibben. Ms. McKibben said one example she could think of that was discussed at the Title 49 meeting, was a residence which had been abandoned for several years because it was stalled in the probate process.

Mr. Miller said perhaps it could be placed under the Director's determination of abandonment that proof of a necessary absence such as to take care of a relative could be used as a reason for abandonment not to be declared.

Mr. Hickok asked if a nonconforming use continued to pay property tax if it still would have to be considered abandoned.

If a business stops operating for a period of time, and taxes are still paid on it, the use itself is abandoned, said Ms. McKibben.

Mr. Hickok asked if there is a notification process for abandoned uses.

Educating the community about this new code will be the challenge, said Ms. McKibben.

In answer to a question posed by Mr. Greene, Ms. McKibben said that a nonconforming use can be transferred with ownership. If the new owners wanted to use the property for a different use then they would have to comply with the current code, she explained. There is a process within this ordinance for an owner to go from one nonconforming use to a different nonconforming use, she added.

Ms. McKibben added that she believes there has yet to be added to this draft ordinance a time limit for the nonconforming structure reconstruction.

Mr. Miller said if there is a structure of nonconforming density there is no time limit.

Ms. McKibben said currently nonconforming structures have a one-year time limit. She asked Mr. Miller if he wanted the nonconforming structure for nonresidential uses to have a one-year time limit to reconstruct.

Mr. Dye said it may be very difficult for businesses to come back within a year if they may have to confront insurance and legal issues.

Mr. Dye said he would be more comfortable with a three-year time span.

Mr. Miller concurred with Mr. Dye.

Mr. Dye said perhaps they could file a letter of intent to be constructed within a year and then have several years for completion.

Ms. McKibben said she would work on some language to reflect these ideas.

The law department will be notified of the revisions suggested this evening, said Ms. Maclean.

Chairman Haight said he would like to see this draft ordinance come once again before the Committee of the Whole so that new Commission members can be brought up to speed.

A presentation will be made to the real estate and finance community about this draft ordinance so that it can provide its input at the public hearing of this ordinance, said Ms. McKibben.

III. **OTHER BUSINESS** - None

IV. **ADJOURNMENT**

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

Agenda
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
December 11, 2018

I. ROLL CALL

Ben Haight, 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 7:03 p.m.

Commissioners present: Ben Haight, Chairman; Michael LeVine, Nathaniel Dye, Dan Miller, Andrew Campbell, Carl Greene

Commissioners absent: Percy Frisby, Paul Voelckers

Staff present: Jill Maclean, CDD Director; Laura Boyce, Senior Planner; Amy Liu, Planner I; Tim Felstead, Planner II, Robert Palmer, Municipal Attorney; Teresa Bowen, Assistant Attorney III

Assembly members: Wade Bryson, Assembly Liaison to the Planning Commission

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA - None

III. APPROVAL OF MINUTES

November 13, 2018 Draft Minutes – Planning Commission Committee of the Whole Meeting and the November 13, 2018 regular Planning Commission meeting.

MOTION: *by Mr. LeVine, to approve the Planning Commission November 13, 2018, Committee of the Whole meeting and the November 13, 2018 regular Planning Commission meeting minutes with any small modifications by staff or Commission member.*

The motion passed with no objection.

At the recommendation of Ms. Maclean, the order of “Unfinished Business” and “Regular Agenda” was switched.

The Commission approved this agenda change.

IV. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** - None

V. **ITEMS FOR RECONSIDERATION** - None

VI. **CONSENT AGENDA**

Mr. LeVine noted that he had a conversation with the planner regarding USE2018 0017 and that a single word in condition number seven be added prior to "building", and that word is "remaining", to clarify the meaning of the condition.

The above suggestion was approved by the Commission.

USE2018 0017: A Conditional Use Permit for a Tlingit and Haida Cultural Immersion Park
Applicant: Jensen Yorba Lott Architects
Location: Old Thane Ore House Property

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 a Native Cultural Immersion Park on land owned and managed by CBJ Docks & Harbors.

The approval is subject to the following conditions:

1. The applicant will execute a lease with the CBJ. This Notice of Decision does not authorize any development without an executed lease and any required building permits.
2. The applicant will receive an approved Land Use Permit from the Alaska Department of Natural Resources that will allow the canoe exhibit and launch to be located on state property.
3. Any heavy construction activity shall be limited to 7:00 am to 10:00pm Monday through Friday, and 9:00am to 10:00pm Saturday and Sunday.
4. In order to ensure the health and safety of travelers along Thane Road, any driveway improvements required by the Alaska Department of Transportation must be installed prior to the issuance of a Certificate of Occupancy.
5. Prior to the issuance of a Certificate of Occupancy, the applicant must receive Department of Environmental Conservation approval for the on-site septic system.

6. Prior to the issuance of a building permit, an exterior lighting plan, to be evaluated by the CDD, showing light fixture type and location should be submitted in order to demonstrate that lighting will be directed away from surrounding properties.
7. If substantial improvements to the remaining building are required, an engineer or architect licensed in the state of Alaska must inspect and certify that the building is properly anchored and safe to be in a flood zone.
8. Prior to issuance of a building permit, the applicant shall submit a revised site plan showing all parking spaces and clearly marking the ADA space and the spaces reserved for roadside fishing.
9. To the greatest extent possible, the existing vegetation should be maintained in order to minimize the visual impact of the project on adjacent state land.
10. A barrier to vehicular traffic no less than 2 feet high shall be constructed along the border of the parking area, so as to define areas for vehicle traffic. This barrier may consist of a vegetated berm, fence, planter box, or other structures/improvements approved by the CDD. This barrier is intended to protect pedestrians and screen the parking.
11. If the applicant anticipates the site generating more traffic than is anticipated at this time, the applicant may be required to submit a traffic impact analysis for review through a new or modified conditional use application at the Director's determination.

ADP2018 0002: An Alternative Development Overlay District Permit for a reduced side setback

Applicant: Jill Ramiel and Kenneth Alper

Location: 526 Seward Street

Staff Recommendation

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and grant the requested Alternative Development Permit. The permit would allow a reduced southeast side setback to accommodate 3 feet x 10 feet projection with windows

The approval is subject to the following conditions:

1. Prior to issuance of the certificate of occupancy, the applicant shall submit a stamped as-built survey to Community Development Department.

ADP2018 0003: An Alternative Development Overlay District Permit for a reduced rear setback

Applicant: Jill Ramiel and Kenneth Alper

Location: 526 Seward Street

Staff Recommendation

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and grant the requested Alternative Development Permit. The permit would allow a reduced rear yard setback to accommodate a seven-foot cupola.

The approval is subject to the following conditions:

1. Prior to issuance of the certificate of occupancy, the applicant shall submit a stamped as-built survey to Community Development Department.

ADP2018 0004: An Alternative Development Overlay District Permit for a reduction of the north side setback for a window projection

Applicant: Jill Ramiel and Kenneth Alper

Location: 526 Seward Street

Staff Recommendation

It is recommended that the Board of Adjustment adopt the Director's analysis and findings and grant the requested Alternative Development Permit. The permit would allow a reduced side setback to accommodate 3 feet x 19 feet projection with windows

The approval is subject to the following conditions:

1. Prior to issuance of the certificate of occupancy, the applicant shall submit a stamped as-built survey to Community Development Department.

MOTION: *by Mr. Levine, to approve USE2018 0017, ADP2018 0002, ADP 2018 0003 and ADP2018 0004 including the one-word amendment provided in USE2018 0017.*

The motion passed with no objection.

VII. UNFINISHED BUSINESS

AME2018 0015: A text amendment to Title 49, the Land Use Code, CBJ 49.35.240, regarding improvement standards

Applicant: City and Borough of Juneau

Location: Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission review and consider the proposed change to the Land Use Code and forward a recommendation for approval to the Assembly.

This recommendation should include that the associated ordinance include a provision that any financial guarantees provided under the auspices of the 2015 code revision for temporary cul-

de-sac removal and stub street construction be returned to the appropriate developer.

Mr. Felstead said at the last Commission meeting they had discussed an amendment to the stub street requirements and temporary cul-de-sacs, and put off any action until the Commission could speak with a representative from the CBJ General Engineering Department. That individual spoke with the Title 49 Committee instead since it was a convenient opportunity and the Commissioners who had questions were also on the Title 49 Committee, said Mr. Felstead.

The outcome of those discussions was that temporary cul-de-sacs should be removed, but could remain upon recommendations of the Director the CDD, said Mr. Felstead. It was also noted in the discussions that there have been issues in the past when temporary cul-de-sacs were removed, and there was subsequent difficulty extending driveways through the streets. The construction plans for the subdivision requiring the temporary cul-de-sac should be able to demonstrate that driveways can also connect to a straight through street when the cul-de-sac is removed.

Mr. Felstead noted that CBJ Law had drafted the proposed code language in Attachment A into ordinance form – this had been circulated to the Commission that evening. There were some very minor differences in the words but the intent was exactly the same. It did not have the recommendation for existing financial guarantees to be returned added but this would be addressed through the Commission's final recommendation.

Commission Comments and Questions

Mr. LeVine said he wanted to thank Mr. Felstead for all of the work that has gone into this ordinance.

Chairman Haight said the ordinance version has been written based upon the attachment in the packet.

Mr. Campbell said he had a chance to read the ordinance, and that it seemed like good, sound work to him.

Mr. Dye said he did not recall losing the area in the temporary cul-de-sac to the dedicated lot size.

Mr. Felstead said previously when it was required that the temporary cul-de-sac would come out, that they had some assurance that at some point in the future the area in the easement would be returned to the property. Now that there is a chance that the temporary cul-de-sacs could remain, there is no guarantee that those lots would become conforming.

Mr. Dye asked if the owner would still be paying property tax on that portion of land even

though it was an easement.

The assessor would normally consider a discount any area that is subject to an easement if it wasn't in the required setbacks, said Mr. Felstead.

MOTION: *by Mr. LeVine, to accept staff's findings, analysis and recommendations and to advance AME2018 0015 to the Assembly.*

The motion passed with no objection.

VIII. **REGULAR AGENDA**

Mr. Campbell recused himself from this item due to a conflict.

USE2018 0021: Modification of a Conditional Use Permit for a 23 dwelling unit condominium development
Applicant: R & S Construction
Location: 3005 Clinton Drive

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a 23 dwelling unit, multi-family development in a Light Commercial zoning district.

The approval is subject to the following conditions as previously approved by the Planning Commission under USE2018 0007; with an amendment to Condition 2, (amended part of this condition is underlined):

1. A revised landscaping plan shall be reviewed and approved by CDD staff prior to the first Temporary Certificate of Occupancy or Certificate of Occupancy for any dwelling in the development. Prior to a Certificate of Occupancy, a minimum of 15% of the lot shall be planted with landscaped vegetation or the installation of landscaped vegetation must be bonded.
2. The landscaping plan shall include strategically placed vegetative areas along Clinton Drive and Vintage Boulevard planted with vegetation that matches other street side plantings of trees and/or shrubs at other developments in the immediate vicinity. Any additional space between the subject property line and edge of sidewalk on Vintage Boulevard, including the curved property line at the intersection of Vintage and Clinton, shall be landscaped with grass. A 6-inch raise curb or similarly effective barrier or fence shall be provided along the paved parking lot on the property along Clinton Drive to prevent vehicles driving from the parking lot directly onto the sidewalk except for where it is intended to access the lot.

3. Prior to the first Temporary Certificate of Occupancy or Certificate of Occupancy for a dwelling in the development, the applicant shall submit a lighting plan by a professional engineer or architect 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 CDD Director, according to the requirements at CBJ 49.40.230(d).
4. Prior to issuing a Certificate of Occupancy for the first dwelling unit on the subject lot, a Homeowners' Association Agreement shall be submitted for review and approval by CDD. The Homeowners' Association agreement documents shall specify how common facilities shall be operated and maintained. The documents shall require that the governing body of the association adequately maintain common facilities including snow removal, approved landscaping, and signage and striping.
5. Prior the first Temporary Certificate of Occupancy or Certificate of Occupancy for a dwelling in the development, a revised parking plan showing no fewer than 49 parking spaces on the exterior of the buildings shall be submitted and approved by CDD.

Mr. Felstead told the Commission this property is located across the street from Safeway, with Egan Drive to the south and offices zoned light commercial to the north.

He explained the applicants want Condition 2 altered, which pertains to landscaping and vegetative cover. It had originally been recommended that a strip within the right-of-way be vegetated with grass to match the rest of a recommended vegetative strip on Clinton Drive. The applicants site plan when first reviewed showed a three-foot strip on private property but staff had recommended a five-foot buffer with any area in the right-of-way between the private property line and the paved side walk covered with grass to match the strip. When the Commission reviewed this condition, it determined that strategically placed landscaping along Clinton Drive could supplant the continuous grass strip requirement. However, that portion of the condition was not mentioned in the Commission's motion, so the grass strip in right-of-way requirement remained in the condition, said Mr. Felstead.

That is why the applicant is before the Commission again this evening, he explained.

One of the purposes of the vegetative buffer or a curb around the parking lot is to provide separation between the parking lot and the point of entry into the development. It guides drivers and keeps them out of the right-of-way, said Mr. Felstead. Where vegetative cover is not in place, a curb or other barrier is encouraged, he said.

The applicants have received approval from the CBJ Streets division to pave the right-of-way portion. There was concern by the CBJ Streets staff and CDD staff that there would not be a physical separation between the paved parking lot surface and the paved sidewalk. The concern was that vehicles could use the sidewalk for maneuvering their vehicles in the parking

lot or even drive over the curb instead of using the driveway entry. Staff has amended Condition 2 to allow removal of the vegetative strip in Right-of-way but for some sort of physical barrier to be placed on the property line, said Mr. Felstead.

Commission Comments and Questions

Mr. Hickok asked if the applicants agree with the recommendations.

Mr. Felstead said they are present to answer questions. He said that he has not heard from the applicants whether they are for or against the recommendations.

Applicants

Mr. Jenkins said they are present to clarify Condition 2. He said that what the Commission voted on, and what they thought the Commission voted on, are two separate things, since the portion of Condition 2 which was to be removed stipulating that grass be planted in the right-of-way was not removed when the Commission approved the strategically placed plantings which were the substance of that motion.

Mr. Jenkins noted that in addition to this, that an additional item has been added to the condition, which did not exist previously. He said there was no barrier requirement or mention of it until this most recent iteration of Condition 2.

Mr. Jenkins said they did meet with Mr. Watts, of the CBJ Streets, and that his recommendation was not to vegetate the right-of-way strip. He added that they have already exceeded the fifteen percent vegetation requirement on their property by the planting of trees, which are on site, and not on CBJ property. He added that Shaune Drive was just completed in Lemon Creek, with back-out driving from the drive right onto the street, and that this was done with taxpayer dollars.

Mr. Dye noted that he did not think that an industrial area should be compared with a light commercial area.

Mr. Jenkins said he felt both zones should be safe.

Mr. Miller asked about the new requirement to landscape the corner, which was not previously addressed.

Mr. Jenkins said they would have done that regardless.

Mr. Dye asked if curb stops would be considered a curb.

Mr. Jenkins said they would have changed their elevations and made their site plan different if they would have known about the new condition elements.

Mr. Miller asked if the installation of curb stops would attract parking where it was not wanted.

Mr. Jenkins said he felt this would be the case.

Mr. LeVine asked when they first noticed that there was a change in the language.

Mr. Jenkins noted that it was just recently they noticed there was a new element added to the condition for a curb. He added their site plan was approved with asphalt going to the property line and a strip of dirt going to the sidewalk.

He said they paid \$750 just to appear before the Planning Commission and clarify the original condition.

Mr. LeVine clarified that since this case has been reopened, that the applicants are once again open to amended conditions.

Mr. Dye said he is sympathetic to the concerns of the applicants, but that he did not think that using Shaune Drive with a substandard right-of-way as an example made any sense. He said he saw no reason for "bad to allow bad".

Ms. Maclean suggested that perhaps the applicants could put in some additional trees to act as a barrier between the parking lot and the street, and to help prevent people from parking where they should not park.

Mr. Dye noted that complaint-oriented enforcement was not always the best way to improve neighborhood harmony.

Speaking of the Commission vote the last time this item was before the Commission, Mr. Miller said in his mind when he voted the strip vegetation requirement on both private property and in the right-of-way was out.

Mr. Greene said he felt a vegetative strip was the minimum needed just to keep people from driving their vehicles over the right-of-way.

Mr. Miller asked what the distance was between the trees.

Mr. Jenkins said he thought there was about 25 feet between the trees. (STAFF NOTE: site plan showed ~40-50ft)

Mr. Hickok said they could put "no driving over the curb" in the HOA bylaws.

Ms. Maclean said the staff has reviewed the tape and that the staff is confident that the motion from the last meeting on this item was the motion that was made, whether content in the condition was inadvertently not removed in the motion or not.

Mr. Dye said if the intent of the motion was to allow the right-of-way to be paved, that he would have been of a different opinion at the time.

Mr. LeVine said he felt it would be equitable to allow the applicant to have a two-foot vegetative buffer if that is what they preferred, or to provide a barrier.

Mr. Felstead noted the right-of-way is one and a half to two feet wide.

Mr. Miller said he did not think it was necessary to provide a barrier. He said these situations work with everyone in the condominium association playing by the rules. He said he did not think this applicant should have to do things that others have not been required to do.

Chairman Haight stated that Option one is to leave the strip as it is, paved. Option two is to remove the pavement and plant with grass. Option three is to leave the strip paved and to add barrier features.

MOTION: *by Mr. LeVine, to accept staff's findings, analysis and recommendations, and to modify Condition two to allow the applicant the choice of erecting a barrier as defined by communication with the CDD staff, or reverting to the original condition in the CUP which was the vegetated strip.*

Mr. Hickok said he is in favor of option one, which is to leave it as it is.

Mr. Dye said he is in favor of the motion, and that it would be relatively simple to perform either of the options listed within the motion. He said he felt it was a fair compromise.

Mr. Miller said the applicants already had their 23-unit complex under construction without the benefit of a Conditional Use Permit prior to starting their project. He said he thinks the owners of the condominium units can be trusted as citizens to obey traffic laws and to use common sense within the traffic configurations. He said he felt the pavement on the two-foot strip in place today looks nicer than grass would look.

Mr. Hickok asked if parking was allowed on the street.

He was told that it was allowed.

Mr. Miller asked to make an amendment to the main motion that the last sentence of condition two be removed; "A 6-inch raise (sic) curb or similarly effective barrier or fence shall be

provided along the paved parking lot on the property along Clinton Drive to prevent vehicles driving from the parking lot directly onto the sidewalk except for where it is intended to access the lot”).

Speaking in favor of his amendment, Mr. Miller said the applicants did not receive a Conditional Use Permit prior to construction. They had decided at the last meeting that no grass strip and strategic landscaping were fine. There was no concern expressed at the last meeting about people driving off the parking lot over the strip, said Mr. Miller.

Mr. LeVine asked if it was the intent of Mr. Miller to leave the paved strip as it is.

Mr. Miller said that was his intent.

Mr. LeVine asked if it was the intent of Mr. Miller’s amendment that the existing paved strip remains in place and that no vegetative strip or barrier be required.

Mr. Miller said that was the intent of his amendment.

In answer to a question of Mr. LeVine, Mr. Felstead said if the last sentence was struck from Condition 2, that it would remove the requirement for the vegetative strip in the right-of-way along Clinton Drive.

Chairman Haight said that he recalled, as did Mr. Miller, that the intent of the motion at the last meeting was to remove the condition requiring a vegetative strip anywhere along Clinton Drive, and to instead plant strategically placed trees.

Speaking against the amendment, Mr. Dye said he went and looked at original photos of the Trilium Landing development, and that it had parking stops between the parking lot and the sidewalk. He said he felt there is some reason to encourage the parking stops or barrier.

Mr. LeVine said he concurs with the recollection of Mr. Miller and Chairman Haight as to the intent of the motion the last time this item was before the Commission. He said he did not think there was any discussion of a barrier in the absence of the vegetation.

Mr. Greene said he did recall looking at a photo of a grass barrier that did not look good. He said he thought that was one of the reasons they were in favor of strategic vegetation.

Roll Call Vote: *(on Mr. Miller’s amendment that the last sentence of Condition two in the CUP before them be struck)*

Yeas: Miller, Hickok, Haight

Nays: LeVine, Greene, Dye

Amendment fails.

Mr. Miller said he did not have a good understanding of what would constitute an adequate barrier.

Mr. Dye said he is satisfied the staff can determine what sort of barrier is necessary as the condition is written.

MAIN MOTION: *by Mr. LeVine, to accept staff's findings, analysis and recommendations, and to modify Condition two to allow the applicant the choice of erecting a barrier as defined by work with the CDD staff, or reverting to the original condition in the CUP which was the vegetated strip*

Roll Call Vote:

Yeas: LeVine, Miller, Haight, Greene, Dye

Nays: Hickok

The motion passes.

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS - None

XI. STAFF REPORTS

Ms. Maclean said there will be the first meeting of the Blue Print Downtown Steering Committee on Wednesday, December 12, at 5:30 in the CDD offices.

On Thursday, December 13, the Assembly will be interviewing applicants for the Planning Commission.

The Auke Bay committee will be meeting December 20, 2018.

The next regular Planning Commission meeting will be January 8, 2019.

The Commission will have a joint meeting with the Assembly in January.

The Assembly has listed as one of its priorities opening up more land for industrial zoning, and looking at the TPU (Table of Permissible Uses). The Alternative Residential Subdivision and the Sherwood area rezone are on the agenda for the full Assembly at its regular meeting Monday, December 17, 2018.

One of the appeals will be before the Commission on February 19, 2019.

XII. COMMITTEE REPORTS

Mr. Dye reported that the Title 49 Committee met and discussed the Alternative Residential Subdivision and stub streets.

XIII. LIAISON REPORTS

On November 29, Ms. Maclean met with Mr. Bryson for two hours and schooled him on the planning department and issues.

Mr. Bryson expressed his gratitude for the time she spent with him.

There were concerns voiced to him from two Auke Bay residents about the Auke Bay school system, parking, the sewer system and police and first responder capacity.

On December 1, they had the Assembly retreat.

The waterfront purchase agreement passed. A purchase agreement for the Archipelago project will be drafted. The vote on that project funding has been delayed until January 10, 2019. The purchase price will be higher than anticipated due to a reconfiguration of property lines so the CBJ would be purchasing slightly more property.

They did go into executive session to discuss a lawsuit, said Mr. Bryson.

XIV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS - None

XVI. EXECUTIVE SESSION

MOTION: *by Mr. Dye, to go into executive session on the motion to disqualify APL 2018 0003 on the basis that this involves deliberations in a quasi-judicial manner.*

The motion was approved with no objection.

MOTION: *by Mr. Miller, that all members of the Planning Commission can judge this case fairly and with open mindedness and that the individual members who were mentioned in the motion to disqualify as well as the other members of the Commission are all qualified.*

Speaking in favor of his motion, Mr. Miller said that the group of individuals that are on this Planning Commission is one of the finest groups of individuals that he has ever worked with in his eleven years of Planning Commission participation. He said he has no doubt that this case can be judged fairly on its merits.

Chairman Haight said he agreed with Mr. Miller and that the Commission remains impartial and makes fair recommendations. They can continue to judge this case in an unbiased and impartial manner, said Chairman Haight.

Mr. LeVine said he is fully confident in his impartiality and that of Mr. Voelckers and that any allegations of bias are not supported.

The motion passed with no objection.

XIV. ADJOURNMENT

The meeting was adjourned at 9:56 p.m.

Additional Materials

Regular Planning Commission Meeting

7:00pm, Assembly Chambers

Meeting Date: January 8, 2019

1. USE2018 0016:

- a. Memo from applicants, The Jetty LLC
- b. Public comment from Greg & Patty Winegar
- c. Memo from staff: Correction to staff report



MEMORANDUM

To: Planning Commission

From: Garrett Schoenberger and Paul Simpson – The Jetty LLC

Date: January 3, 2019

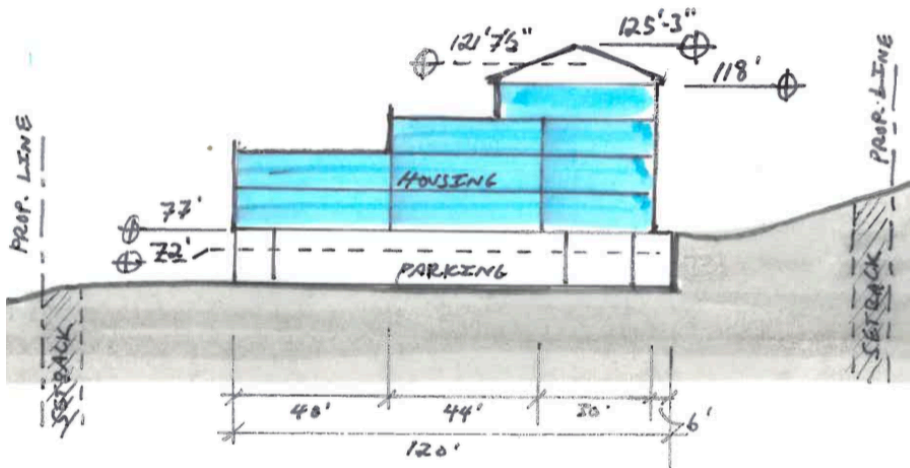
RE: Case Number USE2018 0016

We've crafted this memo in an effort to summarize our position on this case.

While we respect the notion of being friendly neighbors, and that we intend to be, we strongly encourage the Commission to look at the facts and approve our development as submitted:

Allowable Height

Our most recent engineered drawings put the calculated height of our development at 49' – 10 7/8" (calculated per **CBJ 49.25.420**). This is well under the 55' height limit allowable in General Commercial zoning -- per **CBJ 49.25.400**.



Podium Height

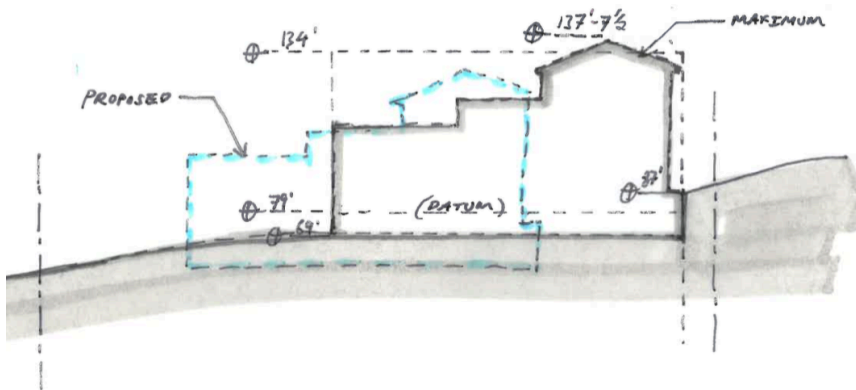
Our building site is very complicated. Extremely soft soils, sloping bedrock, and the need for a retaining wall with tie backs all play major factors in the scope of our project. When you calculate these costs associated with developing our project, it's only financially feasible if all units have great views. The height of our proposed podium is due to one primary factor: First floor condo units (10 units → 31.25% of total units) and the common central courtyard area must be at this elevation in order to see over the building in front of it (former UAS building/future Forbidden Peak Brewery). The elevation of the existing building, including rooftop mechanical units, currently sits at $\pm 75'$. The base elevation of our podium will sit at $77'$. This gives us just enough room to see over the building and have the desired views of Auke Bay.

It is important to note that if we don't need to build the podium as high in order to maximize the view and value of our units, we will not do so. As a developer, our goal is simple, build the best possible product for the least amount of money. The development behind our lot believes our building does not need to be as tall as we've proposed and we firmly disagree. If, during the actual building process, we discover that there is a way to reduce the podium height without affecting our units, we will do so. We would do so because it would save us money on construction costs (less piling length, less materials, etc.).

Height Concession

Currently, our proposed building, including roof, is set to reach a total elevation of $125' - 3''$ (as a reminder this entails us building a structure to $49' - 10 \frac{7}{8}''$)...well below the allowable $55'$ height limit in GC zoning.

It is important for the Planning Commission to know that if we were to build further up the slope, at our legal setback of $10'$ (per **CBJ 49.25.400 – Table of Dimensional Standards**), our total peak elevation would be $137' 7 \frac{1}{2}''$. Given the neighboring property's view line is $134.5'$, theoretically we could completely block their views. While the higher elevation would clearly benefit our project's views, we made a conscious decision ahead of time not to do that due to the impact it would have to the Auke Bay Station project. A concession on our part.



Our proposed elevation of 125'3" still gives Auke Bay Station beautiful views of Auke Bay, the islands, and the Chilkat mountain range.

View from Auke Bay Station unit deck with estimated outline of Jetty Condo structure:



It is our belief that placing a height restriction at this juncture represents a taking of property. This property was recently purchased and the price we paid was substantially dependent on it's General Commercial zoning, which allows a buildable height of 55' and a density of 50 units per acre. An arbitrary height restriction means that we have no room to make any changes or pivot should we run into new issues. For example, we initially thought we could build a flat roof and stay under a certain elevation, yet upon further engineering both our elevator shafts must protrude above that elevation by 4.5 feet (an unforeseen event). Right now, our condo units have 8'6" interior ceilings. But we have been discussing changing that to 9', which we could and still be under our 55' allowable height, but not if the Planning Commission chooses to place a limit on our peak elevation.

This project is thought out, well within it's height and density requirements, and will add considerable value to the neighborhood. In light of this new information, and a understanding of what's at stake for the applicant, we ask that the Planning Commission to not place a height restriction below the inherent allowable 55'.

Regards,

Garrett Schoenberger
602.790.6144
garrett@alaskalegacypartners.com

Paul Simpson
949.244.2924
paul@alaskalegacypartners.com

From: Patty Winegar <gwinegar@gci.net>
Sent: Wednesday, January 02, 2019 10:03 AM
To: PC_Comments
Subject: Auke Bay condos

Greetings,

We are in favor of approving the development of 32 condominiums in Auke Bay. This will be a great location for young families starting out and folks who are downsizing. There is a school close by, restaurants, and even the university. This will be a positive addition to the Auke Bay community.

Thanks for your time,
Greg & Patty Winegar

Sent from my iPad



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

MEMORANDUM

DATE: January 4, 2019
TO: Planning Commission
FROM: Allison Eddins, Planner *A. Eddins*
Community Development Department
CASE NO.: USE2018-0016
SUBJECT: Correction to supplemental staff report

The supplemental staff report dated December 31, 2018, states that the building's overall height will be 55 feet. This is incorrect. The overall height of the building will be 50 feet.

The slope of the roof was miscalculated which resulted in the height calculation of 55 feet. This does not change staff's analysis and recommendation. Staff is still recommending approval with six conditions.



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

DATE: December 31, 2018

TO: Planning Commission

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

CASE NO.: USE2018 0016

PROPOSAL: A Conditional Use Permit for a 32-unit condominium development

GENERAL INFORMATION

Applicant: The Jetty LLC

Property Owner: The Jetty LLC

Property Address: 11798 Glacier Hwy

Legal Description: Jetty Subdivision, Lot 2

Parcel Code Number: 4B2801030090 (Parent parcel number)

Site Size: 58,160 square feet (1.3 acres)

Comprehensive Plan Future Land Use Designation: Marine Mixed Use (M/MU)

Zoning: General Commercial (GC)

Utilities: City water & sewer

Access: Glacier Highway

Existing Land Use: Vacant lot

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Case No.: USE 2018 0016
December 31, 2018
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Surrounding Land Use:	North	- 60 unit condo development/Light Commercial
	South	- Glacier Highway; Statter Harbor/Waterfront Commercial
	East	- AEL&P power station/General Commercial
	West	- Restaurants; Retail/General Commercial

VICINITY MAP



ATTACHMENTS

- Attachment A – Conditional Use Permit Application
- Attachment B – October 12, 2018 Staff Report for USE 2018 0016
- Attachment C – Excerpt of Planning Commission minutes from October 23, 2018 and November 13, 2018
- Attachment D – Revised Side Elevation Drawings for Proposed Building

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- Attachment E – November 6, 2018 Letter from Budd Simpson of the Law Offices of Simpson, Tillinghast, Sorensen & Sheenan
- Attachment F – November 8, 2018 Memo from The Jetty, LLC.
- Attachment G – Public Comments Received Since October 23, 2018

PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a 32 unit condominium complex on a vacant lot in Auke Bay. The condominiums will be a mixture of two and three bedroom units. The subject lot is located within the Auke Bay Center area, as identified in the [Auke Bay Area Plan \(ABAP\)](#).

BACKGROUND

On October 23, 2018 the Planning Commission discussed this Conditional Use Permit request. The owner of the Auke Bay Station Condominiums, which is currently under construction and located behind the proposed condominiums, testified that the proposed condominium development, The Jetty, would block views of Statter Harbor. The neighboring property owner testified that the applicants could modify the building's design in order to preserve the harbor view for the Auke Bay Station Condominiums. The neighboring property owner requested the Planning Commission reduce the proposed building's height by 7 feet.

The Planning Commission specifically questioned the applicant regarding the proposed height of the covered parking and the choice of a gabled roof. At the time, the applicants did not have detailed information and did not provide engineered drawings that addressed the Planning Commission's questions. See Attachment C.

The Planning Commission agreed with the Director's analysis and findings and approved the requested Conditional Use Permit with the six recommended conditions, and an additional seventh condition.

A motion to add a seventh condition was approved, and is as follows:

7. The applicant must work with the neighboring development (Auke Bay Station Condominium) to potentially install a flat roof and limit the maximum height of the structure to 113.5 feet above 0' elevation. The applicant should be willing to work with the neighboring development to lower the height of the building as much as possible. See Attachment C.

This condition would require the building's height to be reduced by 3.5 feet. After USE2018 0016 had been approved with the seven conditions, a call for reconsideration was made. On November 13, 2018 the Planning Commission voted to reconsider the case and voted to re-

Planning Commission
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open public testimony at a later meeting to ensure that abutters would be properly noticed. The public hearing was scheduled for January 8, 2019. See Attachment C.

The following analysis will focus on the height of the proposed development based on supplemental information that was provided by the applicant on November 8, 2018 and December 12, 2018.

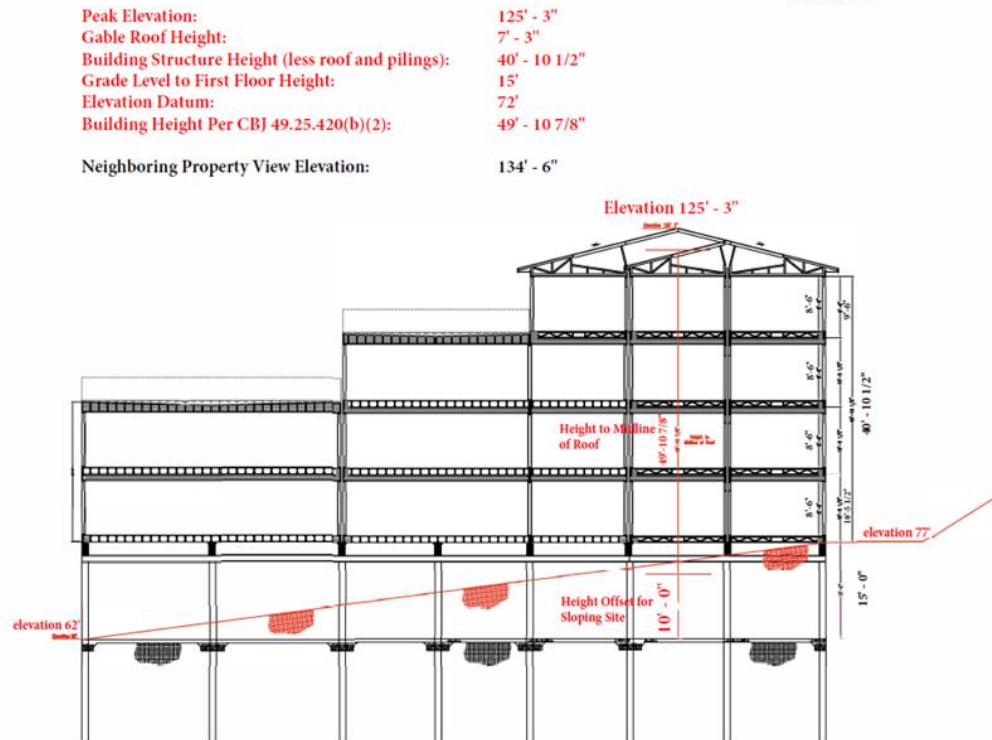
ANALYSIS

The project site is currently vacant and is 58,160 square feet. The steepest portion of the lot is in the rear. The rear 70 feet of the lot has as an elevation increase of 16 feet, creating a 22 percent slope. This portion of the lot is proposed to be left undeveloped and a retaining wall built to stabilize the slope. This sites the proposed development approximately 70 feet from the rear lot line. Rear yard setbacks in General Commercial are a minimum of 10 feet.

The initial building sketch provided by the applicant showed the building would be 55 feet at the front elevation and 40 feet at the rear elevation creating an overall building height of 45 feet, as described in *CBJ 49.25.420*. The more accurate engineered drawings provided by the applicant on December 12, 2018 show the height of the proposed condominium complex will be closer to 60 feet at the front elevation and 50 feet at the rear elevation, creating an overall building height of 55 feet. The building height limit in General Commercial is 55 feet. (See Attachment B for a description of how building heights are measured on sloped lots) The first floor of condominium units will be built on 15 foot pilings with at-grade parking underneath.

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EXHIBIT D



The project proposes a 10 foot clearance for vehicles underneath the lateral beams that span the length of the building and separate the first floor of condos from the parking area. Based on engineering estimates, the lateral beams need to be 4 feet thick in order to support the weight of the building, which is estimated to be 1.8 million pounds. This is the reason for the 5 foot spacing between the roof of the parking area and the floor of the first floor of condos. The additional 1 foot provides space for plumbing and electrical.

The applicants are currently proposing a gabled roof. Based on the International Building Code requirements, having a flat roof would require the building's elevator shaft to protrude from the roof line approximately 2 to 3 feet. The applicants prefer to have the elevator shaft entirely under a gabled roof.

The subject lot sits directly behind the former UAS Bookstore. The rooftop of the bookstore, including the rooftop mechanical equipment, is at elevation 75 feet. As currently proposed, the first floor of the proposed condominiums would start at elevation 77 feet. The applicants state that lowering the elevation below 75 feet will diminish the views of the 10 condo units planned for the first floor.

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FINDINGS

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

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

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

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

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

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

1. Is the application for the requested Conditional Use Permit complete?

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 1.300 for the General Commercial zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the December 28, 2018 and January 7, 2019 issues of the

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Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. Based on the above analysis and the analysis in the October 12, 2018 staff report, the proposed development, with conditions, will not materially endanger the public health or safety.

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

No. Based on the above analysis and the analysis in the October 12, 2018 staff report, the use with conditions, should maintain the values and will be in harmony with the neighboring area.

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

Yes. Based on the analysis in the October 12, 2018 staff report, staff finds that the proposed condominium development is in general conformity with the CBJ Land Use Code, 2013 Comprehensive and other relevant adopted plans referenced in this report.

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

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

N/A.

RECOMMENDATION

Staff's recommendation remains unchanged. Staff recommends the Planning Commission adopted the Director's analysis and findings and APPROVE the requested Conditional Use Permit with the following six conditions.

1. Prior to the issuance of a Building Permit, the applicant must provide a detailed landscape plan for the parking area.
2. Prior to a Certificate of Occupancy being issued for the building, the landscaping must be installed or bonded for.

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3. Prior to the issuance of a Certificate of Occupancy, the parking spaces must be striped and properly signed.
4. Prior to issuing a Temporary Certificate of Occupancy for the first dwelling, a Homeowners' Association (HOA) Agreement shall be submitted for review by Community Development. The HOA agreement shall specify how common facilities such as the parking area, pedestrian walkway, and required landscaping and vegetation will be properly maintained.
5. Prior to the issuance of a Building Permit, the applicant shall submit a detailed drainage and snow storage plan.
6. Prior to the issuance of a Building Permit, the applicant shall submit a parking and site circulation plan that has been prepared by a licensed engineer or architect.



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address <u>11798 Glacier Highway, Juneau, AK 99801</u>		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) <u>Jetty Subdivision, Lot 2</u> <u>USS 2391 LTA, East 1/2</u>		
	Parcel Number(s) <u>TBD</u> <u>4B2801030090</u>		
	<input type="checkbox"/> This property located in the downtown historic district <input type="checkbox"/> This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner <u>The Jetty LLC</u>		Contact Person <u>Garrett Schoenberger</u>
	Mailing Address <u>2780 Fritz Cove Rd., Juneau, AK 99801</u>		Phone Number(s) <u>Garrett - 602.790.6144</u> <u>Paul - 949.244.2924</u>
	E-mail Address <u>garrett@alaskalegacypartners.com</u>		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u>[Signature]</u> Landowner/Lessee Signature		<u>8/23/18</u> Date	
X <u>[Signature]</u> Landowner/Lessee Signature		<u>8/23/18</u> Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant		Contact Person	
Mailing Address		Phone Number(s)	
E-mail Address			
X <u>[Signature]</u> Applicant's Signature		<u>8/23/18</u> Date of Application	

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

RECEIVED
AUG 27 2018
PERMIT CENTER/CDD

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Attachment A - Application

Intake Initials <u>AL</u>	Case Number <u>20180016</u>
Date Received <u>8/27/18</u>	



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

PROJECT SUMMARY

32-unit condo development on a 1.33 acre GC parcel

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment – Accessory Apartment Application (AAP)

☒ Use Listed in 49.25.300 – Table of Permissible Uses (USE)

Table of Permissible Uses Category: _____

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☐ YES – Case # _____

☒ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 58,160 square feet Total Area of Existing Structure(s) N/A square feet

Total Area of Proposed Structure(s) 40,800 square feet

EXTERNAL LIGHTING

Existing to remain

☐ No

☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

Proposed

☐ No

☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

- ☒ Current use of land or building(s)
- ☒ Description of project, project site, circulation, traffic etc.
- ☒ Proposed use of land or building(s)
- ☒ How the proposed use complies with the Comprehensive Plan

If this is a modification or extension include:

- ☐ Notice of Decision and case number
- ☐ Justification for the modification or extension
- ☐ Application submitted at least 30 days before expiration date

☒ Plans including:

- ☒ Site plan
- ☒ Floor plan(s)
- ☒ Elevation view of existing and proposed buildings
- ☒ Proposed vegetative cover
- ☒ Existing and proposed parking areas and proposed traffic circulation
- ☒ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

RECEIVED
AUG 27 2018
PERMIT CENTER/CDD

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>1070.00</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50.00</u>			
Pub. Not. Sign Deposit	\$ <u>100.00</u>			
Total Fee	\$ _____			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Attachment A - Application

Case Number	Date Received
<u>64220180016</u>	<u>8/27/18</u>



August 24, 2018

CBJ Community Development Department
230 South Franklin Street
Juneau, AK 99801

RE: Conditional Use Permit Narrative – The Jetty LLC – *The Jetty Condos*

Alaska Legacy Partners via The Jetty LLC is proposing a four-story, 32-unit condo development in Auke Bay. The project, located at 11798 Glacier Highway in Auke Bay, will be built on a vacant 1.33 acre parcel of land zoned General Commercial (GC). The lot is further defined as Jetty Subdivision, Lot 2.

The Jetty condo project will be accessed from Glacier Highway via panhandle. A 24' wide, two-way driveway will lead up to the Jetty Condo lot. The proposed use fits within the existing Comprehensive Plan. More specifically, it fits nicely within the newly drafted Auke Bay Area Plan.

The project foundation will be built on a podium. The podium construction will be achieved by driving piles into bedrock. This will create covered parking (under the podium) and will allow the development to achieve a more modern, mixed-use feel.

Regards,



Garrett Schoenberger
Managing Member
Alaska Legacy Partners LLC
(602) 790-6144



Paul Simpson
Managing Member
Alaska Legacy Partners LLC
(949) 244-2924

RECEIVED
AUG 27 2018
PERMIT CENTER/CDD



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD
155 S. Seward Street • Juneau, AK 99801

DATE: October 12, 2018
TO: Planning Commission
FROM: Allison Eddins, Planner *A. Eddins*
Community Development Department
CASE NO.: USE2018 0016
PROPOSAL: A Conditional Use Permit to allow a 32-unit condominium development

GENERAL INFORMATION

Applicant: The Jetty LLC
Property Owner: The Jetty LLC
Property Address: 11798 Glacier Hwy
Legal Description: Jetty Subdivision, Lot 2
Parcel Code Number: 4B2801030090 (Parent parcel number)
Site Size: 58,160 square feet (1.3 acres)
Comprehensive Plan Future Land Use Designation: Marine Mixed Use (M/MU)
Zoning: General Commercial (GC)
Utilities: City water & sewer
Access: Glacier Highway
Existing Land Use: Vacant lot
Surrounding Land Use:
North - 60 unit condo development/Light Commercial
South - Glacier Highway; Statter Harbor/Waterfront Commercial
East - AEL&P power station/General Commercial
West - Restaurants; Retail/General Commercial

Planning Commission
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VICINITY MAP



ATTACHMENTS

Attachment A – Conditional Use Permit Application

Attachment B – The Jetty Subdivision Plat (2018-29)

Attachment C – Proposed Floor Plan

Attachment D – Site Plan: Parking/Circulation, Vegetative Cover/Landscaping, and Lighting

Attachment E – Building Façade Design

Attachment F – Public Comment Emails (2)

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PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit for the development of a 32-unit condominium complex on a vacant lot in Auke Bay. The condominiums will be a mixture of two and three bedroom units. The subject lot is located within the Auke Bay Center area, as identified in the [Auke Bay Area Plan \(ABAP\)](#).

BACKGROUND

The development will be located on a 58,160 square foot lot. The lot is the result of a recent subdivision (MIF2018-0011). While the subdivision has been approved, the plat has been recorded (Plat 2018-29), and a new legal description has been created, a new CBJ parcel number has not been assigned. Therefore, the parcel identification number used in this report is for the parent parcel.

The parent lot is East ½ Lot A, USS 2391. US Survey 2391 was platted in 1940. Lot A was created by deed in 1966. The East ½ of Lot A was created by deed in 1973. In 1996, the owner of East ½ Lot A granted an access and utility easement to West ½ Lot A. This access and utility easement is still in place on the subject lot (Jetty Subdivision Lot 2) and is cited on the 2018 Jetty Subdivision plat. The 2018 plat establishes this easement as access to Jetty Subdivision Lot 1. See Attachment B for the Jetty Subdivision plat.

ANALYSIS

Project Site – The project site is currently vacant and is being used for vehicle storage. The lot has the appearance of a panhandle but meets the minimum dimensional standard for a lot width in the General Commercial (GC) zoning district which is 20 feet. The lot is 454 feet deep and 224 feet wide at the rear. The minimum lot depth in GC is 60 feet and the minimum lot size is 2,000 square feet. As stated above, the lot is 58,160 square feet.

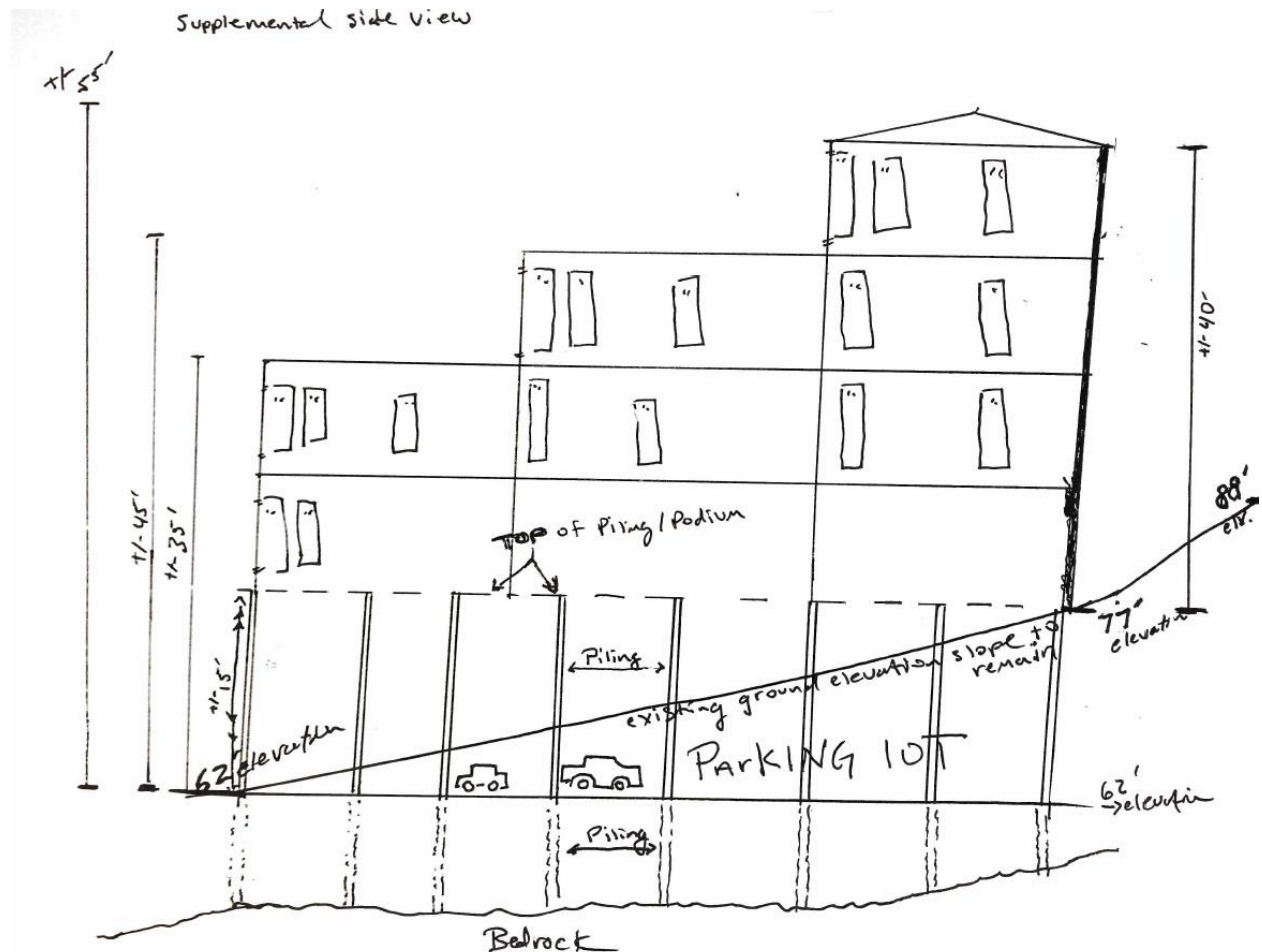
Although this lot is steep in places, this project does not require a Hillside Endorsement. *CBJ 49.70.200 Hillside Development* requires a Hillside Endorsement application for all development that involves excavation of any slope or the creation of any slope in excess of 18 percent. The steepest portion of the lot is in the rear. The rear 70 feet of the lot has an elevation increase of 16 feet, creating a 22 percent slope. This portion of the lot will be left undeveloped, and a retaining wall will be built to stabilize the slope. The remainder of the lot gradually increases in elevation with a 9.8 percent slope.

Project Design – The proposed condominium complex will be built on pilings. There will be at-grade, covered parking. The condominiums will be constructed above the parking. The condominium building will be a “stepped back” design. The front of the building will be two stories. The third and fourth stories will be stepped back. The total height of the building will be

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45 feet. The maximum height in the General Commercial zoning district is 55 feet. See the image below for a sketch of the proposed building.

The development will consist of 28 two-bedroom units and 4 three-bedroom units. The proposed floor plans are shown in Attachment C.



Calculating Building Height – CBJ 49.25.420 (a) states that *the height of a building is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of a pitched roof.*

CBJ 49.25.420 (b) *The reference datum shall be whichever of the following yields the greater height of the building:*

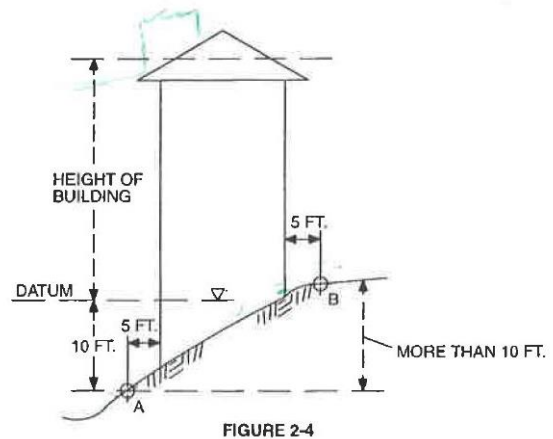
(1) *The highest point within a horizontal distance of five feet from the exterior wall of the building, when such point is not more than ten feet above the lowest point within said five feet.*

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(2) An elevation ten feet higher than the lowest point, when the highest point described in subsection (b)(1) is more than ten feet above the lowest point.

Using the side view elevation on the previous page and measuring five feet from the exterior of the proposed building provides two reference datum points. Point A, five feet from the front of the building, is approximately 62 feet elevation. Point B, five feet from the rear of the building, is approximately 77 feet elevation. Point B is 15 feet higher than Point A, therefore the method for measuring height described in CBJ 49.25.420 (b) (2) should be used. Below is an image showing how this method is used.

To calculate the height of the proposed condominium building, begin with datum point A at 62 feet elevation. Next, ten feet is added to datum point A. This brings the elevation point to 72 feet. This is where the measurement begins. From this point at 72 feet elevation to the mid-point of the proposed roof line is approximately 45 feet.



Traffic –The Institute of Transportation Engineers Manual categorizes condominiums as residential condos/townhouses (Land Use 230) and estimates that each residence will generate 5.81 vehicle trips per day, making the average daily traffic for the entire development to be 186 trips per weekday. CBJ 49.40.300 states that a traffic impact analysis is not required when a development is projected to generate less than 250 vehicle trips per day.

There will be a 24 foot wide two-way access to the condominiums from Glacier Highway. This is an existing access point that will be used by Jetty Subdivision Lot 1 and West ½ Lot A via an access and utility easement. Alaska Department of Transportation and Public Facilities (AKDOT&PF) was asked to comment on this project. DOT&PF responded that they had no concerns with the traffic or access for this development and that they have been working with the applicant on a right of way permit to pave and widen the existing driveway.

Parking and Circulation – The proposed parking and circulation plan is approved as part of the site plan. (See Attachment D) The parking requirement for the condominium development is provided in the table below.

Unit Type	# of units	Parking per unit	Total
2 bedroom	28	1.75	49
3 bedroom	4	2.25	9
Grand Total			58

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Standard spaces	8.5' by 17'		55
ADA space	13' by 17'		3
ADA Van aisle	8' by 17'	Shall be located between the 2 ADA spaces	ADA signs must be posted and the spaces must be clearly marked

The development will provide 49 covered parking spaces in the at-grade parking structure and 15 uncovered spaces for a total of 64 parking spaces. The covered parking will be angled at 45° and a circular, one-way traffic pattern is planned for the covered parking area. CBJ 49.40.230 requires one-way traffic aisles for 45° angled parking to be 13 feet wide. The 15 uncovered parking spaces will be angled at 90°, and a two-way traffic aisle is planned. Two-way traffic aisles for 90° angled parking are required to be 24 feet wide. The parking and circulation plan submitted for this project is drawn to scale and shows the required parking space and aisle dimensions. CBJ 49.40.220 requires residential developments of 10 units or more to submit a parking and site circulation plan that has been prepared by a licensed engineer or architect. Prior to the issuance of a Building Permit, the applicant must meet this requirement.

Three ADA compliant parking spaces, with appropriate striping and signage, must be provided on the site including one van accessible space. Prior to the issuance of a Certificate of Occupancy, the parking spaces will need to be striped and properly signed. To ensure that all common parking and circulation areas are adequately maintained, it is recommended as a condition of approval that a Homeowner's Association (HOA) Agreement address the maintenance of such areas.

Pedestrian Circulation – CBJ 49.40.230 states that pedestrian walkways within a parking area be a minimum of 4 feet wide and must be raised 6 inches or more above the parking area. The site plan shows a raised 5 foot wide pedestrian walkway leading from the building's main entrance through the center of the parking area. The walkway connects to the abutting lot, Jetty Subdivision Lot 1.

Vegetative Cover and Landscaping – The minimum vegetative cover requirement for General Commercial is 10 percent. For the subject lot, 10% is 5,816 square feet. The steep rear portion of the lot will be left undeveloped and will retain 16,128 square feet of natural vegetation. This meets the minimum vegetative cover requirement.

CBJ 49.40.230 (a) requires parking and circulation areas to be "attractively landscaped". CBJ 49.430.230 (c) (1) states parking areas "shall be landscaped in accordance with design review standards". However, Title 4 of the CBJ Administrative Code no longer includes design review standards for parking lot design. Staff can only subjectively assess whether the parking lot design is "attractive".

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CBJ 49.80 defines landscaping as: *lawns, trees, plants or other natural and decorative features to land.*

The site plan shows that a 20 foot wide vegetated strip will be installed along the southeast side of the parking area. Additional vegetation will be installed along the building's façade. The applicant has not specified the type of vegetation and landscaping that will be installed.

Staff recommends as a condition of approval that prior to the issuance of a Building Permit, the applicant provides a detailed landscape plan for the site and parking area. Prior to a Certificate of Occupancy being issued for the building, the landscaping must be installed or bonded for.

Prior to the issuance of a Certificate of Occupancy, staff recommends that the Homeowners Association Agreement provide for the maintenance of all required vegetation and landscaping.

Drainage and Snow Storage- A detailed drainage and snow storage plan will be required at the time a Building Permit is applied for. The drainage plan must show that permanent storm water best management practices (BMPS) will be in place and must include all easements that have been granted for drainage. As part of the Building Permit review, CBJ General Engineering requires a maintenance schedule agreement for oil/water separators to be recorded to make it clear what a development's maintenance obligations are.

Lighting- CBJ 49.40.230 (d) requires that parking areas be "suitably lighted" and "shall be full cutoff styles that direct light only onto the subject parcel". This is interpreted to mean exterior lighting should be provided in parking areas, along pedestrian walkways, and immediately adjacent or affixed to the exterior of the building. The applicant has proposed lighting fixtures that meet the required full cutoff design. The lighting locations are shown on the site plan that has been submitted (See Attachment D). The lighting shall be designed, located, and installed to minimize off-site glare.

Noise – The proposed condominium development is not expected to generate any noise impacts beyond what would be expected for multifamily use in a General Commercial zoning district.

Public Health or Safety – During the Building Permit review, all structures will be evaluated for compliance with all zoning, building, and fire standards. Neither the CBJ Building Official nor the CBJ Fire Marshal had any concerns with the proposed development.

Habitat – There are no habitats regulated by the CBJ Land Use Code that would be impacted by the development.

Public Comment – At the time this staff report was written, staff had received two emails (See Attachment F) and one in-person comment from neighboring property owners. The two property owners who emailed comments expressed concerns about increased traffic in the

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area and suggested that a study be conducted to determine if long-term rental property has a negative impact on the neighborhood. As mentioned above, the proposed 32 unit condominium development is estimated to generate 186 vehicle trips per day - not enough to require a Traffic Impact Analysis. Staff reached out to AKDOT&PF for comment. AKDOT&PF staff reviewed the proposal and did not have any concerns. CDD also received an in-person comment from a neighboring property owner who is concerned about the protection of views from his property, which is located behind the subject lot. As mentioned above, the proposed development will be approximately 45 feet high. The ABAP does encourage the preservation of views from public property, but it does not address protecting views from private property.

Property Value or Neighborhood Harmony – The surrounding land uses are commercial, multifamily residential, and an AEL&P utility station. CBJ 49.25.210 states that commercial zoning districts are established to accommodate commercial activities and, more specifically, that General Commercial zoning districts are:

Intended to accommodate most commercial uses. Commercial activities are permitted outright in the zone except for those few uses that are listed as conditional uses to ensure compatibility. Residential development is allowed in mixed and single-use developments in the general commercial district.

The proposed condominium development is allowed in the zoning district and is consistent with the description of the zoning district. The CBJ Assessors Office has stated that they do not foresee any negative impacts on surrounding property values from the development.

Conformity with Adopted Plans –

CBJ 2013 Comprehensive Plan

The Land Use Designation of the site in the Comprehensive Plan is Marine/Mixed Use (MMU). This land use is described as:

...high density residential and non-residential land uses in areas in and around harbors and other water-dependent recreational or commercial/industrial areas. Typically, neighborhood-serving and marine-related retail, marine industrial, personal service, food and beverage services, recreational services, transit and transportation services should be allowed and encouraged, as well as medium and high density residential uses at densities ranging from 10 to 60 units per acre. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land. Float homes, live-a-boards, and house boats, if necessary services (such as sewer) are provided to berthing locations, are appropriate for these areas.

The proposed dwelling unit density for this project is 24 units per acre, consistent with the intent of the M/MU district. The maximum allowed density in the General Commercial zoning

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district is 50 units per acre. Ideally, lands are developed to their maximum density where possible, but there is no minimum density requirement.

The Comprehensive Plan provides policies to encourage the development of more housing. The following policies are relevant to the proposal:

POLICY 4.2. TO FACILITATE THE PROVISION OF AN ADEQUATE SUPPLY OF VARIOUS HOUSING TYPES AND SIZES TO ACCOMMODATE PRESENT AND FUTURE HOUSING NEEDS FOR ALL ECONOMIC GROUPS. (p.37)

POLICY 4.8. TO BALANCE THE PROTECTION AND PRESERVATION OF THE CHARACTER AND QUALITY OF LIFE OF EXISTING NEIGHBORHOODS WITHIN THE URBAN SERVICE AREA WHILE PROVIDING OPPORTUNITIES FOR A MIXTURE OF NEW HOUSING TYPES. (p.41)

POLICY 10.1. TO FACILITATE AVAILABILITY OF SUFFICIENT LAND WITH ADEQUATE PUBLIC FACILITIES AND SERVICES FOR A RANGE OF HOUSING TYPES AND DENSITIES TO ENABLE THE PUBLIC AND PRIVATE SECTORS TO PROVIDE AFFORDABLE HOUSING OPPORTUNITIES FOR ALL JUNEAU RESIDENTS. (p.129)

POLICY 10.3. TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS. (p.131)

This development is in general conformity with the 2013 Comprehensive Plan.

Juneau Economic Development Plan

The Juneau Economic Development Plan (JEDP) developed eight economic development priorities, including to “Promote Housing Affordability and Availability”. In order to accomplish the priorities set forth, the Plan states Initiatives, Goals, and Actions. The proposed development is providing additional housing albeit not specifically designed to be ‘affordable’ housing.

Area-Wide Transportation Plan

The Area-Wide Transportation Plan (AWTP) addresses land use revisions and enhancements that developments should provide in projects. These enhancements include sidewalks, pathways that eliminate vehicular conflict points, and infill development and redevelopment. The proposed development will feature a raised 5 foot wide pedestrian pathway through the parking area and will provide connectivity to the adjacent lot. This development is in general conformity with the AWTP.

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Juneau Non-Motorized Transportation Plan

The purpose of the Juneau Non-Motorized Transportation Plan (JNMTP) is “to promote active transportation by guiding development of a community-wide bicycle and walking network that can be used by all Juneau residents for all types of trips”. The location of the development is a walkable distance to public amenities such as restaurants, schools, a post office, a hair salon, and harbor facilities. Transit services operate on Glacier Highway and Mendenhall Loop Road. The pedestrian pathway will help create pedestrian connections between properties and will promote non-motorized transportation. This development is in general conformity with the JNMTP.

Auke Bay Area Plan

The purpose of the Auke Bay Area Plan (ABAP) is to provide a 20 year vision for the Auke Bay neighborhood that will help guide future development. The subject lot is located within the Auke Bay Center, as identified in the plan. The Center is envisioned to be the focal point of the area with multi-story buildings with a mixture of uses, higher density, and pedestrian and road connectivity. The ABAP also recommends design and site features such as canopies, landscaping and screening of parking areas, utility boxes, and trash/recycling receptacles. The proposed density for this development is 24 units per acre which is considered medium-to-high density. The site will feature a pedestrian pathway that will provide connectivity to the neighboring property and the at-grade parking structure will be screened with lattice and vertical planting. The building will have vertical wood siding enclosing an exterior staircase and a covered BBQ/community space for residents. (See Attachment E) This development is in general conformity with the ABAP.

FINDINGS

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

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

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

CBJ 49.15.330 (f), Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based

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upon its own independent review of the information submitted at the public hearing, that the development will more probably than not:

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

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

1. Is the application for the requested Conditional Use Permit complete?

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

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

Yes. The requested permit is appropriate according to the Table of Permissible Uses. The permit is listed at CBJ 49.25.300, Section 1.300 for the General Commercial zoning district.

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the October 12th and October 22nd issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

No. Based on the above analysis the proposed development, with conditions, will not materially endanger the public health or safety.

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

No. Based on the above analysis, the use, with conditions, will maintain the values and will be in harmony with the neighboring area.

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

Yes. Based on the above analysis, staff finds that the proposed condominium development is in general conformity with the CBJ Land Use Code, 2013 Comprehensive Plan and other relevant adopted plans referenced in this report.

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

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

N/A.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a 32 unit condominium development in the General Commercial zoning district.

The approval is subject to the following conditions:

1. Prior to the issuance of a Building Permit, the applicant will provide a detailed landscape plan for the parking area.
2. Prior to a Certificate of Occupancy being issued for the building, the landscaping must be installed or bonded for.
3. Prior to the issuance of a Certificate of Occupancy, the parking spaces will need to be striped and properly signed.
4. Prior to issuing a Temporary Certificate of Occupancy for the first dwelling, a Homeowners Association Agreement shall be submitted for review and approval by Community Development Department. The HOA agreement shall specify how common facilities such as the parking area and pedestrian walkway and required landscaping and vegetation will be properly maintained.
5. Prior to the issuance of a Building Permit, the applicant shall submit a detailed drainage and snow storage plan.
6. Prior to the issuance of a Building Permit, the applicant shall submit a parking and site circulation plan that has been prepared by a licensed engineer or architect.



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 11798 Glacier Highway, Juneau, AK 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Jetty Subdivision, Lot 2 USS 2391 LTA, East 1/2		
	Parcel Number(s) TBD 4B2801030090		
	<input type="checkbox"/> This property located in the downtown historic district <input type="checkbox"/> This property located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner The Jetty LLC		Contact Person Garrett Schoenberger
	Mailing Address 2780 Fritz Cove Rd., Juneau, AK 99801		Phone Number(s) Garrett - 602.790.6144
	E-mail Address garrett@alaskalegacypartners.com		Paul - 949.244.2924
	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 [Signature] Landowner/Lessee Signature		8/23/18 Date	
X [Signature] Landowner/Lessee Signature		8/23/18 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"			
Applicant		Contact Person	
Mailing Address		Phone Number(s)	
E-mail Address			
X [Signature] Applicant's Signature		8/23/18 Date of Application	

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

RECEIVED
AUG 27 2018
PERMIT CENTER/CDD

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number USE 20180016	Intake Initials AL
	Date Received 8/27/18



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant

PROJECT SUMMARY

32-unit condo development on a 1.33 acre GC parcel

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- ☐ Accessory Apartment – Accessory Apartment Application (AAP)
☒ Use Listed in 49.25.300 – Table of Permissible Uses (USE)
 Table of Permissible Uses Category: _____

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☐ YES – Case # _____ ☒ NO

UTILITIES PROPOSED

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 58,160 square feet Total Area of Existing Structure(s) N/A square feet

Total Area of Proposed Structure(s) 40,800 square feet

EXTERNAL LIGHTING

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

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

- ☒ Current use of land or building(s)
- ☒ Description of project, project site, circulation, traffic etc.
- ☒ Proposed use of land or building(s)
- ☒ How the proposed use complies with the Comprehensive Plan

If this is a modification or extension include:

- ☐ Notice of Decision and case number
- ☐ Justification for the modification or extension
- ☐ Application submitted at least 30 days before expiration date

☒ Plans including:

- ☒ Site plan
- ☒ Floor plan(s)
- ☒ Elevation view of existing and proposed buildings
- ☒ Proposed vegetative cover
- ☒ Existing and proposed parking areas and proposed traffic circulation
- ☒ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

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AUG 27 2018
PERMIT CENTER/CDD

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

ALLOWABLE/CONDITIONAL USE FEES			
	Fees	Check No.	Receipt
Application Fees	\$ <u>1070.00</u>		
Admin. of Guarantee	\$ _____		
Adjustment	\$ _____		
Pub. Not. Sign Fee	\$ <u>50.00</u>		
Pub. Not. Sign Deposit	\$ <u>100.00</u>		
Total Fee	\$ _____		

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
<u>0420180016</u>	<u>8/27/18</u>



August 24, 2018

CBJ Community Development Department
230 South Franklin Street
Juneau, AK 99801

RE: Conditional Use Permit Narrative – The Jetty LLC – ***The Jetty Condos***

Alaska Legacy Partners via The Jetty LLC is proposing a four-story, 32-unit condo development in Auke Bay. The project, located at 11798 Glacier Highway in Auke Bay, will be built on a vacant 1.33 acre parcel of land zoned General Commercial (GC). The lot is further defined as Jetty Subdivision, Lot 2.

The Jetty condo project will be accessed from Glacier Highway via panhandle. A 24' wide, two-way driveway will lead up to the Jetty Condo lot. The proposed use fits within the existing Comprehensive Plan. More specifically, it fits nicely within the newly drafted Auke Bay Area Plan.

The project foundation will be built on a podium. The podium construction will be achieved by driving piles into bedrock. This will create covered parking (under the podium) and will allow the development to achieve a more modern, mixed-use feel.

Regards,



Garrett Schoenberger
Managing Member
Alaska Legacy Partners LLC
(602) 790-6144



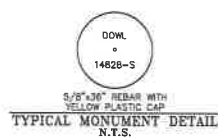
Paul Simpson
Managing Member
Alaska Legacy Partners LLC
(949) 244-2924

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PLAT MAP

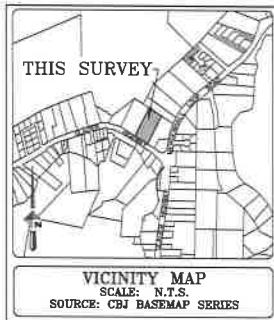
LEGEND

- PRIMARY MONUMENT RECOVERED THIS SURVEY
- SECONDARY MONUMENT SET THIS SURVEY (SEE DETAIL)
- SECONDARY MONUMENT RECOVERED THIS SURVEY (SEE DETAIL)
- PROPERTY LINE (ESTABLISHED THIS SURVEY)
- - - EXISTING PROPERTY LINE (NOT EFFECTED THIS SURVEY)
- SURVEY TIE
- EXISTING ACCESS EASEMENT
- ACCESS, UTILITY & DRAINAGE EASEMENT CREATED THIS PLAT



RECORD INFORMATION

RECORD INFORMATION THIS SUBDIVISION IS DERIVED FROM OFFICIAL PLAT, LAND SURVEY MONUMENT RECORD 2007-006643-0, JUNEAU RECORDING DISTRICT, DATED 09/27/2007 (R1), AND DOT&PF RIGHT OF WAY MAP, JUNEAU RECORDING DISTRICT, PLAT 2018-9, DATED 03/13/2018 (R2).



NOTES

1. THIS SURVEY CLOSES WITHIN A LIMIT OF ERROR OF ONE FOOT IN 10,000 FEET.
2. ALL DISTANCES ARE MEASURED IN U.S. SURVEY FEET.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. WHERE DIFFERENT FROM RECORD OR CALCULATED, RECORD DIMENSIONS ARE SHOWN IN PARENTHESES AND REFERENCED TO A RECORDED PLAT (R#).
5. DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
6. THE ON-LOT STORMWATER RUNOFF DRAINAGE IS ACCEPTABLE AS EXISTS BETWEEN THE PLATTED LOTS OF THIS SUBDIVISION AND MAY NOT BE MODIFIED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CBJ 18.12.120.1 BEST MANAGEMENT PRACTICES.

OWNERSHIP CERTIFICATE

THE JETTY HEREBY CERTIFIES THAT THE JETTY IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT IT HEREBY ADOPTS THIS PLAT OF SUBDIVISION WITH ITS FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

GARRETT SCHOENBERGER - MANAGING MEMBER DATE

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

THIS IS TO CERTIFY THAT ON THIS DAY OF 2018, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SHOWN, PERSONALLY APPEARED TO ME GARRETT SCHOENBERGER, MANAGING MEMBER, A REPRESENTATIVE OF "THE JETTY", A LIMITED LIABILITY COMPANY KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES:

PLAT OF JETTY SUBDIVISION A SUBDIVISION

OF EAST 1/2 LOT A, U.S. SURVEY 2391
WITHIN CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT
STATE RECORDERS OFFICE AT JUNEAU

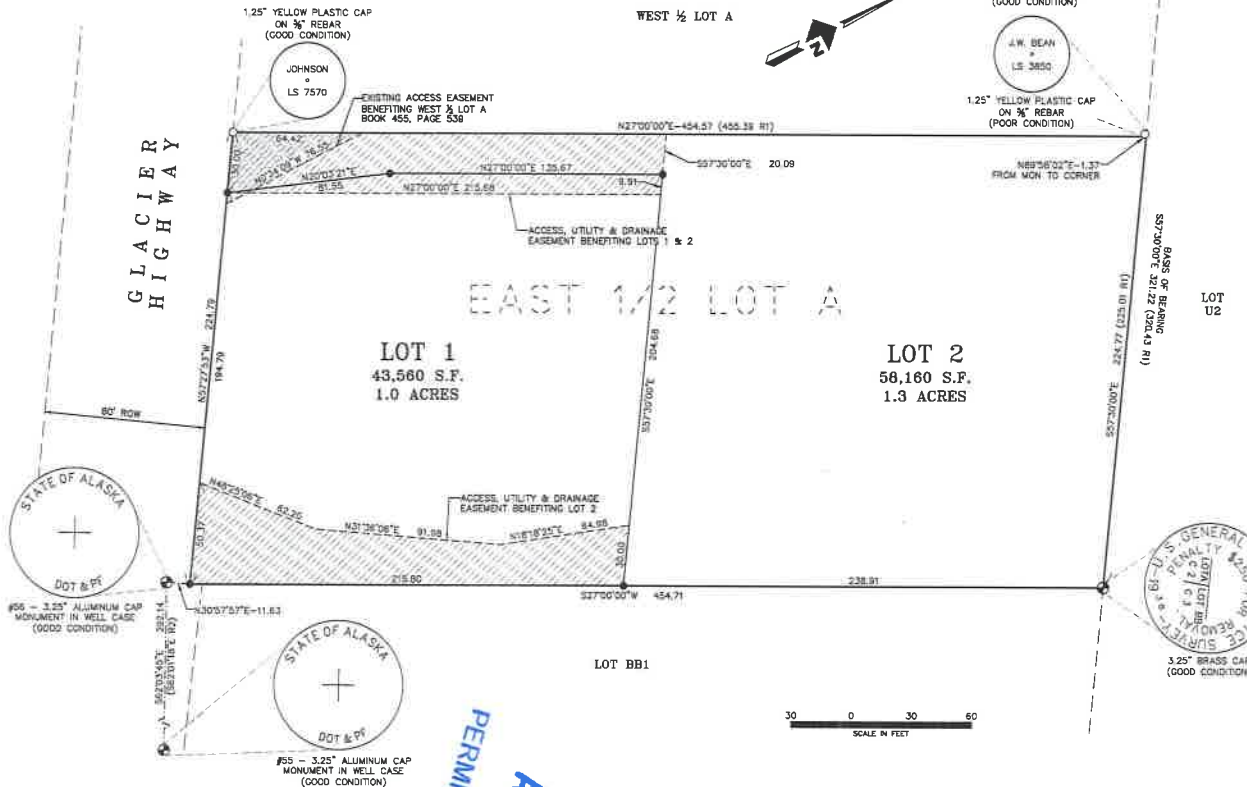
DOWL

CIVIL ENGINEERING-LAND SURVEYING-CONSTRUCTION MANAGEMENT
5388 COMMERCIAL BOULEVARD
JUNEAU ALASKA 99801 807-780-3533

OWNER

THE JETTY
2780 FRITZ COVE ROAD
JUNEAU, ALASKA 99801

SCALE: 1" = 30' DATE: JUNE 2018 PROJECT NO: J71000 FILE NO: SHEET NO: 1 OF 1



COMMUNITY DEVELOPMENT PLAT APPROVAL

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

DIRECTOR, CITY & BOROUGH OF JUNEAU
DEPARTMENT OF COMMUNITY DEVELOPMENT

ATTEST: MUNICIPAL CLERK, CITY & BOROUGH OF JUNEAU

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS PLAT IS RECORD BEARING OF S57°30'00"E BETWEEN U.S. GENERAL LAND OFFICE SURVEY PRIMARY MONUMENTS AS PER LAND SURVEY MONUMENT RECORD 2007-006643-0, DATED 09/28/2007, JUNEAU RECORDING DISTRICT.

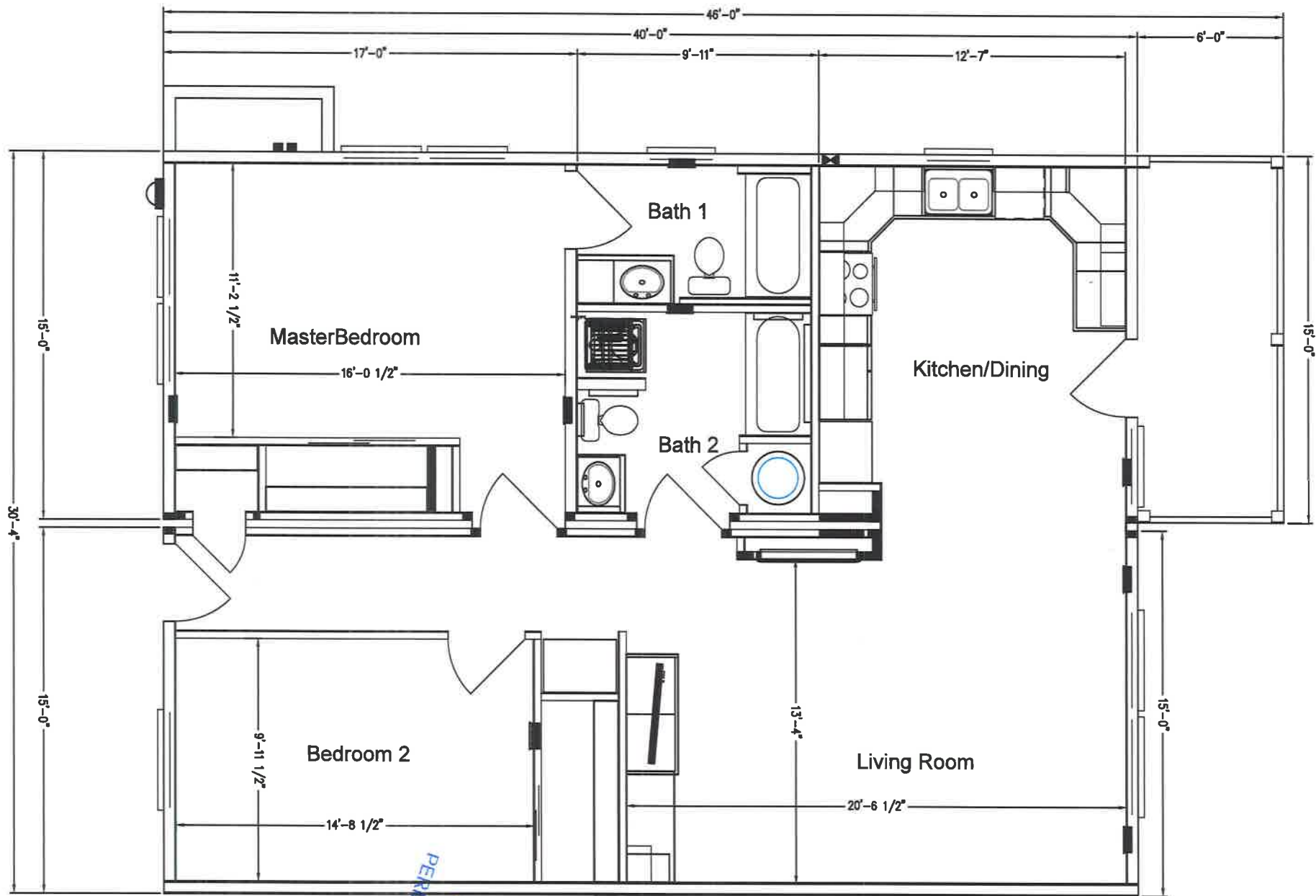
SURVEYOR'S CERTIFICATE

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

DATED: JUNE, 2018

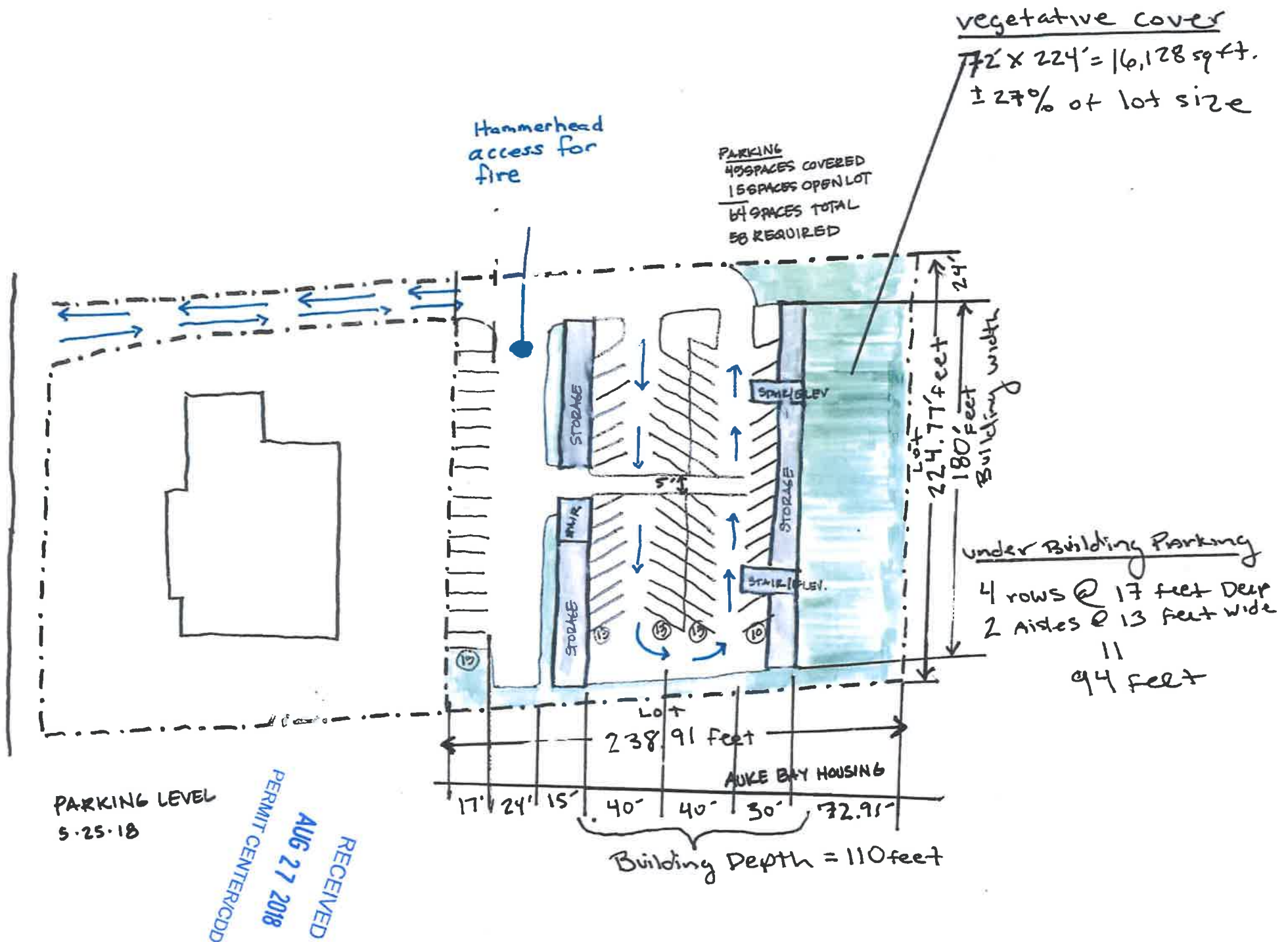


SAMPLE 2B/2B FLOOR PLAN



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SITE PLAN - PARKING LAYER



SITE PLAN - BUILDING LAYER

* - notates location of exterior lights

Hammerhead access for fire

PARKING
40 SPACES COVERED
15 SPACES OPEN LOT
64 SPACES TOTAL
58 REQUIRED

vegetative cover
 $72' \times 224' = 16,128 \text{ sq ft.}$
 $\pm 27\%$ of lot size



PARKING LEVEL
5.25.18

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AUG 27 2018
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VERY SKETCHY ELEVATION SKETCH
 AUC 12 HOUSING
 JUNE 2018

RECEIVED
 AUG 27 2018
 PERMIT CENTER/CDD

From: Michael Bethers <mikebethers@gmail.com>
Sent: Monday, October 1, 2018 7:03 AM
To: PC_Comments
Subject: USE20180016

Ms Eddins and Commissioners, We are opposed to development of 32 condos proposed for development at 11798 Glacier highway or anywhere else in the Juneau area until you conduct a study to determine the negative impact on long term existing rentals in the local area.

Respecfully
Astrid and Mike Bethers

From: Christine Culliton <cmculliton@gmail.com>
Sent: Monday, September 24, 2018 7:48 AM
To: PC_Comments
Subject: New development in Auke Bay

I currently reside on Caroline St. where I have lived for over 20 years; I love my neighborhood and appreciate mindful development which is why I did not oppose the first set of condo's across the street. However, I now must oppose any more development until such time traffic patterns and utilization has occurred with the exiting units already built. The creation of the roundabout has been both a blessing and curse- we cannot merge into traffic off of Caroline because all UAS traffic as well as the roundabout come directly onto our path; this is a dangerous situation and it made worse during June/July and the winter months when the ice builds up from the natural flow of water. Additionally, the noise, dust, and increased foot traffic, homeless camps and attempted break ins in our neighborhood have gone up annually with a huge spike in the past 25 months. It is important to have development that makes sense but continuing to create developments like that on Riverside is not the answer to Juneau's housing issues.

Sincerely, Christine Culliton 3869 Caroline St. Auke Bay AK 99821

CONFIDENTIALITY NOTICE: This e-mail transmission and any documents accompanying this transmission may contain personal information subject to such privacy regulations as the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This information is intended only for the use of the authorized individual named above. Such authorized recipient of this information is prohibited from disclosing this information to any other party unless required to do so by law or regulation and is required to destroy the information after its stated need has been fulfilled. If you are not the intended recipient, you are hereby notified that any disclosures, copying, distribution, or action taken in reliance on the contents of these documents is strictly prohibited. If you have received this information in error, please notify the sender immediately and arrange for the destruction of these documents.

Agenda
Planning Commission
Regular Meeting
 CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
 October 23, 2018

I. ROLL CALL

Paul Voelckers, Vice Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 p.m.

Commissioners present: Paul Voelckers, Vice Chairman; Nathaniel Dye, Percy Frisby, Dan Hickok, Andrew Campbell, Carl Greene, (telephonically) Dan Miller

Commissioners absent: Ben Haight, Chairman; Michael LeVine

Staff present: Jill Maclean, CDD Director; Teri Camery, Senior Planner; Tim Felstead, Planner II; Allison Eddins, Planner II; Amy Liu, Planner I; Robert Palmer, Municipal Attorney

Assembly members: Loren Jones,
 Wade Bryson, Assembly Liaison to the Planning Commission

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA - None

III. APPROVAL OF MINUTES

- A. September 11, 2018 Draft Minutes – Regular Planning Commission Meeting
- B. September 25, 2018 Draft Minutes – Committee of the Whole Meeting
- C. September 25, 2018 Draft Minutes – Planning Commission Regular Meeting

Mr. Voelckers asked that the words “to proceed on a new Comprehensive Plan” be added to the September 11, 2018, Planning Commission minutes, line two, page 11 of 338; “They accepted the recommendation from the Planning Commission *to proceed with a new Comprehensive Plan*” ...

USE2018 0016: A Conditional Use Permit to allow a 32-unit residential condominium development
Applicant: The Jetty LLC
Location: 11798 Glacier Highway

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a 32-unit condominium development in the General Commercial zoning district.

The approval is subject to the following conditions:

1. Prior to the issuance of a Building Permit, the applicant will provide a detailed landscape plan for the parking area.
2. Prior to a Certificate of Occupancy being issued for the building, the landscaping must be installed or bonded for.
3. Prior to the issuance of a Certificate of Occupancy, the parking spaces will need to be striped and properly signed.
4. Prior to issuing a Temporary Certificate of Occupancy for the first dwelling, a Homeowners Association Agreement shall be submitted for review and approval by Community Development Department. The HOA agreement shall specify how common facilities such as the parking area and pedestrian walkway and required landscaping and vegetation will be properly maintained.
5. Prior to the issuance of a Building Permit, the applicant shall submit a detailed drainage and snow storage plan.
6. Prior to the issuance of a Building Permit, the applicant shall submit a parking and site circulation plan that has been prepared by a licensed engineer or architect.

This lot is zoned General Commercial and it is located behind the old UAS Bookstore located off of Glacier Highway in Auke Bay, said Ms. Eddins. The condominiums will be built upon a raised foundation of 15-foot pilings and screened with lattice wood work, she said. Parking will be located below the dwellings, she said.

While the lot is fairly flat, the applicant will leave the steeper rear part of the lot undeveloped and will install a retaining wall, said Ms. Eddins.

The total height of the building is 45 feet, said Ms. Eddins. The maximum height in the General Commercial zoning district 55 feet, she said. According to Title 49, the height of the building is

the vertical distance above a referenced datum measured to the highest point of the coping of a flat roof, or to the deck of a mansard roof, or to the average height of a pitched roof, she explained.

An HOA agreement would make sure that vegetation is properly maintained and bonded, said Ms. Eddins. The parking, located under the dwellings, will have 49 spaces. The site will have an additional 15 uncovered parking spaces. Only 58 spaces are required, she said. There will be pedestrian access raised at least six inches above the parking area, and will be five feet wide. It will connect the condominiums to the old UAS bookstore, she said. She noted that other condominiums in the area such as Auke Bay Towers and Spaulding Beach condominiums are both four stories in height like the proposed project.

Staff has received two emails and a letter mentioning concerns about traffic impacts to the area and a negative impact that rental units may have on surrounding property values and views of neighboring properties, said Ms. Eddins. Each unit will generate about 5.86 average daily trips, she said. This is not a high enough number to generate a Traffic Impact Analysis, she said. The Department of Transportation also voiced no concerns about the traffic impact of the development, she said.

While there is some protection in the Auke Bay Area Plan to maintain the views of the bay from public property, there is no such provision for the protection of private property views, said Ms. Eddins.

Commission Comments and Questions

Mr. Miller said it has been his understanding and experience that the CBJ does not normally approve the Home Owners Association (HOA) document. He said this does look similar to what has come out of the Alternative Residential Subdivision (ARS) ordinance. He said he understands why CBJ would be involved in the ARS. He asked why that language was in this particular development condition.

Ms. Maclean said they had required it for a fairly recent development in town for a use permit.

Mr. Palmer said he thinks that Mr. Miller is correct in that state law generally regulates the formation and the operation of a condominium association. The CBJ also regulates condominiums, he said. Not because they are condominiums but because they are developments, he explained. The Commission may alter the Director's proposed permit conditions, said Mr. Palmer. This includes an owner's association, he said.

The CBJ has code authority to regulate common property, said Mr. Palmer. The fourth condition for this condominium development is a little unique in that the department is required to approve the entire agreement, he said. He said maybe the Commission would be more comfortable if the condition stated that the Community Development Department must review

the application to ensure that the common facility such as parking and pedestrian ways and landscaping and vegetation are properly maintained, said Mr. Palmer.

Mr. Campbell said he liked the suggestion of Mr. Palmer. He said he had also had questions about the approval portion of that condition. He said he thought in previous applications the word “review” was used and not “approve”.

Mr. Hickok said in all the meetings he has attended for the Auke Bay Area Plan that protection of the view shed was always mentioned. He asked if that is only applied to existing buildings and not to new developments.

Ms. Eddins said in the Auke Bay Area Plan that there is recognition that it is unique concerning views. The City should play an active role in protecting those views from public property, said Ms. Eddins. The plan does not specify protecting views from private property, she said. The Auke Bay Implementation Subcommittee had discussed the possibility of a developer being provided with a bonus if they worked to protect their neighbors’ views, she said. That has not been adopted, she added.

Mr. Hickok asked if there is a definition of a view shed for Auke Bay.

Ms. Eddins said there is not such a definition.

Mr. Dye asked where in the Auke Bay Area Plan public views are distinguished from private views.

Ms. Eddins said she would find that information for Mr. Dye.

Mr. Hickok asked if anyone knew the height of the adjacent AEL&P building.

Ms. Eddins said she did not know the height of that building.

Mr. Frisby asked how high the property was.

Ms. Eddins said the highest point of the property is approximately 92 feet. There is a 22-foot slope that spans 70 feet, she said. The applicants have decided to leave that portion of the property undeveloped, she said.

Applicant

Applicant Garrett Schoenberger told the Commission that their property is zoned General Commercial, that they are sticking to the height limits and the proposed uses that are cohesive with the Auke Bay Area Plan.

Commission Comments and Questions

Mr. Campbell said he is very supportive of both this condominium development and the condominium development behind it. He said he would like to try to find a solution in which both parties could feel good. He noted that the applicants have a 15-foot height in their parking structure which is very high. He said perhaps that they could lower the height of the parking structure thus lowering the total height of the project, to ease the concerns of the property owners behind them.

Mr. Schoenberger said they have worked through this with the engineer. The piles are driven into bedrock and under-podium parking allows residents covered parking, but elevates the common area amenity. He said they want the highest and best use for the site. He said skimping on the height of the parking garage does not suit the project.

Mr. Miller asked if they are confident they will actually be constructing their condominiums to 10 feet less than the maximum 55 feet allowed.

Mr. Simpson said the condominiums are 55 feet high.

Ms. Eddins said the developer calculates height differently, but Mr. Simpson is correct in that at the lowest grade on the site the building will be 55' above grade. However, the rear of lot at the highest elevation on the site the building will be 40' above grade, and according to the CBJ Land Use Code the height for the entire structure will be 45'.

Public Comment

Mr. Pat Kemp said he is one of the owners of the condominium project behind the proposed development. He said they were told that the Auke Bay Area Plan would deal with their concerns about height, so that they could view the top of the boat launch ramp at Statter Harbor from their development.

He said they had spoken with these developers about their project and were told that their building would not impact their view plane. In early October, the developer had put in a different plan and raised the building height. Mr. Kemp met with the CDD to express their concern about that.

They could come in level with the old Horton's Hardware store building height and save money, and with a sloped roof design along with reducing the height of the garage, it would minimize the project impact on the development behind, he said.

Mr. Campbell asked Mr. Kemp if they had told their buyers that they would have a view of the top of the boat ramp from their condominium.

Mr. Kemp said they did tell their buyers that they would have that view.

Mr. Schoenberger said they are reasonable people who bought a site zoned General Commercial. They paid above the asking price for the site knowing that it had a 55-foot height potential. He said he has empathy for the people behind them, and that they are willing to have discussions, but that they want to make the best use of their property.

Engineer for the project, Travis Arndt, said the fifteen-foot-high parking structure would actually just be providing a net height of ten feet. The beam height added to that comes to fifteen feet, said Mr. Arndt. If they dropped the elevation of their structure to the elevation of the old hardware store, then they would have to excavate further into the hill with the existing slope rise. If they then had to push the retaining wall back, it would have to be 15 feet high, he said. They have to place five feet of rock with the piles, said Mr. Arndt. Dropping down seven feet would affect the uphill side as well as a huge cost increase, he said. He said they moved as far forward with the development as they could, to have parking in the front and under the dwellings. They went with the gabled roof to save height, he said. A gabled roof has a three-foot rise and a sloped roof would be a six-foot rise.

Mr. Miller said the architectural drawings showed the front buildings have flat roofs. He said there could be some savings in elevation if the uppermost unit had a flat roof.

Mr. Arndt said that would be possible, but then they would have to change the roof covering, which would be much more expensive. He said very few people in town can install a membrane roof. A metal roof would probably triple the cost, he said.

Mr. Campbell asked for the elevation of the old hardware store.

Mr. Schoenberger said it is about 24.5 feet high.

Mr. Hickok asked if their development would be higher than the diesel fuel tank on the AELP lot, or if it would be lower than the fuel tank in elevation.

Mr. Schoenberger said he imagines their development would be at a higher elevation than the fuel tank.

Mr. Campbell asked if the applicant had plans on excavating the undeveloped portion of the rear of their property or it would remain undisturbed.

He was told they would excavate to where the retaining wall is going in, and that the rest of the property would remain undisturbed.

Mr. Campbell said it seemed like the applicant could use undisturbed land which would enable them to put in their pathway and lower the elevation a little bit.

Mr. Arndt said the geotechnical report was not positive in that regard, and that he did not think they would want to put it at a two to one slope.

Mr. Campbell asked how wide the pathway would be behind the building.

He was told it would be four to five feet wide.

The Mr. Schoenberger said they have put everything they have into this project. They have done a lot of public outreach and have settled on this design due to the feedback from potential buyers, and from the geotechnical report.

Ms. Eddins told the Commission the verbiage on protecting public view sheds is on page nine and page 63 of the Auke Bay Area Plan.

Mr. Campbell asked if the Commission has the ability to specify the maximum elevation of a lot.

Mr. Palmer said the Commission did have that discretion, but that it had to be tied in to the three primary criteria that it evaluates; will the development more probably than not:

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

Mr. Miller asked if there are any bonus provisions in code that speak to heights, and view sheds, and density.

Ms. Maclean said there is a height bonus if the property is in the MU2 district. Typically, the bonus is for an increase, and the applicant is not looking for an increase, she said. There are no height bonuses in the General Commercial zoning district.

MOTION: *by Mr. Miller, to approve the Conditional Use Permit with the change in condition number 4 in the packet removing the word “approval” and inserting the words suggested by Mr. Palmer, with the advisory condition that would implore the applicant to work with the neighboring development to potentially put in a flat roof instead of a gable and to be willing to work with Mr. Kemp to lower the height as much as possible.*

Mr. Campbell said he feels they should split the difference. Mr. Palmer said the Commission has the ability to impose a height limitation if it is tied to a primary criterion, said Mr. Campbell, which in this case would be that the proposed height of the development would substantially

decrease the value of or be out of harmony with property in the neighboring area. He said the additional cost to the applicant would be to have to core out an additional three feet of material, and that the reduction in the pile length of three feet would help to offset that. There would be the negative impact of the applicant's development to the neighboring property because they had already told their customers that they would be able to view the top of the ramp at Statter Harbor, said Mr. Campbell. He suggested they limit the maximum height of the building to 113.5 feet above elevation 0' as a compromise, and that the compromise be a requirement and not a suggestion.

Mr. Dye said he is intrigued by Mr. Campbell's suggestion. Mr. Dye said he is not typically in favor of advisory conditions that are not enforceable. Mr. Dye said he is not in favor of that aspect of Mr. Miller's motion. He said he would like to hear from the other commissioners regarding their opinion of Mr. Campbell's possible amendment to the main motion by Mr. Miller.

Mr. Miller said the current height as drawn is considered a 45-foot-tall building. That is the height they are considering for a lot of property in the Auke Bay area. It is the legal height for Light Commercial zoned properties, and it is already lower than the maximum height by 10 feet, said Mr. Miller. He said in his opinion the applicant has already compromised by building ten feet under the allowable height for that zoning district.

Mr. Frisby said if they stick to this height recommendation, if it would be following the current direction the Auke Bay Steering Committee in terms of maximum heights for the area.

Ms. Eddins said the Auke Bay Steering Committee is currently discussing the idea of establishing a new zoning district with a maximum height of approximately 45 feet. There has also been discussion of a maximum height of 35 feet with bonus points edging the height up to 55 feet, said Ms. Eddins.

This proposal was evaluated to be in compliance with the adopted Auke Bay Area Plan, said Ms. Eddins. It is also in line with the current discussions regarding zoning district proposals, she said.

Mr. Miller said Mr. Campbell's suggestion of 113.5 feet in height above elevation 0 is 3.5 feet lower than the current design with a gabled roof. He said he thought that it should be fairly easy for the applicant to attain. Mr. Miller said he would accept the height suggested by Mr. Campbell as a friendly amendment to his motion. He said he is still in favor of his advisory condition.

Mr. Campbell said he foresaw a future in the Auke Bay area where the height of a future development may be limited due to harm experienced by neighboring properties.

Mr. Miller said the Auke Bay committee's direction of a height of 35 feet with very strong bonuses given for the lower height, and the upper limit of a height of 55 feet for properties that are not impinging upon the view shed.

Mr. Campbell asked if there was some bonus they could give to the applicant in exchange for the 3.5 feet height reduction for their development.

Ms. Eddins said that there is not such a bonus for this available at this time.

Mr. Campbell said he proposed the friendly amendment that they add condition number seven limiting the maximum elevation of the proposed structure to 113.5 feet.

Mr. Miller accepted Mr. Campbell's friendly amendment.

Speaking in favor of the motion, Mr. Dye said that trying to maintain neighborhood harmony is not always a simple thing, especially considering the long Auke Bay process in terms of the neighborhood plan. He added that changes are afoot.

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

MOTION: *by Mr. Miller, with a friendly amendment of Mr. Campbell, to approve USE2018 0016 with the change in condition number four in the packet removing the word "approval" and inserting the words suggested by Mr. Palmer (the Community Development Department must review the application to ensure that the common facilities such as parking and pedestrian ways and landscaping and vegetation are properly maintained), with the added condition that the applicant be implored to work with the neighboring development to potentially put in a flat roof instead of a gable and that the maximum height of the structure be 113.5 feet, and to be willing to work with Mr. Kemp to lower the height as much as possible.*

Roll Call Vote:

Yeas: Greene, Hickok, Miller, Campbell, Dye,

Nays: Frisby

The motion passes.

Mr. Miller stated that he lives in the area under consideration for item AME2018 0013, but that he feels that he can be impartial.

Neither the Commission nor the public voiced any objection to Mr. Miller remaining on the panel.

Mr. Campbell noted that referring to the table on page 215, that 10 out of 16 cases have similar uses for the zones. He said to him that is a pretty good argument that they are in substantial conformance.

Mr. Miller said that the comment of Mr. Dye is true. There could be 40 lots, each with a caretaker's unit. The Table of Permissible Uses also provides a good example, he said.

Mr. Hickok said he supports the rezone.

Mr. Greene said it made sense to him to rezone the property.

Roll Call Vote:

Yeas: Miller, Greene, Dye, Frisby, Campbell

Nays: Voelckers

The motion passes.

Mr. Campbell called for notice of reconsideration of item USE2018 0016.

This Conditional Use Permit case will come before the Commission at its next public meeting for a vote regarding whether or not to reconsider.

IX. BOARD OF ADJUSTMENT - None

X. OTHER BUSINESS - None

XI. STAFF REPORTS

A. Director's Report: FY 2020-2025 Capital Improvement Program

Mr. Felstead told the Commission that the Capital Improvement Program will be before the Commission at its next regular meeting on November 13, 2018, when the Director of Engineering and Public Works will be present to answer questions. The staff has also produced a summary of potential CIP projects in plans that have either been adopted into the land use code, or relate to past priority policies identified by the Planning Commission. These include the Housing Action Plan, the Climate Action Implementation Plan and the Renewable Energy Strategy, said Mr. Felstead.

Mr. Dye asked if there is a reason the CDD does not make its own recommendation for the CIP.

Agenda
Planning Commission
Regular Meeting
 CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
 November 13, 2018

I. ROLL CALL

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

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice Chairman; Michael LeVine, Dan Miller, Dan Hickok, Carl Greene

Commissioners absent: Andrew Campbell, Nathaniel Dye, Percy Frisby

Staff present: Jill Maclean, CDD Director; Teri Camery, Senior Planner; Allison Eddins, Planner II; Laurel Bruggeman, Planner I; Laura Boyce, Senior Planner

Assembly members: None

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA - None

III. APPROVAL OF MINUTES - None

IV. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

V. ITEMS FOR RECONSIDERATION

USE2018 0016: A Conditional Use Permit to allow a 32-unit residential condominium development

Applicant: The Jetty

Location: 11798 Glacier Highway

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a 32 unit condominium development in the General Commercial zoning district.

The approval is subject to the following conditions:

1. Prior to the issuance of a Building Permit, the applicant will provide a detailed landscape plan for the parking area.
2. Prior to a Certificate of Occupancy being issued for the building, the landscaping must be installed or bonded for.
3. Prior to the issuance of a Certificate of Occupancy, the parking spaces will need to be striped and properly signed.
4. Prior to issuing a Temporary Certificate of Occupancy for the first dwelling, a Homeowners Association Agreement shall be submitted for review and approval by Community Development Department. The HOA agreement shall specify how common facilities such as the parking area and pedestrian walkway and required landscaping and vegetation will be properly maintained.
5. Prior to the issuance of a Building Permit, the applicant shall submit a detailed drainage and snow storage plan.
6. Prior to the issuance of a Building Permit, the applicant shall submit a parking and site circulation plan that has been prepared by a licensed engineer or architect.

MOTION: *By Mr. Miller to approve reconsideration of USE2018 0016, a Conditional Use Permit for The Jetty, and continue the discussion at the next meeting.*

Mr. Voelckers recused himself from this item.

After Mr. Miller motioned to approve the reconsideration, Mr. Haight stated that five votes would be needed to approve this motion.

Ms. Maclean stated that due to Mr. Haight and Mr. LeVine being absent from the previous meeting, they needed to make sure they were prepared to vote at this meeting.

Mr. LeVine and Mr. Haight stated they had reviewed the staff report and the minutes from the October 23, 2018 Planning Commission meeting and were prepared to participate in the vote.

The motion was addressing two separate determinations, so Mr. LeVine suggested that two separate votes be taken; one vote to reconsider the case and one vote to decide to continue the discussion at the following Regular Planning Commission meeting.

Mr. Miller stated he was okay with separating the motion into two votes.

Roll Call Vote:

Yeas: Miller, LeVine, Hickok, Haight, Greene

The first motion to bring the case up for reconsideration passed with no objection.

Mr. Miller motioned to continue the hearing at the next Planning Commission meeting.

Mr. LeVine spoke in support of this motion.

Mr. Haight made it clear that it will require six commissioners to open the case up for public testimony at the next Planning Commission meeting, if they decide to do that.

Roll Call Vote:

Yeas: LeVine, Miller, Hickok, Greene, Haight

The second motion to continue the hearing at the next meeting passed with no objection.

VI. CONSENT AGENDA

Mr. LeVine requested that the Archipelago related cases including CSP2018 0009, FZE2018 0001, USE2018 0015, and CSP2018 0010 be pulled from the Consent Agenda for review by the staff.

USE2018 0019: A Conditional Use Permit for Juneau Makerspace, a community workshop and meeting space
Applicant: Juneau Makerspace
Location: 3915 N. Douglas Highway

Staff Recommendation

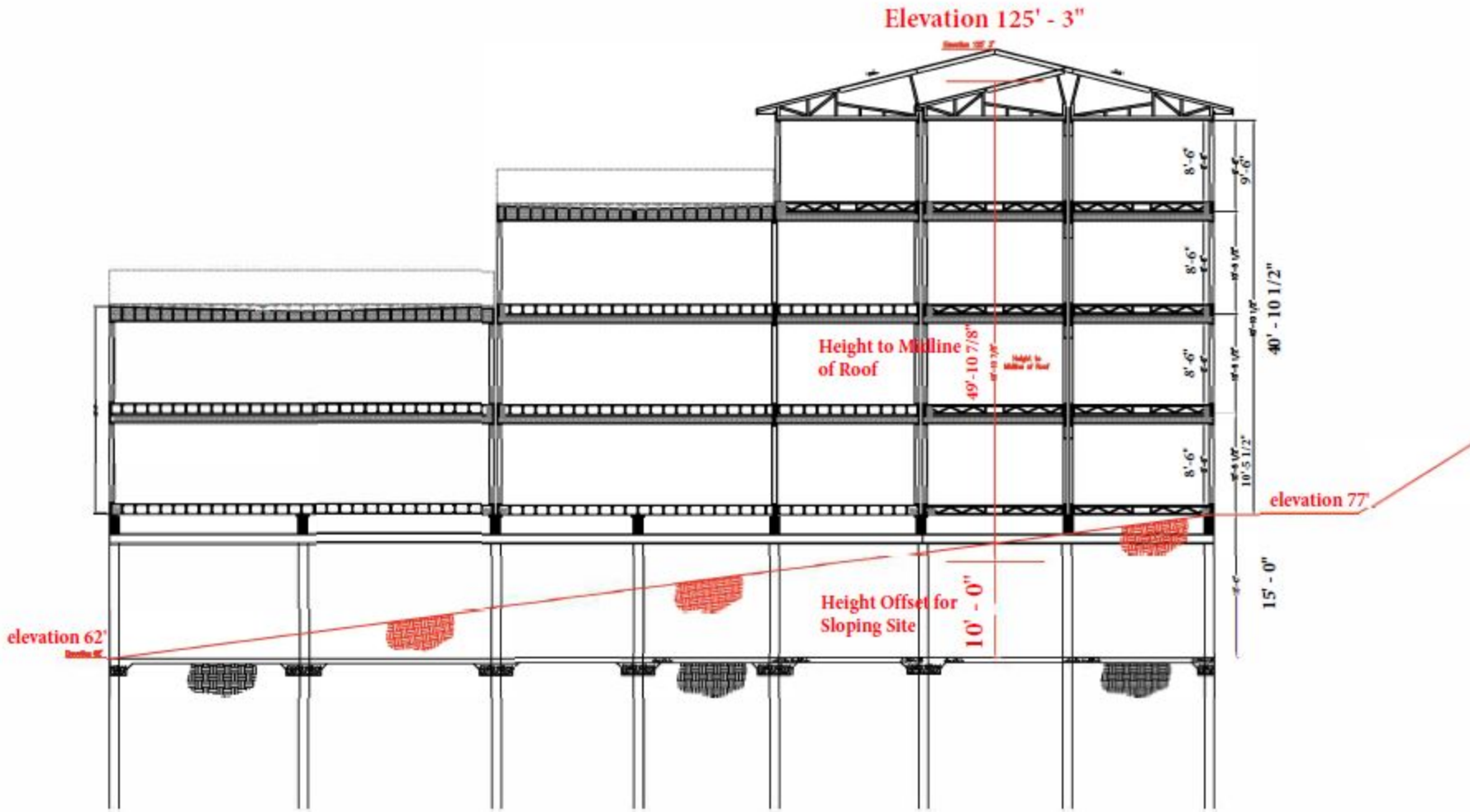
It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use Permit. The permit would allow the operation of a shared community workshop and event space in a D18 zoning district.

The approval is subject to the following conditions:

1. The applicant must schedule a final inspection for the CBJ Grading and Drainage Permit within 10 business days of the date of approval for this Conditional Use Permit. Any required work must be completed before the permit can be closed out.
2. The applicant must schedule a final inspection for the three open Building Permits within 10 business days of the date of approval for this Conditional Use Permit. Any repairs or alterations required must be complete and the building must receive a Certificate of

EXHIBIT D

Neighboring Property View Elevation: 134' - 6"



LAW OFFICES OF
SIMPSON, TILLINGHAST, SORESENSEN & SHEEHAN, P.C.

ONE SEALASKA PLAZA, SUITE 300 • JUNEAU, ALASKA 99801
TELEPHONE: 907-586-1400 FAX: 907-586-3065

November 6, 2018

City and Borough of Juneau
Community Development Department
Planning Commission
Attn: Allison Eddins, Planner
155 S. Seward Street
Juneau, AK 99801



Re: Case No. USE2018 0016

Dear Ms. Eddins:

This firm represents The Jetty, LLC, the Applicant for a Conditional Use Permit to allow a 32-unit condominium development on a vacant lot in Auke Bay. The property is in the Auke Bay Center area as identified in the Auke Bay Area Plan (ABAP), and is zoned for General Commercial Use (GC).

In a memorandum dated October 12, 2018, the Community Development Department Director found that the Applicant complied with every requirement imposed by CBJ for issuance of a Conditional Use Permit for the project as proposed. Specifically, the staff report stated:

“It is recommended that the Planning Commission adopt the Director’s analysis and findings and **APPROVE** the requested Conditional Use Permit. The permit would allow the development of a 32-unit condominium development in the General Commercial zoning district.” [emphasis in original].

CBJ Code 49.15.330(e)(1), Review of Director’s Determinations, lists three considerations that the Commission shall review, and states that the Commission “shall adopt the Director’s determination . . . unless it finds, by a preponderance of the evidence, that the Director’s determination was in error, and states its reasoning for each finding with particularity.”

Apparently, the Commission adopted the Director’s determination, but at its October 23 meeting disregarded that determination and took into further consideration a complaint from a neighboring developer that the height of the proposed project, while well within the lawful height limits, would impair the view from the neighboring project. Based only on some rough drawings, the Commission, by motion, imposed a condition that the height of the Applicant’s development must be reduced by 3 ½ feet. This was evidently based on some rough drawings of potential sightlines from the neighboring property intended to preserve the view of a portion of the Auke Bay harbor area, approximately from the head of the boat launch ramp seaward.

This action apparently relied on CBJ Code section 49.15.330(f), Commission Determinations, which allows the Commission to deny or condition a permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the

Attachment E - Letter from Law Offices of Simpson, Tillinghas, Sorensen, & Sheenan

CBJ Planning Commission
November 6, 2018
Page 2 of 3

development will “more probably than not” . . . “2. Substantially decrease the value of or be out of harmony with property in the neighboring area;” (There are two other possible findings but neither could apply here).

The proposed development could not be deemed to be out of harmony with other property in the area, since it is consistent with the ABAP and similar to the development directly adjacent, which is the source of the complaint. The neighboring developer concedes, in a letter to the CDD, that the new development is subject to the 55-foot height limit; that it is well within that limit; and is generally a benefit to the neighborhood, but still asks for some relief. The Commission arbitrarily split the difference between the requested modification of 7 feet and gave the other developer half of what he asked for. This must have been based on subsection .330(f) 2., that The Jetty application would “Substantially decrease the value” of the neighboring area. There is no evidence of this assertion.

While an adjustment of 3 ½ feet seems minimal, it would require shifting the entire Jetty project, particularly a reconfiguration of the foundation, at considerable expense and loss of project value. If the impact on the two developments is compared, the 3 ½ foot difference to the uphill project could hardly be deemed “substantial,” which is the legal requirement; while the added cost and devaluation of the applicant project would be significantly greater—that is, more “substantial” than the hypothetical cost to the uphill property. Remember that the Director found no such impact, and the uphill property developer concedes that they were aware of the planned development of the adjacent parcel.

Based on an apparent misunderstanding of the height of The Jetty structure (excluding or including the roof peak), the Commission requested reconsideration at a future meeting. This is fortunate because it will allow the applicants to gather and present better and more complete information to the Commission. Among this information, the Applicant will show that it has already significantly mitigated the impact of its development to the adjacent property by shifting its location downhill and seaward of the point where it could be placed, thus establishing a significantly lower base elevation. If the project were moved uphill toward the common property line, the peak of the roof could lawfully be at elevation 137' 7 ½", more than 12 feet above the current planned elevation. Attached to this letter are two recent photographs taken from the adjacent property of the Auke Bay Station development. The first shows the current view, taken at eye level from the deck of the top floor of the existing structure; the second is the same view with the applicant's development drawn in outline, to show how the view would be affected. The major portion of the impacted view is the lot on which the Applicant intends to build; the roof of the existing structure (former UAS bookstore); and the harbor parking and launch ramp area. The view of Auke Bay itself, the water, and the outlying islands and mountains is barely impacted.

The developers wish to be good neighbors and have clearly demonstrated that by voluntarily limiting the height of their proposed structure. But they believe it is a two-way street and they are doing their part. Accordingly, the Applicant respectfully requests that, when this issue is set for reconsideration, the Commission should review and consider better documentary and graphic evidence to support the Director's findings and reverse the Commission's additional condition. This way, the CDD staff can defend its determination and the Commission's findings can be amended based on solid evidence of what impacts are substantial, how they affect the

CBJ Planning Commission
November 6, 2018
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respective developments, and whether any deviation from the Director's recommendation is merely arbitrary, or reaches the "more probable than not" threshold.

Sincerely,
SIMPSON, TILLINGHAST, SORENSEN & SHEEHAN



E. Budd Simpson

Enclosure: 2 Photos

Cc: Rorie Watt, CBJ Manager
Robert Palmer, CBJ Attorney
The Jetty, LLC



Attachment E - Letter from Law Offices of Simpson, Tillinghas, Sorensen, & Sheenan



Attachment E - Letter from Law Offices of Simpson, Tillinghas, Sorensen, & Sheenan



MEMORANDUM

To: Allison Eddins, Planner, CDD, City & Bureau of Juneau

From: Garrett Schoenberger and Paul Simpson, The Jetty LLC

Date: November 8, 2018

RE: Case Number USE2018 0016

Our partnership, The Jetty LLC, recently applied for a Conditional Use Permit for a proposed 32-unit condo development in the town center of Auke Bay. This case went before the Planning Commission on Tuesday, October 23, 2018. In this meeting, the commission made a motion to limit the height of our development based on a complaint from a neighboring property (Auke Bay Station). This complaint was founded on an assertion that the top of our building would block certain views of Statter Harbor. More specifically, a view of the boat launch. After reviewing all information, and consulting with several experts (architect, engineer, contractor, land use consultant, and attorney) it is our collective belief that:

1. The impact of our proposed development on Auke Bay Station is minor, and certainly not “substantial” (see exhibit A)
 - blocking the boat launch of Statter Harbor will have little to no impact as the neighboring project will still have coveted views of Auke Bay, surrounding islands, and the majestic Chilkat mountains

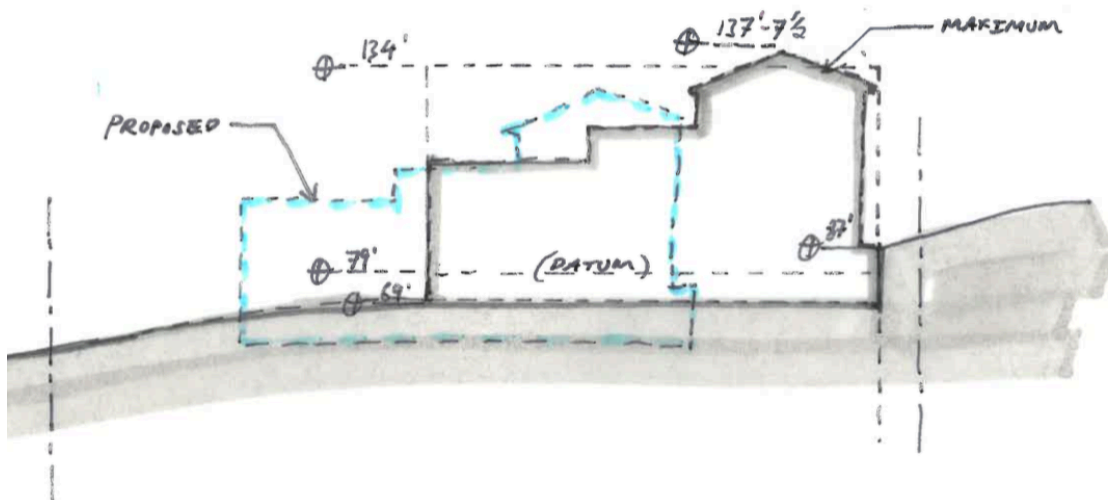
As outlined on Page 8 of CDD’s formal response (and recommended **APPROVAL** of our Conditional Use Permit): ***“The CBJ Assessor’s Office has stated that they do not foresee any negative impacts on surrounding property values from the development”***

2. The impact of any height restrictions to our proposed development would have substantial financial implications including but not limited to:

- additional excavation costs
- additional costs relating to retaining walls
- additional costs relating to flat membrane versus gable roof
- additional engineering, architectural, and labor costs
- loss of certain viewsheds for our entire first floor and common area

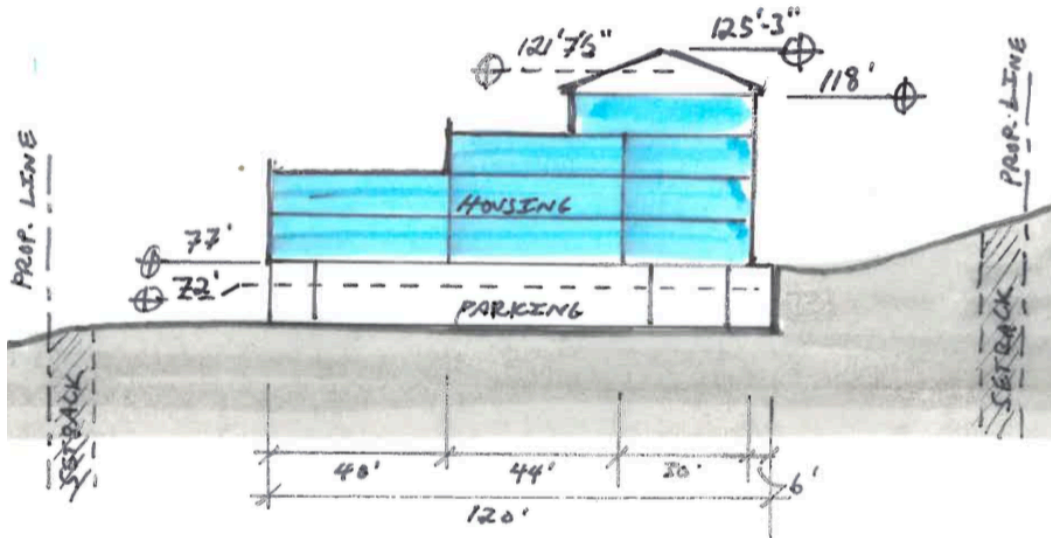
Allowable Height – per General Commercial (GC) zoning, the allowable height limit is 55'. The minimum setback in GC zoning is 10'. Our building could be developed further up the slope, with a peak elevation of 137' 7 1/2" (see Exhibit B below). Given the neighboring property's view line is 134.5', theoretically we could completely block their views. While the higher elevation would clearly benefit our views, at this time, we have decided NOT to build to our maximum height specifically due to the impacts it would have to our neighbor. This was a conscious decision made ahead of time.

EXHIBIT B.



Our proposed elevation of 125'3" (see Exhibit C below) is well below the potential 137' 7 1/2" we could legally build to and still gives Auke Bay Station the coveted views they desire.

EXHIBIT C.



For further clarification, please see Exhibit D, which outlines engineered drawings of all data points and calculations.

In light of this new documentation, we are asking that the Commission approve our Conditional Use Permit as submitted.

This project is thought out, well within its height and density requirements, and will add considerable value to the neighborhood.

Regards,

Garrett Schoenberger

Garrett Schoenberger
602.790.6144
garrett@alaskalegacypartners.com

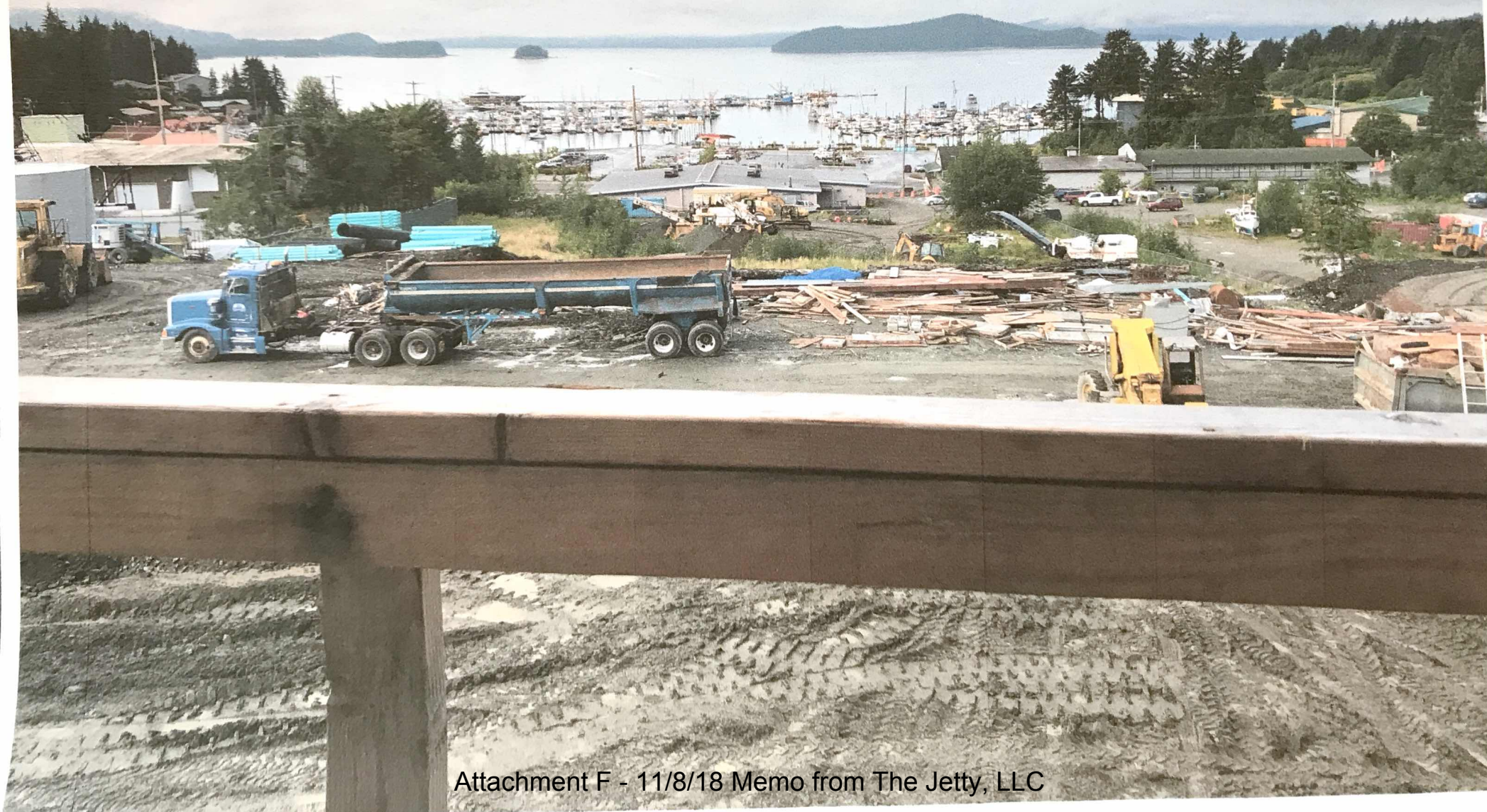
Paul Simpson

Paul Simpson
949.244.2924
paul@alaskalegacypartners.com

ALASKA LEGACY PARTNERS, LLC · 2780 FRITZ COVE ROAD · JUNEAU, AK 99801
INFO@ALASKALEGACYPARTNERS.COM

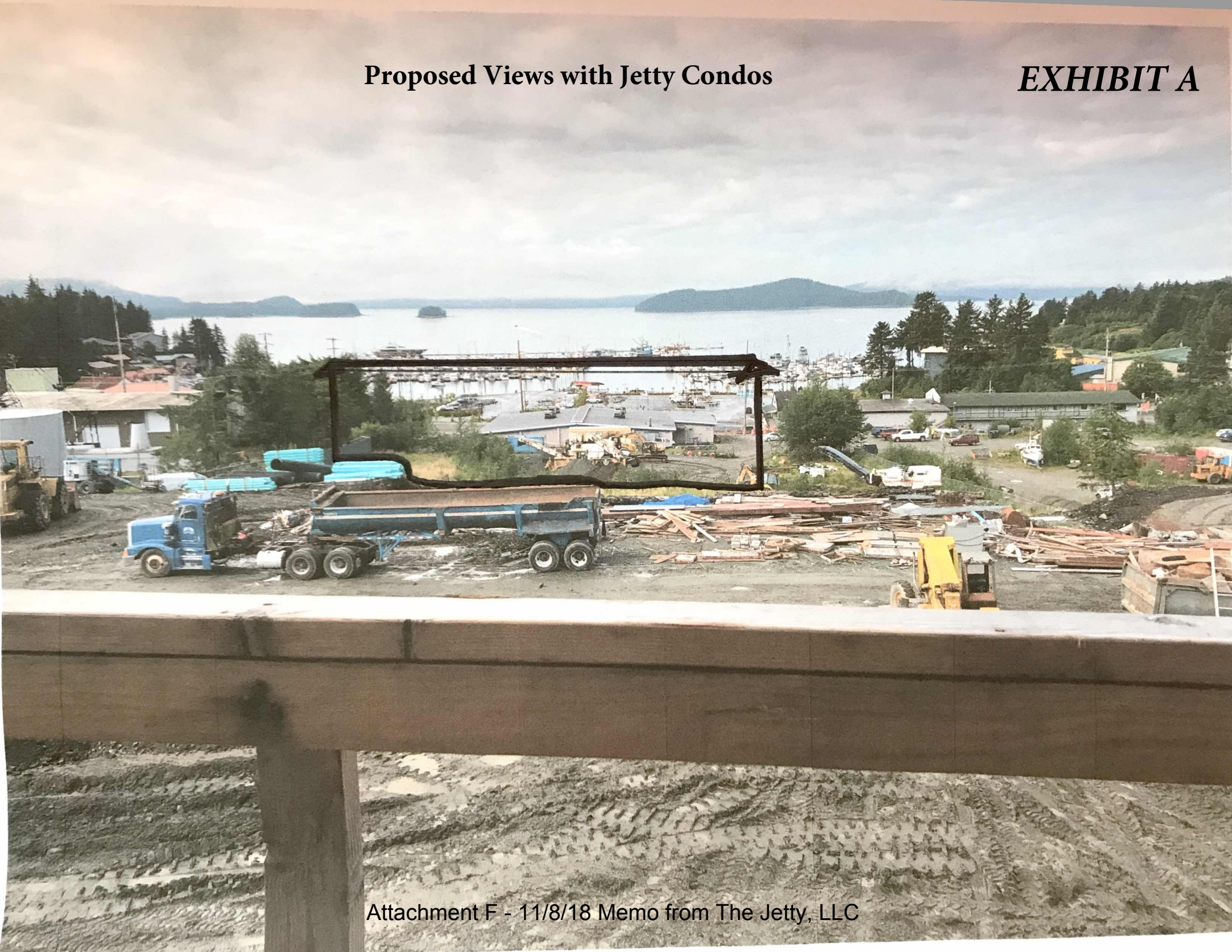
Current Views - Auke Bay Station

EXHIBIT A



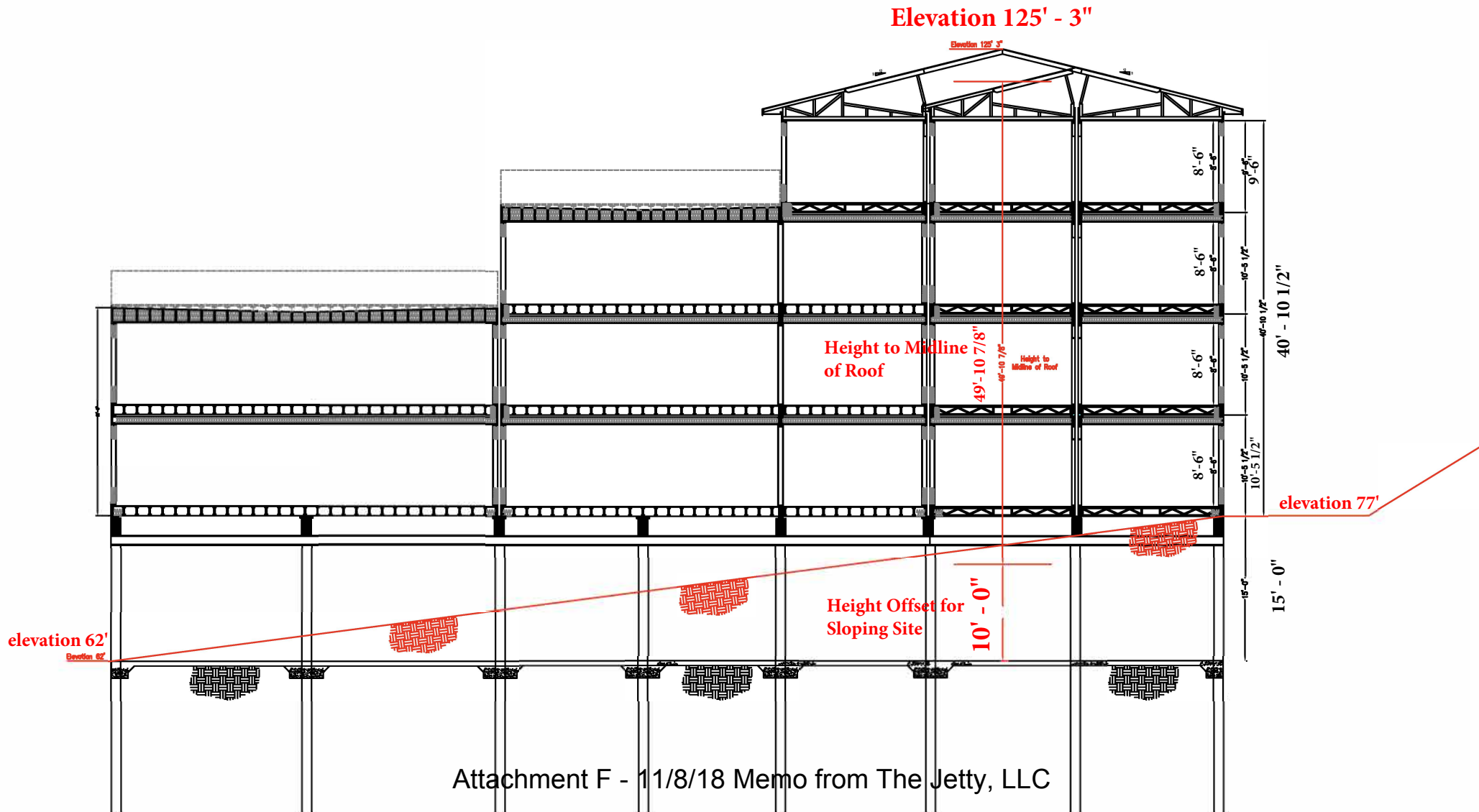
Proposed Views with Jetty Condos

EXHIBIT A



Peak Elevation:	125' - 3"
Gable Roof Height:	7' - 3"
Building Structure Height (less roof and pilings):	40' - 10 1/2"
Grade Level to First Floor Height:	15'
Elevation Datum:	72'
Building Height Per CBJ 49.25.420(b)(2):	49' - 10 7/8"

Neighboring Property View Elevation: 134' - 6"



From: Brad Ketcheson <lbketch@gmail.com>
Sent: Friday, November 2, 2018 11:17 AM
To: PC_Comments
Subject: USE2018 0016 The Jetty 32 Unit Condominium Development Building Height

Hello,

We have been out of town and just recently heard about the proposed development of the Jetty condominium units in Auke Bay.

We have an earnest money deposit on Auke Bay Station condominium #12 that sits due north of the proposed project. Prior to committing to the earnest money on the Auke Bay Station, we were concerned about any future development that may impact our view. Needless to say the view was one of the major selling points of the condominium. We were assured that future building height roof lines in front of Auke Bay Station would not block any view above the top of the new boat launch at Statter Harbor. The view was based on an average height person standing on the 3rd floor of an Auke Bay Station condominium.

We were dismayed to hear that the Jetty condominiums proposed plan would exceed this height restriction. We do not know the specifics of the communication that occurred between the developers of the Jetty, Auke Bay Station and the Planning Commission prior to the current proposed height of the Jetty roof line but it is clear it was not the original agreement.

We are asking the Planning Commission to accept the Jetty Condominium development only if the roof line height does not restrict the Auke Bay Station view above the launch ramp.

Thank you for your consideration.

Sincerely Brad and Louise Ketcheson.

From: Robert Pearson <trumphe@gmail.com>
Sent: Sunday, December 16, 2018 4:53 PM
To: PC_Comments
Subject: 11798 Glacier Hwy Condos - Jan. 8 Reconsideration

I am commenting on the reconsideration of the conditional use permit application for the proposed condominiums at 11798 Glacier Hwy.

I became interested in this project some months ago when the developers of the Jetty had an open house that included conceptual drawings and information on the project. I am interested in purchasing one of the units, depending of course on the final product. I read with some interest about the October hearing. It appears to me that the developers have followed the proper procedures to move forward with this project and have fulfilled the requirements to be issued this conditional use permit. I'm don't claim to know everything, but I don't see any legal basis for denying or modifying the terms and conditions for the permit based on any last minute points raised by other parties. There are always going to be some who don't particularly like any and all developments, but it's always been a basic principal that a project that meets the criteria of zoning and other regulations regarding height, appearance, density etc., is to be permitted.

I hope that same principle will be followed by the planning commission in this case as well.

Thank you for your consideration.

Robert Pearson
 3500 Stream Ct., Juneau
 907-209-1670

December 17, 2018

Laurie and Jerry Schoenberger
P.O. Box 211261
Auke Bay, Alaska 99821

To the Planning Commission:

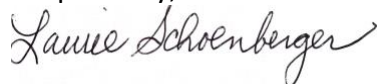
We received a postcard informing us that the Juneau Planning Commission was reconsidering an application for a Conditional Use Permit for construction of a 32-unit condominium complex located at 11798 Glacier Highway, Juneau, Alaska. We were invited to submit a written response, which follows:

The Jetty developers have embraced the Auke Bay development plan and have followed the procedure from preparing the parcel for the development through the following steps:

1. Early in 2018 they had the 1.5 acre tested for building suitability and came up with a feasible plan building on the parcel that is zoned for general commercial.
2. They brought sewer, water and power to the property in the summer of 2018.
3. Next, they applied to the Juneau Planning Department for a "Conditional Use Permit" to build the condominium development that is within the density and height requirements for that parcel.

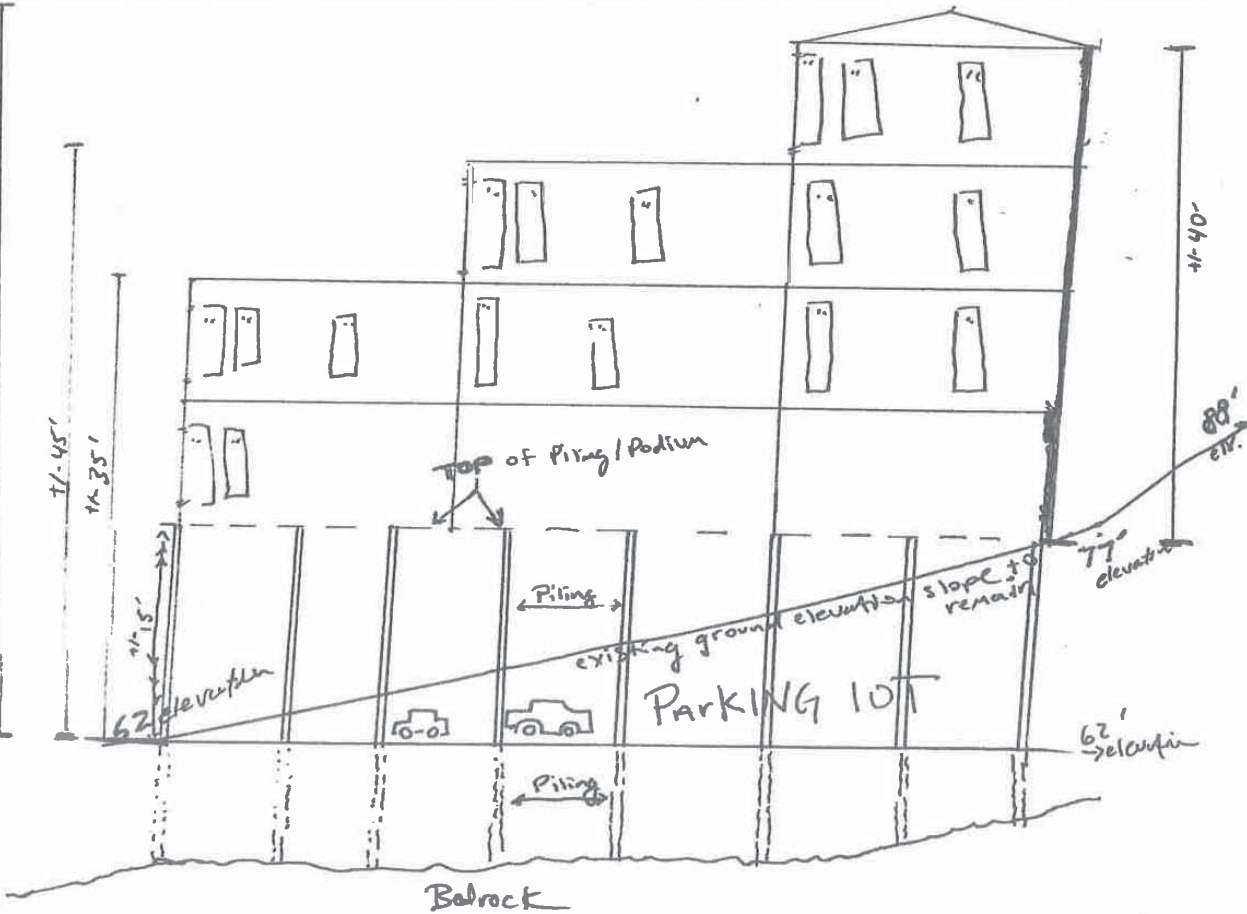
In our view they followed proper protocol and were open about their intentions with all stakeholders, including the builders of Auke Bay Station. Their plan for the new development is in-step with the vision for the Auke Bay community plan. We live at Cannery Cove and are excited to have a new condominium development that will enhance the area in which we live.

Respectfully,

A handwritten signature in cursive script that reads "Laurie Schoenberger".

Laurie Schoenberger and Jerry Schoenberger

Supplemental side view



EXISTING

PROPOSED

CATCH BASIN
MANHOLE
WATER LINE
SEWER LINE
STORM DRAIN LINE
ROOF DRAIN
WATER VALVE
PROPERTY LINE
CONTROL LINE



W

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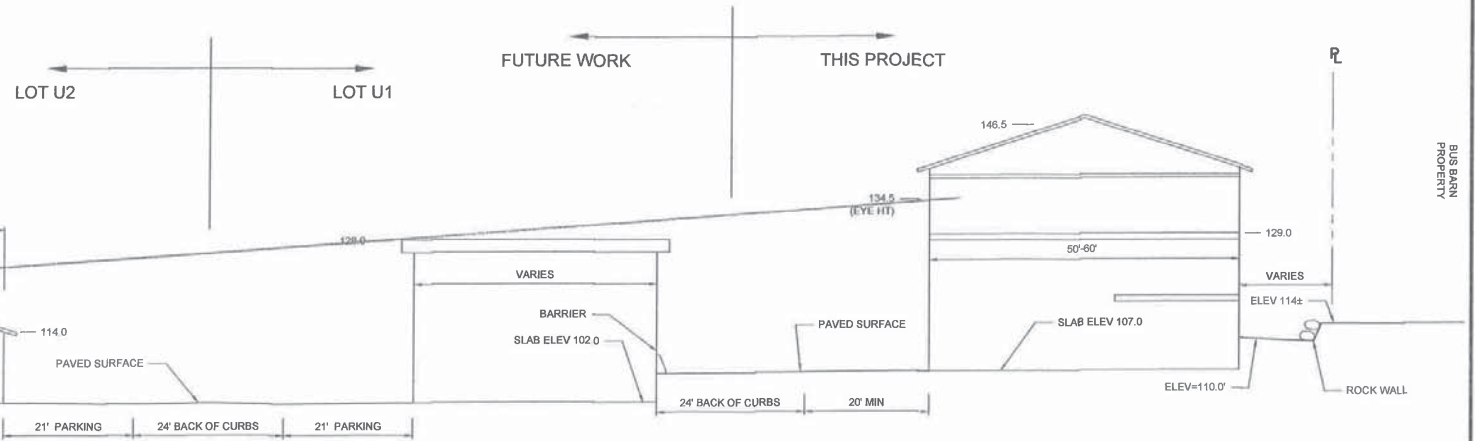
SD

SD

LEGEND

NOTES:

1. ALL WORK SHALL BE IN CONFORMANCE WITH THE CITY AND BOROUGH OF JUNEAU CIVIL ENGINEERING STANDARD SPECIFICATIONS AND SUBDIVISION IMPROVEMENTS.
2. THE FOLLOWING CITY AND BOROUGH ENGINEERING STANDARD DETAILS APPLY TO THIS PROJECT: 111B, 203, 205, 206A, 209, 213, 214, 215, 219, 304A, 304B, 306, 307, 311, 312, 403, 404, 406A, 414A, 414B, 419.



MASTER PLAN
FINISHED PROFILE
SECTION A-A
STA "N" 12+50±



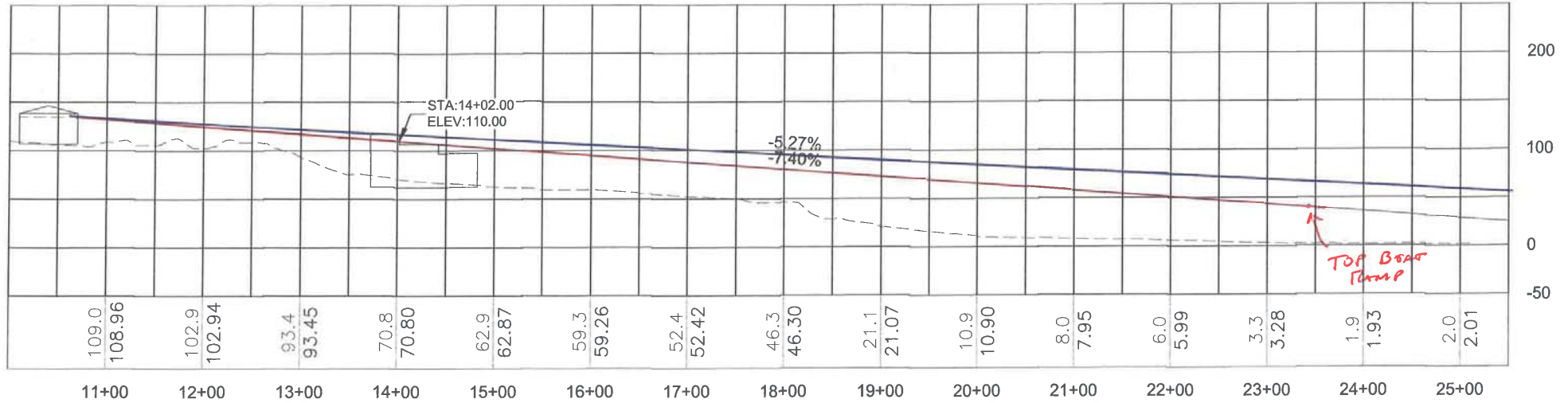
KEMP ENGINEERING, LLC
Drawn By: ABA CAD Services
1720 Glacier Avenue
Juneau, Alaska 99801
Ph: 907-586-3813, 907-723-4674

LOT U1, USS 2391
UTILITIES, GRADING & PAVING

LEGEND, NOTES
& SECTION A-A

SHEET NO.

3 OF 11

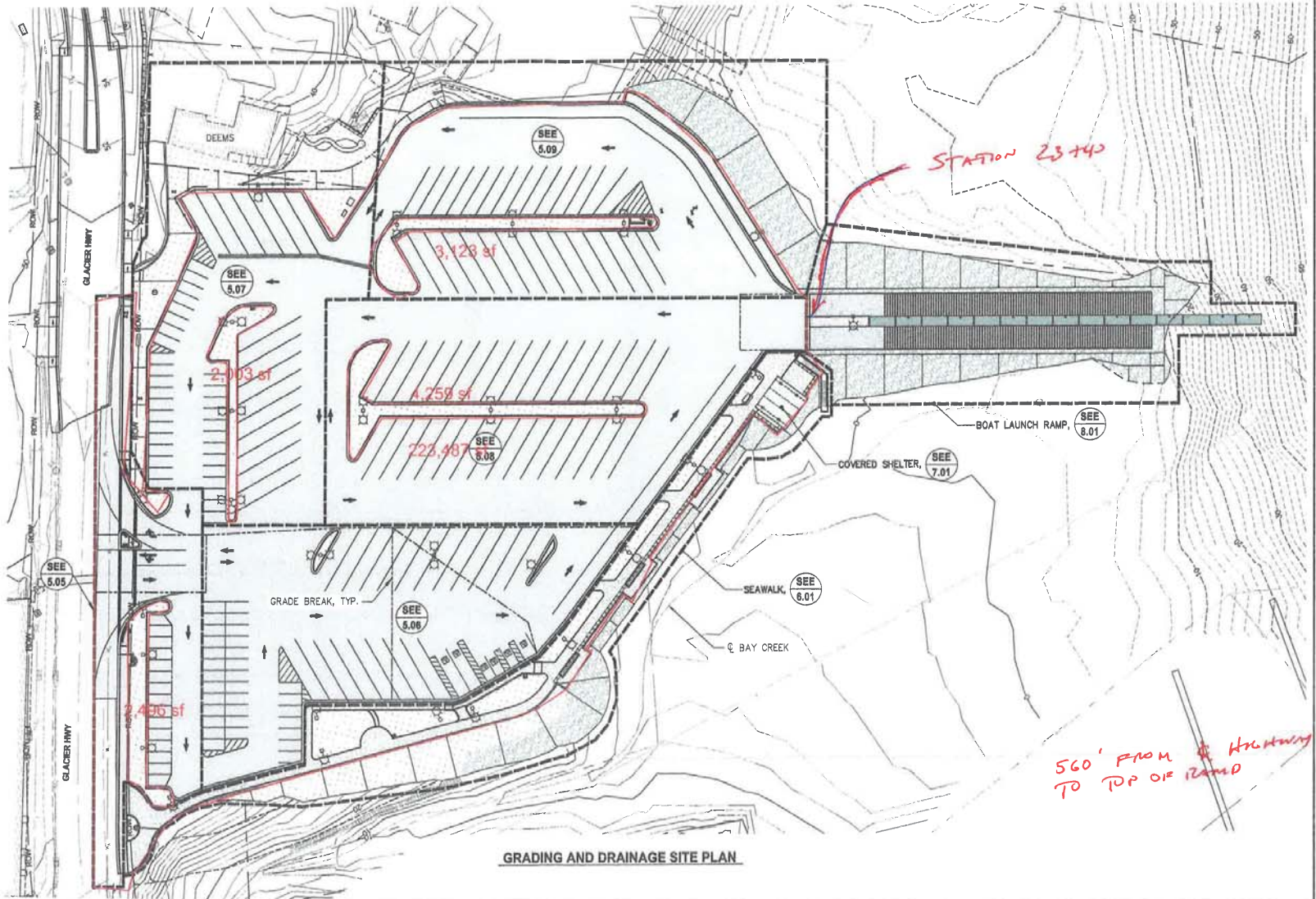


BLUE LINE DENOTES VIEW WITH PROPOSED
BUILDING TOP ELEV = 117.0'

RED LINE DENOTES VIEW WITH PROPOSED
BUILDING TOP ELEV = 110.0'

TOP BRASS
PLUMP





GRADING AND DRAINAGE SITE PLAN

- GENERAL CIVIL NOTES:**
- SEE CBJ STD. DETAILS FOR DETAILS NOT SHOWN.
 - EXISTING UTILITIES TO REMAIN UNO.
 - EXISTING UTILITIES SHOWN APPROX. CONTRACTOR SHALL OBTAIN LOCATES PRIOR TO WORK.
 - THE CONTRACTOR SHALL SUBMIT A TRAFFIC CONTROL PLAN TO DOT&PF ROW & OBTAIN APPROVAL PRIOR TO WORK.

DIAL BEFORE YOU DIG!
 586-1333

UNDERGROUND POWER, TELEPHONE, T.V.,
 COMMUNICATIONS, WATER AND WASTEWATER
 LINES ARE IN THE AREA. UTILITIES SHOWN HERE
 DO NOT SUBSTITUTE FOR FIELD LOCATES.

REVISIONS

REV.	DATE	DESCRIPTION	DWN.	CKD.	APP.

P N D
 ENGINEERS, INC.

9360 Glacier Highway, Ste. 100
 Juneau, Alaska 99801
 Phone: 907-586-2093
 Fax: 907-586-2099
 www.pndengineers.com



CITY & BOROUGH OF JUNEAU, ALASKA
STATTER HARBOR IMPROVEMENTS
 CONTRACT NO. DH14-014

SHEET TITLE:
**OVERALL GRADING AND DRAINAGE
 SITE PLAN**

PROJ. NO. 082015

5.01
 SHEET
 40 OF 82

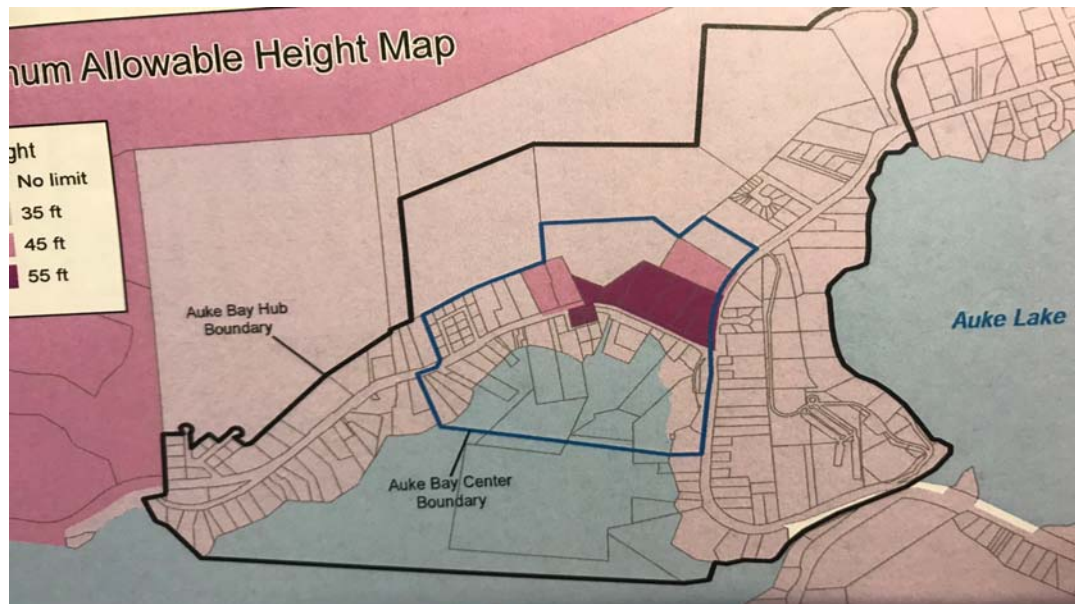
DESIGN: TCB CHECKED: CRS
 DRAWN: TCB APPROVED: CRS

SCALE: IN FEET
 0 40 80 FT

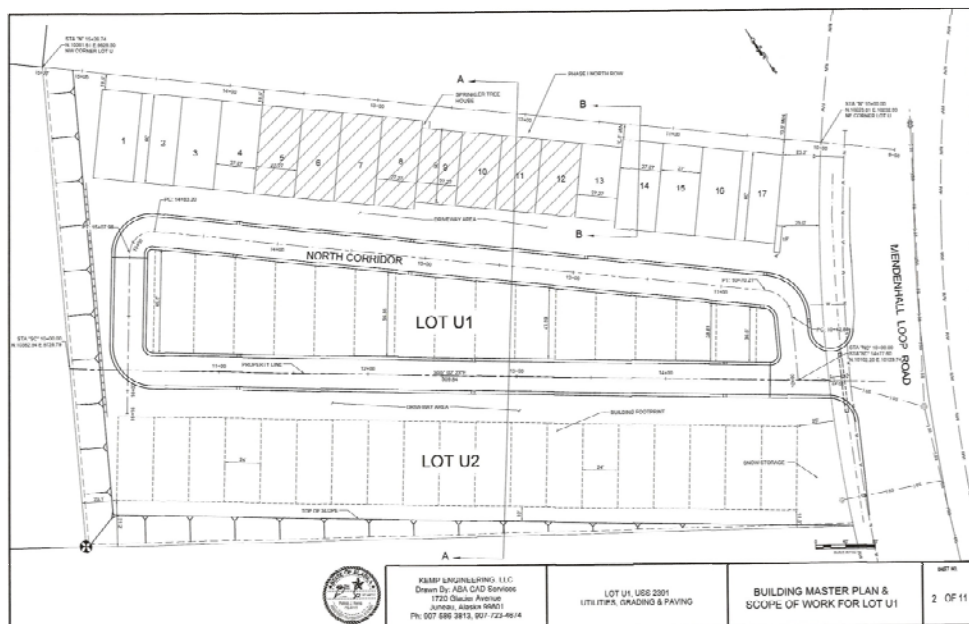
DATE: 8/29/14

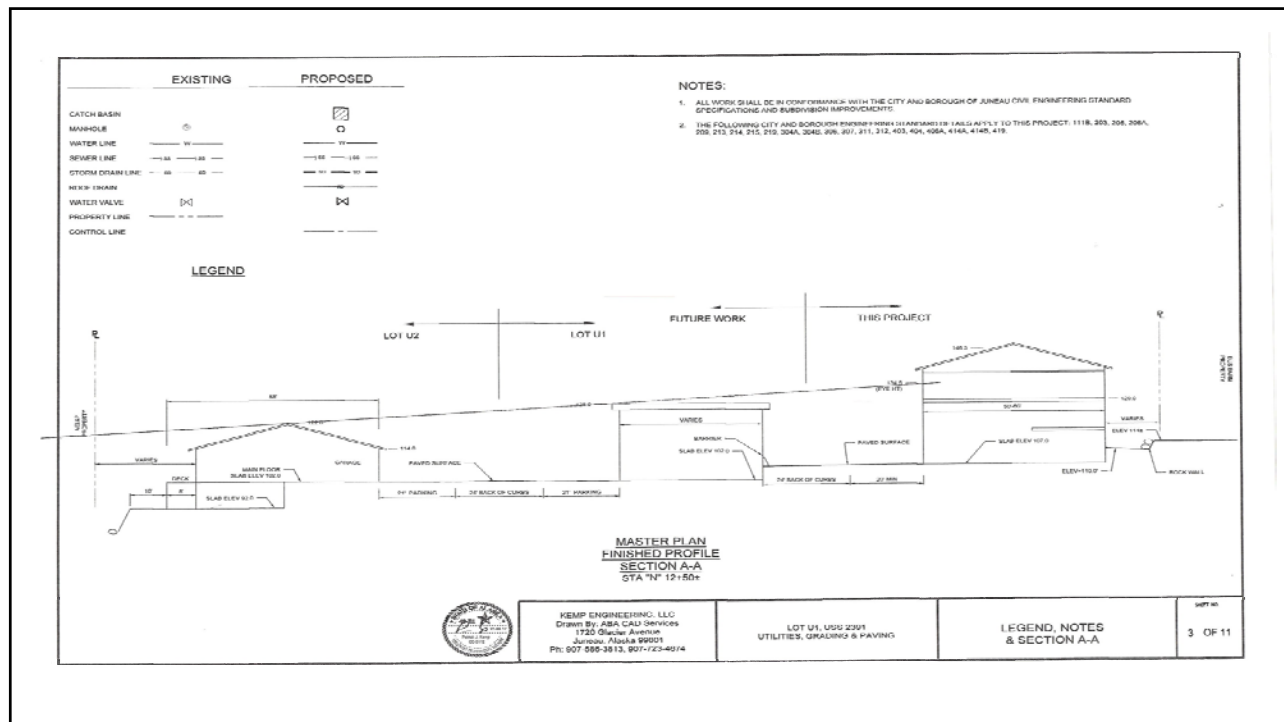


Building height limitation map



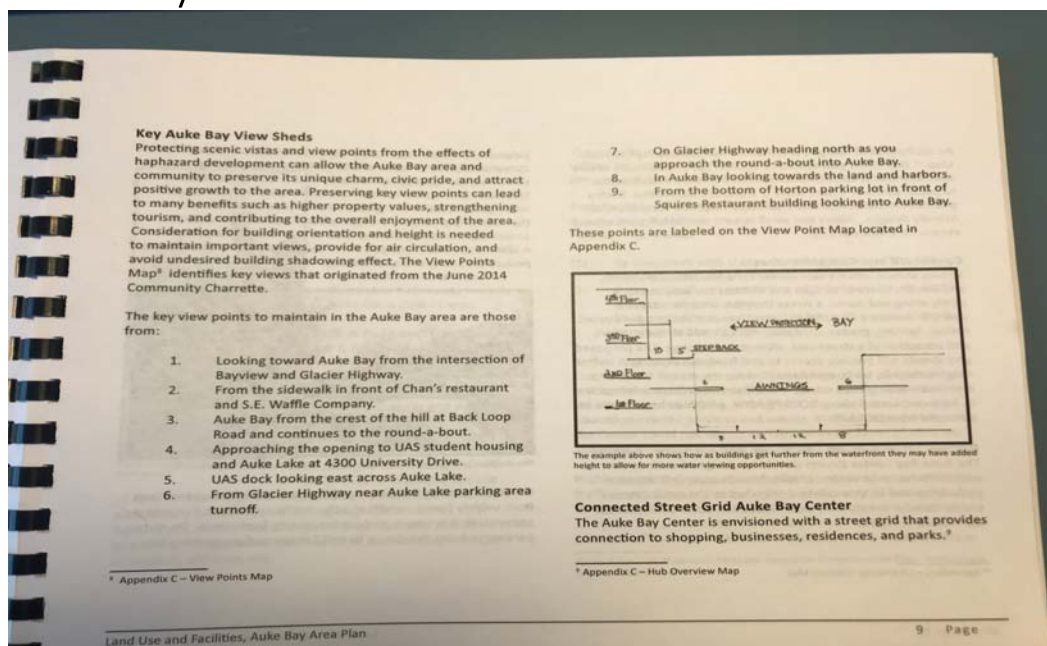
Auke Bay Station Layout







Auke Bay Plan view shed discussion



Policy 10.3 of 2013 Comprehensive Plan

October 12 staff report describing relevant comp plan verbiage:

- POLICY 10.3. TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS. (p.131)

Verbatim what 10.3 states:

- D. Compatibility of the various zoning districts and land use designations with the scale and massing of surrounding neighborhoods with regard to building height and orientation, but not necessarily with regard to similar density, as the CBJ seeks to make the most efficient use of residentially-buildable lands;

Policy 10.4, Implementing Action IA4 of 2013 Comprehensive Plan

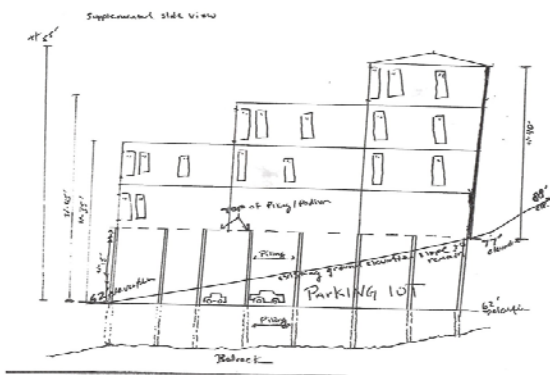
- Encourage mixed-use waterfront development that minimizes view obstruction of existing development and/or important viewsheds.

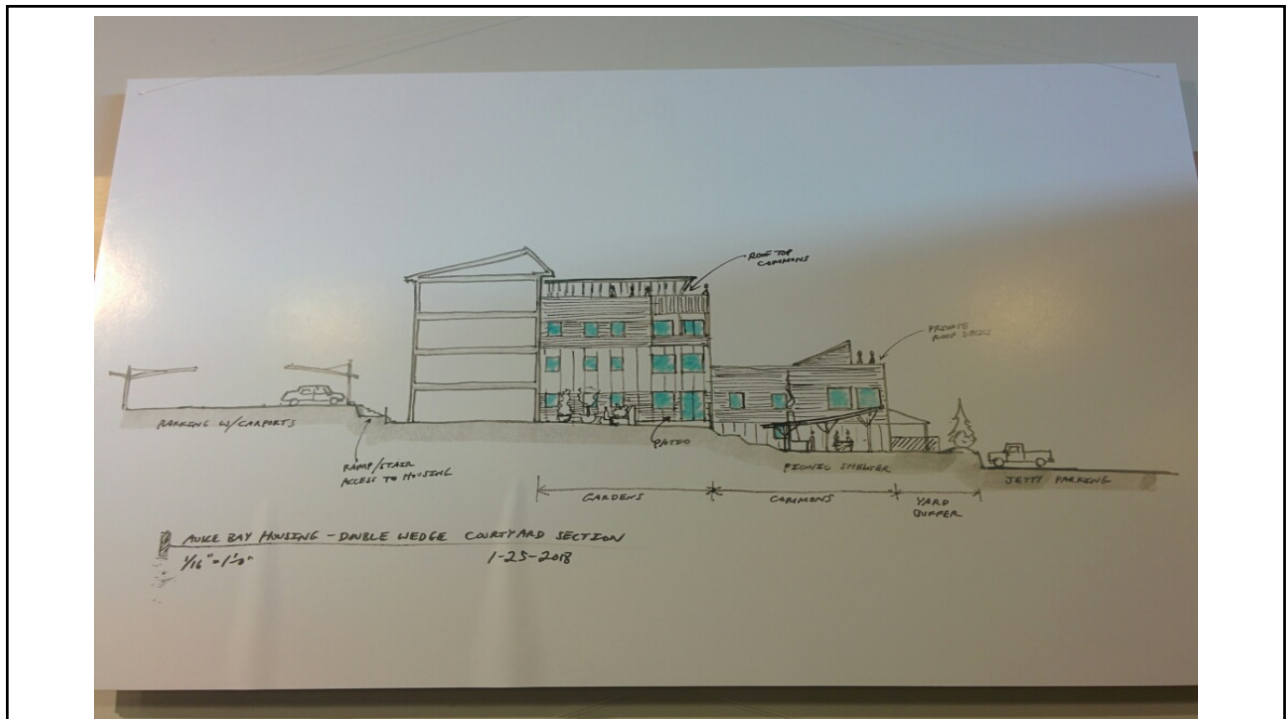
49.25.420 - Height of building.

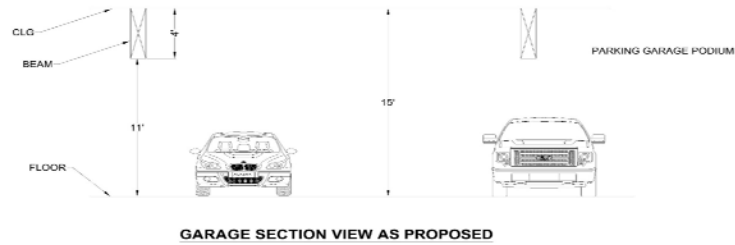
- Height calculations shall disregard any fill or construction which the director finds to have no significant purpose other than elevating the reference datum. In reaching such finding, the director shall consider only those architectural, structural, safety, aesthetic, access or other purposes claimed by the developer and supported by reasonable evidence.

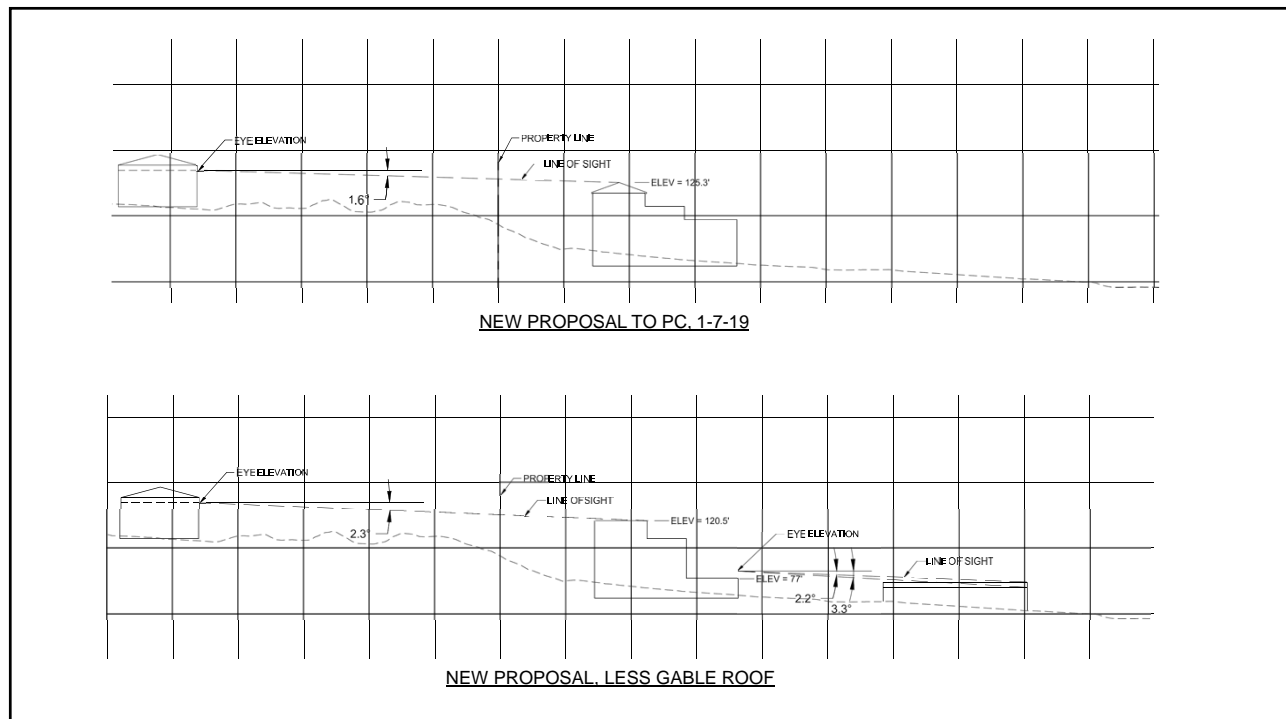
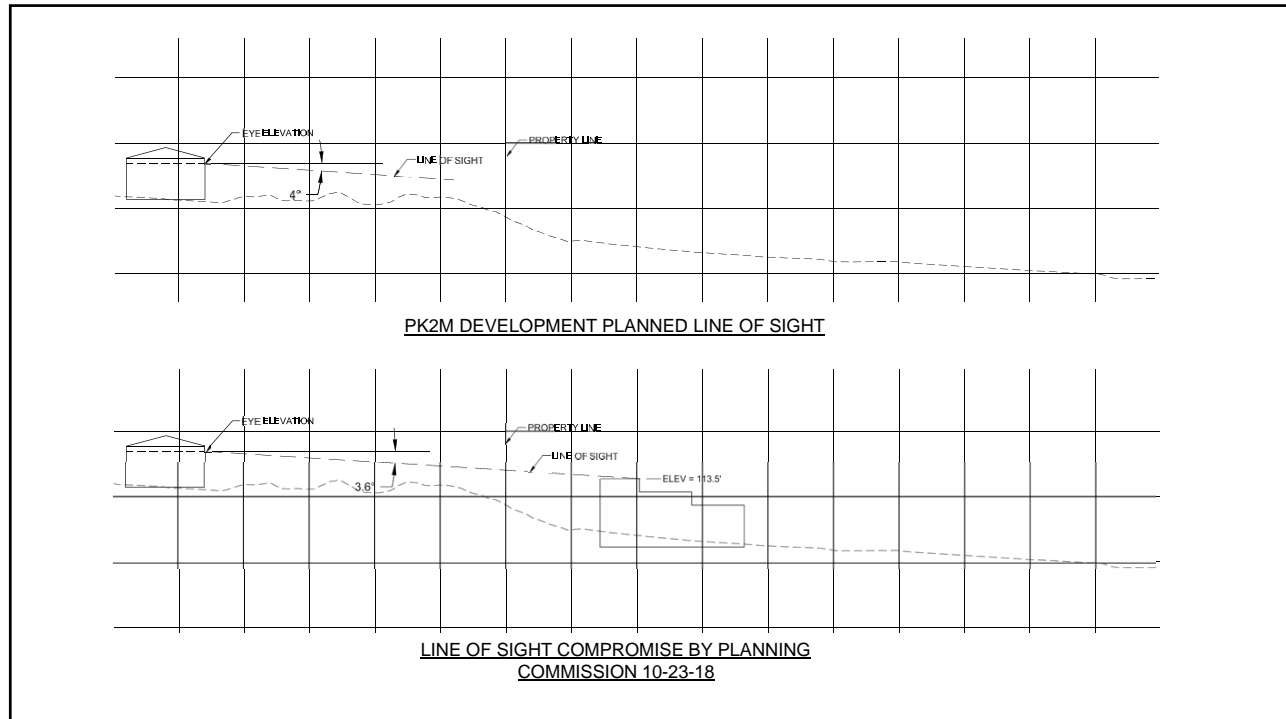
CBJ 49.15.330 (f), Conditional Use Permit

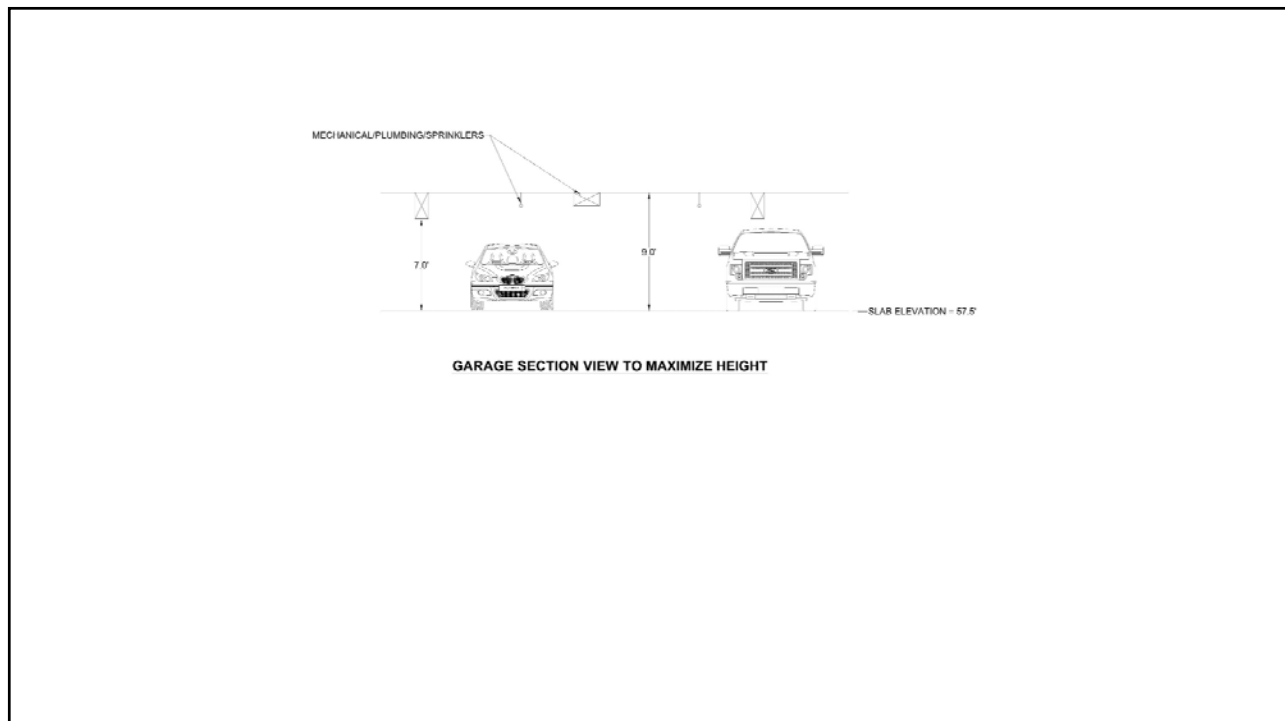
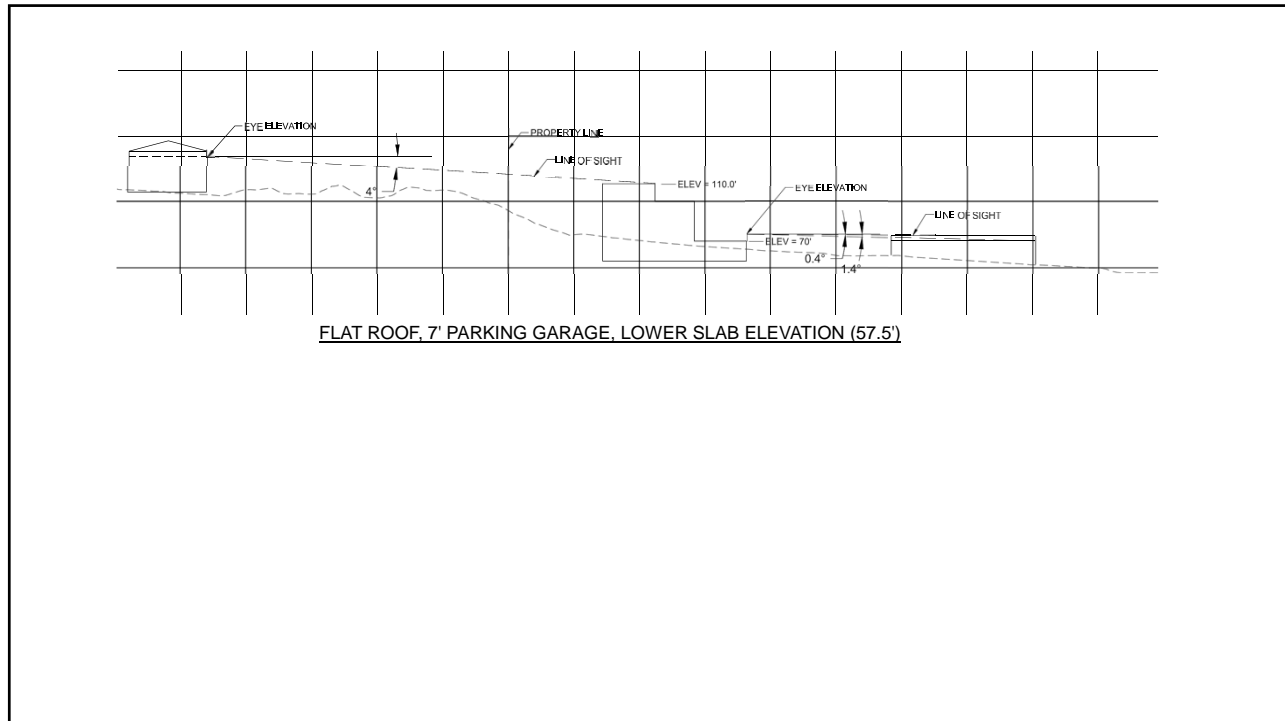
Commission Determinations, states that even if the Commission adopts the Director's determination, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the public hearing, that the development will more probably than not: 1. Materially endanger the public health or safety; 2. **Substantially decrease the value of or be out of harmony with property in the neighboring area;** or, 3. **Not be in general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.**











October 12 staff report

- **5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?**
- **No.** Based on the above analysis, the use, with conditions, will maintain the values and will be in harmony with the neighboring area.
- **6. Will the proposed development be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?**
- **Yes.** Based on the above analysis, staff finds that the proposed condominium development is in general conformity with the CBJ Land Use Code, 2013 Comprehensive Plan and other relevant adopted plans referenced in this report.

Appraiser adjustment of sales for land value only

View Amenity: The value enhancement offered to a residential site for an unobstructed, protected view amenity

- Each of the comparables was inferior to the subject in view amenity and was adjusted upward 10%.

Auke Bay Station request for 1/8/2018 Planning Commission meeting

Require the height of any building constructed to have its greatest height below the 4.0 degree line of site the Auke Bay Station used for their development. PK2M will lose views from the south and middle row but this will protect the views of our north row building under construction. This can easily be accomplished by:

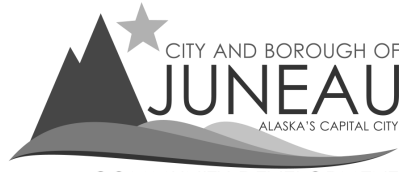
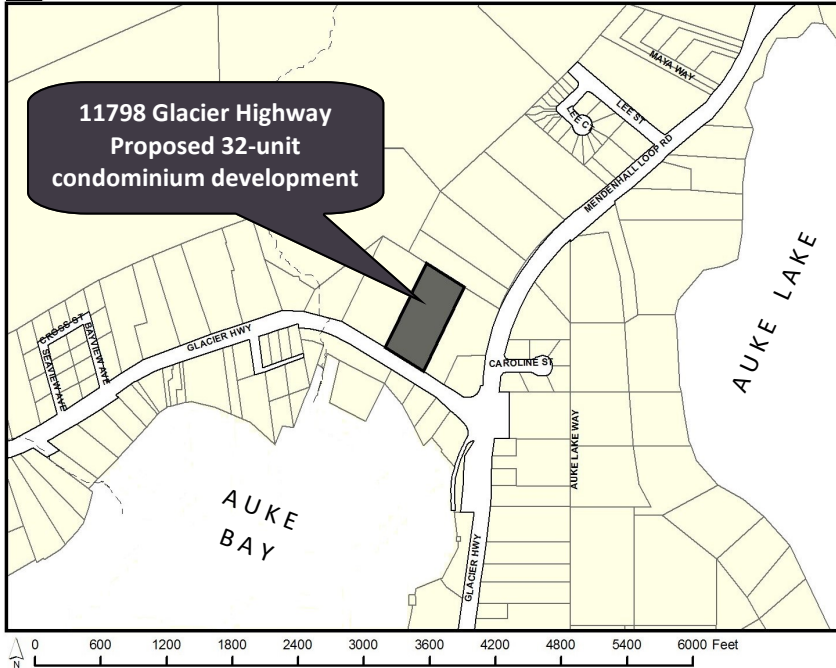
- The tallest roof could incorporate a flat design similar to the two roof lines below. This will lower the roof datum elevation 5' to elevation 120.5
- The height of the proposed parking garage can be reduced 6' and still meet IBC code requirements. This, with a flat roof will lower the roof datum elevation to 114.5.
- The ground floor level can be lowered 4.5' to elevation 57.5. This modification, a flat roof and a reduction in height to the parking garage will lower the roof datum below the 4.0 degree line of site.
- The specific outside gathering area could be constructed at a higher elevation without impacting other views.

Any combination of these four options could be used to lower the building and preserve the Auke Bay Station north row views.

It is clear the design of the building could be refined in a manner to protect Auke Bay Station views and comply with the Auke Bay Plan and 2013 Comprehensive plan while still meeting the scope and providing excellent views for the owners. The intent of the 2013 Comprehensive Plan, Auke Bay Plan, Title 49.15.330 (f) and Title 49.25.240 are to protect views currently enjoyed by others.

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** to allow a **32-unit residential condominium development** to be located at **11798 Glacier Highway** in a **General Commercial zone**.

TIMELINE

Staff Report expected to be posted **Monday, October 15**, at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through October 1, 2018

Comments received during this period will be sent to the Planner, **Allison Eddins**, to be included in the staff report.

October 2 through 12 noon, October 19

Comments received during this period will be sent directly to Commissioners to read over the weekend in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, October 23, 2018

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

October 24

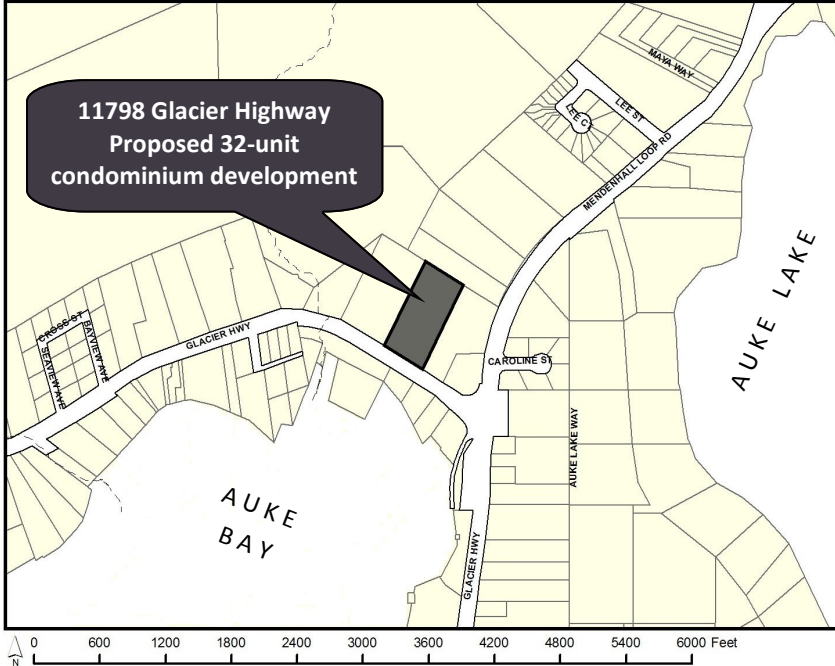
The results of the hearing will be posted online.

Phone: **(907)586-0715** ♦ Email: **pc_comments@juneau.org**
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Case No.: USE2018 0016
Parcel No.: 4B2801030090
CBJ Parcel Viewer: <http://epv.juneau.org>

Invitation to Comment

Re: 32-unit Condominium Development at 11798 Glacier Hwy
Case Reconsideration



COMMUNITY DEVELOPMENT
155 S. Seward Street Juneau, Alaska 99801

TO:

An application for a Conditional Use Permit to allow a 32-unit residential condominium development to be located at 11798 Glacier Highway in a General Commercial zone is being reconsidered. **The hearing for reconsideration will be held January 8, 2019 and the case is again open for public comment.**

TIMELINE

Staff Report expected to be posted **Monday, December 31**, at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>
Find hearing results, meeting minutes and more here as well.

Now through December 17, 2018

Comments received during this period will be sent to the Planner, **Allison Eddins**, to be included in the staff report.

December 18 through 12 noon, January 4

Comments received during this period will be sent directly to Commissioners to read over the weekend in preparation for the hearing.

HEARING DATE & TIME
7:00 pm, January 8, 2019

You may testify and bring up to 2 pages of written material (15 copies) in City Hall's Assembly Chambers, 155 S. Seward St., Juneau.

January 9

The results of the hearing will be posted online.

Phone: **(907)586-0715** ♦ Email: **pc_comments@juneau.org**
Mail: **Community Development, 155 S. Seward St, Juneau AK 99801**

Case No.: USE2018 0016
Parcel No.: 4B2801030090
CBJ Parcel Viewer: <http://epv.juneau.org>

USE2018 0016

Conditional Use Permit for a 32 dwelling unit condominium development

CBJ Planning Commission Presentation
January 8, 2019



USE2018 0016

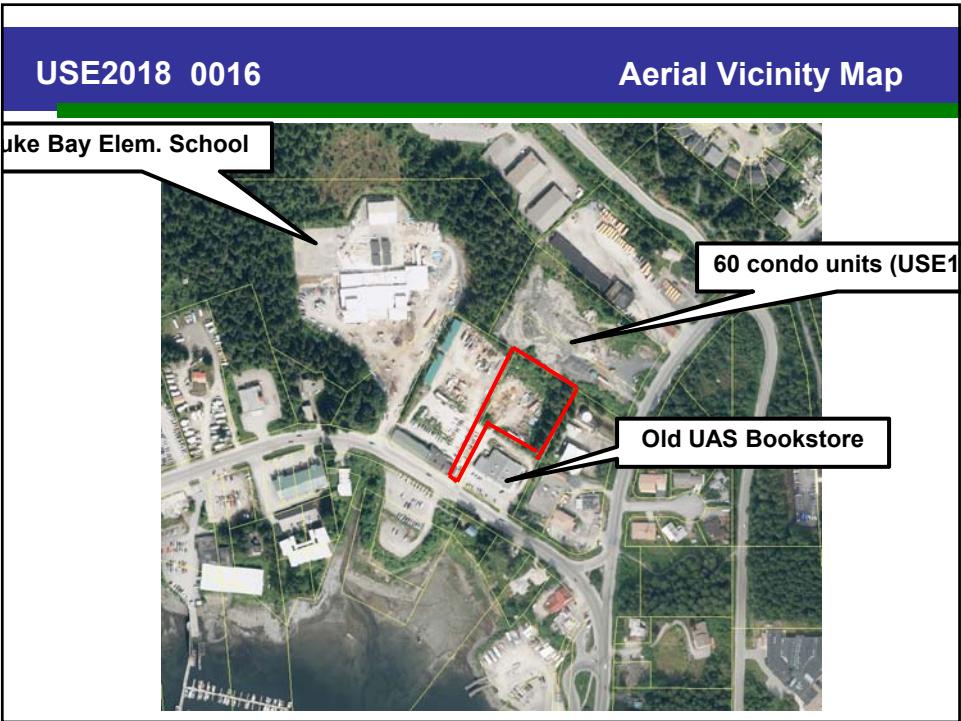
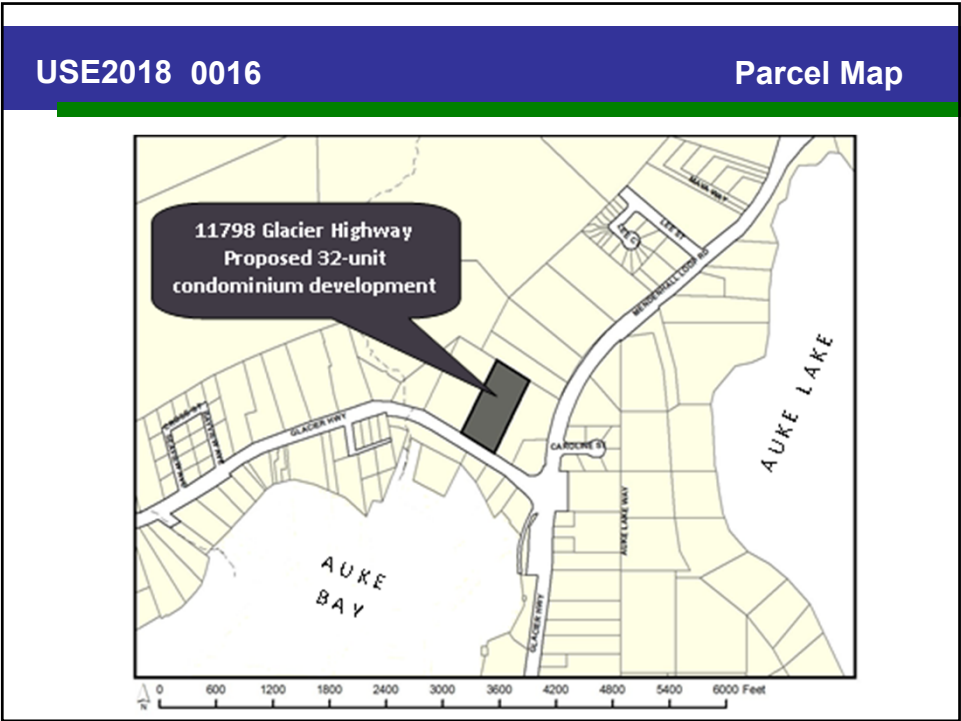
Background

October 23, 2018 Planning Commission agreed with analysis and findings and APPROVED with the six recommended conditions:

1. Prior to the issuance of a Building Permit, the applicant must provide a detailed landscape plan for the parking area.
2. Prior to a Certificate of Occupancy being issued for the building, the landscaping must be installed or bonded for.
3. Prior to the issuance of a Certificate of Occupancy, the parking spaces must be striped and properly signed.
4. Prior to issuing a Temporary Certificate of Occupancy for the first dwelling, a Homeowners' Association (HOA) Agreement shall be submitted for review by Community Development. The HOA agreement shall specify how common facilities such as the parking area, pedestrian walkway, and required landscaping and vegetation will be properly maintained.
5. Prior to the issuance of a Building Permit, the applicant shall submit a detailed drainage and snow storage plan.
6. Prior to the issuance of a Building Permit, the applicant shall submit a parking and site circulation plan that has been prepared by a licensed engineer or architect.

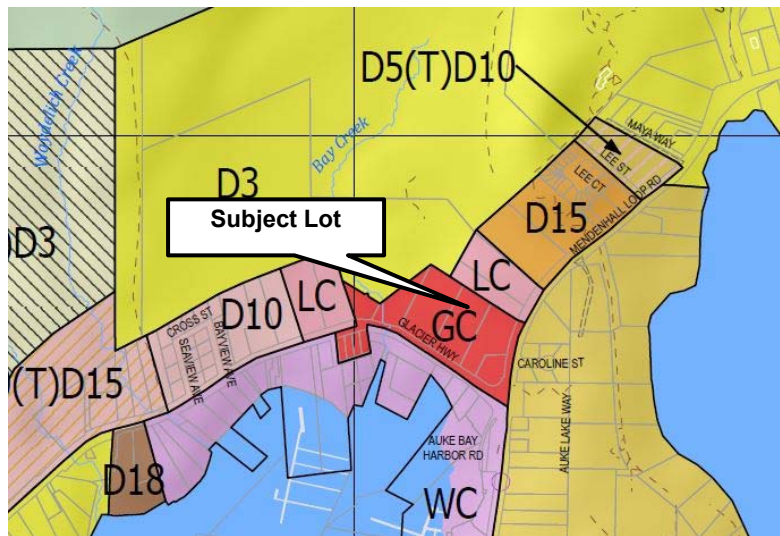
USE2018 0016	Background
<p>October 23, 2018 a seventh condition was added. Motion made by Commissioned Miller to add as advisory condition. Friendly amendment by Commissioner Campbell to make the condition mandatory. Motion passed.</p> <p>7. The applicant must work with the neighboring development (Auke Bay Station Condominium) to potentially install a flat roof and limit the maximum height of the structure to 113.5 feet above 0' elevation. The applicant should be willing to work with the neighboring development to lower the height of the building as much as possible.</p> <p>October 23, 2018 a call for reconsideration was made.</p> <p>November 13, 2018 Planning Commission voted to reconsider the case and voted to re-open public testimony at a later meeting.</p>	

USE2018 0016	General Information																						
<table> <tr> <td>Property Owner:</td><td>The Jetty LLC</td></tr> <tr> <td>Property Address:</td><td>11798 Glacier Hwy</td></tr> <tr> <td>Legal Description:</td><td>Jetty Subdivision, Lot 2</td></tr> <tr> <td>Parcel Code Number:</td><td>4B2801030090 (Parent parcel number)</td></tr> <tr> <td>Site Size:</td><td>58,160 square feet (1.3 acres)</td></tr> <tr> <td>Comprehensive Plan Future</td><td>Marine Mixed Use (M/MU)</td></tr> <tr> <td>Land Use Designation:</td><td></td></tr> <tr> <td>Zoning:</td><td>General Commercial (GC)</td></tr> <tr> <td>Utilities:</td><td>City water & sewer</td></tr> <tr> <td>Access:</td><td>Glacier Highway</td></tr> <tr> <td>Existing Land Use:</td><td>Vacant lot</td></tr> </table>		Property Owner:	The Jetty LLC	Property Address:	11798 Glacier Hwy	Legal Description:	Jetty Subdivision, Lot 2	Parcel Code Number:	4B2801030090 (Parent parcel number)	Site Size:	58,160 square feet (1.3 acres)	Comprehensive Plan Future	Marine Mixed Use (M/MU)	Land Use Designation:		Zoning:	General Commercial (GC)	Utilities:	City water & sewer	Access:	Glacier Highway	Existing Land Use:	Vacant lot
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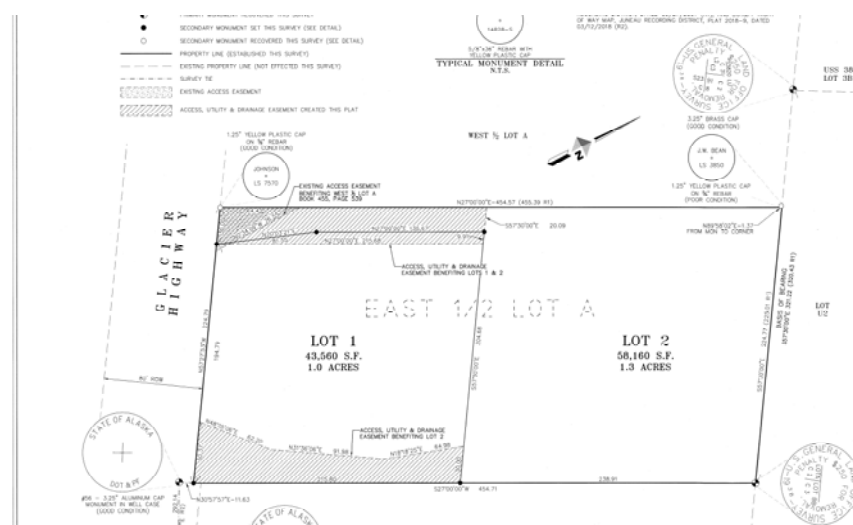
USE2018 0016

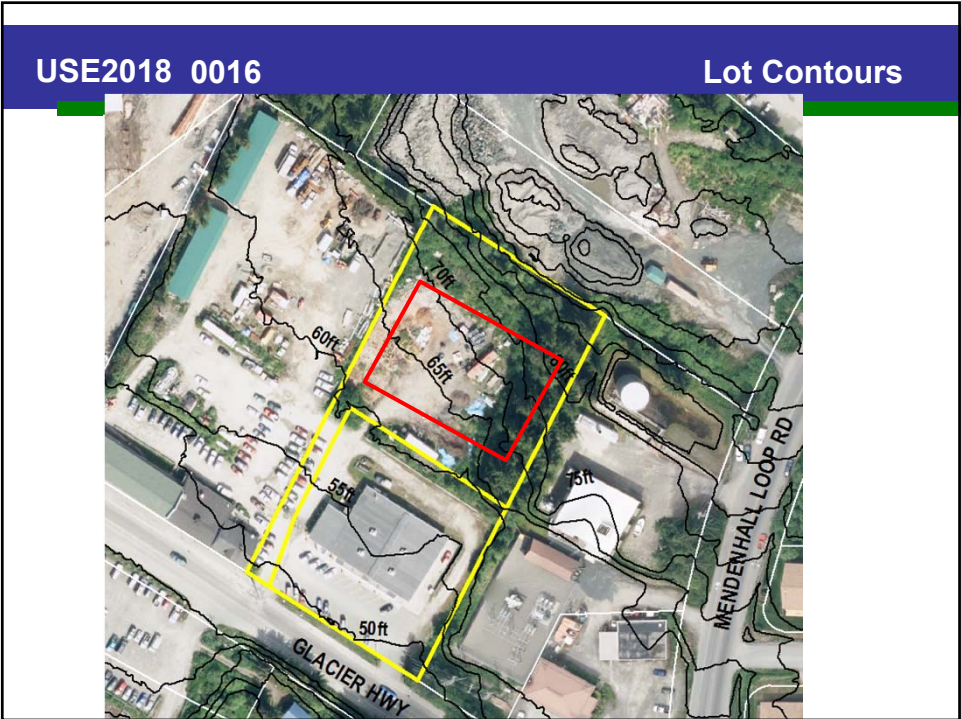
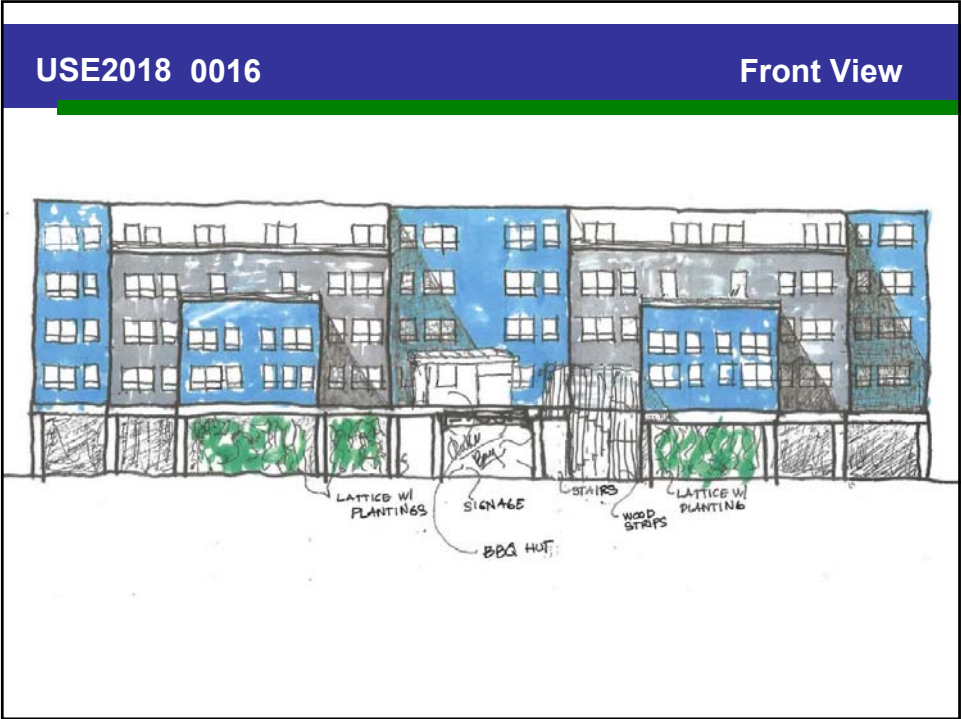
Zoning Map



USE2018 0016

Plat





USE2018 0016

Calculating Building Height

CBJ 49.25.420 Height of building

(a) the height of a building is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of a pitched roof.

(b) The reference datum shall be whichever of the following yields the greater height of the building:

(1) The highest point within a horizontal distance of five feet from the exterior wall of the building, when such point is not more than ten feet above the lowest point within said five feet

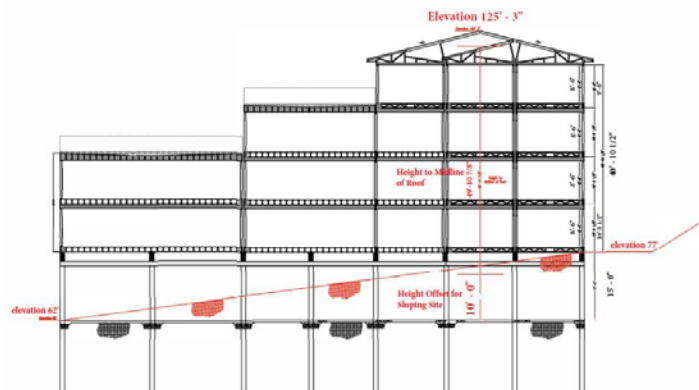
(2) An elevation ten feet higher than the lowest point, when the highest point described in subsection (b)(1) is more than ten feet above the lowest point.

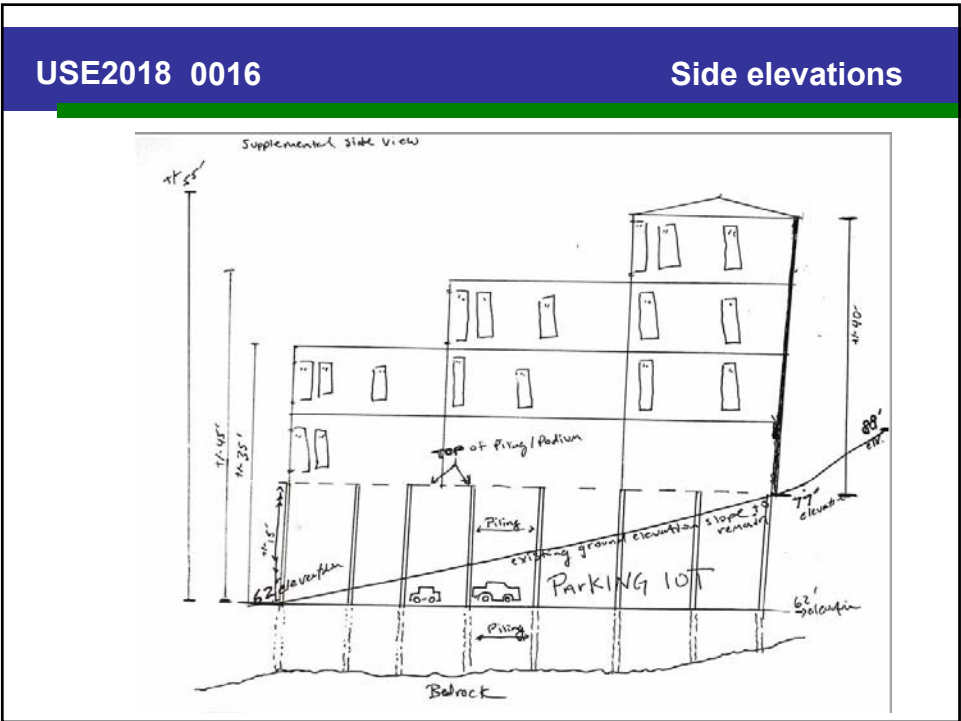
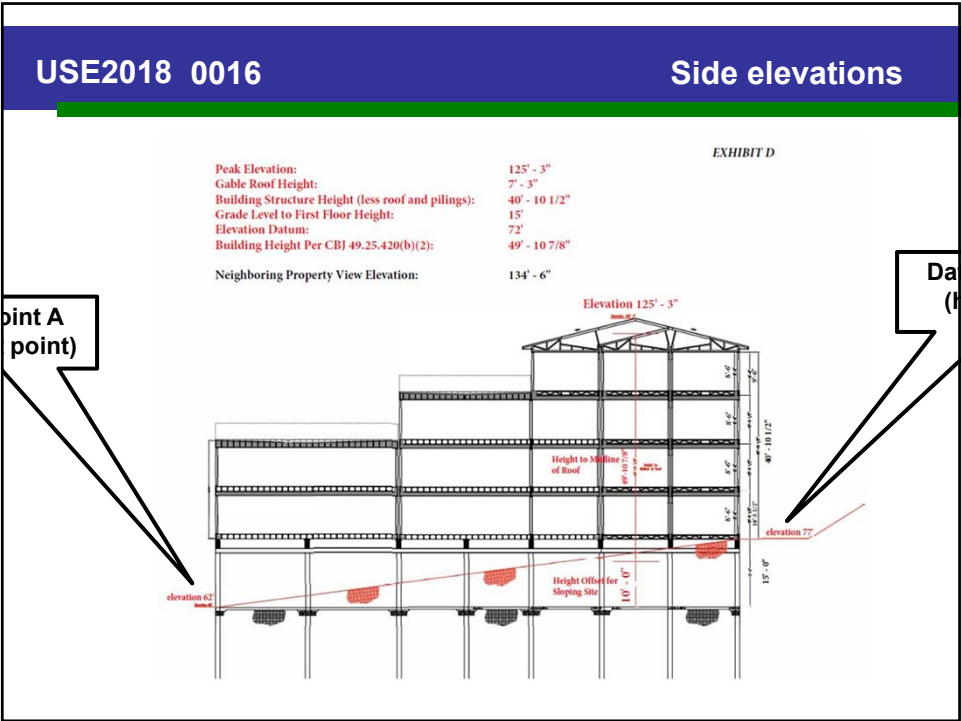
USE2018 0016

Side elevations

Peak Elevation:	125' - 3"
Cable Roof Height:	7' - 3"
Building Structure Height (less roof and pilings):	40' - 10 1/2"
Grade Level to First Floor Height:	15'
Elevation Datum:	72'
Building Height Per CBJ 49.25.420(b)(2):	49' - 10 7/8"
Neighboring Property View Elevation:	134' - 6"

EXHIBIT D





USE2018 0016 Property Value & Neighborhood Harmony



Spaulding Beach Condos

Auke Bay Tower Condos



USE2018 0016

Public Comment

- Concerns are:
 - Traffic impacts
 - Impacts of rental units on property values
 - Protecting views from neighboring properties

USE2018 0016	Analysis
	<ul style="list-style-type: none"> • The proposed development, with conditions, will not endanger the public health and safety. • The use, with conditions, will maintain values and will be in harmony with the neighboring area. • In conformity with adopted plans • Director's findings are in favor of approval

USE2018 0016	Recommendation
	<p>It is recommended that the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit.</p> <p>The permit would allow the development of a 32 dwelling unit, multi-family development in a General Commercial zoning district.</p> <p>Recommended the approval is subject to the following conditions:</p>

USE2018 0016	Recommendations
<ol style="list-style-type: none"> 1. Prior to the issuance of a Building Permit, the applicant will provide a detailed landscape plan for the parking area. 2. Prior to the issuance of a Building Permit, the applicant shall submit a parking and site circulation plan that has been prepared by a licensed engineer or architect. 3. Prior to the issuance of a Building Permit, the applicant shall submit a detailed drainage and snow storage plan. 	

USE2018 0016	Recommendations
<ol style="list-style-type: none"> 4. Prior to a Certificate of Occupancy being issued for the building, the landscaping must be installed or bonded for. 5. Prior to the issuance of a Certificate of Occupancy, the parking spaces will need to be striped and properly signed. 	

USE2018 0016	Recommendations
<p>6. Prior to issuing a Temporary Certificate of Occupancy for the first dwelling, a Homeowners Association Agreement shall be submitted for review by Community Development Department. The HOA agreement shall specify how common facilities such as the parking area and pedestrian walkway and required landscaping and vegetation will be properly maintained.</p>	

USE2018 0016
<p>QUESTIONS?</p>

USE2018 0016

CBJ 49.25.420 Height of Building

(2) Height calculations shall disregard any fill or construction which the director finds to have no significant purpose other than elevating the reference datum. In reaching such findings, the director shall consider only those architectural, structural, safety, aesthetic, access or other purposes claimed by the developer and supported by reasonable evidence.

Key Auke Bay View Sheds

Protecting scenic vistas and view points from the effects of haphazard development can allow the Auke Bay area and community to preserve its unique charm, civic pride, and attract positive growth to the area. Preserving key view points can lead to many benefits such as higher property values, strengthening tourism, and contributing to the overall enjoyment of the area. Consideration for building orientation and height is needed to maintain important views, provide for air circulation, and avoid undesired building shadowing effect. The View Points Map⁸ identifies key views that originated from the June 2014 Community Charrette.

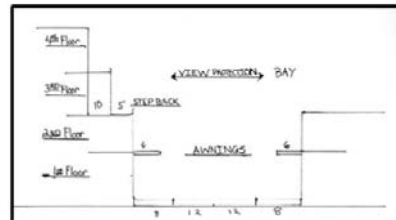
The key view points to maintain in the Auke Bay area are those from:

1. Looking toward Auke Bay from the intersection of Bayview and Glacier Highway.
2. From the sidewalk in front of Chan's restaurant and S.E. Waffle Company.
3. Auke Bay from the crest of the hill at Back Loop Road and continues to the round-a-bout.
4. Approaching the opening to UAS student housing and Auke Lake at 4300 University Drive.
5. UAS dock looking east across Auke Lake.
6. From Glacier Highway near Auke Lake parking area turnoff.

⁸ Appendix C – View Points Map

7. On Glacier Highway heading north as you approach the round-a-bout into Auke Bay.
8. In Auke Bay looking towards the land and harbors.
9. From the bottom of Horton parking lot in front of Squires Restaurant building looking into Auke Bay.

These points are labeled on the View Point Map located in Appendix C.



The example above shows how as buildings get further from the waterfront they may have added height to allow for more water viewing opportunities.

Connected Street Grid Auke Bay Center

The Auke Bay Center is envisioned with a street grid that provides connection to shopping, businesses, residences, and parks.⁹

⁹ Appendix C – Hub Overview Map



USE2018 0016

2013 Comprehensive Plan
 Chapter 11 – Land Use
 Subarea 3: Auke Bay, Mendenhall Peninsula, & W. Mendenhall Valley

Guidelines and Considerations for Subarea 3

- Identify scenic view corridors as seen from public vista points and preserve them through building height restrictions, building massing and orientation restrictions as conditions of a re-zoning, subdivision easements and careful building spacing requirements. (pg. 179)

USE2018 0016

POLICY 10.3. TO FACILITATE RESIDENTIAL DEVELOPMENTS OF VARIOUS TYPES AND DENSITIES THAT ARE APPROPRIATELY LOCATED IN RELATION TO SITE CONDITIONS, SURROUNDING LAND USES, AND CAPACITY OF PUBLIC FACILITIES AND TRANSPORTATION SYSTEMS.

Standard Operating Procedures

10.3 - SOP1 Designate various categories of residential density on the *Comprehensive Plan* Land Use Maps and the Land Use Code maps based on evaluation of the following criteria:

- A. Physical site conditions including slope, areas of natural hazard, wetlands, watershed value, and/or high value natural resources;
- B. Access and capacity of adjacent streets and intersections. Arterial streets should have limited, and controlled, access from local or collector streets;
- C. Availability of public facilities and services, especially municipal water and sewer systems and, for low- to medium-income affordable housing or high-density residential development, proximity to public transit;

USE2018 0016

- D. Compatibility of the various zoning districts and land use designations with the scale and massing of surrounding neighborhoods with regard to building height and orientation, but not necessarily with regard to similar density, as the CBJ seeks to make the most efficient use of residentially-buildable lands;
- E. Potential of specific sites to accommodate the proposed density including size and shape of property and adequacy of internal circulation, parking, screening and privacy; and/or;
- F. Distance from incompatible land uses that may generate offensive or nuisance off-site impacts to new residential development, including noise, dust, fumes, malodors and/or heavy truck traffic.



Planning Commission

(907) 586-0715
PC_Comments@juneau.org
www.juneau.org/plancomm
155 S. Seward Street • Juneau, AK 99801

PLANNING COMMISSION NOTICE OF DECISION

Date: January 9, 2019
Case No.: USE2018 0016

The Jetty LLC
2780 Fritz Cove Road
Juneau, AK 99801

Proposal: A Conditional Use Permit for a 32-unit condominium development

Property Address: 11798 Glacier Hwy

Legal Description: Jetty Subdivision, Lot 2

Parcel Code No.: 4B2801030090

Hearing Date: January 8, 2019

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandums dated October 12, 2018, and December 31, 2018, and approved the Conditional Use Permit for the development of 32 condominium units to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to the issuance of a Building Permit, the applicant must provide a detailed landscape plan for the parking area.
2. Prior to a Certificate of Occupancy being issued for the building, the landscaping must be installed or bonded for.
3. Prior to the issuance of a Certificate of Occupancy, the parking spaces must be striped and properly signed.
4. Prior to issuing a Temporary Certificate of Occupancy for the first dwelling, a Homeowners' Association (HOA) Agreement shall be submitted for review by Community Development. The HOA agreement shall specify how common facilities such as the

The Jetty LLC
Case No.: USE2018 0016
January 9, 2019
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parking area, pedestrian walkway, and required landscaping and vegetation will be properly maintained.

5. Prior to the issuance of a Building Permit, the applicant shall submit a detailed drainage and snow storage plan.
6. Prior to the issuance of a Building Permit, the applicant shall submit a parking and site circulation plan that has been prepared by a licensed engineer or architect.

In addition to conditions, above, listed in the attached memorandums, the Planning Commission added a seventh advisory condition:

7. The applicant is encouraged to reduce the overall height of the building as much as is practicable including by using a flat roof and lowering the garage.

Attachments: October 12, 2018, and December 31, 2018, memorandums from Allison Eddins, Community Development Department, to the CBJ Planning Commission regarding USE2018 0016.

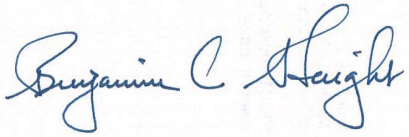
This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

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

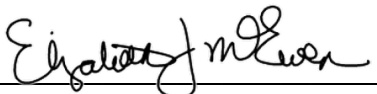
Effective Date: The permit is effective upon approval by the Commission, January 8, 2019.

Expiration Date: The permit will expire 18 months after the effective date, or July 8, 2020, 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: 
Allison Eddins, Planner
Community Development Department


Benjamin Haight, Chair
Planning Commission

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Case No.: USE2018 0016
January 9, 2019
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 _____ Filed With Municipal Clerk	1/14/2019 _____ Date
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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.

Planning Commission Meetings – 2019 2 nd & 4 th Tuesdays/month 7:00 pm, Assembly Chambers	
January 8	
January 22	
February 12	
February 26	
March 12	
March 26	
April 9	
April 23	
May 14	
May 28	
June 11	
June 25	
July 9	
July 23	
August 13	
August 27	
September 10	
September 24	
October 8	
October 22	
November 12	
November 26	
December 10	
December 24	
January 14, 2020	