



# REGULAR PLANNING COMMISSION AGENDA

April 23, 2024 at 7:00 PM

Assembly Chambers/Zoom Webinar

<https://juneau.zoom.us/j/81496513087> or 1-253-215 8782 Webinar ID: 814 9651 3087

## A. LAND ACKNOWLEDGEMENT

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

## B. ROLL CALL

## C. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

## D. APPROVAL OF MINUTES

1. January 9, 2024 Draft Minutes Regular Planning Commission

## E. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

## F. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

## G. ITEMS FOR RECONSIDERATION

## H. CONSENT AGENDA

## I. UNFINISHED BUSINESS

## J. REGULAR AGENDA

2. **SMF2024 0001:** Applicant requests a final plat review for Lot 1, Unit Lot A, of Phase 1; Lot 2, and the first segment of Seymour Way. Unit Lot A is the location of a 24-unit multifamily building on approximately 0.23 acres at 7400 Glacier Highway in a D18 Zone.

**Applicant:** Glacier Heights LLC

**Location:** 7400 Seymour Way

### DIRECTOR'S REPORT

Future plans create three (3) distinct Parent Lots, with Unit Lot A recorded within Parent Lot 1. Revenue from this phase will support future development.

The sketch plat, included as Attachment B, illustrates how this subdivision aligns with the future development of the Ridgeview project.

As the construction of the first 24-unit multifamily building associated with permit BLD2024-0094 is nearing completion. The subdivision will adhere to legal land transfer standards and lead to property parcel information to be created so that the units may be sold.

Concurrently, the first ~260 feet of Seymour Way ROW is being recorded, serving as a boundary between Parent Lots 1, 2, and 3. The Seymour Way ROW, built per specifications, will be owned and

maintained by CBJ. A temporary turnaround easement for emergency vehicles has been established on Parent Lot 2, to be vacated upon the extension of Seymour Way.

Additionally, drainage easements, vegetative buffers, and DOT ROW easements are included in this final plat.

**STAFF RECOMMENDATION**

Staff recommends the Planning Commission adopt the Directors analysis and findings and Approve the Final Plat SMF2024-0001 with Conditions.

**K. OTHER BUSINESS**

**L. STAFF REPORTS**

**M. COMMITTEE REPORTS**

**N. LIAISON REPORT**

**O. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

**P. PLANNING COMMISSION COMMENTS AND QUESTIONS**

**Q. EXECUTIVE SESSION**

**R. SUPPLEMENTAL MATERIALS**

**S. ADJOURNMENT**

ADA accommodations available upon request: Please contact the Clerk's office 36 hours prior to any meeting so arrangements can be made for closed captioning or sign language interpreter services depending on the meeting format. The Clerk's office telephone number is 586-5278, TDD 586-5351, e-mail: [city.clerk@juneau.gov](mailto:city.clerk@juneau.gov).

# DRAFT MINUTES

Agenda

Planning Commission

*Regular Meeting*

CITY AND BOROUGH OF JUNEAU

*Mandy Cole, Chair*

January 9, 2024

**I. LAND ACKNOWLEDGEMENT** – Read by Mr. Epstein

We would like to acknowledge that the City and Borough of Juneau is on Tlingit land, and wish to honor the indigenous people of this land. For more than ten thousand years, Alaska Native people have been and continue to be integral to the well-being of our community. We are grateful to be in this place, a part of this community, and to honor the culture, traditions, and resilience of the Tlingit people. Gunalchéesh!

**II. ROLL CALL**

Mandy Cole, Acting Chair, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in Assembly Chambers of the Municipal Building, virtually via Zoom Webinar, and telephonically, to order at 7:00 p.m.

**Commissioners present:** Commissioners present in Chambers – Mandy Cole, Chair; Erik Pedersen, Vice Chair; Matthew Bell, Assistant Clerk; Adam Brown; Nina Keller; David Epstein, Lacey Derr

Commissioners present via video conferencing – Jessalynn Rintala

**Commissioners absent:** Travis Arndt; Clerk

**Staff present:** Jill Lawhorne, CDD Director; Irene Gallion, Senior Planner; Minta Montalbo, Senior Planner; Ilsa Lund, Planner I; Lily Hagerup, CDD Administrative Assistant; Sherri Layne, Law Assistant Municipal Attorney

**Assembly members:** Paul Kelly

**III. SWERING IN OF COMMISSIONERS-** Commissioner Cole was sworn in after being reappointed for her second term. Commissioners Derr and Rintala were sworn in as new members.

IV. **REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA** – Acting Chair Cole requested to vote in officers next.

V. **REORGANIZATION OF OFFICERS-**

**MOTION:** *by Mr. Brown asking unanimous consent to elect the following officers.*

- Mandy Cole, Chair;
- Erik Pedersen, Vice Chair;
- Travis Arndt, Clerk;
- Matthew Bell, Assistant Clerk

*The motion passed with no objection.*

VI. **APPROVAL OF MINUTES-** None.

VII. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION-** Chair Cole.

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

IX. **ITEMS FOR RECONSIDERATION** -None.

X. **CONSENT AGENDA-** None.

XI. **UNFINISHED BUSINESS-** None.

XII. **REGULAR AGENDA**

**VAR2023 0003:** Applicant requests a Non-Administrative Variance for rear yard setback reduction from 25 feet to 20.77 feet.

**Applicant:** Dan Miller

**Location:** Powers Street

**Director’s Report**

The Applicant requests a variance for a newly-constructed structure, which was built without the required setback verification from a surveyor, a building permit for the final structure, or permits for utility connection. The property has no unusual conditions that would create hardship, so there is no hardship to tailor a variance to.

**Staff Recommendation**

Staff recommends that the Planning Commission adopt the Director’s analysis and findings and DENY the requested Non-Administrative Variance.

### **Presentation by the Applicant**

Dan Miller assisted the contractor, Joony Muñoz, in the subdivision process and designing of the bungalow structure that is now the subject of this Variance. A surveyor was hired to take measurements and stake the property. Mr. Miller said he remembers making sure the stake was lined up to the water shot off valve on the structure on the neighboring lot since the valves are typically on the property line. An inspector came out and checked off the setback verification form and the foundation was poured. The contractor never sought to obtain a setback verification from a surveyor, which was a condition of the building permit. Only when the structure was completed and a surveyor came out to produce the mandatory as-built survey was the setback encroachment discovered. Mr. Miller requested the Commission approve the Variance and adopt new findings.

Mr. Miller went on to explain how this particular situation applies to the variance code. The code requires undue hardship to exist to qualify for a variance, but Mr. Miller pointed out that there is no definition of “hardship” in the Land Use Code. It’s unknown if the stake was possibly moved without the knowledge of the construction team. The variance, also, cannot be caused by the individual seeking the hardship. Mr. Miller said Mr. Muñoz and the team performed their duties by the book, and the possibility that the stake could have been moved without the knowledge of the applicant could satisfy this requirement.

### **Commissioner Questions**

Mr. Pedersen asked the applicant to elaborate on the findings he would recommend to the Commission. Mr. Miller explained that this situation does constitute a hardship because the contractor would likely go bankrupt—ending his career— if this issue was not resolved.

Mr. Bell and Ms. Cole asked questions regarding the surveyor’s actions after the setback encroachment was brought to their attention. Mr. Miller explained that the surveyor was adamant that the foundation was staked properly.

Mr. Brown pointed out that the contractor was issued a foundation only permit and asked the applicant to explain. Mr. Miller explained that there was a delay in the building permit being issued after submission because of the subdivision process and the contracting team was feeling pressure about the oncoming cold season and decided to proceed. Through the inspection process, at no point was the foundation setback verification mentioned.

There was a lengthy discussion about the order of operations regarding setback verification.

Mr. Pedersen asked the applicant to speak to the concurrent processes of the lot subdivision and the building of the bungalow structure. Mr. Miller said the subdivision process took about a year and a half. At first, the lot did not meet code for subdivision because of substandard depth; however, in 2021, lot depth was repealed as a dimensional standard for land use. After the newly subdivided lot was officially recorded, the contracting team moved forward with the building process.

**Public Participation regarding VAR2023 0003**- None.

*At ease 7:46- 7:48 p.m.*

**Commission Questions for the Applicant**

Mr. Miller said he believes there is hardship and the unusual and special conditions of what happened was not caused by any one individual. The applicant explained that he did not cause the hardship and the variance can be narrowly tailored to a hundredth of an inch.

Mr. Pedersen asked for clarification regarding when the problem was realized. Mr. Miller said the error was discovered during the final building inspection when the as-built survey was required. At that point, the applicant brought the issue to the attention of Director Lawhorne. Director Lawhorne requested that a second surveyor be brought in to resurvey the property.

Ms. Cole asked the applicant how the variance could be narrowly tailored enough to not set precedent and open the doors for more variance requests regarding construction errors. Mr. Miller said that was a valid concern, but in his 45 years of experience, he has never seen an encroachment of this magnitude. He went on to explain that there is a process for an Administrative Variance, approved on the Director level, to address minor construction errors.

**Commission Questions for Staff**

Mr. Epstein asked clarification from CDD staff for the process of setback verification in the field. Senior Planner, Irene Gallion walked the Commission through the process.

Mr. Pedersen asked Director Lawhorne if the variance was denied, is there anything else in the Land Use Code that could provide a fix for this situation. Mrs. Lawhorne said that, as part of the review process, the code was scoured and no other path forward was uncovered.

Ms. Cole asked Mrs. Lawhorne if a Certificate of Occupancy (CO) was not issued, would there be a code enforcement case against the property owner and would the dwelling be deemed unlivable? Director Lawhorne explained that the property owner would not be evicted and an enforcement case would not be pursued. The property owner would be able to remain in the dwelling as long as it could be deemed safe by City Inspectors. Mr. Epstein pointed out that, without a CO, financial institutions would not be willing to finance the property, but the property could be bought by a cash buyer.

Ms. Rintala ask the reasoning behind the 25 foot setback requirements. Director Lawhorne explained that bungalow lot structures do not have different setback requirements than what is required by the zoning district they are in. Code for bungalow lots is relatively new, so there are still some kinks that may need to be worked out. Ms. Cole informed Ms. Rintala that bungalow lot setbacks have been discussed in Title 49 Committee, but no official changes have been made; however, if setbacks were allowed to be significantly reduced for bungalow lots—meant for infill development—it could significantly change the character of the neighborhood.

Attorney Layne was asked about financial hardship not being grounds to approve a variance. Ms. Layne explained that case law has made the determination that financial hardship cannot be the only qualification for a variance, unless the situation creating the need for the variance makes the property value zero (\$0.00). She went on to caution the Commission to be very clear and specific in tailoring their motion because this case is precedent-setting.

Each Commissioner spoke in turn regarding their thoughts on granting the variance. Multiple Commissioners raised concern about setting precedent, but all agreed that more housing in Juneau is critical.

*At ease 8:38-8:44 p.m.*

**MOTION:** *by Mr. Pedersen and amended by Ms. Cole to approve VAR2023 0003 and propose the following alternate findings:*

**A. Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property.**

**Analysis:** Unusual or special conditions were improper staking carried through survey, construction, and inspection. The unfortunate events that lead to incorrect placing of the bungalow building are completely unusual such that special considerations are necessary to alleviate undue hardship. The situation that the CBJ and the builder are in is due to circumstances that are so unusual that they are unexplainable, completely inadvertent, and wholly accidental. There is no benefit the owner would gain by purposefully encroaching into the setback; only hardship, uncertainty, and financial duress. Therefore, the condition of this requirement is met.

**Finding:** This criterion has been met.

**B. The unusual or special conditions of the property are not caused by the person seeking the Variance.**

**Analysis:** The need for the variance was not caused by the owner or applicant.

**Finding:** This criterion has not been met.

**D. The grant of the Variance is narrowly tailored to relieve the hardship.**

**Analysis:** No further analysis required.

**Finding:** This criterion has been met.

**AMENDMENT**

**Yes:** Cole, Rintala, Pedersen, Keller, Brown, Bell

**No:** Epstein, Derr

***Amendment passes 6-2.***

**ROLL CALL VOTE ON THE MOTION:**

**Yes:** Pedersen, Keller, Brown, Bell, Cole

**No:** Epstein, Rintala, Derr

***Motion passes 5-3.***

**XIII. OTHER BUSINESS**- None.

**XIV. STAFF REPORTS**- Director Lawhorne informed the Commission that the February 13, 2024, meeting would likely be cancelled. She will be out of town for a few weeks and Planning Manager Ciambor will be covering CDD in her absence. She asked the Commissioners to inform her of any of their upcoming travel because a joint meeting with the Assembly will be scheduled when the most members are able to attend.

**XV. COMMITTEE REPORTS**- None.

**XVI. LIAISON REPORTS**- Assemblymember Kelly informed the Commission that the Assembly Lands, Housing, and Economic Development Committee have accepted two projects for the Affordable Housing Fund (AHF). An Ordinance was passed the day before this meeting to move money from the General Fund to the AHF. At the Assembly retreat, a total rewrite of Title 49, the Land Use Code, was discussed. More details will follow and will likely follow along with the process of the Comprehensive Plan update.

**XVII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**- None.

**XVIII. PLANNING COMMISSION COMMENTS AND QUESTIONS**- Commissioner Rintala thanked the other members for being part of an engaging and informative meeting. Ms. Cole let the members know that committee assignments would be forthcoming.

**XIX. EXECUTIVE SESSION**- None.

**XX. ADJOURNMENT**- 9:09 p.m.





**PLANNING COMMISSION STAFF REPORT  
MAJOR SUBDIVISION SMF2024 0001  
HEARING DATE: APRIL 23, 2024**

(907) 586-0715  
CDD\_Admin@juneau.gov  
www.juneau.org/community-development  
155 Heritage Way • Juneau, AK 99801

**DATE:** April 16, 2024  
**TO:** Mandy Cole, Chair, Planning Commission  
**BY:** David Matthew Peterson, Planner II *David Peterson*  
**THROUGH:** Jill Lawhorne, Director, AICP

**PROPOSAL:** Applicant requests a final plat review for Lot 1, Unit Lot A, of Phase 1; Lot 2, and the first segment of Seymour Way. Unit Lot A is the location of a 24-unit multifamily building on approximately 0.23 acres at 7400 Glacier Highway in a D18 Zone.

**STAFF RECOMMENDATION:** Approval

**KEY CONSIDERATIONS FOR REVIEW:**

- Improvements must be met or bonded for.
- Parent lot improvements are not complete.

GENERAL INFORMATION	
Property Owner	Glacier Heights LLC
Applicant	Glacier Heights LLC
Property Address	7400 Seymour
Legal Description	Ridgeview Subdivision, A Subdivision of Record Document No. 2022-001111-0 within Fr. Tract B, U.S. Survey No. 1568.
Parcel Number	5B1401010010
Zoning	D18
Lot Size	9,992.15 square feet/0.23 acres
Water/Sewer	CBJ provided Water/Sewer
Access	Glacier Highway
Existing Land Use	24 Unit Multifamily Dwelling
Associated Applications	ARF2023-0001; ARF2023-0002; BLD2023-0333; BLD2023-376; BLD2024-0094

**ALTERNATIVE ACTIONS:**

1. **Amend:** amend the approval to require conditions.
2. **Deny:** deny the permit and adopt new findings for items 1-3 below that support the denial.
3. **Continue:** to a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

**ASSEMBLY ACTION REQUIRED:**

Assembly action is not required for this permit.

**STANDARD OF REVIEW:**

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
  - CBJ 49.15.402
  - CBJ 49.15.412
  - CBJ 49.80

**The Commission shall hear and decide the case per CBJ 49.15.400(a) - Purpose and applicability.** The purpose of this article is to facilitate the subdivision of land to promote the public health, safety, and general welfare of the citizens of the CBJ in accordance with the Comprehensive Plan of the City and Borough of Juneau, Alaska.

**And per CBJ 49.15.930(a)** - A proposed alternative residential subdivision shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of an application proposing a change in the number or boundaries of unit-lots, section 49.15.402, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of unit-lots, the preliminary and final plat submissions required by section 49.15.402 shall be included with the preliminary and final plan submissions required by this chapter.

**SITE FEATURES AND ZONING**



SURROUNDING ZONING AND LAND USES	
North (D5)	Vacant
South (D5)	Vacant
East (D5)	Vacant
West (D5)	Residential

SITE FEATURES	
Anadromous	No
Flood Zone	No
Hazard	None Mapped
Hillside	Yes
Wetlands	Yes
Parking District	No
Historic District	No
Overlay Districts	Mining Exclusion

**BACKGROUND INFORMATION**

**Project Description** – Future plans create three (3) distinct Parent Lots. Due to economics associated with the project financing, this application records Unit Lot A within Parent Lot 1. Revenue from this development will facilitate funding of future development.

A sketch plat can be found for reference on pg. 3 of **Attachment B**, which illustrates how the proposed plat of the Ridgeview Subdivision for Unit Lot A relates to the progress of the approved sketch plat in SMP2022-0001, (pg. 15 of **Attachment D**).

The construction of the 24-unit multi-family building, associated with building permit BLD2024-0094 (**Attachment G**), is nearing completion. The subdivision will meet standards for legal land transfer, and trigger creation of parcel information in CBJ’s data systems.

Concurrently, the applicant is recording the first ~260 feet of the Seymour Way right-of way (ROW). Seymour Way will separate Parent Lot 1 from eventual Parent Lots 2 and 3. Seymour Way will be constructed in accordance with CBJ 49.35.240 and will provide a 60-foot right-of way, 26-foot paved width. Sidewalk, curb, and gutter are required on both sides, as required under the original alternative residential subdivision plan (ARF2022 0001). Seymour Way is intended for CBJ ownership and maintenance. The first constructed segment will be transferred to CBJ when it meets city standards. Subsequent sections will be transferred as they are ready.

A temporary turn-around easement for emergency vehicles is established on Parent Lot 2. The easement will be vacated when Seymour Way has been extended and another turnaround is provided, or Seymour Way is completed as a connected/through street.

In addition, drainage easements, vegetative buffers, and Department of Transportation (DOT) ROW easements are being recorded with this Final Plat.

**Background -**

The table below summarizes relevant history for the lot and proposed development.

Item	Summary
ARF2023-0002	Plan modification – increasing surface parking and modifying open space, moving Unit Lot B due to soil conditions.
ARF2023-0001	Plan modification – reorientation of Unit Lot D due to soil conditions.
ARF2022-0001	Original plan approval.
ARP2022-0001	Preliminary Plan approval for Ridgeview Subdivision, an Alternative Residential Subdivision, developing up to 444 dwelling units on 19.71 acres. Approved, October 4 <sup>th</sup> , 2022. ( <b>Attachment C</b> )
SMP2022-0001	Initial plans to subdivide 19.71 acres, USS 1568 Tract B1 (the Grandparent Lot), into 3 parent Lots for a phased Alternative Residential Subdivision (ARS) to include easement for 60-foot ROW connected to Vista Del Sol. Approved, December 7 <sup>th</sup> , 2022. ( <b>Attachment D</b> )
ARF2023-0001 & AFR2023-0002	Approval of the development plan – Includes five (5) phases and an eventual 444 units. Approved December 12 <sup>th</sup> , 2022. ( <b>Attachment H &amp; I</b> )
BLD2023-0333	Grading permit issued May 2 <sup>nd</sup> , 2023. ( <b>Attachment E</b> )
BLD2023-0376	Foundation permit issued July 31 <sup>st</sup> , 2023. ( <b>Attachment F</b> )

BLD2024-0094	Building permit for 24-unit condo complex issued March 7 <sup>th</sup> , 2024. <b>(Attachment G)</b>
AME2015-0005	A rezone from D5 to D18. The original request was to rezone to D18. After the public meeting the applicant modified the request to a mix of D18 and LC. The Commission recommended denial of the rezone to the Assembly, opposing a rezone to D18 and LC, and recommended the tract remain D5. The Assembly adopted the rezone of the tract from D5 to D18. <b>(Attachment J)</b>

**ANALYSIS**

**Compliance with Title 49** - The plat conforms to Title 49. Confirmation of compliance with conditions as outlined in the Notice of Decision for SMP2022-0001 (**Attachment D**) and 49.15.412 will be met prior to Final Plat recording:

**Preliminary Plat Conditions of Approval -**

Condition/Plat Note	Status	Summary
Condition: Prior to final plat approval, the plat will be revised to provide an emergency turnaround at the termination of Phase 1 at a minimum.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> On-going	Temporary turn around as shown on the final plat has been accepted by Capital City Fire and Rescue.
Condition: Prior to Final Plat approval, Certification from the CBJ Treasurer is required showing that all real property taxes and special assessments levied against the property for the year of recording have been paid.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Unmet <input type="checkbox"/> On-going	In Process.
Condition: Prior to approval of the Final Plat, the developer shall submit a final drainage plan to be approved by CBJ Engineering & Public Works. This drainage plan must be prepared by an Alaskan licensed engineer in accordance with CBJ 49.35.510.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> On-going	Met under SMP2022 0001.
Condition: Prior to approval of the final plat, the applicant shall submit a complete set of construction plans for all required improvements to the Community Development Department for review by the Director of Engineering & Public Works for compliance with CBJ 49.35.140.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> On-going	Met under SMP2022 0001.
Condition: Prior to approval of the final plat, the applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Unmet <input type="checkbox"/> On-going	In Process.
Plat note: 1. Per CBJ 49.15.920(m), unit lots are limited to residential uses. the parent lots	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Unmet <input type="checkbox"/> On-going	In Process.

Condition/Plat Note	Status	Summary
are limited to a recreational center, community facility or child care center.		
Plat Note: 2. This plat creates an alternative residential subdivision pursuant to and governed by the City and Borough of Juneau Land Use Code Title 49 article ix. each owner of a unit lot is required to, and shall be, through their ownership, a member of the Ridgeview Community Association (RCA) HOA, required to pay assessments assessed by RCA HOA.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> On-going	See note 6 on Final Plat.
Plat Note: 3. A fifteen (15) foot vegetated buffer is required along the west lot line. The buffer can be reduced to five (5) feet with a fence sufficient to provide a visual and acoustic buffer.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Unmet <input type="checkbox"/> On-going	A 20-foot drainage and vegetative buffer is only shown in the Southwest corner of the plat. 15-foot drainage and vegetative buffer will be included along the west lot line prior to Final Plat acceptance.
Plat Note: 4. No lot will directly access Glacier Highway.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> On-going	Unit Lot A will have access to Glacier Highway via Seymour Way.
Plat Note: 5. Access to lots shall be via access easements shown on this plat and is subject to the requirements in the bylaws of RCA HOA.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> On-going	The Applicant will own Parent Lot 1 and provide eased access to unit lots. Applicant ownership of the Parent Lot is required for future financing and development.
Plat Note: 6. Temporary cul-de-sac or hammerhead easement shall be vacated upon extension of Seymour drive unless the director determines all or a portion of the cul-de-sac may remain.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> On-going	Included in plat note reads: Temporary turnaround easement for emergency vehicles (to be vacated when Seymour Way is extended, and new turnaround is constructed).
Plat Note: 7. PER CBJ 49.15.920(j), No parking areas, dwelling units, unit lots or permissible uses may be located within the perimeter buffer, access to the development may cross a portion of the buffer.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> On-going	No Parking areas, Dwelling Units, Unit Lots or permissible uses have been constructed within the perimeter buffer.
Plat Note: 8. The stormwater runoff is acceptable per Ridgeview subdivision drainage plan in approved during plat review. All required Ridgeview subdivision public improvements including surface drainage, driveways and roadside drainage shall be constructed prior to final acceptance for maintenance by CBJ public works. Modifications to the approved plans will not be allowed unless permitted by CBJ engineering pursuant to CBJ 19.12.120 best management practices.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> On-going	See Plat Note 9.

**Condition:** Prior to final plat approval, the applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010.2.

**Condition:** Prior to final plat approval, the applicant shall submit a joint-use and maintenance agreement for the access and utility easement to be recorded with the plat.

**AGENCY REVIEW**

CDD conducted an agency review comment period between March 14<sup>th</sup>, 2024 – April 5<sup>th</sup>, 2024. Agency review comments can be found in **Attachment K**.

Agency	Summary
General Engineering	The following consolidated review comments should be addressed prior to the plat being approved for preliminary plat approval/as a condition of preliminary plat approval. A further review of the preliminary plat may result in additional comments if new issues arise from changes made to the draft plat reviewed for this memorandum.
Cartography	<ol style="list-style-type: none"> <li>1. Use bold line weight for line subdividing Lot 1 and Lot 2 on sheets 1 and 2.</li> <li>2. On sheet 3, the future lots will be a subdivision of Lot 2, so the proposed lot names should be Lot 2A and Lot 2B. [TO] File No.: MIP2018 00xx April 8, 2024 Page 2 of 2</li> <li>3. On sheet 3, delete the unit numbers from the lots. For example, delete “24” so the lot label just shows “UNIT LOT A”. The number of units could be confused for the legal description.</li> <li>4. Add the adjacent lot line for the north boundary of Lot 44 on sheet 3.</li> <li>5. Increase font size for “SEYMOUR WAY” on sheet 1.</li> <li>6. Use a dashed line type for the south boundary of Lot 43 on sheet 3.</li> <li>7. Delete the record document information from the title block. That could instead be referenced in the notes.</li> <li>8. The symbol for the existing drainage easements are shown as “existing DOT easement” in the legend.</li> </ol>
Capitol City Fire and Rescue	No additional comment.
Planning	<ol style="list-style-type: none"> <li>1 Change “FIRE TRUCKS” to “EMERGENCY VEHICLES”.</li> <li>2 Per the conditions of SMP2022-0001, please include notes on the Final Plat.             <ol style="list-style-type: none"> <li>a. PER CBJ 49.15.920(m), Unit lots are limited to residential uses. The parent lots are limited to a recreational center, community facility or child care center.</li> </ol> </li> </ol>

**Condition:** Comments found in **Attachment K** shall be addressed.

## **PUBLIC COMMENTS**

CDD conducted a public comment period between April 5<sup>th</sup>, 2024 – April 19<sup>th</sup>, 2024. Public notice was mailed to property owners within 500 feet of the subject parcel and, a public notice sign was also posted on-site two weeks prior to the scheduled hearing.

There were no public comments at the time this report was written.

## **FINDINGS**

**Final plat approval criteria** - Per CBJ 49.15.402(f)(3) the Director makes the following findings:

- 1. *Has the applicant complied with any conditions or plat notes as required in the notice of decision approving the final plat?***

**Analysis:** Property taxes have not been paid.

**Finding:** As a condition of Final Plat recording, the applicant will be required to pay all real property taxes and special assessments levied against the property have been paid in full.

- 2. *Has the applicant constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010?***

**Analysis:** Improvements are still being determined by CBJ General Engineering.

**Finding:** Once determined, improvements will be constructed, or a financial guarantee will be provided in accordance with CBJ 49.55.010.

- 3. *Does the final plat meet the standards set forth in CBJ 49.15.412 for final plats?***

**Analysis:** No additional analysis needed.

**Finding: Yes.** The final plat complies with CBJ 49.15.415 Final Plat Standards.

## **RECOMMENDATION**

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested final plat. The permit would allow the final plat approval for the acceptance of the final plat review for Lot 1, Unit Lot A, of Phase 1, Lot 2, and the first length of Seymour Way. Unit Lot A would be the location of a 24-unit multifamily building on approximately 0.23 acres at 7400 Glacier Highway in a D18 Zone.

The approval is subject to the following conditions:

1. Prior to final plat approval, the applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010.

2. Prior to final plat approval, the applicant shall submit a joint-use and maintenance agreement for the access and utility easement to be recorded with the plat.
3. Prior to final plat recording, the applicant shall pay the property taxes for the calendar year to the CBJ treasurer's office.
4. Comments found in **Attachment K** shall be addressed.

**STAFF REPORT ATTACHMENTS**

<b>Item</b>	<b>Description</b>
<b>Attachment A</b>	SMF24-01 Application Packet
<b>Attachment B</b>	GLACIER HEIGHTS Draft FINAL PLAT
<b>Attachment C</b>	ARP22-01_With Attachments
<b>Attachment D</b>	SMP22-01 with Attachments
<b>Attachment E</b>	BLD23-333 Permit
<b>Attachment F</b>	BLD23-376 Permit
<b>Attachment G</b>	BLD24-094 Application
<b>Attachment H</b>	ARF23-01 Memo with Attachments
<b>Attachment I</b>	ARF23-02_with Attachments
<b>Attachment J</b>	AME15-05 Rezone Case
<b>Attachment K</b>	Agency Comments
<b>Attachment L</b>	Posted Public Notice Sign + Abutters





# DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	<b>PROPERTY LOCATION</b>	
	Physical Address <b>7400 Glacier Highway</b>	
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) <b>USS 1568, Tract B1</b>	
	Parcel Number(s) <b>5B1401010010</b>	
	<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 _____	
	<b>LANDOWNER/ LESSEE</b>	
	Property Owner <b>Glacier Heights Juneau, LLC</b>	Contact Person <b>Garrett Johnson</b>
	Mailing Address <b>445 N 2000 W, Suite 7, Springville, UT 84663</b>	Phone Number(s) <b>(801) 262-9315</b>
	E-mail Address <b>garrett@pci1980.com</b>	
	<b>LANDOWNER/ LESSEE CONSENT</b> <span style="float: right; font-size: small;">Required for Planning Permits, not needed on Building/ Engineering Permits</span>	
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.		
<b>X</b> _____ <span style="float: right;"><u>02/27/2024</u></span> <span style="display: block; text-align: center; font-size: small;">Landowner/Lessee Signature <span style="float: right;">Date</span></span>		
<b>X</b> _____ <span style="float: right;">_____</span> <span style="display: block; text-align: center; font-size: small;">Landowner/Lessee Signature <span style="float: right;">Date</span></span>		
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.		
<b>APPLICANT</b> <span style="float: right; font-size: small;">If the same as OWNER, write "SAME"</span>		
Applicant <b>Same</b>	Contact Person	
Mailing Address	Phone Number(s)	
E-mail Address		
<b>X</b> _____ <span style="float: right;"><u>02/27/2024</u></span> <span style="display: block; text-align: center; font-size: small;">Applicant's Signature <span style="float: right;">Date of Application</span></span>		

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

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.

Intake Initials 
Date Received <b>3/5/24</b>

Case Number <b>SMF24-001</b>
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# SUBDIVISION AND DEVELOPMENT PLAN APPLICATION

See subdivision hand-outs 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**  
 This Final Plat will create one Unit Lot, one common lot, one undeveloped tract, and a public right of way Seymour Way on the existing 19.71 acre parcel.  
 Number of Existing Parcels 1      Total Land Area 19.71 a      Number of Resulting Parcels 2

---

**HAS THE PARCEL BEEN CREATED BY A MINOR SUBDIVISION IN THE PRECEDING 24 MONTHS**  
 NO       YES Case Number \_\_\_\_\_

---

**TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED**

<u>MINOR DEVELOPMENT</u> (changing or creating 13 or fewer lots)	<u>MAJOR DEVELOPMENT</u> (changing or creating 14 or more lots)
<input type="checkbox"/> Preliminary Plat (MIP)	<input type="checkbox"/> Preliminary Plat (SMP)
<input type="checkbox"/> Final Plat (MIF)	<input checked="" type="checkbox"/> Final Plat (SMF)
<input type="checkbox"/> Panhandle Subdivision	<input type="checkbox"/> Preliminary Development Plan – PUD (PDP)
<input type="checkbox"/> Accretion Survey	<input type="checkbox"/> Final Development Plan – PUD (PDF) Preliminary
<input type="checkbox"/> Boundary Adjustment	<input type="checkbox"/> Development Plan – ARS (ARP) Final
<input type="checkbox"/> Lot Consolidation (SLC)	<input type="checkbox"/> Development Plan – ARS (ARF)
<input type="checkbox"/> Bungalow Lot Subdivision	<input type="checkbox"/> Bungalow Lot Subdivision
<input type="checkbox"/> Common Wall/Zero Lot Subdivision	<input type="checkbox"/> Common Wall/Zero Lot Subdivision
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

---

**ALL REQUIRED DOCUMENTS ATTACHED**

Pre-application conference notes

Narrative including:

- Legal description(s) of property to be subdivided
- Existing structures on the land
- Zoning district
- Density
- Access
- Current and proposed use of any structures
- Utilities available
- Unique characteristics of the land or structure(s)

Preliminary Plat checklist

To be completed by Applicant

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

SUBDIVISION/PLATTING FEES	Fees	Check No.	Receipt	Date
Application Fees	\$		<u>under ARF 22-01 - PAID</u>	
Admin. of Guarantee	\$			
Adjustment	\$		<u>150 Sign Fee</u>	
<b>Total Fee</b>	\$		<u>150 =</u>	

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

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

Case Number <u>SMF24-001</u>	Date Received <u>3/5/24</u>
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# Project Narrative

## Ridgeview Subdivision 7400 Glacier Highway

**Legal description of property to be subdivided:**  
USS 1568, Tract B1, Juneau Recording District, First Judicial District

**Existing structures on the land:**  
Building A on Unit Lot A is currently under construction.

**Zoning district:**  
D18 Multi Family

**Density:**  
18-units/acre with density bonuses awarded in ARS Preliminary Plan.

**Access:**  
Glacier Highway

**Current and proposed use of any structures:**  
There is one 24-dwelling unit building currently under construction, which should be finished this Spring. The next building will begin this Spring and should be completed near the end of the calendar year 2024.

**Utilities available:**  
Yes, utilities are available along Glacier Highway.

**Unique characteristics of the land or structure(s):**  
There are steep grades on portions of the property and soil conditions requiring additional export/import material.

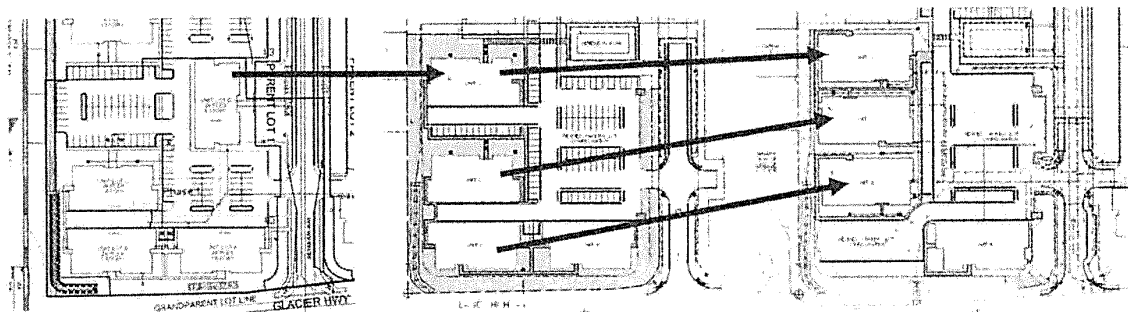
**Background:**  
The Planning Commission approved the Final Alternative Residential Subdivision Plan (ARF) for Phase 1 to develop ninety-six (96) dwelling units on approximately three (3) acres on December 13, 2022, with the following paraphrased conditions (to be confirmed by pending meeting minutes and/or Notice of Decision).

1. Change the name of Seymour Way to Vista Del Sol when the roads are connected.
2. Provide the required ADA parking stalls.
3. An approved Traffic Impact Analysis.
4. Phased installation of a vegetative barrier along the property line that borders Vista Del Sol (in accordance with Condition #6).
5. Submit homeowner association, or similar, documents that comply with CBJ 49.15.950(b).
6. Increase the minimum setback along the property line that borders Vista Del Sol to a 15' buffer with vegetative barrier where a fence is not able to be installed. A fence would replace the requirement for a vegetative barrier.

The following modifications have been made to the ARF.



- ARF2023 0001, approved February 28, 2023 – (1) Moved Building D to the west side of the lot and (2) changed the orientation by 90 degrees.
- ARF2023 0002, approved February 27, 2024 – (1) Moved Buildings B, C and D northward; (2) parking relocated to the southwest of the lot; and (3) surface parking stalls were increased to account for the twenty-four (24) garages that were removed from Buildings B, C and D.



- LEGEND**
- ⊗ I.L.M. 2" BRASS MONUMENT RECOVERED THIS SURVEY
  - ⊙ PRIMARY DOT CENTERLINE MONUMENT IN CASING RECOVERED THIS SURVEY
  - ⊙ PRIMARY MONUMENT RECOVERED THIS SURVEY
  - ⊙ 3" ALUMINUM MONUMENT, T&E ENGINEERS
  - REBAR & CAP, SET BY J.W. BEAN
- - - - - SURVEYED  
 - - - - - UNSURVEYED  
 - - - - - SURVEY TIE  
 - - - - - EXISTING DOT EASEMENT  
 - - - - - FUTURE EASEMENT  
 - - - - - FUTURE RIGHT-OF-WAY  
 - - - - - CENTERLINE  
 - - - - - DOT EASEMENT EXISTING  
 - - - - - EASEMENT
- (R) = AS PER PLAT NO. 95-56  
 (R1) = AS PER PLAT NO. 90-30  
 (R2) = AS PER PLAT NO. 2012-15
- TYPICAL SECONDARY MON.  
 3" ALUMINUM  
 5/8" REBAR, 36" LONG

**BASIS OF BEARING**

BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF NORTH FROM A FOUND 1" ALUMINUM MONUMENT BEING THE SOUTHWEST CORNER OF LOT 2, TRACT B, U.S. SURVEY NO. 1568 TO A FOUND 3" ALUMINUM MONUMENT BEING THE NORTHEAST CORNER OF LOT 3, TRACT B, U.S. SURVEY NO. 1568 AS SHOWN ON RECORDED PLAT NO. 95-56.

**CORPORATE OWNERSHIP CERTIFICATE:**

I HEREBY CERTIFY THAT GLACIER HEIGHTS, LLC, D/B/A GLACIER HEIGHTS JUNEAU, LLC, IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS MANAGING MEMBER HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT AND DEEDATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

Date: 2024

D/B/A: GLACIER HEIGHTS, LLC  
 D/B/A GLACIER HEIGHTS JUNEAU, LLC  
 445 NORTH 2000 WEST, SUITE 7,  
 SPRINGVILLE, UTAH 84603

**NOTARY ACKNOWLEDGMENT:**

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

S.S.

THIS IS TO CERTIFY THAT ON THIS 2024 DAY OF 2024 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SHOWING PERSONALLY APPEARS GARRETT JOHNSON, MANAGING MEMBER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

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

Notary Public for Alaska

M, Commission Expires

**PLANNING COMMISSION APPROVAL**

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT REGISTRATION NO. 2024 DATED 2024 AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.


CHAIRMAN  
 CITY & BOROUGH OF JUNEAU  
 PLANNING COMMISSION

CLERK  
 CITY & BOROUGH OF JUNEAU

**CERTIFICATE OF REGISTERED LAND SURVEYOR**

I, J.W. BEAN, 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 AND TITLE 48 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 IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

Date:

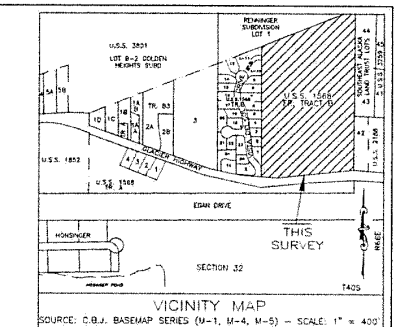
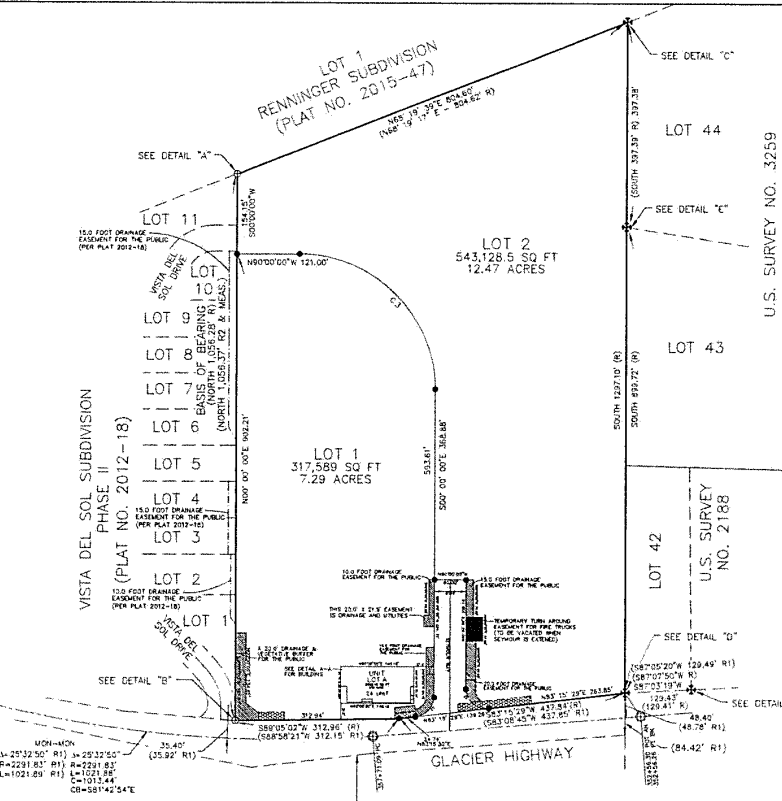


**J.W. BEAN**  
PROFESSIONAL SURVEYOR

1070 ARCTIC CIRCLE  
JUNEAU - ALASKA  
99801  
SURVEYOR - PLANNER  
FROM RIDGEVIEW FINAL

CURVE TABLE FOR RIGHT OF WAY

CURVE #	DELTA	RADIUS	ARC LENGTH	CHORD BEARING	DISTANCE
C1	90°44'31"	40.00'	67.54'	N48°22'15"W	59.85'
C2	89°59'36"	40.00'	36.44'	S42°22'04"W	51.87'
C3	90°00'00"	280.00'	458.41'	N45°00'00"W	347.70'



- NOTES:**
- ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
  - ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
  - DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
  - WHERE MEASURED BEARING AND/OR DISTANCE DIFFER FROM THE RECORD, THAT OF RECORD IS SHOWN IN PARENTHESES, ALONG WITH THE SOURCE DOCUMENT/REFERENCE (SEE LEGEND).
  - THE ERROR OF CLOSURE DOES NOT EXCEED 1:10,000.
  - THIS PLAT CREATES AN ALTERNATIVE RESIDENTIAL SUBDIVISION PURSUANT TO AND GOVERNED BY THE CITY AND BOROUGH OF JUNEAU LAND USE CODE TITLE 49 ARTICLE IX. EACH OWNER OF A UNIT LOT IS REQUIRED TO, AND SHALL BE, THROUGH THEIR OWNERSHIP, A MEMBER OF THE HOA, REQUIRED TO PAY ASSESSMENTS ASSES BY THE HOA.
  - NO LOT WILL DIRECTLY ACCESS GLACIER HIGHWAY.
  - ACCESS TO LOTS SHALL BE VIA ACCESS DRIVEWAY AS SHOWN ON THIS PLAT AND IS SUBJECT TO THE REQUIREMENTS IN THE BYLAWS OF HOA.
  - THE STORMWATER RUNOFF IS ACCEPTABLE PER RIDGEVIEW SUBDIVISION DRAINAGE PLAN APPROVED DURING PLAT REVIEW. ALL REQUIRED RIDEVIEW SUBDIVISION PUBLIC IMPROVEMENTS INCLUDING SURFACE DRAINAGE, DRAINWAYS AND ROADSIDE DRAINAGE SHALL BE CONSTRUCTED PRIOR TO FINAL ACCEPTANCE FOR MAINTENANCE BY CEJ PUBLIC WORKS. MODIFICATIONS TO THE APPROVED PLANS WILL NOT BE ALLOWED UNLESS PERMITTED BY CEJ ENGINEERING PURSUANT TO CEJ 19.12.120 BEST MANAGEMENT PRACTICE.

3" ALUMINUM MONUMENT ASSOCIATED THE PLAT

LOT 1 LOT 2

1958

3" ALUMINUM MONUMENT ASSOCIATED THE PLAT

LOT 3 LOT 4

1958

2" BRASS CAP ASSOCIATED THE PLAT

LOT 5 LOT 6

1953

3" ALUMINUM MONUMENT ASSOCIATED THE PLAT

LOT 7 LOT 8

1953

3" ALUMINUM MONUMENT ASSOCIATED THE PLAT

LOT 9 LOT 10

1953

2" BRASS CAP ASSOCIATED THE PLAT

LOT 11

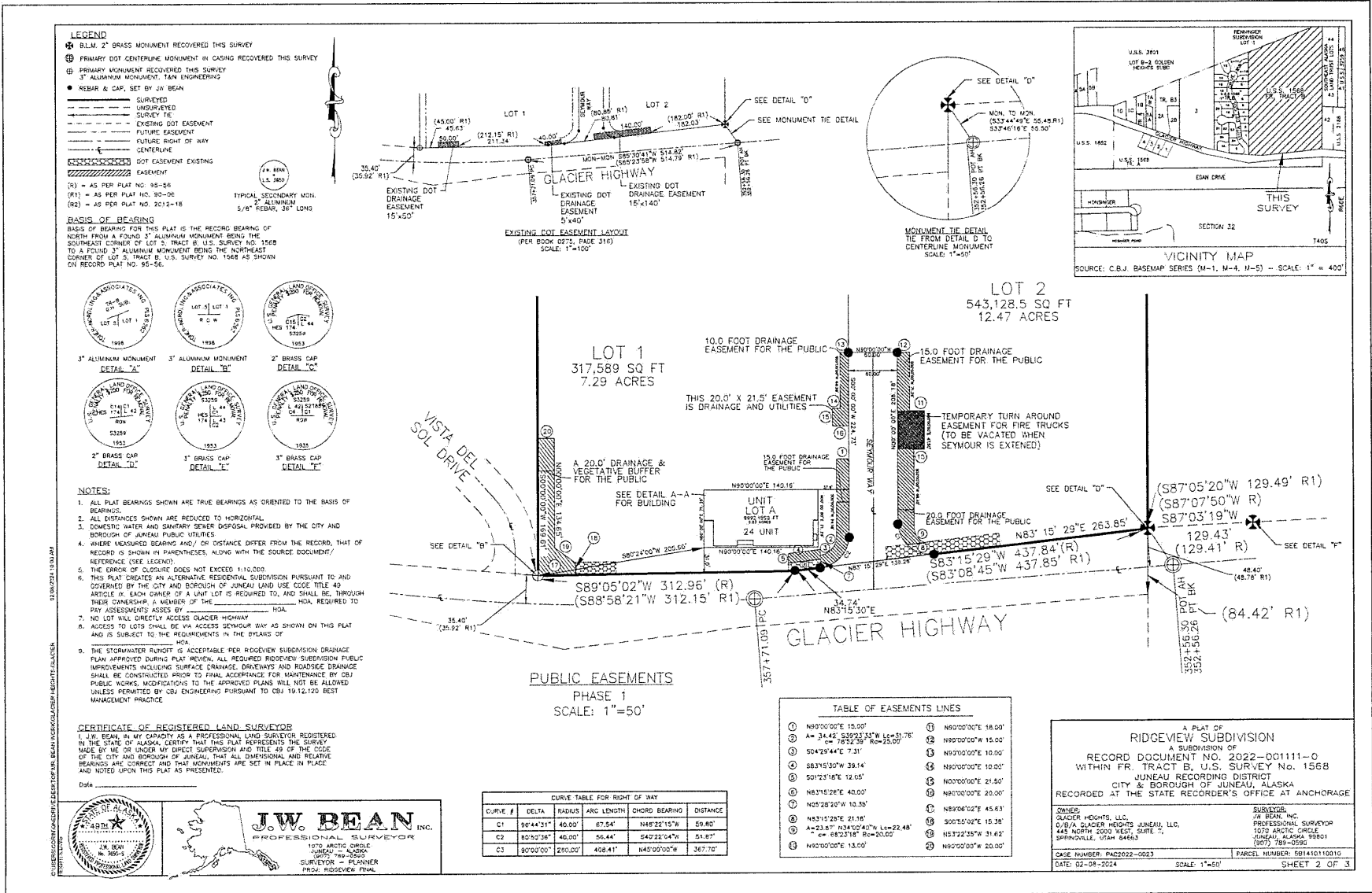
1953

A PLAT OF  
**RIDGEVIEW SUBDIVISION**  
A SUBDIVISION OF  
RECORD DOCUMENT NO. 2022-00111-0  
WITHIN FR. TRACT B, U.S. SURVEY NO. 1568  
JUNEAU RECORDING DISTRICT  
CITY & BOROUGH OF JUNEAU, ALASKA  
RECORDED AT THE STATE RECORDER'S OFFICE AT ANCHORAGE

DRAWER: GLACIER HEIGHTS, LLC  
 D/B/A GLACIER HEIGHTS JUNEAU, LLC  
 445 NORTH 2000 WEST, SUITE 7,  
 SPRINGVILLE, UTAH 84603

SURVEYOR:  
 J.W. BEAN, INC.  
 PROFESSIONAL SURVEYOR  
 1070 ARCTIC CIRCLE  
 JUNEAU, ALASKA 99801  
 (907) 788-0380

CASE NUMBER: PAC2022-0023  
 DATE: 02-08-2024  
 SCALE: 1"=100'  
 SHEET 1 OF 3



**LEGEND**

- BLM. 2" BRASS MONUMENT RECOVERED THIS SURVEY
- PRIMARY DOT CENTERLINE MONUMENT IN CASING RECOVERED THIS SURVEY
- PRIMARY MONUMENT RECOVERED THIS SURVEY
- 3" ALUMINUM MONUMENT, TAN ENGINEERING
- REBAR & CAP, SET BY J.W. BEAN

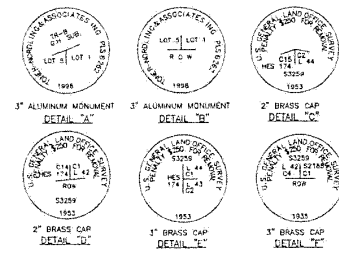
SURVEYED  
 UNDEVELOPED  
 SURVEY TIE  
 EXISTING DOT EASEMENT  
 FUTURE EASEMENT  
 FUTURE RIGHT OF WAY  
 CENTERLINE  
 DOT EASEMENT EXISTING

1" BENCH  
 L.S. 1860

TYPICAL SECONDARY MON.  
 5/8" REBAR, 30" LONG

(91) = AS PER PLAT NO. 95-56  
 (81) = AS PER PLAT NO. 92-06  
 (82) = AS PER PLAT NO. 2012-18

**BASIS OF BEARING**  
 BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF NORTH FROM A FOUND 3" ALUMINUM MONUMENT BEING THE SOUTHEAST CORNER OF LOT 2, TRACT B, U.S. SURVEY NO. 1568 TO A FOUND 3" ALUMINUM MONUMENT BEING THE NORTHEAST CORNER OF LOT 2, TRACT B, U.S. SURVEY NO. 1568 AS SHOWN ON RECORD PLAT NO. 95-56.



- NOTES:**
- ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
  - ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
  - DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES.
  - WHERE MEASURED BEARING AND/OR DISTANCE DIFFER FROM THE RECORD, THAT OF RECORD IS SHOWN IN PARENTHESES, ALONG WITH THE SOURCE DOCUMENT/REFERENCE (SEE LEGEND).
  - THE ERROR OF CLOSURE DOES NOT EXCEED 1:10,000.
  - THIS PLAT CREATES AN ALTERNATIVE RESIDENTIAL SUBDIVISION PURSUANT TO AND GOVERNED BY THE CITY AND BOROUGH OF JUNEAU LAND USE CODE, TITLE 49, ARTICLE IX. EACH OWNER OF A UNIT LOT IS REQUIRED TO, AND SHALL BE, THROUGH THEIR OWNERSHIP, A MEMBER OF THE HOA. HOA REQUIRED TO PAY ASSESSMENTS ASSES BY HOA.
  - NO LOT WILL DIRECTLY ACCESS GLACIER HIGHWAY.
  - ACCESS TO LOTS SHALL BE VIA ACCESS SEYMOUR WAY AS SHOWN ON THIS PLAT AND IS SUBJECT TO THE REQUIREMENTS IN THE BYLAWS OF HOA.
  - THE STORMWATER RUNOFF IS ACCEPTABLE PER RIDGEVIEW SUBDIVISION DRAINAGE PLAN APPROVED DURING PLAT REVIEW. ALL REQUIRED RIDGEVIEW SUBDIVISION PUBLIC IMPROVEMENTS INCLUDING SURFACE DRAINAGE, DRAINWAYS AND ROADSIDE DRAINAGE SHALL BE CONSTRUCTED PRIOR TO FINAL ACCEPTANCE FOR MAINTENANCE BY CBJ. PUBLIC WORKS, MODIFICATIONS TO THE APPROVED PLANS WILL NOT BE ALLOWED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CBJ 19.12.170 BEST MANAGEMENT PRACTICE.

**CERTIFICATE OF REGISTERED LAND SURVEYOR**  
 I, J.W. BEAN, IN MY CAPACITY AS A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA, CERTIFY THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME UNDER MY DIRECT SUPERVISION AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

Date: \_\_\_\_\_



**J.W. BEAN, INC.**  
 PROFESSIONAL SURVEYOR  
 1079 ARCTIC CIRCLE  
 JUNEAU - ALASKA  
 99701  
 SURVEYOR = PLANNER  
 PROJ. RIDGEVIEW FINAL

**CURVE TABLE FOR RIGHT OF WAY**

CURVE #	DELTA	RADIUS	ARC LENGTH	CHORD BEARING	DISTANCE
C1	90°44'31"	40.00'	67.54'	N48°22'15"W	59.80'
C2	82°52'36"	46.00'	56.44'	S42°22'04"W	51.87'
C3	90°22'00"	290.00'	498.41'	N45°00'00"W	367.70'

**TABLE OF EASEMENTS LINES**

① N89°00'00"E 15.00'	⑩ N89°00'00"E 18.00'
② A=34.42, S89°23'31"W L=51.76' C=85.23' R=25.00'	⑪ N89°00'00"W 15.00'
③ S04°29'47"E 7.31'	⑫ N89°00'00"E 10.00'
④ S83°15'30"W 38.14'	⑬ N89°00'00"E 10.00'
⑤ S01°23'16"E 12.65'	⑭ N00°00'00"E 21.50'
⑥ N83°15'29"W 437.84'(R)	⑮ N89°00'00"E 20.00'
⑦ N05°28'20"W 10.38'	⑯ N89°06'02"E 45.63'
⑧ N83°15'30"E	⑰ S00°15'02"E 15.28'
⑨ N53°10'28"E 21.16'	⑱ A=23.87, N04°02'47"W L=22.48' C= 88.2318' R=20.02'
	⑳ N89°02'00"W 20.00'

A PLAT OF  
**RIDGEVIEW SUBDIVISION**  
 A SUBDIVISION OF  
 RECORD DOCUMENT NO. 2022-001111-0  
 WITHIN TRACT B, U.S. SURVEY No. 1568  
 JUNEAU RECORDING DISTRICT  
 CITY & BOROUGH OF JUNEAU, ALASKA  
 RECORDED AT THE STATE RECORDER'S OFFICE AT ANCHORAGE

**OWNER:** GLACIER HEIGHTS, LLC.  
**SURVEYOR:** J.W. BEAN, INC. PROFESSIONAL SURVEYOR  
 60 VIA GLACIER HEIGHTS JUNEAU, LLC.  
 448 NORTH 2000 WEST, SUITE 7,  
 OPHOKEVILLE, UTAH 84043  
 (801) 789-0590

DATE NUMBER: 02-09-2024-0023 SCALE: 1"=50'  
 DATE: 02-09-2024 PARCEL NUMBER: 16144110010 SHEET 2 OF 3





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

### Ridgeview Subdivision - reorientation and first phase

Case Number: PAC2022 0023  
Applicant: Brandon Gray  
Property Owner: Rooftop Properties LLC  
Property Address: 7400 Glacier Highway  
Parcel Code Number: 5B1401010010  
Site Size: 858,568 Square Feet, 19.71 acres  
Legal Description: USS 1568 Tract B1  
Zoning: D18  
Existing Land Use: Vacant

Conference Date: May 4, 2022  
Report Issued: May 17, 2022  
**DISCLAIMER: Pre-application conferences are conducted for purposes of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application, and are not a guarantee of final project approval.**

### List of Attendees

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

Name	Title	Email address
Brandon Gray	Applicant	<a href="mailto:Brandon@pci1980.com">Brandon@pci1980.com</a>
Garrett Johnson	Partner	<a href="mailto:Garrett@pci1980.com">Garrett@pci1980.com</a>
Toby Lockhart	Homeshore Engineering LLC	<a href="mailto:Toby@homeshorellc.com">Toby@homeshorellc.com</a>
John Bean	Surveyor	<a href="mailto:JwBean@gci.net">JwBean@gci.net</a>
Irene Gallion	Planning	<a href="mailto:Irene.Gallion@juneau.org">Irene.Gallion@juneau.org</a>
David Peterson		<a href="mailto:David.Peterson@juneau.org">David.Peterson@juneau.org</a>
Jill Maclean	Community Development Director	<a href="mailto:Jill.Maclean@juneau.org">Jill.Maclean@juneau.org</a>
Scott Ciambor	Planning Manager	<a href="mailto:Scott.Ciambor@juneau.org">Scott.Ciambor@juneau.org</a>
Dan Jager	CCFR Fire Marshall	<a href="mailto:Dan.Jager@juneau.org">Dan.Jager@juneau.org</a>
Ken Hoganson	General Engineering	<a href="mailto:Ken.Hoganson@juneau.org">Ken.Hoganson@juneau.org</a>
Sydney Hawkins	Permit Technician II	<a href="mailto:Sydney.Hawkins@juneau.org">Sydney.Hawkins@juneau.org</a>



**Conference Summary**

**Questions/issues/agreements identified at the conference that weren't identified in the attached reports.**  
The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

In your narrative you say 12-16-plex, on the site plan it is a 24-plex. Have you decided?  
How many 1, 2, and 3 bedroom units in the 24-plex?

What density provisions are you hoping to take advantage of?  
Is Seymour Way intended to be a ROW at some point?  
Take me through your math on the density bonus, I get 443 units available.  
For the entire development, you come up with 515 parking spaces required, I come up with 612. Difference?

**Project Overview**

(Provide a brief description of the proposed project. *Note to Planners: be aware if there have been any previous PACs for this applicant or site.*)

The Applicant would like to:

- Develop a 12-24 unit structure on the lot. The applicant estimates 1/3 each of studios, one-bedroom and two-bedroom units.
- Stage for further development of the lot.

Note that Seymour Way does not exist. The preliminary plat that proposed Seymour Way was not finalized. Before that, there were two other subdivision proposals, both of which were withdrawn.

A multi-family development is a permissible stand-alone use for this lot [19.25.300 Paragraph 1.300] that would require a conditional use permit.

The size of the lot will beg the question of subsequent development. The applicant proposes an Alternative Residential Subdivision. This process will be time-consuming and will push development to late in the summer at the earliest, and more likely next construction season.

The applicant's goals will determine the best way forward. CBJ 49.15.960 will be key to this strategy:

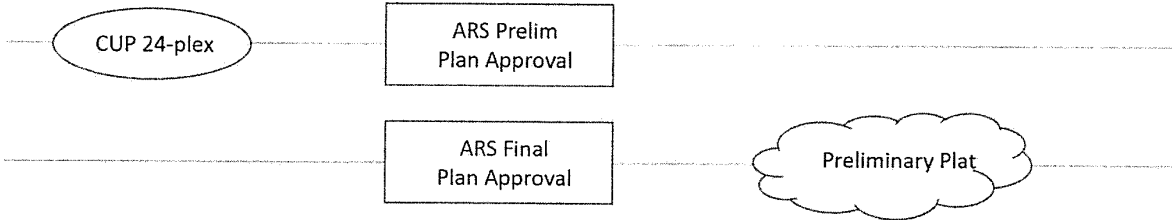
*An applicant may develop an alternative residential subdivision in phases, provided the initial application includes a preliminary development plan sufficient to assess the cumulative effects of the entire alternative residential subdivision on the neighborhood and the environment according to the standards in subsection 49.15.940.*

If the applicant would like to:

- Construct a 24-plex this season, AND
- Use features of the 24-plex in density bonus (for instance, if the 24-plex has workforce housing provisions),

THEN the applicant should apply for a Conditional Use Permit and for an ARS Preliminary Plan Approval at the same time.

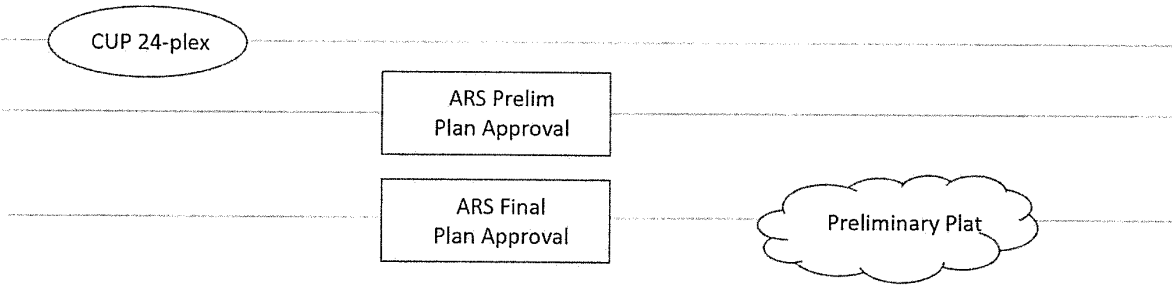
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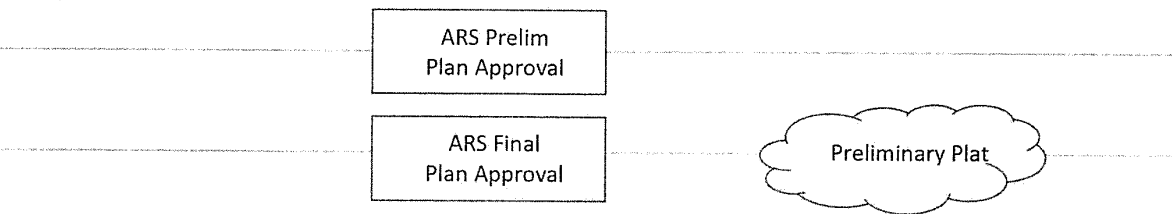
If the applicant would like to:

- Construct a 24-plex this season, BUT
- DOES NOT require features of the 24-plex to meet density bonuses,

THEN a stand-alone Conditional Use Permit for the development can be applied for. An ARS Preliminary Plan Approval can be applied for concurrently or later.



If the applicant can wait to construct until next season, the ARS process can be pursued without a Conditional Use Permit for the 24-plex. The goal would be to complete the process before next construction season.



Planning Division

1. Zoning – D18.

An ARS is allowed in D18 [CBJ 49.15.920(b)]

2. Subdivision – Minimum lot size is 5,000 square feet. To develop an ARS, the lot must be at least 150 percent minimum lot size [CBJ 49.15.920(c)]. USS 1568 Tract B1 meets this requirement.

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- 3. **Setbacks** – The lot is a D18 island that abuts D5 land on all sides except the frontage. Where one district abuts another, the greater of the two setbacks is required.
  - a. **Front:** 20 feet
  - b. **Rear:** 20 feet (D5 setback)
  - c. **Side:** 5 feet (same for D5 and D18)
  - d. **Street side:** 13 feet (same for D5 and D18)
  - e. Under an ARS, dimensional standards are applied to the parent lot rather than to unit lots [CBJ 49.15.920(D)].

- 4. **Density** – The lot is 19.71 acres, and can accommodate 355 units. The applicant suggests they could get a 25 percent density bonus under ARS code [CBJ 49.15.520(e)(3)] for a total of 444 units. Applicant is proposing 454 units.

19.71 acres x 18 units/acre = 355 units  
 355 units x 0.25 = 89 units  
 355 units + 89 units = 444 units

*Open space* means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or in the same neighborhood as such open space.

ARS code says there is a bonus of five percent for each ten percent increment of open space in excess of that required in the zoning district to a maximum bonus of 15 percent for open space in excess of that required.

- 858,568 square feet total
- 5% density bonus for **85,857 square feet, or 1.97 acres**, of open space
- 10% density bonus for **171,714 square feet, or 3.94 acres**, of open space
- 15% density bonus for **257,571 square feet, or 5.91 acres**, of open space

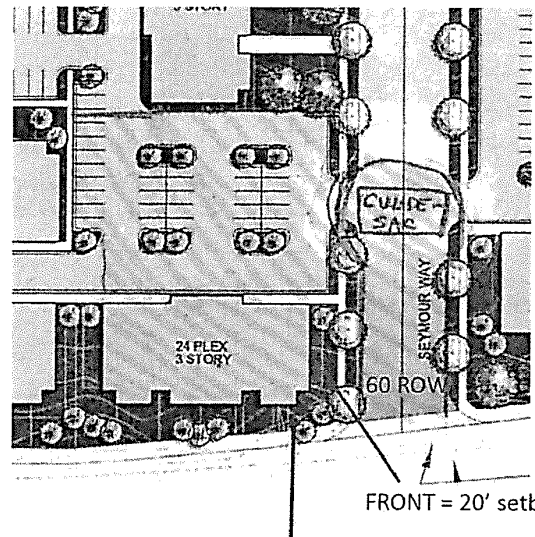
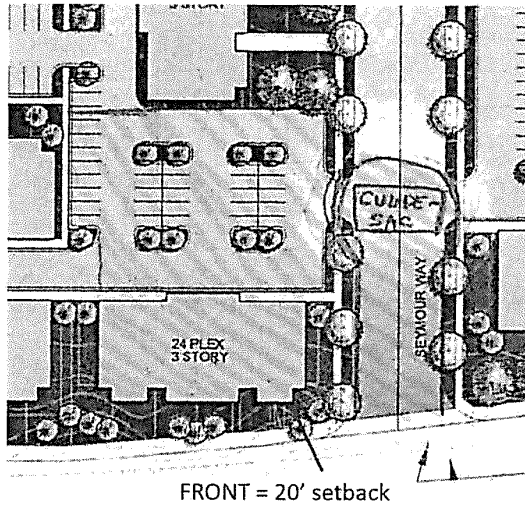
- 5. **Height** – 35 feet for permissible uses, 25 feet for accessory uses.
- 6. **Access** – Access is proposed from Glacier Highway, classified as a Collector under Ordinance 2013-9.

Under subsequent ARS subdivision, the access can be either a driveway managed by the homeowners association, or a right-of-way given to the CBJ [CBJ 49.15.920(f)].

Keep in mind that if the intent is to subdivide and create a right-of-way, the proposed multi-family structure will need to meet front yard setbacks from both the Glacier Highway and the eventual right-of-way.

Below, the image on the left shows structure setbacks for the multi-family structure that will be built before subdivision. The image on the right shows the setbacks that the structure will need to have in order to create and dedicate a right-of-way access to the ARS.

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A secondary emergency access may be required, depending on CCFR evaluation. Consider that other subdivisions have provided an emergency access that was not built to right-of-way standards, which may be an option.

7. **Parking & Circulation** – Revisions to the parking code will go into effect on May 25, 2022.

For a 24-plex, 28 parking spaces will be required:

Unit Bedrooms	# of Units	Per Bedroom	Total
<b>12 UNITS</b>			<b>14</b>
Studio	4	1	4
One	4	1	4
Two	4	1.5	6
<b>16 UNITS</b>			<b>19</b>
Studio	6	1	6
One	5	1	5
Two	5	1.5	8
<b>24 UNITS</b>			<b>28</b>
Studio	8	1	8
One	8	1	8
Two	8	1.5	12

For the subdivision as proposed, 612 parking spaces will be required:

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Unit Bedrooms	# of Units	Per Bedroom	Total
<b>TOWNHOMES</b>			<b>148</b>
One		1	0
Two		1.5	0
Three or more	74	2	148
<b>APARTMENTS</b>			<b>227</b>
One	90	1	90
Two	91	1.5	137
Three or more		2	0
<b>CONDOMINIUMS</b>			<b>238</b>
One	95	1	95
Two	95	1.5	143
Three or more		2	0
<b>TOTAL PARKING REQUIRED</b>			<b>612</b>

Total parking proposed is 515.

On the parking summary provided on the site plan differs from staff calculations:

- For townhomes, 111 parking spaces are estimated for the development – 148 are required.
- For 2-bedroom apartments, 100 parking spaces are estimated for the development – 137 are required.
- For the 2-bedroom condominiums, 104 parking spaces are estimated for the development – 143 are required.

Accessible parking spaces (ADA spaces) will be required for residential uses with ten or more spaces, OR if designated visitor parking spaces are provided. Each parking lot for each multi-family development would be evaluated for provision of ADA spaces. See the attached code, 49.40.210(c) for ADA parking requirements. Note that dimensions will need to meet CBJ 49.40.225:

- 8.5x17 feet for pull-in space
- 6.5x22 feet for parallel parking
- 13x17 feet for an accessible space, including the five foot access aisle. Note that one aisle can be shared between two spaces. ADA spaces must be marked and signed appropriately.

The development could apply for a Parking Waiver [49.40.220(a) in the attached code]. The effect of the waiver will have more benefits than detriments for the development, and will not materially endanger public health, safety or welfare.

ADA spaces are based on the number required before reductions, such as waivers, are considered. For instance, you may have nine required ADA spaces for 464 total required apartment and condo spaces. The Commission could waive the required parking spaces to, say, 350, but the developer would still need to provide nine ADA spaces.

8. **Lot Coverage** – Lot coverage is 50% for permissible and conditional uses. Lot coverage considers structures with roofs.

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- 9. **Vegetative Coverage** – Required vegetative cover in D18 is 30 percent.
- 10. **Lighting** – A lighting plan should demonstrate full cut-off fixtures and should not illuminate neighboring property.
- 11. **Noise** – Noise is not anticipated to be in excess of that usually occurring in this zoning district
- 12. **Flood** – The lot is NOT located in a flood zone (Panel 02110C 1531D).
- 13. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – The lot is not in a mapped hazard zone.  
 Excavation of, or creation of, slopes of 18% or more will require a hillside endorsement from a qualified engineer. In general terms, this will require an engineered site plan, a vegetation plan, and a geotechnical memo, in addition to the construction and drainage plans usually required.  
  
 The Commission must sign off on the Hillside Endorsement for the CUP and for the ARS. Staff suggests that the Applicant either provide the information for hillside endorsement, or explain why the hillside endorsement is not needed. Refer to 49.70 Article II, attached to this report.
- 14. **Wetlands** – Wetlands are mapped on the lot. A United States Army Corps of Engineers permit will be required for fill. You can contact them at (907) 753-2689.
- 15. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.
- 16. **Plat Restrictions** – On the preliminary plat (never finalized) for the previous subdivision, there was a plat note that said:  
  
 “6. A THROUGH CONNECTION TO VISTA DEL SOL DRIVE IS REQUIRED FOR THE DEVELOPMENT OF LOT 14.”  
  
 It appears the intent was a connection if Tract B1A was developed. It is not known if the Planning Commission would require a connection for the development proposed in this application. The requirement is not included on the 1975 survey on record.
- 17. **Traffic** –  
  
 A Traffic Impact Analysis (TIA) will not be required for the apartment complex constructed alone:

Use	Units	Trips Generated per Unit	Total Trips
<b>Apartment</b>	24	6.65	159.6

A TIA will be required for the ARS development:

Use	Units	Trips Generated per Unit	Total Trips
<b>Residential Townhouse</b>	74	5.81	430
<b>Residential Condominium</b>	190	5.81	1,104
<b>Apartment</b>	181	6.65	1,204
<b>Total ADTs:</b>			<b>2,738</b>

Anticipate that the Alaska Department of Transportation and Public Facilities will be reviewing the TIA.

**Building Division**

- 18. **Building** – Building permits required will be reviewed during the submittal process.
- 19. **Outstanding Permits** – None.

**General Engineering/Public Works**

- 20. **Engineering – Grading:** Slopes and retaining structures shall be shown on the Grading Plan. The heights and slope ratios shall be quantified.
  - 1. **Easements:** Site plan (plat) shall include all existing (and proposed) easements for drainage, utility lines, plumbing lines, access, snow storage, trash (dumpster) storage, or any other shared use that requires crossing the property line.
  - 2. **Roadway Slopes** are shown as 11% on Phase 1. This is to be verified acceptable with the Fire Chief.
  - 3. **Seismic structural design criteria:** IBC: Use ICC referenced CD-ROM *Seismic Design 3.01* or figure 1613.5(12) with the listed explanation and references. IRC: Seismic Design Category: D1
- 21. **Drainage** – Drainage must be directed to pre-approved drainage ways and cannot be directed at neighbors or otherwise cause a nuisance. Drainage shall be shown in the Grading Plan with arrows. Any drainage structure(s) shall be identified and sizes called out.
- 22. **Utilities** – (water, power, sewer, etc.): Water service shall be provided. A CBJ ROW Permit and Utility Permit will be required. The plans shall include a Utility Plan that shows location of buried sewer and water utilities including valves, unions, cleanouts, and system components. Sizes and materials shall be called out. Power by others.
  - 1. **CBJ right-of-way (ROW) permit** – Once the construction plan for the utilities is approved, CBJ will create the ROW permit. The permit will cover the tapping of the water main and road restoration within the right-of-way (if required). Inspection fees, refundable bond amount, and conditions will be determined after review of the proposed construction plan. The extension of the utilities within the property will require further permitting and fee assessments. This process is done separately from the subdivision and typically in conjunction with the building permit application. Utility as-builts shall be submitted to GE prior to return of Bond and closure of permits.
  - 2. **Water Utility permit** – For the water/fire line to be installed to the new structure:
    - i. The line sizing shall be determined by the engineer. The meter is required to be installed prior to any branches in the plumbing line. The meter location and sizing shall be shown on the mechanical plans. The meter installation and conduit installation is the responsibility of the applicant. A water assessment will need to be paid and will be determined after sizing of meter and domestic line are identified.
    - ii. The requirement for providing adequate water pressure will require a booster station and/or water storage at higher elevation.
  - 3. **Sewer Utility permit** – For the sewer line to be installed to the new structure, the line sizing shall be determined by the engineer. The mechanical plans shall include a drainage fixture unit (DFU) count. The sewer assessment and inspection fees are to be paid and will be determined after review of the DFU's and the configuration of the underground sewer line.

**Fire Marshal**

**23. Fire Items/Access –**

All buildings will need to be sprinklered and have fire alarms.

Hydrants – no more than 500 feet between them.

Apparatus turn-around capability

Slopes – get as close as possible to 10%, if you must exceed please coordinate with CCFR.

May be access issues with one-way-in, one-way-out. May require secondary access.

**Other Applicable Agency Review**

**24. Alaska Department of Transportation and Public Facilities:**

- a. Driveway permitting

Michael K. Schuler, Property Management Officer

(907) 465-4499 Desk

(907) 419-4510

michael.schuler@alaska.gov

- b. Traffic Analysis

Nathan Purves, Traffic and Safety Engineer

(907) 465-4521

nathan.purves@alaska.gov

25. United States Army Corps of Engineers: (907) 753-2689

26. United States Fish and Wildlife Service: (907) 780-1160

**List of required applications**

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

1. Development Permit Application (required with all applications)
2. Conditional Use Permit
3. Alternative Residential Subdivision Application
4. Parking Waiver Application

**Additional Submittal Requirements**

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

1. A copy of this pre-application conference report.

**Exceptions to Submittal Requirements**



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Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. N/A

**Fee Estimates**

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

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

1. Conditional Use Permit: Class III, \$750
2. Alternative Residential Subdivision preliminary plan: Assuming 454 total units, \$36,720; \$400 plus \$80 per residential unit.
3. Alternative Residential Subdivision final plan: Assuming 454 total units, \$27,540; \$300 plus \$60 per residential unit.

NOTE: ARS fees cited include the preliminary and final plat process.

4. Public Notice Sign – for each occurrence. \$150, with \$100 refundable if the sign is returned by the Monday following the Planning Commission meeting.
5. Parking Waiver: \$320 if applied for with a major development permit (ARS or CUP)

For informational handouts with submittal requirements for development applications, please visit our website at [www.juneau.org/community-development](http://www.juneau.org/community-development).

**Submit your Completed Application**

You may submit your application(s) online via email to [permits@juneau.org](mailto:permits@juneau.org)  
OR in person with payment made to:

City & Borough of Juneau, Permit Center  
230 South Franklin Street  
Fourth Floor Marine View Center  
Juneau, AK 99801

Phone: (907) 586-0715  
Web: [www.juneau.org/community-development](http://www.juneau.org/community-development)

**Attachments:**

- 49.15.330 –Conditional Use Permit
- 49.15 Article IX – Alternative Residential Subdivisions
- 49.70 Article II – Hillside Endorsement
- REVISED PARKING CODE EFFECTIVE MAY 25, 2022
- Development Permit Application
- Conditional Use Permit Application
- Alternative Residential Subdivision Application
- Parking Waiver Application

**49.15.330 Conditional use permit.**

- (a) *Purpose.* A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.
- (b) *Preapplication conference.* Prior to submission of an application, the developer shall meet with the director for the purpose of discussing the site, the proposed development activity, and the conditional use permit procedure. The director shall discuss with the developer, regulation which may limit the proposed development as well as standards or bonus regulations which may create opportunities for the developer. It is the intent of this section to provide for an exchange of general and preliminary information only and no statement by either the developer or the director shall be regarded as binding or authoritative for purposes of this code. A copy of this subsection shall be provided to the developer at the conference.
- (c) *Submission.* The developer shall submit to the director one copy of the completed permit application together with all supporting materials and the permit fee.
- (d) *Director's review procedure.*
  - (1) The director shall endeavor to determine whether the application accurately reflects the developer intentions, shall advise the applicant whether or not the application is acceptable and, if it is not, what corrective action may be taken.
  - (2) After accepting the application, the director shall schedule it for a hearing before the commission and shall give notice to the developer and the public in accordance with section 49.15.230.
  - (3) The director shall forward the application to the planning commission together with a report setting forth the director's recommendation for approval or denial, with or without conditions together with the reasons therefor. The director shall make those determinations specified in subsections (1)(A)—(1)(C) of subsection (e) of this section.
  - (4) Copies of the application or the relevant portions thereof shall be transmitted to interested agencies as specified on a list maintained by the director for that purpose. Referral agencies shall be invited to respond within 15 days unless an extension is requested and granted in writing for good cause by the director.
  - (5) Even if the proposed development complies with all the requirements of this title and all recommended conditions of approval, the director may nonetheless recommend denial of the application if it is found that the development:
    - (A) Will materially endanger the public health or safety;
    - (B) Will substantially decrease the value of or be out of harmony with property in the neighboring area; or
    - (C) Will not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans.
- (e) *Review of director's determinations.*
  - (1) At the hearing on the conditional use permit, the planning commission shall review the director's report to consider:
    - (A) Whether the proposed use is appropriate according to the table of permissible uses;
    - (B) Whether the application is complete; and
    - (C) Whether the development as proposed will comply with the other requirements of this title.
  - (2) The commission shall adopt the director's determination on each item set forth in paragraph (1) of this subsection (e) 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.

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- (f) *Commission determinations; standards.* Even if the commission adopts the director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the 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) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.
- (g) *Specific conditions.* The commission may alter the director's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:
  - (1) *Development schedule.* A reasonable time limit may be imposed on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighborhood, to ensure that development is not used or occupied prior to substantial completion of required public or quasi-public improvements, or to implement other requirements.
  - (2) *Use.* Use of the development may be restricted to that indicated in the application.
  - (3) *Owners' association.* The formation of an association or other agreement among developers, homeowners or merchants, or the creation of a special district may be required for the purpose of holding or maintaining common property.
  - (4) *Dedications.* Conveyance of title, easements, licenses, or other property interests to government entities, private or public utilities, owners' associations, or other common entities may be required.
  - (5) *Performance bonds.* The commission may require the posting of a bond or other surety or collateral approved as to form by the city attorney to guarantee the satisfactory completion of all improvements required by the commission. The instrument posted may provide for partial releases.
  - (6) *Commitment letter.* The commission may require a letter from a public utility or public agency legally committing it to serve the development if such service is required by the commission.
  - (7) *Covenants.* The commission may require the execution and recording of covenants, servitudes, or other instruments satisfactory in form to the city attorney as necessary to ensure permit compliance by future owners or occupants.
  - (8) *Revocation of permits.* The permit may be automatically revoked upon the occurrence of specified events. In such case, it shall be the sole responsibility of the owner to apply for a new permit. In other cases, any order revoking a permit shall state with particularity the grounds therefor and the requirements for reissuance. Compliance with such requirements shall be the sole criterion for reissuance.
  - (9) *Landslide and avalanche areas.* Development in landslide and avalanche areas, designated on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by assembly ordinance, shall minimize the risk to life and property.
  - (10) *Habitat.* Development in the following areas may be required to minimize environmental impact:
    - (A) Developments in wetlands and intertidal areas.
  - (11) *Sound.* Conditions may be imposed to discourage production of more than 65 dBA at the property line during the day or 55 dBA at night.
  - (12) *Traffic mitigation.* Conditions may be imposed on development to mitigate existing or potential traffic problems on arterial or collector streets.
  - (13) *Water access.* Conditions may be imposed to require dedication of public access easements to streams, lake shores and tidewater.
  - (14) *Screening.* The commission may require construction of fencing or plantings to screen the development or portions thereof from public view.

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- (15) *Lot size or development size.* Conditions may be imposed to limit lot size, the acreage to be developed or the total size of the development.
- (16) *Drainage.* Conditions may be imposed to improve on and off-site drainage over and above the minimum requirements of this title.
- (17) *Lighting.* Conditions may be imposed to control the type and extent of illumination.
- (18) *Other conditions.* Such other conditions as may be reasonably necessary pursuant to the standards listed in subsection (f) of this section.

(Serial No. 87-49, § 2, 1987; Serial No. 2006-15, § 2, 6-5-2006; Serial No. 2015-03(c)(am), § 9, 8-31-2015 ; Serial No. 2017-29, § 3, 1-8-2018, eff. 2-8-2018 )

PART II - CODE OF ORDINANCES  
TITLE 49 - LAND USE  
Chapter 49.15 - PERMITS  
ARTICLE IX. ALTERNATIVE RESIDENTIAL SUBDIVISIONS

**ARTICLE IX. ALTERNATIVE RESIDENTIAL SUBDIVISIONS**

**49.15.900 Purpose.**

The general purpose of this article is to provide reasonable minimum standards and procedures for unit-lot residential communities in which all or some of the lots do not substantially conform to the minimum requirements for a traditional subdivided lot. This article provides a housing option to allow dwellings on unit-lots to be conveyed by long-term leases, less than fee-simple ownership, or fee-simple ownership, including condominium and other common-interest communities. The specific purpose of this article is to permit flexibility in the regulation and use of land in order to promote its most appropriate use for unit-lot residential communities; to encourage residential developments that are planned, designed and developed to function as integral units with common facilities; to encourage developments that provide different types of housing options; to encourage development of quality affordable housing; to facilitate the adequate and economical provisions of access and utilities; and to encourage developments that are in harmony with the surrounding area.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.910 Application.**

The provisions of this article apply when a parent lot is subdivided into developable unit-lots and where a portion of the parent lot remains.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.920 General provisions.**

- (a) *General.* The requirements of this title apply except as provided in this article.
- (b) *Zoning districts.* An alternative residential subdivision is only allowed in the following zoning districts: RR, D-1, D-3, D-5, D-10SF, D-10, D-15, D-18, and LC.
- (c) *Lot size.* The parent lot shall be at least 150 percent of the minimum lot size for the zoning district in which it is located. There is no minimum size for the unit-lots.
- (d) *Other dimensional standards.* The minimum lot dimensions, lot coverage, and vegetative coverage shall be applied to the parent lot and not the unit-lots.
- (e) *Density.*
  - (1) The number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the alternative residential subdivision and rounding to the nearest whole number.
  - (2) Land and water bodies used in calculating the number of dwelling units permitted shall be delineated on the preliminary and final plans in a manner allowing confirmation of acreage and density computations.
  - (3) The commission may award a density bonus as an incentive for enhancements to the development. The total bonus shall not exceed 50 percent in the RR, D1, D3, D5, D10 zoning districts, and 25 percent

in the D-10SF, D15, D18 and LC zoning districts of the density provided in subsection (e)(1) of this section and rounded to the nearest whole number and shall be the sum of individual density bonuses as follows:

- (A) Five percent for each ten percent increment of open space in excess of that required in the zoning district to a maximum bonus of 15 percent for open space in excess of that required;
  - (B) Five percent for a continuous setback greater than 50 feet or ten percent for a continuous setback greater than 50 feet on both sides of a stream, if applicable, designated in the plan as undisturbed open space along important natural water bodies, including anadromous fish streams, lakes, and wetlands;
  - (C) Fifteen percent for a mixture of housing units restricted by a recorded document for a period of 30 years from the first sale:
    - (i) In which ten percent of the dwelling units are set aside for lower income households earning no more than 80 percent of the area median income; or
    - (ii) In which 20 percent of the dwelling units are set aside for workforce households earning no more than 120 percent of the area median income.
  - (D) Up to ten percent for provision of common facilities and additional amenities that provide an unusual enhancement to the general area, such as siting, landscaped buffers, or the creation or preservation of view corridors;
  - (E) Ten percent for dedication of a public right-of-way accessible to all unit-lots consistent with chapter 49.35;
  - (F) Five percent in the RR, D-1, D-3, D-5, and D-10SF zoning districts, and ten percent in the D-10, D-15, D-18 and LC zoning districts for providing shared use pathways to facilitate safe pedestrian and bicycle movement within the development and to ensure non-vehicular access to open space, common facilities and to public services;
  - (G) Five percent for designing all dwelling structures to a five-star plus energy efficiency rating; ten percent for designing all dwelling structures to a six-star energy efficiency rating; and
  - (H) Up to ten percent for using high-efficiency primary heating methods, such as heat pumps, in all dwelling structures.
- (4) A density bonus may be limited or denied if it will more probably than not:
- (A) Materially endanger public health or safety;
  - (B) Substantially be out of harmony with property in the neighboring area;
  - (C) Lack general conformity with the comprehensive plan or another adopted plan; or
  - (D) Create an excessive burden on roads, sewer, water, schools, or other existing or proposed public facilities.
- (f) *Frontage and access.* The parent lot shall front on and be accessed by a publically maintained right-of-way. Access within the development may be exempted from [chapter] 49.35 and be privately owned and maintained if it complies with the following requirements:
- (1) The access shall be located completely on the parent lot;
  - (2) The access does not endanger public safety or welfare and provides for safe pedestrian and vehicular traffic circulation;
  - (3) The access complies with the emergency service access requirements of CBJ [chapter] 19.10;

- (4) Access to and within the development is paved;
  - (5) The developer submits adequate evidence that upon approval of the development, a homeowners' association will be formed, can obtain liability insurance, and is solely responsible for maintaining the private access—including winter maintenance; and
  - (6) The alternative residential subdivision does not abut a developable parcel that lacks alternative and practical frontage on a publically maintained right-of-way.
- (g) *Utilities.* An alternative subdivision is required to connect each dwelling unit to public sewer and water. A master meter for water shall be installed by the developer.
- (h) *Parking.* Parking required for each dwelling unit may be located on either the parent lot or the unit-lot.
- (i) *Open space.* Open space is required as follows: 25 percent in the RR and D-1 zoning districts; 20 percent in the D-3, D-5 and D-10 zoning districts; 15 percent in the D-10SF district. Open space is not required in the D-15, D-18, or LC zoning districts.
- (j) *Buffer.* There are no setback requirements on the unit-lots. A perimeter buffer is required in lieu of the setback requirements of this title on the parent lot. The presumptive buffer width shall not be less than the setback set by the underlying zoning district to ensure neighborhood harmony and minimize off-site impacts. The commission may enlarge a buffer or a portion of a buffer up to 25 feet in total width, and the commission may reduce a buffer or a portion of a buffer by 75 percent of the setback for the underlying zoning district. The commission may only enlarge or reduce the buffer width upon considering, but not limited to: type of buffer, location of the subdivision structures and uses therein; the location and type of surrounding uses or development; topography; and the presence of existing visual and sound buffers. A buffer shall be vegetated unless the commission requires non-vegetated screening. A buffer may include fencing, natural berm, or other similar features. No parking areas, dwelling units, unit-lots, or permissible uses may be located within the perimeter buffer. Access to the development may cross a portion of the buffer.
- (k) *Parent lot.* Portions of the parent lot not subdivided into unit-lots shall be owned in common by a homeowners' association, or similar entity, comprised of the owners of the unit-lots located within the parent lot.
- (l) *Stormwater management.* Facilities for the control and disposal of stormwater must be adequate to serve the development and areas draining through the development. Management shall be in accordance with the Stormwater Best Management Practices manual. Where appropriate, natural drainage channels, swales, or other similar areas within the open space may be used for stormwater management at the development. The developer shall provide the CBJ Engineering and Public Works Department with an evaluation of offsite drainage outfalls for the additional runoff contributed by the alternative residential subdivision. The commission may require construction of offsite drainage improvements necessary to accommodate additional runoff from the development.
- (m) *Permitted uses.* No primary uses are permitted on the parent lot except a recreational center, community facility, or a child care center. Consistent with the table of permissible uses, 49.25.300, only residential uses and associated accessory structures are allowed on the unit-lots. Accessory dwelling units are prohibited on the parent lot and on any unit-lots. A home occupation or a child care home is permissible on the unit-lots. If an alternative residential subdivision creates a lot that complies with the table of dimensional standards, 49.25.400, for the underlying zoning district, the accessory dwelling unit prohibition of this subsection does not apply.
- (n) *Street sign.* Street signage is required. The developer shall install a street sign provided by the City and Borough of Juneau at the developer's expense. The director shall determine the type of street sign—addresses or street name—upon considering public health, safety, and welfare given the size of the subdivision.

- (o) *Mailboxes.* Upon consultation with the United States Postal Service, the director shall determine the placement location of mailboxes. The director may require additional improvements and design changes to enable efficient mail delivery and to minimize traffic interferences and compliance with CBJ standard details.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.930 Alternative residential subdivision review process.**

- (a) *General procedure.* A proposed alternative residential subdivision shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of an application proposing a change in the number or boundaries of unit-lots, section 49.15.402, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of unit-lots, the preliminary and final plat submissions required by section 49.15.402 shall be included with the preliminary and final plan submissions required by this chapter.
- (b) *Preapplication conference.* Prior to submission of an application, the director shall conduct an informal preapplication conference with the developer to discuss the proposed alternative residential subdivision. The purpose of the preapplication conference shall be to exchange general and preliminary information and to identify potential issues and bonuses. The developer may discuss project plans and the director may provide an informal assessment of project permit eligibility, but no statement made by either party shall be regarded as binding, and the result of the conference shall not constitute preliminary approval by the department. The conference shall include a discussion of the zoning, size, topography, accessibility, and adjacent uses of the development site; the uses, density and layout of buildings, parking areas, the open space and landscaping proposed for the development; the common facilities; provision of utilities, including solid waste and recycling collection; the access, the vehicle and pedestrian circulation, and winter maintenance including snow removal locations; the development schedule and the alternative residential subdivision permit procedures. The developer shall provide a sketch of the proposed alternative residential subdivision.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.940 Preliminary alternative residential subdivision plan approval.**

- (a) *Application.* The developer shall submit to the department one copy of a complete alternative residential subdivision application, which shall include an application form, the required fee, any information required in subsection 49.15.402, the information required by this section, and any other information specified by the director.
- (b) *Required submissions.* The application shall include the following material:
  - (1) *Ownership.* The application shall identify, and shall be signed by or upon, the included written authorization of, all owners, lessees, and optionees of land within the boundaries of all phases of the alternative residential subdivision.
  - (2) *Preliminary development plan.* The application shall include a preliminary development plan, explaining how the proposed alternative residential subdivision will achieve the purposes set forth in section 49.15.900. The preliminary development plan shall summarize the different land uses proposed, including the amount of land for housing, open space, buffer, access, parking and pedestrian circulation; the number and types of housing units and proposed density; the natural features to be protected and hazards to be avoided; and the public, if any, and private services to be provided.
  - (3) *Design.* The application shall describe the design of the alternative residential subdivision, with particular attention to building siting, massing, access, parking, and architectural features; provision of

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utilities including drainage and trash collection; provision of winter maintenance for access and parking areas; and the circulation of traffic and pedestrians.

- (4) *Open space, common facilities, and general landscaping.* The preliminary plat shall show and describe common facilities, pedestrian circulation to common facilities and amenities, open space, buffers, landscaping, and similar features.
- (5) *Request for density bonuses.* If a density bonus is being applied for, the application shall include a narrative describing the justification for the requested bonus, and the application shall show the nature and extent of the requested bonus.
- (6) *Description of phased development.* The preliminary development plan for a phased alternative residential subdivision shall include:
  - (A) A drawing and development schedule for each phase and for the entire alternative residential subdivision;
  - (B) The size and general location of proposed land uses for each phase at the maximum level of density, including maximum allotment of density bonuses;
  - (C) A description of the access (pedestrian and vehicular) connecting all the phases and where they will connect at the alternative residential subdivision boundaries;
  - (D) A description of how the developer will address the cumulative impacts of the phased development on the neighborhood and the natural environment;
  - (E) A description of the overall design theme unifying the phases;
  - (F) An analysis of how each phase in the project will meet the requirements of subsection 49.15.960(b); and
  - (G) A sketch plat consistent with section 49.15.410.
- (c) *Department review.* The director shall advise the developer whether the alternative residential subdivision application is complete, and, if not, what the developer must do to make it complete. Within 45 days after determining an application is complete, the director shall schedule the preliminary plan for a public hearing before the commission. The director shall give notice to the developer and the public according to section 49.15.230.
- (d) *Commission action.* The commission may approve an alternative residential subdivision preliminary plan if it meets the following requirements:
  - (1) The development protects natural features and avoids natural hazards by reserving them as open space;
  - (2) The development is consistent with the land use code;
  - (3) The development incorporates perimeter buffers sufficient to minimize off-site impacts of the subdivision and to maximize harmony with the neighborhood;
  - (4) Utilities proposed for connection to the City and Borough system meet City and Borough standards, and all others are consistent with sound engineering practices, as determined by the City and Borough Engineering and Public Works Department;
  - (5) The configuration of the development provides for economy and efficiency in utilities, housing construction, access, parking and circulation;
  - (6) If the approval is for a phased development, that each phase is consistent with the preliminary development plan and design of the entire alternative residential subdivision;

- (7) Adequately addresses the cumulative impacts of the phased development on the neighborhood and the natural environment; and
  - (8) If the approval includes an allotment of a density bonus, the density bonus complies with section 49.15.920(e)(4).
- (e) *Expiration.* Approval of a preliminary plan shall expire 18 months after the commission notice of decision unless a final plan for the entire project or, in the case of a phased development, the first phase thereof, is submitted to the department for commission action. An application for extension of a preliminary plan shall be according to section 49.15.250, development permit extension.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.950 Final alternative residential subdivision plan approval.**

- (a) *Application.* Upon completion of all conditions of the preliminary plan, the developer shall submit an application, fee, and a final plan for commission approval.
- (b) *Homeowners' association.* The formation of a homeowners' association, or similar entity, is required.
  - (1) The articles of incorporation and bylaws of the homeowners' association, required under A.S. 34.08 or this chapter, shall be prepared by a lawyer licensed to practice in the state.
  - (2) The homeowners' association shall be responsible for the maintenance of open space, water and sewer utilities, and stormwater control features and drainages. The association documents shall specify how any other common facilities shall be operated and maintained. The association documents shall require homeowners to pay periodic assessments for the operation, maintenance and repair of common facilities. The documents shall require that the governing body of the association adequately maintain common facilities.
  - (3) If the alternative residential subdivision is phased, the association documents shall specify how the cost to build, operate, and maintain improved open space and common facilities shall be apportioned among homeowners of the initial phase and homeowners of later phases.
  - (4) The homeowners' association documents shall be recorded with the approved final plat.
- (c) *Commission action.* The commission may approve the final plan if it substantially conforms to the approved preliminary plan and all requirements of this article.
- (d) *Expiration.* An approved final plan shall expire 18 months after recording if the applicant fails to obtain an associated building permit and make substantial construction progress. An application for extension of a final plan shall be according to section 49.15.250, development permit extension.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.960 Phased development.**

- (a) *Phasing allowed.* An applicant may develop an alternative residential subdivision in phases, provided the initial application includes a preliminary development plan sufficient to assess the cumulative effects of the entire alternative residential subdivision on the neighborhood and the environment according to the standards in subsection 49.15.940.
- (b) *Completion of an individual phase.* Each phase shall be so designed and implemented that, when considered with reference to any previously constructed phases but without reference to any subsequent phases, it meets the design and density standards applicable to the entire alternative residential subdivision.

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Construction and completion of open space and common facilities serving each phase in an alternative residential subdivision shall proceed at a rate no slower than that of other structures in that phase. No phase shall be eligible for final plan approval until all components of all preceding phases are substantially complete and homeowners' association documents have been approved.

- (c) *Standards for phases.* Each phase of an alternative residential subdivision shall be reviewed according to the provisions of this chapter then current. Each phase of an alternative residential subdivision shall maintain design continuity with earlier phases. At no point during a phased development shall the cumulative density exceed that established in the approved preliminary plan.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

PART II - CODE OF ORDINANCES  
TITLE 49 - LAND USE  
Chapter 49.70 - SPECIFIED AREA PROVISIONS  
ARTICLE II. HILLSIDE DEVELOPMENT

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**49.15.970 Amendments to approved alternative residential subdivision plan.**

- (a) *Request for amendment.* The developer of an alternative residential subdivision may request an amendment to an approved preliminary or final alternative residential subdivision plan. The request shall state the reasons for the amendment and shall be submitted in writing to the director, who shall inform the developer within 15 days whether the request shall be processed as a minor amendment or major amendment.
- (b) *Minor amendment.* A minor amendment may be submitted without a filing fee and may be approved by the director. For purposes of this section, a minor amendment is a change consistent with the conditions of the original plan approval, and would result in:
  - (1) Insignificant change in the outward appearance of the development;
  - (2) Insignificant impacts on surrounding properties;
  - (3) Insignificant modification in the location or siting of buildings or open space;
  - (4) No reduction in the number of parking spaces below that required;
  - (5) A delay of no more than one year in the construction or completion schedule for the project or, in the case of a phased project, the phase for which the amendment is requested.
- (c) *Major amendment.* All other amendments shall be reviewed by the commission upon payment of a filing fee and in accordance with the requirements of the original plan approval.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

PART II - CODE OF ORDINANCES  
TITLE 49 - LAND USE  
Chapter 49.70 - SPECIFIED AREA PROVISIONS  
ARTICLE II. HILLSIDE DEVELOPMENT

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**ARTICLE II. HILLSIDE DEVELOPMENT**

**49.70.200 Purposes.**

The purposes of this article are to:

- (1) Ensure that hillside development provides erosion and drainage control to protect adjoining parcels;
- (2) Protect waterways from sedimentation and pollution;
- (3) Minimize injury or damage to people or property from natural or artificial hazards in hillside development; and
- (4) Minimize any adverse aesthetic impact of hillside development.

(Serial No. 87-49, § 2, 1987)

**49.70.210 Applicability and scope.**

- (a) This article applies to all development on hillsides in the City and Borough that involves the following:
  - (1) Removal of vegetative cover;
  - (2) Excavation of any slope in excess of 18 percent;
  - (3) Creation of a new slope in excess of 18 percent for a vertical distance of at least five feet; or
  - (4) Any hazard area identified on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by the assembly by ordinance or any other areas determined to be susceptible to geophysical hazards.
- (b) All hillside development endorsement applications shall be reviewed by the planning commission, except the following may be reviewed by the director:
  - (1) An excavation below finished grade for basements and footings of a building, a retaining wall or other structure authorized by a building permit, provided that this shall not exempt any fill made with the material from such excavation nor any excavation having an unsupported height greater than two feet after the completion of the associated structure.
  - (2) Graves.
  - (3) Mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate or clay provided such operations do not affect the location or peak volume of runoff, the location or amount of standing water, or the lateral support for, the stresses in, or the pressure upon, any adjacent or contiguous property.
  - (4) Exploratory excavations less than 200 square feet in area and under the direction of a civil engineer with knowledge and experience in the application of geology in the design of civil work.
  - (5) An excavation which:
    - (A) Is less than two feet in depth and covers less than 200 square feet; or

(B) Does not create a cut slope greater than five feet in height or steeper than one and one-half horizontal to one vertical.

(6) A fill less than one foot in depth and intended to support structures which fill is placed on natural terrain with a slope flatter than five horizontal to one vertical, which does not exceed 20 cubic yards on any one lot and which does not obstruct a drainage course.

(7) A fill less than three feet in depth and not intended to support structures which fill is placed on natural terrain on a slope flatter than five horizontal to one vertical, which does not exceed 50 cubic yards on any one lot and which does not obstruct a drainage course.

(8) Minor development.

(Serial No. 87-49, § 2, 1987; Serial No. 2006-15, § 22, 6-5-2006; Serial No. 2015-03(c)(am), § 51, 8-31-2015 )

**49.70.220 Hillside development endorsement application.**

(a) All development on hillsides shall be pursuant to a hillside development endorsement.

(b) The developer shall apply for and obtain a hillside development endorsement prior to any site work other than land and engineering surveys and soils exploration.

(Serial No. 87-49, § 2, 1987; Serial No. 2015-03(c)(am), § 52, 8-31-2015 )

**49.70.230 Fees.**

The City and Borough shall charge the developer the gross hourly rate for professional review of the application and for inspection. The developer shall deposit one percent of the value of the site development, excluding that portion of the site determined by the engineer to be subject to a public transmission facility permit, in a specially designated reserve account, against which the City and Borough may bill its documented time and expenses. The developer shall promptly replenish this amount when requested, and no endorsement may be issued if there is any deficiency in the developer's reserve account. All unexpended funds in the reserve account shall be returned to the developer upon final approval of development or when the engineer is satisfied that the work under the hillside development endorsement has been completed and the requirements of this chapter have been met.

(Serial No. 87-49, § 2, 1987)

**49.70.240 Application.**

The application shall be accompanied by the following materials, which shall be signed and stamped by a civil engineer, architect, geologist or land surveyor licensed in the State of Alaska:

- (1) A vicinity map, at a clear and legible scale, showing roads, place and street names and natural waterbodies.
- (2) Site maps, showing the present condition of the site at a clear and legible scale compatible with the size of the development and including:
  - (A) Two-foot contours for flat terrain or five-foot contours for steep terrain and extending 50 feet in all directions beyond the development site; 12 percent line, 30 percent line;
  - (B) Water bodies, tidelands and drainage ways from the development site to accepting natural waterbody;

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- (C) Lot boundaries and easements for the site and adjacent lots; and
  - (D) Existing improvements on the site and adjacent lots, including structures, roads, driveways and utility lines.
- (3) The application shall include a finished proposed site plan at a clear and legible scale that includes the following information:
- (A) Finished grade at two-foot contours for flat terrain or five-foot contours for steep terrain and extending 50 feet in all directions beyond the development site; 12 percent line, 30 percent line.
  - (B) Water bodies, tidelands and drainage ways, and temporary and permanent drainage systems from the development site to the accepting natural waterbody.
  - (C) Lot boundaries, easements and setback lines.
  - (D) The location of improvements including structures, roads, driveways, utility lines, culverts, walls and cribbing.
  - (E) Clearing limits of existing vegetative cover.
  - (F) A cross section of the development site.
- (4) The application shall include detailed engineering drawings of roads, driveways, parking areas, structural improvements for foundations, off-site stormwater runoff systems; cross sections and road elevations.
- (5) A description of the source and type of any off-site fill, and the site for depositing excess fill.
- (6) A landscaping plan, including all trees to be retained in excavation areas, all plant species and locations; temporary slope protection measures; erosion and siltation control measures; seeding or sodding materials, a planting and maintenance program; and methods of stabilization and protection of bare slopes.
- (7) An engineering geologic report, including a summary of the relevant surface and bedrock geology of the site, a discussion of active geologic processes with conclusions and recommendations regarding the effect of geologic factors on the proposed development; data regarding the nature, distribution and relevant parameters of existing soils, recommendations for grading procedures; design criteria for corrective measures as necessary, and recommendations covering the suitability of the site for the proposed development.
- (8) A work schedule, by phase.
- (9) Such other different or more detailed submissions as may be required.

(Serial No. 87-49, § 2, 1987; Serial No. 2015-03(c)(am), § 54, 8-31-2015 )

**49.70.250 Standards for approval.**

Hillside development shall meet the following minimum standards:

- (1) *Roads.* The City and Borough road standards shall apply to hillside development, except that:
  - (A) *Modification of standards.* The engineer or planning commission may modify road standards as identified in subsections (1)(B) and (C) of this section, if:
    - (i) The developer's traffic analysis and circulation, land ownership, and development patterns indicate future use of the roadway at less than collector street levels;

- (ii) The modification would enable the development to meet, or more closely approximate, the criteria set forth in section 49.70.260; and either
  - (iii) The proposed road or access in question would result in a permanent cul-de-sac; or
  - (iv) A secondary access to the proposed development exists or will be developed as a part of the project.
- (B) *Road width.* The width of a section of residential roadway may be narrowed to 20 feet, with a single four-foot pedestrian way and underground storm drain system, if:
- (i) The section is not more than 200 feet in length, and is separated from other such sections by at least 100 feet of standard roadway;
  - (ii) No entrances, intersections or parking are allowed in the section;
  - (iii) Guard rails, if any, are designed to permit the passage of plowed snow;
  - (iv) There is at least a 200-foot line of sight along the centerline of the section;
  - (v) The section enables the development to meet, or more closely approximate, the criteria set forth in section 49.70.260;
  - (vi) Grouped off-street parking spaces are provided at the entry to the section; and
  - (vii) Adequate provision is made for storage of snow.
- (C) *Road grade.* The grade of a section of residential roadway may be increased to a maximum of 15 percent if:
- (i) The section is not more than 200 feet in length and separated from other such sections by at least 100 feet of roadway;
  - (ii) No entrances or intersections are allowed in the section;
  - (iii) Through intersections at the end of the section have approaches at least 50 feet long measured from the edge of the traveled way of the crossroad and are at a grade of eight percent or less; intersections requiring a full stop have approaches no less than 20 feet long at a grade of two percent or less, or no less than 50 feet long at a grade between two and six percent;
  - (iv) Any guard rails are designed to permit the passage of plowed snow;
  - (v) All sight distances conform to standards of the American Association of State Highway and Transportation Officials; and
  - (vi) The section enables the development to meet, or more closely approximate, the criteria set forth in section 49.70.260.
- (2) *Weather.* The engineer may prohibit a developer from earthmoving during periods of very wet soil conditions, in which case the permit shall be extended by a like period.
- (3) *Sediment.* The developer shall not allow any increase in sediment to flow off-site during or after construction if such would be likely to cause an adverse impact on a down slope lot or waterbody.
- (4) *Peak discharge.* The developer shall ensure that during and after construction of major development, the peak discharge of all streams and natural drainage ways at the down slope boundary shall be no greater than that occurring prior to excavation.

(Serial No. 87-49, § 2, 1987)

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**49.70.260 Criteria.**

The commission or director shall consider the extent to which the development meets the following criteria:

- (1) *Soil erosion.* Soil disturbance and soil erosion shall be minimized and the effects thereof mitigated.
- (2) *Existing vegetation.* Depletion of existing vegetation shall be minimized.
- (3) *Contours.* The developer shall recontour the finished grade to natural-appearing contours which are at or below 30 percent or the natural angle of repose for the soil type, whichever is lower, and which will hold vegetation.
- (4) *Time of exposure and soil retention.* The developer shall minimize the period of time that soil is exposed and shall employ mats, silt blocks or other retention features to maximize soil retention.
- (5) *Replanting.* The developer shall mat, where necessary, and plant all exposed soil in grass or other soil-retaining vegetation and shall maintain the vegetation for one full growing season after planting.
- (6) *Drainage.* The developer shall minimize disturbance to the natural course of streams and drainage ways. Where disturbance is unavoidable, the developer shall provide a drainage system or structures which will minimize the possibility of sedimentation and soil erosion on-site and downstream and which will maintain or enhance the general stream characteristics, spawning quality, and other habitat features of the stream and its receiving waters. Where possible, development shall be designed so lot lines follow natural drainage ways.
- (7) *Foundations.* The developer shall ensure that buildings will be constructed on geologically safe terrain.
- (8) *Very steep slopes.* The developer shall minimize excavation on slopes over 30 percent.
- (9) *Soil retention features.* The developer shall minimize the use of constructed retention features. Where used, their visual impact shall be minimized through the use of natural aggregate or wood, variation of facade, replanted terraces, and the like.
- (10) *Wet weather periods.* The developer shall minimize exposure of soil during the periods of September 1—November 30 and March 1—May 1.

(Serial No. 87-49, § 2, 1987; Serial No. 2015-03(c)(am), § 54, 8-31-2015 )

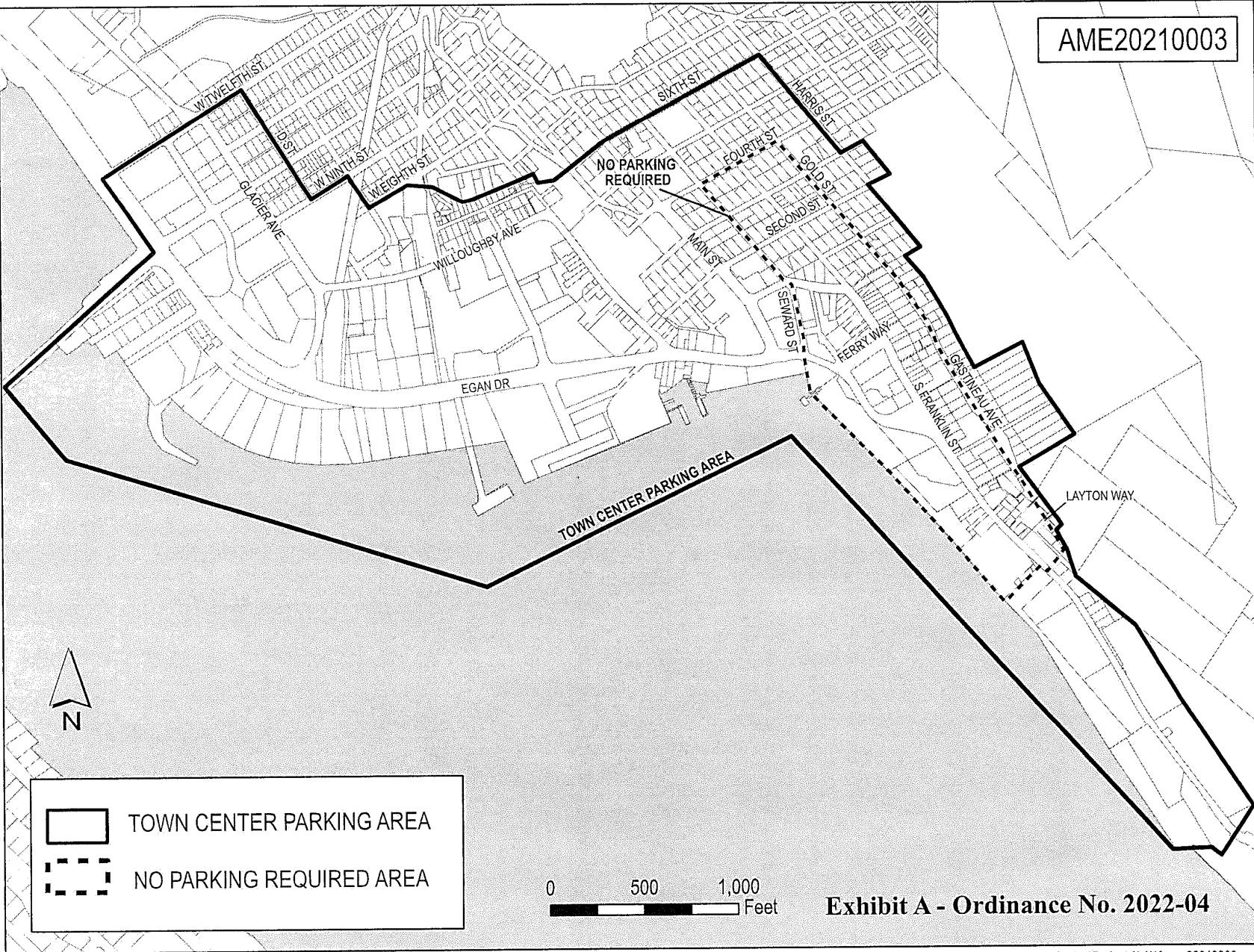
**49.70.270 Conditions on approval.**



The commission or director may place conditions upon a hillside development endorsement as necessary or desirable to ensure that the spirit of this chapter will be implemented in the manner indicated in the application. Fulfillment of conditions shall be certified by the engineer. The conditions may consist of one or more of the following:

- (1) *Development schedule.* The commission or director may place a reasonable time limit on or require phasing of construction activity associated with the development or any portion thereof, in order to minimize construction-related disruption to traffic and neighbors or to ensure that the development is not used or occupied prior to substantial completion of required improvements.
- (2) *Dedications.* The commission or director may require conveyances of title or other legal or equitable interests to public entities, public utilities, a homeowner's association, or other common entities. The developer may be required to construct any public facilities, such as drainage retention areas, to City and Borough standards prior to dedication.

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- (3) *Construction guarantees.* The commission or director may require the posting of a bond or other surety or collateral providing for whole or partial releases, in order to ensure that all required improvements are constructed as specified in the approved plans.
  - (4) *Lot size.* If justified by site topography, the commission or director may require larger lot areas than prescribed by zoning requirements.
- (Serial No. 87-49, § 2, 1987; Serial No. 2015-03(c)(am), § 55, 8-31-2015 )

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	TOWN CENTER PARKING AREA
	NO PARKING REQUIRED AREA

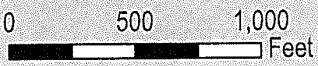


Exhibit A - Ordinance No. 2022-04

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Presented by: The Manager  
Presented: 02/07/2022  
Drafted by: R. Palmer III

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2022-04(b)**

**An Ordinance Amending the Parking Requirements of the Land Use Code.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

**Section 2. Amendment of Section.** CBJ 49.40 Parking and Traffic, Article II Parking and Loading, is repealed and reenacted to read:

**ARTICLE II: PARKING AND LOADING**

**49.40.200 General applicability.**

Developers must provide off-street parking spaces for automobiles in accordance with the requirements set forth in this chapter at the time any structure is erected, expanded, or when there is a change in the principal use.

**(a) Special Parking Areas.**

**(1) Town Center Parking Area.** The Town Center Parking Area, as depicted in Ordinance 2022-04 is adopted. The Town Center Parking Area consists of the lots within the area bound by West Tenth Street, Egan Drive, West Twelfth Street, D Street, West Ninth Street, C Street and its projection, West Eight Street and its

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projection, the rear lot lines of property between 370 through Distin Avenue, Sixth Street and its projection, Harris Street, projection of Third Street, projection of East Street, projection of Second Street, projection of Harris Street, the rear lot lines of property between 143 and 400 Gastineau Avenue, the rear lot lines of property between 511 and 889 South Franklin Street, and Gastineau Channel.

(2) *No Parking Required Area.* The No Parking Required Area, as depicted in Ordinance 2022-04 is adopted. The lots within the area bound by Gastineau Avenue, Fourth Street, Seward Street, Gastineau Channel, 490 South Franklin Street, and Layton Way are excluded from the parking requirements of this chapter. No additional parking is required for development in this area.

(b) *Conforming parking.* The requirements, alternatives and reductions of this chapter can be combined to meet parking requirements of a development.

(c) *Developer responsibility.* Developer must submit documentation to demonstrate that applicable parking code requirements have been met, in conformance with this chapter.

(d) *Owner/occupant responsibility.* The provision and maintenance of off-street parking and loading spaces required in this chapter is a continuing obligation and joint responsibility of the owner and occupants.

(e) *Determination.* The determination of whether the parking requirements of this chapter are satisfied, with or without conditions, and deemed necessary for consistency with this title, must be made by:

- (1) The director for minor development;
- (2) The commission for major development; or

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(3) The commission if the development application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the director.

(f) *Expansion.* In cases of expansion of a structure on or after the effective date of Ordinance 2022-04,

(1) The number of additional off-street parking spaces required must be based on the gross floor area added.

(2) No additional parking spaces are required if the additional spaces would amount to less than ten percent of the total required for the development and amount to two or less spaces.

(3) For phased expansion, the required off-street parking spaces is the amount required for the completed development, as determined by the director.

(g) *Change in use.* In cases of a change in use on or after the effective date of Ordinance 2022-04, the number of spaces required will be based on this chapter.

(h) *Replacement and reconstruction of certain nonconforming structures.* Off-street parking requirements for the replacement and reconstruction of certain nonconforming structures in residential districts must be governed by chapter 49.30.

(i) *Mixed occupancy.* Mixed occupancy is when two or more of the parking uses in 49.40.210 share the same lot(s). For mixed occupancy, the total requirement for off-street parking facilities is the sum of the requirements for the uses computed separately.

(j) *Uses not specified.* The requirements for off-street parking in 49.20.320 are based on the requirements for the most comparable use specified, as determined by the director for minor development or by the commission for major development.

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(k) *Location.* Off-street parking facilities must be located as provided in this chapter. If a distance is specified, such distance is the walking distance measured from the building being served to the parking provision. Off-street parking facilities for:

- (1) Single-family dwellings and duplexes must be on the same lot as the building served;
- (2) Multifamily dwellings may not be more than 100 feet distant, unless compliant with section 49.40.215; and
- (3) Uses other than those specified above, may be not more than 500 feet distant, unless compliant with section 49.40.215.

(l) *Off-street parking requirements for a lot accessible by air or water only.* Off-street parking requirements do not apply to a lot if it is accessible only by air or water. If the director determines that public access by automobile to the lot later becomes available, the owner of the property must be given notice and within one year must provide the required off-street parking.

**49.40.210 Number of off-street parking spaces required.**

(a) *General.* The minimum number of off-street parking spaces required must be as set forth in the following table. The number of spaces must be calculated and rounded down to the nearest whole number:

Use	Spaces Required in All Other Areas	Spaces Required in Town Center Parking Area
Single-family and duplex	2 per each dwelling unit	1 per each dwelling unit
Multifamily units	1 per one bedroom unit	0.4 per one bedroom unit
	1.5 per two bedroom unit	0.6 per two bedroom unit
	2.0 per three or more bedroom unit	0.8 per three or more bedroom unit
Roominghouse, boardinghouse, single-room occupancies with	1 per 2 bedrooms	1 per 5 bedrooms

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Use	Spaces Required in All Other Areas	Spaces Required in Town Center Parking Area
shared facilities, bed and breakfast, halfway house, and group home		
Single-room occupancies with private facilities	1 per each single-room occupancy plus 1 additional per each increment of four single-room occupancies with private facilities	1 per 5 single-room occupancies, plus 1 per each increment of ten single-room occupancies with private facilities.
Accessory apartment	1 per each unit	0 per each unit
Motel	1 per each unit in the motel	1 per each 12 units in the motel
Hotel	1 per each four units	1 per each 12 units
Hospital and nursing home	2 per bed OR one per 400 square feet of gross floor area	2 per bed OR one per 400 square feet of gross floor area
Senior housing	0.6 parking spaces per dwelling unit	0.3 spaces per dwelling unit
Assisted living facility	0.4 parking spaces per maximum number of residents	0.4 parking spaces per maximum number of residents
Sobering center	1 parking space per 12 beds	2 parking spaces
Theater	1 for each four seats	1 for each 10 seats
Church, auditorium, and similar enclosed places of assembly	1 for each four seats in the auditorium	1 for each 10 seats in the auditorium
Bowling alley	3 per alley	1.2 per alley
Bank, office, retail commercial, salon and spa	1 per 300 square feet of gross floor area	1 per 750 square feet of gross floor area
Medical or dental clinic	1 per 200 square feet of gross floor area	1 per 400 square feet of gross floor area
Funeral Home	1 per six seats based on maximum seating capacity in main auditorium	1 per 15 seats based on maximum seating capacity in main auditorium
Warehouse, storage, and wholesale businesses	1 per 1,000 square feet of gross floor area	1 per 2,500 square feet of gross floor area
Restaurant and alcoholic beverage dispensary	1 per 200 square feet of gross floor area	1 per 750 square feet of gross floor area
Swimming pool serving general public	1 per four persons based on pool capacity	1 per 10 persons based on pool capacity
Shopping center and mall	1 per 300 square feet of gross leasable floor area	1 per 750 square feet of gross floor area
Convenience store	49.65 Article V	1 per 750 square feet of gross floor area
Watercraft moorage	1 per three moorage stalls	2 per 15 moorage stalls
Manufacturing uses; research, testing and processing, assembling, industry	1 per 1,000 square feet gross floor area except that office space must provide parking as required for offices	1 per 2,500 square feet gross floor area except that office space must provide parking as provided for offices.
Library and museum	1 per 600 square feet gross floor area	1 per 1,500 square feet of gross floor area



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Use	Spaces Required in All Other Areas	Spaces Required in Town Center Parking Area
School, elementary	2 per classroom	2 per classroom
Middle school or junior high	1.5 per classroom	1.5 per classroom
High school	A minimum of 15 spaces per school; where auditorium or general assembly area is available, one per four seats; one additional space per classroom	A minimum of 15 spaces per school; where auditorium or general assembly area is available, one per four seats; one additional space per classroom
College, main campus	1 per 500 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater	1 per 500 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater
College, satellite facilities	1 per 300 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater	1 per 300 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater
Repair/service station	5 spaces per bay. For facilities with two or more bays, up to 60% of the required non-accessible parking spaces may be in a stacked parking configuration.	3 spaces per bay. All but two of the required non-accessible parking spaces may be in a stacked configuration.
Post office	1 per 200 square feet gross floor area	1 per 500 square feet of floor area.
Childcare Home	49.65 Article X, cannot be varied or FIL	49.65 Article X, cannot be varied or FIL
Childcare Center	49.65 Article X, cannot be varied or FIL	49.65 Article X, cannot be varied or FIL
Indoor sports facilities, gyms	1 per 300 square feet gross floor area	1 per 750 square feet gross floor area
Mobile Food Vendors	No parking requirement	No parking requirement.
Open air food service (TPU 8.3)	1 per 400 square feet of gross floor area.	Zero

(b) *Accessible parking spaces.* Accessible parking spaces must be provided as part of the required off-street parking spaces, according to the following table (Table 49.40.210(b)). Except, Accessible parking spaces are not required for residential uses that require fewer than ten parking spaces and there are no visitor parking spaces.

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Table 49.40.210(b)	
Total Parking Spaces in Lot	Required Minimum Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total spaces
1,001 and over	20 plus 1 space for each 100 spaces over 1100 total spaces in lot

(c) *Facility loading spaces.* In addition to the required off-street parking requirements, a development must provide loading spaces as set forth in the following table:

Use	Gross Floor Area in Square Feet		Loading Space Required
	All other areas	Town Center Parking District	
Motels and hotels	5,000—29,999	6,000-60,000	1
	30,000—60,000		2
	Each additional 30,000	Each additional 30,000	1

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Use	Gross Floor Area in Square Feet		Loading Space Required
	All other areas	Town Center Parking District	
Commercial	5,000—24,999	6,000-50,000	1
	25,000—50,000		2
	Each additional 30,000	Each additional 30,000	1
Industrial, manufacturing, warehousing, storage, and processing	5,000—24,999	6,000-50,000	1
	25,000—50,000		2
	Each additional 30,000	Each additional 30,000	1
Hospital	5,000—40,000	6,000-40,000	1
	Each additional 40,000	Each additional 40,000	1
School	For every two school buses		1
Home for the aged, convalescent home, correctional institution	More than 25 beds		1

**49.40.215 Parking alternatives.**

Parking alternatives are methods of accommodating required parking without building parking on site. A developer may apply for one or more parking alternatives. Parking alternatives may be combined with approved reductions.

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(a) *Joint use.* Joint use occurs when the same off-street parking space is used to meet the parking requirement of different uses at different times. Joint use of off-street parking spaces may be authorized when the developer demonstrates there is no substantial conflict in the principal operating hours of the structures and uses involved and subject to the following requirements:

- (1) Any structure or use sharing the off-street parking facilities of another structure or use must be located within 500 feet of such parking facilities, unless a lesser radius is identified in this chapter. A developer may apply to provide off-street parking in an area greater than 500 feet distant, if approved by the commission.
- (2) The developer demonstrates with appropriate analysis or data that there is no substantial conflict in the principal operating hours of the structures or users for which joint use of off-street parking facilities is proposed.

The developer must present to the director a written instrument, proposed by the parties concerned, providing for joint use of off-street parking facilities. Upon approval by the director, such instrument must be recorded by the developer and documentation of recording provided to the director.

(b) *Loading spaces off-site.* The required loading space(s) may be met by an alternative private off-site loading parking space, if the alternate space is determined by the director of adequate capacity and proximity. In no case will the distance exceed standards established in 49.40.200(k).

**49.40.220 Parking reductions.**

A parking reduction reduces the required off-street parking spaces for a development. A developer may apply for one or more parking reductions. Accessible parking spaces must not be

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reduced and must be provided in accordance with subsection 49.40.210(b). Loading spaces must not be reduced and must be provided in accordance with subsection 49.40.210(c).

(a) *Parking waivers.* The required number of parking spaces required by this chapter may be reduced if the requirements of this section are met.

(1) *Standards.* Any waiver granted under this section must be in writing and must include the following required findings and any conditions, such as public amenities, imposed by the director or commission that are consistent with the purpose of this title:

(A) The effect of granting a waiver would result in more benefits than detriments to the neighboring area and community as a whole as identified by the comprehensive plan; and

(B) The effect of granting a waiver will not materially endanger public health, safety, or welfare.

(2) *Relevant information.* The following information may be relevant for the director or commission’s review:

(A) Analysis or data relevant to the intended use and related parking demands.

(B) Provision for alternative transportation.

(C) Traffic mitigation measures supported by industry standards.

(D) Bicycle and pedestrian amenities.

(3) *Applications.* Applications for parking waivers must be on a form specified by the director and must be accompanied by a one-time fee as provided in 49.85.

(4) *Public notice.* The director must mail notice of any complete parking waiver application to the owners of record of property located within a 250-foot radius of

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the site seeking the waiver. If the parking waiver application is filed in conjunction with a major development permit, notice of both applications should be made concurrently in accordance with CBJ 49.15.230.

(5) *Expiration.* An approved parking waiver expires upon a change in use.

(b) *Town Center Parking Area, Fee-In-Lieu of off-street parking spaces.* In the Town Center Parking Area, a developer may pay a one-time fee in lieu of providing off-street parking spaces to satisfy the minimum parking requirements of this chapter. Fee in lieu can be used in any combination with other parking provisions of this chapter. Any fee in lieu due must be paid in full prior to the issuance of a temporary certificate of occupancy.

**49.40.225 Dimensions and signage for Required Off-Street Parking Spaces.**

(a) *Standard spaces.*

(1) Except as provided in this section, each standard parking space must consist of a generally rectangular area at least 8½ feet by 17 feet. Lines demarcating parking spaces may be drawn at any angle to curbs or aisles so long as the parking spaces so created contain within them the rectangular area required by this section.

(2) Spaces parallel to the curb must be no less than 22 feet by 6½ feet.

(b) *Accessible spaces.*

(1) Each accessible parking space must consist of a generally rectangular area at least 13 feet by 17 feet, including an access aisle of at least 5 feet by 17 feet. Two accessible parking spaces may share a common access aisle.

(2) One in every eight accessible parking spaces, but not less than one, must be served by an access aisle with a width of at least eight feet and must be designated “van-accessible.”

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(3) Accessible parking spaces must be designated as reserved by a sign showing the symbol of accessibility. "Van-accessible" parking spaces must have an additional sign designating the parking space as "van-accessible" mounted below the symbol of accessibility. A sign must be located so it cannot be obscured by a vehicle parked in the space.

(4) Access aisles for accessible parking spaces must be located on the shortest accessible route of travel from parking area to an accessible entrance.

(c) *Facility loading spaces.*

(1) Each off-street loading space must be not less than 30 feet by 12 feet, must have an unobstructed height of 14 feet 6 inches, and must be permanently available for loading.

**49.40.230 Parking area and site circulation review procedures.**

(a) *Purpose.* The purpose of these review procedures is to ensure that proposed parking and related site access areas provide for adequate vehicular and pedestrian access and circulation; that parking spaces are usable, safe, and conveniently arranged; that sufficient consideration has been given to off-street loading and unloading; and that the parking area will be properly drained, lighted, and landscaped.

(b) *Plan submittal.* Development applications must include plans for parking and loading spaces. Major development applications must include plans prepared by a professional engineer or architect. These plans may be part of a plan submission prepared in conjunction with the required review of another aspect of the proposed development.

(1) *Contents.* The plans must contain the following information:

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- (A) Parking and loading space plans drawn to scale and adequate to show clearly the circulation pattern and parking area function;
- (B) Existing and proposed parking and loading spaces with dimensions, traffic patterns, access aisles, and curb radii;
- (C) Improvements including roads, curbs, bumpers and sidewalks indicated with cross sections, designs, details, and dimensions;
- (D) A parking schedule indicating the number of parking spaces required, the number provided, and how such calculations were determined;
- (E) Topography showing existing and proposed contour intervals; and
- (F) Landscaping, lighting and sign details, if not provided in conjunction with the required review of another aspect of the proposed development.

(2) *Waiver of information.* The director may waive submission of any required exhibits.

(c) *Review procedure.* Plans must be reviewed and approved according to the procedures of this chapter and chapter 49.15.

(d) *Public improvements required.* As a condition of plan approval, the department may require a bond approved as to form by the municipal attorney for the purpose of ensuring the installation of off-site public improvements. As a condition of plan approval, the applicant is required to pay the cost of providing reasonable and necessary public improvements located outside the property limits of the development but necessitated by construction or improvements within such development.

**49.40.230 Parking and circulation standards.**

(a) *Purpose.* Provisions for pedestrian and vehicular traffic movement within and adjacent to the site must address layout of parking areas, off-street loading and unloading needs, and the



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movement of people, goods, and vehicles from access roads, within the site, and between buildings and vehicles. Parking areas must be landscaped and must feature safely-arranged parking spaces.

(b) *Off-street parking and loading spaces; design standards.*

- (1) Access. There must be adequate ingress and egress from parking spaces. The required width of access drives for driveways must be determined as part of plan review depending on use, topography and similar considerations.
- (2) Size of aisles. The width of aisles providing direct access to individual parking stalls must be in accordance with the following table. Other angles may be approved by the director that satisfy the needs of this chapter.

Parking Angle	0°	30°	45°	60°	90°
One-way traffic aisle width	13'	11'	13'	18'	24'
Two-way traffic aisle width	19'	20'	21'	23'	24'

- (3) Location in different zones. No access drive, driveway or other means of ingress or egress may be located in any residential zone if it provides access to uses other than those permitted in such residential zone.
- (4) Sidewalks and curbing. Sidewalks must be provided with a minimum width of four feet of passable area and must be raised six inches or more above the parking area except when crossing streets or driveways. Guardrails and wheel stops permanently anchored to the ground must be provided in appropriate locations. Parked vehicles

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must not overhang or extend over sidewalk areas, unless an additional sidewalk width of two feet is provided to accommodate such overhang.

(5) Stacked parking. Stacked parking spaces may only be counted as required parking spaces for single-family residences, duplexes, and as otherwise specified for specific uses. In the case of single-family residences and duplexes with or without accessory uses and child care homes in a residential district, only a single parking space per dwelling unit may be a stacked parking space.

(6) Back-out parking. Parking space aisles must provide adequate space for turning and maneuvering on-site to prevent back-out parking onto a right-of-way. If the director or the commission, when the commission has authority, determines back-out parking would not unreasonably interfere with the public health and safety of the parking space aisles and adjacent right-of-way traffic, back-out parking is allowed in the following circumstance:

(A) In the case of single-family dwellings and duplexes with or without accessory uses located in residential and rural reserve zoning districts;

(B) Where the right-of-way is an alley; or

(C) In the case of a child care home in a residential district.

(c) *Drainage.*

(1) Parking areas must be suitably drained.

(2) Off-site drainage facilities and structures requiring expansion, modification, or reconstruction in part or in whole as the result of the proposed development must be subject to off-site improvement requirements and standards as established by the city.

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(d) *Lighting.* Parking areas must be suitably lighted. Lighting fixtures must be “full cutoff” styles that direct light only onto the subject parcel.

(e) *Markings and access.* Parking stalls, driveways, aisles and emergency access areas and routes must be clearly marked.

(f) *General circulation and parking design.*

(1) Parking space allocations must be oriented to specific buildings. Parking areas must be linked by walkways to the buildings they serve.

(2) Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks must be clearly designated by pavement markings or signs. Crosswalk surfaces must be raised slightly to designate them to drivers, unless drainage problems would result.

**Section 3. Amendment of Section.** CBJ 49.65.530 Standards, is amended to read:  
**49.65.530 Standards.**

(a) Stores may be approved in each of the areas shown on the convenience store use area maps A—B.

(b) Video rentals, a laundromat, and an automatic teller machine may be permitted as accessory uses. Automobile fuel sales may be permitted as an accessory use in locations with adequate space for queuing. The retail area for liquor sales may occupy no more than 50 percent of the gross floor area. Automotive service and exterior merchandising shall not be permitted. Drive-up window service may be permitted only if vehicle queues will not extend into adjacent streets.

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(c) Except as authorized by the bonus provisions of this article, gross floor area shall be limited to 3,000 square feet.

(d) Vehicle access must be directly from an arterial or collector, and not from a local street.

(e) Height shall be limited to one story except that a second story may be allowed for residential use and for accessory office and storage uses, provided that any storage use must relate directly to the primary permitted use.

(f) The site perimeter and parking area shall be landscaped and screened with live material installed within ten months of the date of final construction permit approval or issuance of a certificate of occupancy, whichever is the later. The commission may authorize a bond or other security or collateral required pursuant to CBJ 49.15.330(g)(5) a provision specifying that the bond shall be forfeited if landscaping is not complete by the time required or if any plants dying within one year of installation are not replaced. Development abutting a lot zoned for residential use shall include landscaped strips or landscape boxes at least five feet wide unless the applicant demonstrates that a narrower landscape strip meets the intent of this section. The strips shall be covered with ground cover and shall be maintained throughout the year such that:

(1) On a property line shared with the residential lot the strip shall include a continuous shrub screen, fence, or both, six feet high and 95% opaque. The screen shall include one tree at least six feet high at installation per 30 lineal feet;

(2) On a property line adjacent to a street the strip shall include a continuous low shrub screen on a berm or other raised facility which is at least five feet wide, landscaped at a slope not greater than the natural angle of repose, and consistent with sight distance requirements for vehicle egress. The strip width may be reduced

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to not less than 18 inches to accommodate planter boxes and sight obscuring fences.  
The screen shall include one tree per 30 lineal feet;

(3) On all other property lines except those along driveways the strip shall include a continuous low shrub screen with one tree per 30 lineal feet at least six feet high at installation.

(g) Outside of the Town Center Parking Area, the minimum off-street parking requirement shall be one space per 250 square feet of gross floor area.

(h) Exterior bear-resistant public litter cans shall be provided.

(i) The exterior building appearance, including siding, roofline, windows, paint colors, and building massing shall be compatible on all sides with surrounding uses.

(j) Exterior lighting may not shed light or glare above the roofline of the building or beyond the property line of the site.

(k) The building shall be set back from any property line shared with a residentially zoned parcel by a distance of 20 feet or the distance required by the underlying zoning district, whichever is greater.

(l) No more than 80 percent of the lot shall be covered by an impervious surface.

(m) The layout of the store shall provide for views from the cash register of bicycle racks, telephones, seating areas, and other exterior public amenities.

(n) The parking lot shall be paved and striped with spaces and a circulation pattern.

(o) Headlight glare shall not be permitted onto residentially-zoned lots adjacent to the site.

(p) Liquor sales shall not be permitted from drive-in window(s).

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**Section 4. Amendment of Section.** CBJ 49.80.120 Definitions, is amended to include the following new definitions in alphabetical order, to read:

**49.80.120 Definitions.**

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

Mobile food vendor means a type of food service that is located in a vehicle, trailer or cart, and is capable of moving easily daily. Unless a push cart, these units must be capable of being licensed by the state as a motor vehicle, and can be moved without special conditions (such as a pilot car, flagging, or restricted hours of movement). Mobile units must completely retain their mobility at all times.

...

Open air food service means a food service located in a structure or area that does not have a permanent means of heat. (Note that woodstoves are not considered a permanent means of heat by the building code official). The director can extend the operation period for cause, such as extended tourist season, community event, or emergency provisions.

...

Walking distance is the distance measured by the shortest route, using pedestrian facilities, from the public entrance of the building in which a use occurs to the outer boundaries of another use.

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**Section 5. Amendment of Section.** Section 49.85.100 is amended to read:

**49.85.100 Generally.**

Processing fees are established for each development, platting and other land use action in accordance with the following schedule. If a public notice sign is required by the director, the fee is \$150 for the first sign, and \$25 for each additional sign. One hundred dollars of the sign fee can be refunded if the sign is returned within two (2) weeks of the decision being issued.

...

(21) Parking waiver, \$400. If the application is filed in conjunction with a major development permit the fee shall be reduced by 20 percent.

(22) Fee in lieu, \$10,000 per off-street parking space required.

**Section 6. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Beth A. Weldon, Mayor

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk

LEGEND

- ⊗ B.L.M. 2" BRASS MONUMENT RECOVERED THIS SURVEY
  - ⊕ PRIMARY DOT CENTERLINE MONUMENT IN CASING RECOVERED THIS SURVEY
  - ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY 3" ALUMINUM MONUMENT, T&N ENGINEERING
  - REBAR & CAP, SET BY JW BEAN
  - SURVEYED
  - - - UNSURVEYED
  - SURVEY TIE
  - - - EXISTING DOT EASEMENT
  - - - FUTURE EASEMENT
  - - - FUTURE RIGHT OF WAY
  - CENTERLINE
  - ⊘ DOT EASEMENT EXISTING
  - ▨ EASEMENT
- (R) = AS PER PLAT NO. 95-56  
 (R1) = AS PER PLAT NO. 90-06  
 (R2) = AS PER PLAT NO. 2012-18
- TYPICAL SECONDARY MON.  
 2" ALUMINUM  
 5/8" REBAR, 36" LONG
- J.W. BEAN  
 L.S. 3650

BASIS OF BEARING

BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF NORTH FROM A FOUND 3" ALUMINUM MONUMENT BEING THE SOUTHEAST CORNER OF LOT 5, TRACT B, U.S. SURVEY NO. 1568 TO A FOUND 3" ALUMINUM MONUMENT BEING THE NORTHEAST CORNER OF LOT 5, TRACT B, U.S. SURVEY NO. 1568 AS SHOWN ON RECORD PLAT NO. 95-56.

CORPORATE OWNERSHIP CERTIFICATE:

I HEREBY CERTIFY THAT GLACIER HEIGHTS, LLC, D/B/A GLACIER HEIGHTS JUNEAU, LLC, IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS MANAGING MEMBER HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

Date \_\_\_\_\_, 2024

Owner:  
 GLACIER HEIGHTS, LLC,  
 D/B/A GLACIER HEIGHTS JUNEAU, LLC,  
 445 NORTH 2000 WEST, SUITE 7,  
 SPRINGVILLE, UTAH 84663

NOTARY ACKNOWLEDGMENT:

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

THIS IS TO CERTIFY THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED GARRETT JOHNSON, MANAGING MEMBER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

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

Notary Public for Alaska \_\_\_\_\_  
 My Commission Expires \_\_\_\_\_

PLANNING COMMISSION APPROVAL

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION NO. \_\_\_\_\_ DATED: \_\_\_\_\_, 2024 AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.

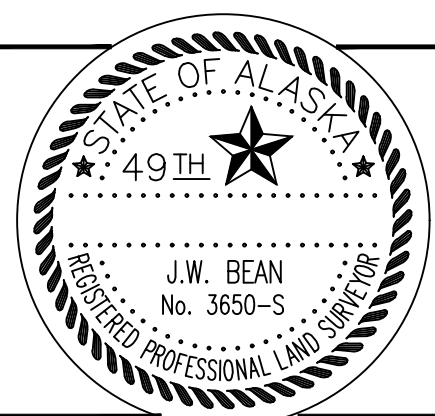
ATTEST:  
 CHAIRMAN  
 CITY & BOROUGH OF JUNEAU  
 PLANNING COMMISSION

CLERK  
 CITY & BOROUGH OF JUNEAU

CERTIFICATE OF REGISTERED LAND SURVEYOR

I, J.W. BEAN, 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 AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

Date \_\_\_\_\_



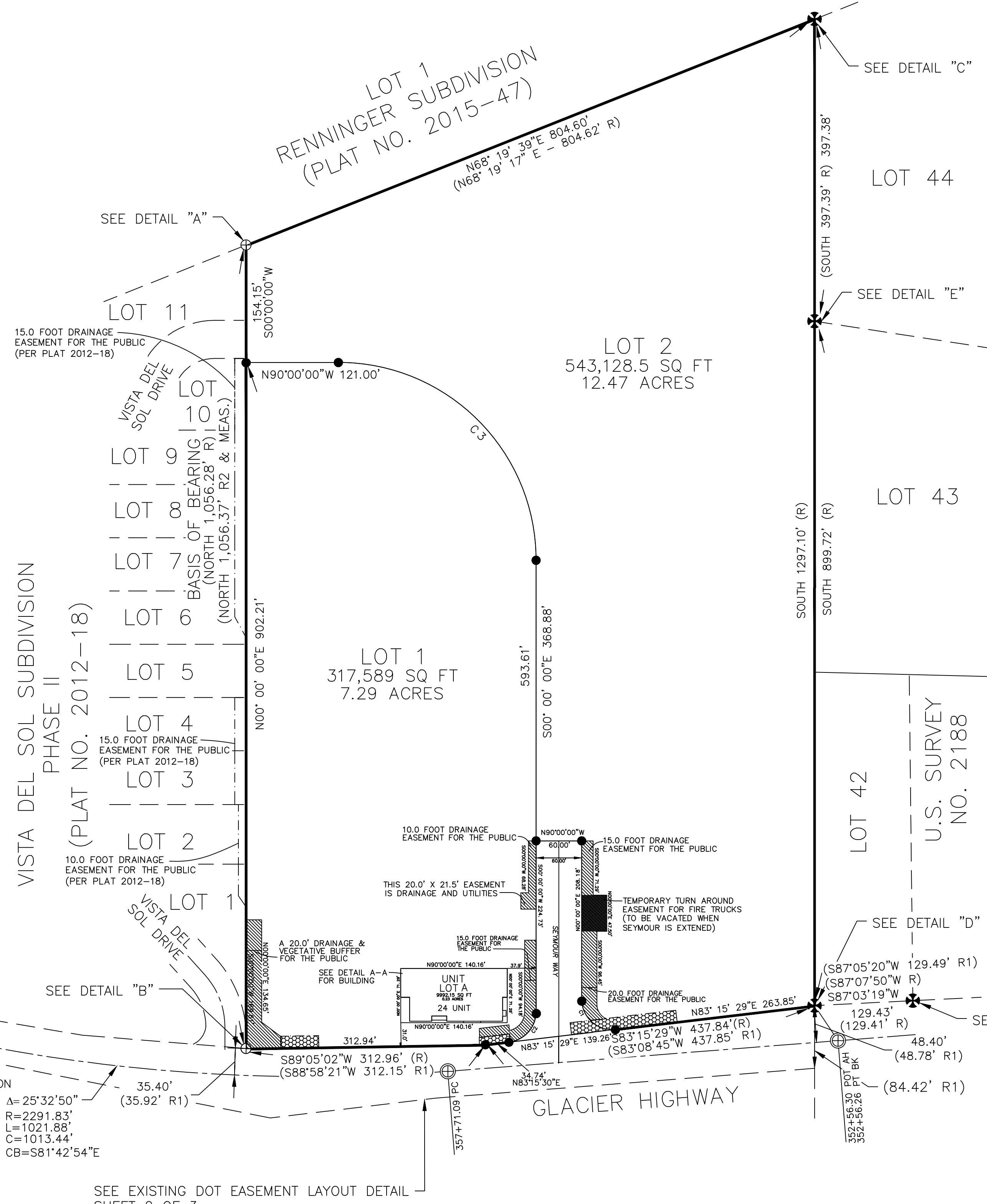
**J.W. BEAN INC.**  
 PROFESSIONAL SURVEYOR

1070 ARCTIC CIRCLE  
 JUNEAU - ALASKA  
 (907) 789-0590  
 SURVEYOR - PLANNER  
 PROJ: RIDGEVIEW FINAL

CURVE #	DELTA	RADIUS	ARC LENGTH	CHORD BEARING	DISTANCE
C1	96°44'31"	40.00'	67.54'	N48°22'15"W	59.80'
C2	80°50'36"	40.00'	56.44'	S40°22'04"W	51.87'
C3	90°00'00"	260.00'	408.41'	N45°00'00"W	367.70'

VISTA DEL SOL SUBDIVISION  
 PHASE II  
 (PLAT NO. 2012-18)

LOT 1  
 RENNINGER SUBDIVISION  
 (PLAT NO. 2015-47)

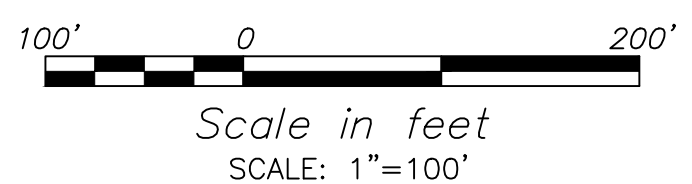
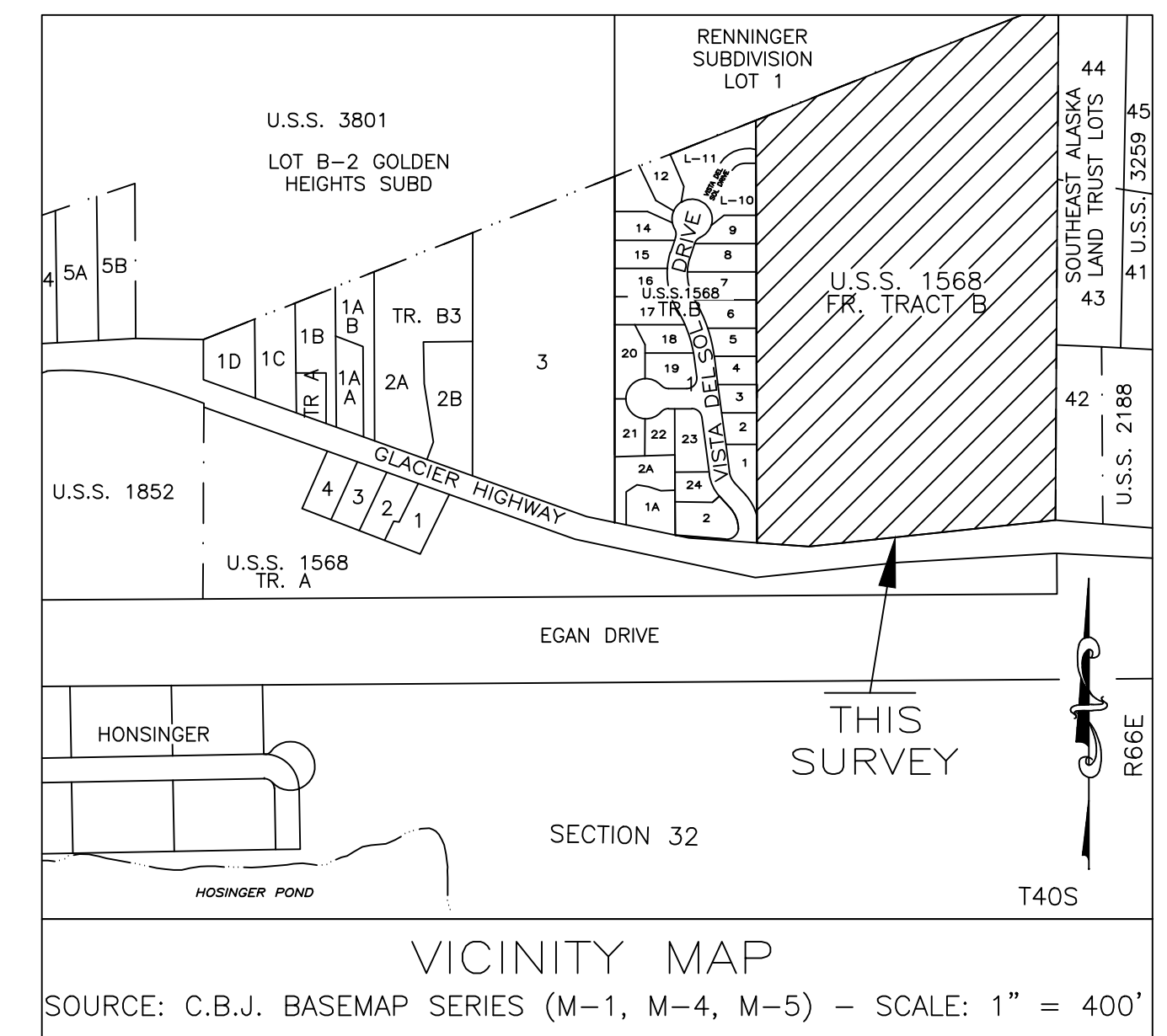


U.S. SURVEY NO. 3259

U.S. SURVEY NO. 2188

NOTES:

- ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
- ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
- DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES
- WHERE MEASURED BEARING AND/OR DISTANCE DIFFER FROM THE RECORD, THAT OF RECORD IS SHOWN IN PARENTHESES, ALONG WITH THE SOURCE DOCUMENT/REFERENCE (SEE LEGEND).
- THE ERROR OF CLOSURE DOES NOT EXCEED 1:10,000.
- THIS PLAT CREATES AN ALTERNATIVE RESIDENTIAL SUBDIVISION PURSUANT TO AND GOVERNED BY THE CITY AND BOROUGH OF JUNEAU LAND USE CODE TITLE 49 ARTICLE IX. EACH OWNER OF A UNIT LOT IS REQUIRED TO, AND SHALL BE, THROUGH THEIR OWNERSHIP, A MEMBER OF THE \_\_\_\_\_ HOA, REQUIRED TO PAY ASSESSMENTS ASSES BY \_\_\_\_\_ HOA.
- NO LOT WILL DIRECTLY ACCESS GLACIER HIGHWAY.
- ACCESS TO LOTS SHALL BE VIA ACCESS SEYMOUR WAY AS SHOWN ON THIS PLAT AND IS SUBJECT TO THE REQUIREMENTS IN THE BYLAWS OF \_\_\_\_\_ HOA.
- THE STORMWATER RUNOFF IS ACCEPTABLE PER RIDGEVIEW SUBDIVISION DRAINAGE PLAN APPROVED DURING PLAT REVIEW. ALL REQUIRED RIDGEVIEW SUBDIVISION PUBLIC IMPROVEMENTS INCLUDING SURFACE DRAINAGE, DRIVEWAYS AND ROADSIDE DRAINAGE SHALL BE CONSTRUCTED PRIOR TO FINAL ACCEPTANCE FOR MAINTENANCE BY CBJ PUBLIC WORKS. MODIFICATIONS TO THE APPROVED PLANS WILL NOT BE ALLOWED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CBJ 19.12.120 BEST MANAGEMENT PRACTICE.



MONUMENTS:

- 3" ALUMINUM MONUMENT DETAIL "A"
- 3" ALUMINUM MONUMENT DETAIL "B"
- 2" BRASS CAP DETAIL "C"
- 2" BRASS CAP DETAIL "D"
- 3" BRASS CAP DETAIL "E"
- 3" BRASS CAP DETAIL "F"

A PLAT OF  
**RIDGEVIEW SUBDIVISION**  
 A SUBDIVISION OF  
 RECORD DOCUMENT NO. 2022-001111-0  
 WITHIN FR. TRACT B, U.S. SURVEY NO. 1568  
 JUNEAU RECORDING DISTRICT  
 CITY & BOROUGH OF JUNEAU, ALASKA  
 RECORDED AT THE STATE RECORDER'S OFFICE AT ANCHORAGE

OWNER:  
 GLACIER HEIGHTS, LLC,  
 D/B/A GLACIER HEIGHTS JUNEAU, LLC,  
 445 NORTH 2000 WEST, SUITE 7,  
 SPRINGVILLE, UTAH 84663

SURVEYOR:  
 JW BEAN, INC.  
 PROFESSIONAL SURVEYOR  
 1070 ARCTIC CIRCLE  
 JUNEAU, ALASKA 99801  
 (907) 789-0590

CASE NUMBER: PAC2022-0023  
 DATE: 02-08-2024

PARCEL NUMBER: 5B1410110010  
 SCALE: 1"=100'  
 SHEET 1 OF 3



**LEGEND**

- ⊗ B.L.M. 2" BRASS MONUMENT RECOVERED THIS SURVEY
  - ⊕ PRIMARY DOT CENTERLINE MONUMENT IN CASING RECOVERED THIS SURVEY
  - ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY  
3" ALUMINUM MONUMENT, T&N ENGINEERING
  - REBAR & CAP, SET BY JW BEAN
  - SURVEYED
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  - ⊘ DOT EASEMENT EXISTING
  - ▨ EASEMENT
- (R) = AS PER PLAT NO. 95-56  
 (R1) = AS PER PLAT NO. 90-06  
 (R2) = AS PER PLAT NO. 2012-18
- J.W. BEAN  
 L.S. 3650  
 TYPICAL SECONDARY MON.  
 2" ALUMINUM MON.  
 5/8" REBAR, 36" LONG

**BASIS OF BEARING**

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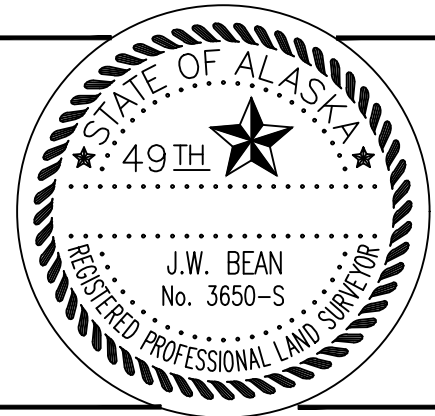
**NOTES:**

1. ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
2. ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
3. DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES
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8. ACCESS TO LOTS SHALL BE VIA ACCESS SEYMOUR WAY AS SHOWN ON THIS PLAT AND IS SUBJECT TO THE REQUIREMENTS IN THE BYLAWS OF \_\_\_\_\_ HOA.
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**CERTIFICATE OF REGISTERED LAND SURVEYOR**

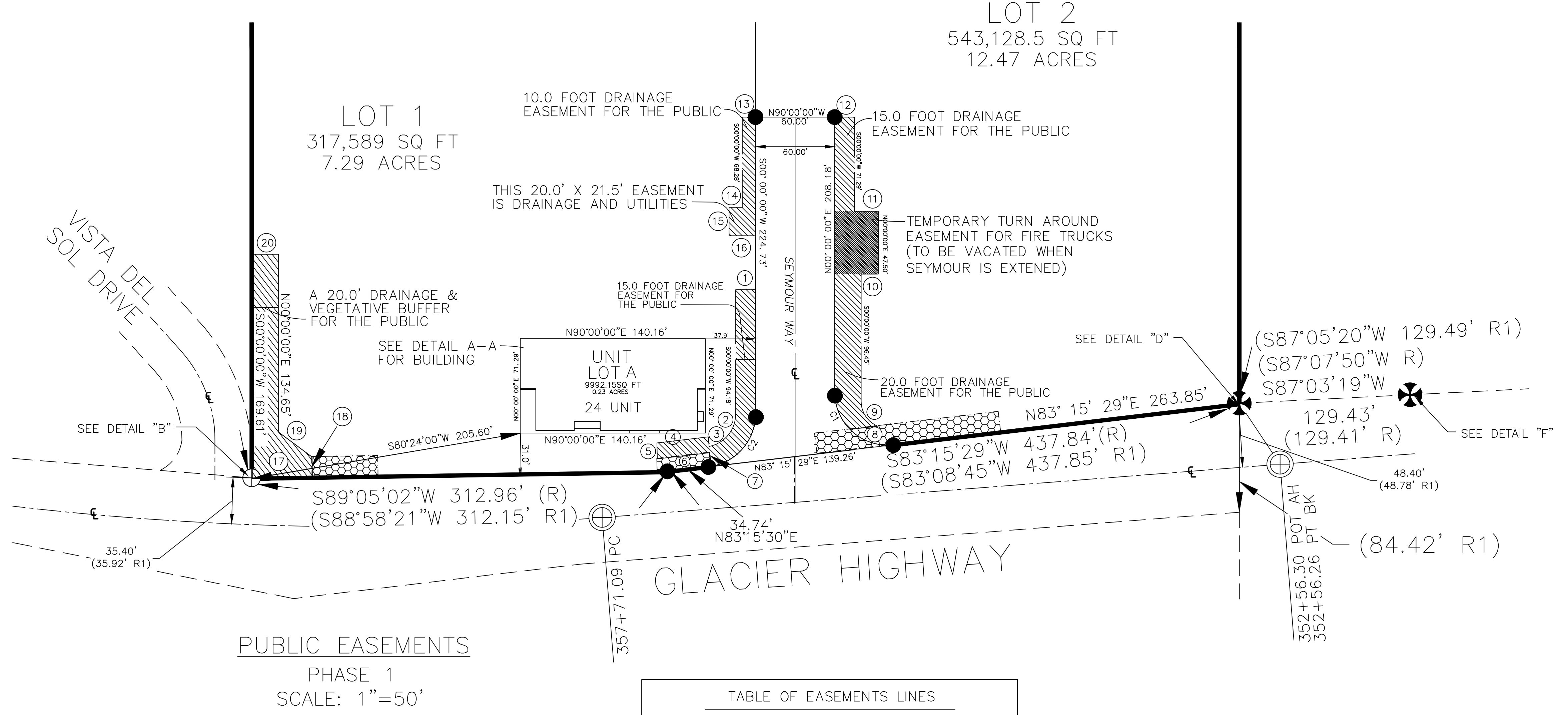
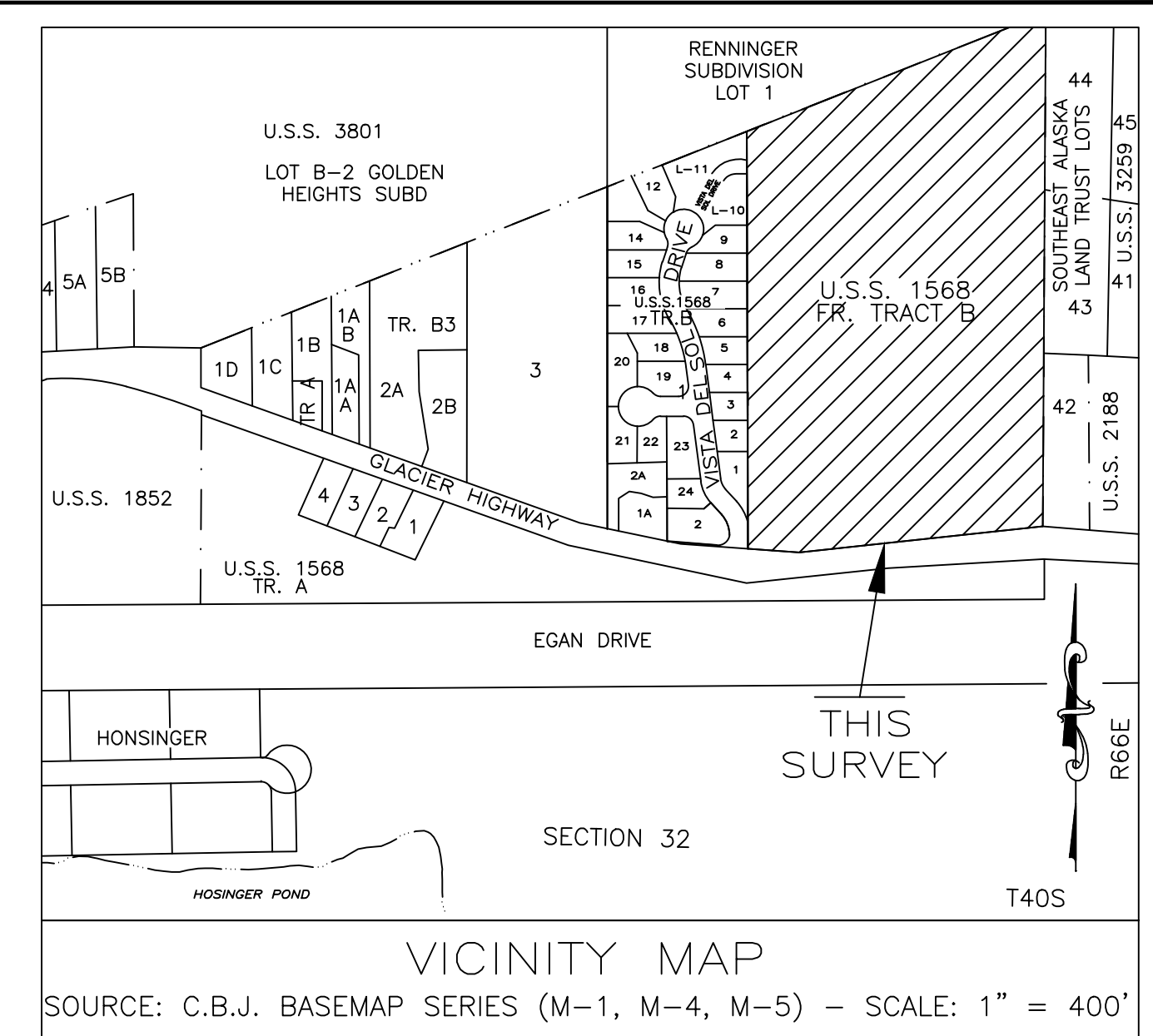
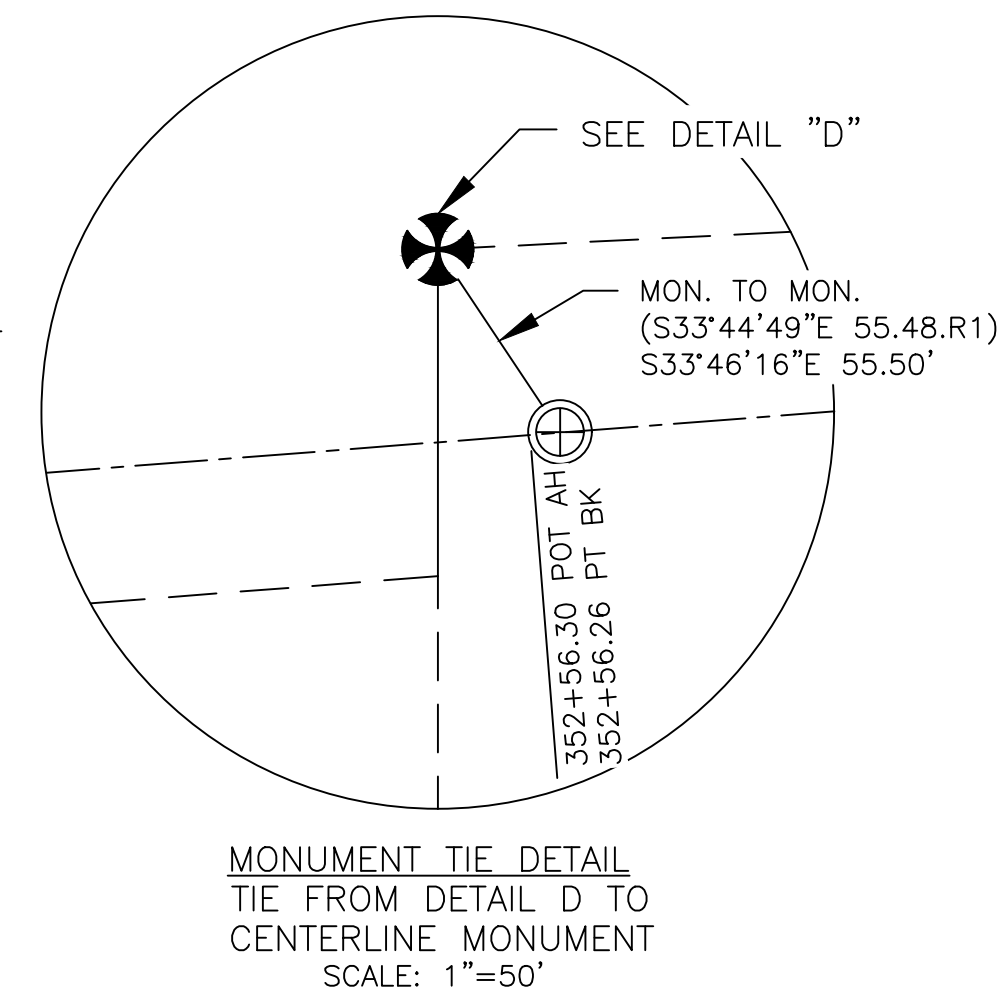
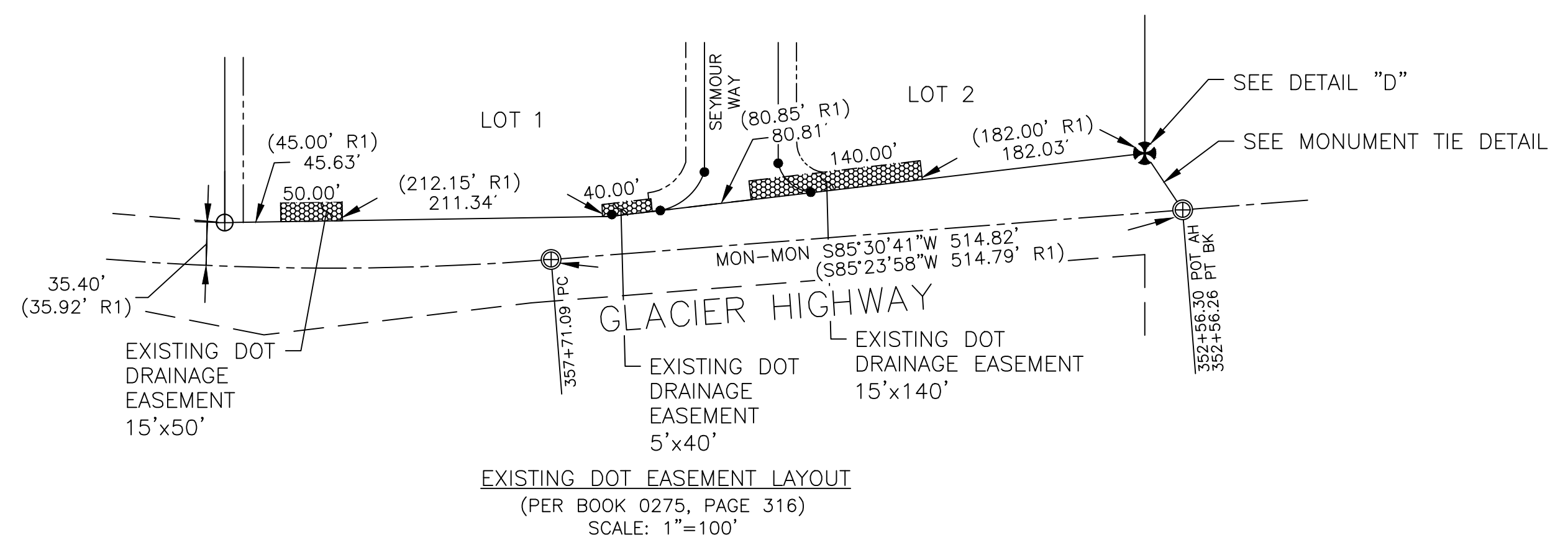
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Date \_\_\_\_\_



**J.W. BEAN INC.**  
 PROFESSIONAL SURVEYOR

1070 ARCTIC CIRCLE  
 JUNEAU - ALASKA  
 (907) 789-0590  
 SURVEYOR - PLANNER  
 PROJ: RIDGEVIEW FINAL



**PUBLIC EASEMENTS**  
 PHASE 1  
 SCALE: 1"=50'

**TABLE OF EASEMENTS LINES**

① N90°00'00"E 15.00'	⑪ N90°00'00"E 18.00'
② A= 34.42' S39°23'33"W Lc=31.76' c= 78°52'39" Rc=25.00'	⑫ N90°00'00"W 15.00'
③ S04°29'44"E 7.31'	⑬ N90°00'00"E 10.00'
④ S83°15'30"W 39.14'	⑭ N90°00'00"E 10.00'
⑤ S01°23'18"E 12.05'	⑮ N00°00'00"E 21.50'
⑥ N83°15'28"E 40.00'	⑯ N90°00'00"E 20.00'
⑦ N05°28'20"W 10.38'	⑰ N89°06'02"E 45.63'
⑧ N83°15'28"E 21.18'	⑱ S00°55'02"E 15.38'
⑨ A=23.87' N34°00'40"W Lc=22.48' ^ c= 68°23'18" Rc=20.00'	⑲ N53°22'35"W 31.62'
⑩ N90°00'00"E 13.00'	⑳ N90°00'00"W 20.00'

**CURVE TABLE FOR RIGHT OF WAY**

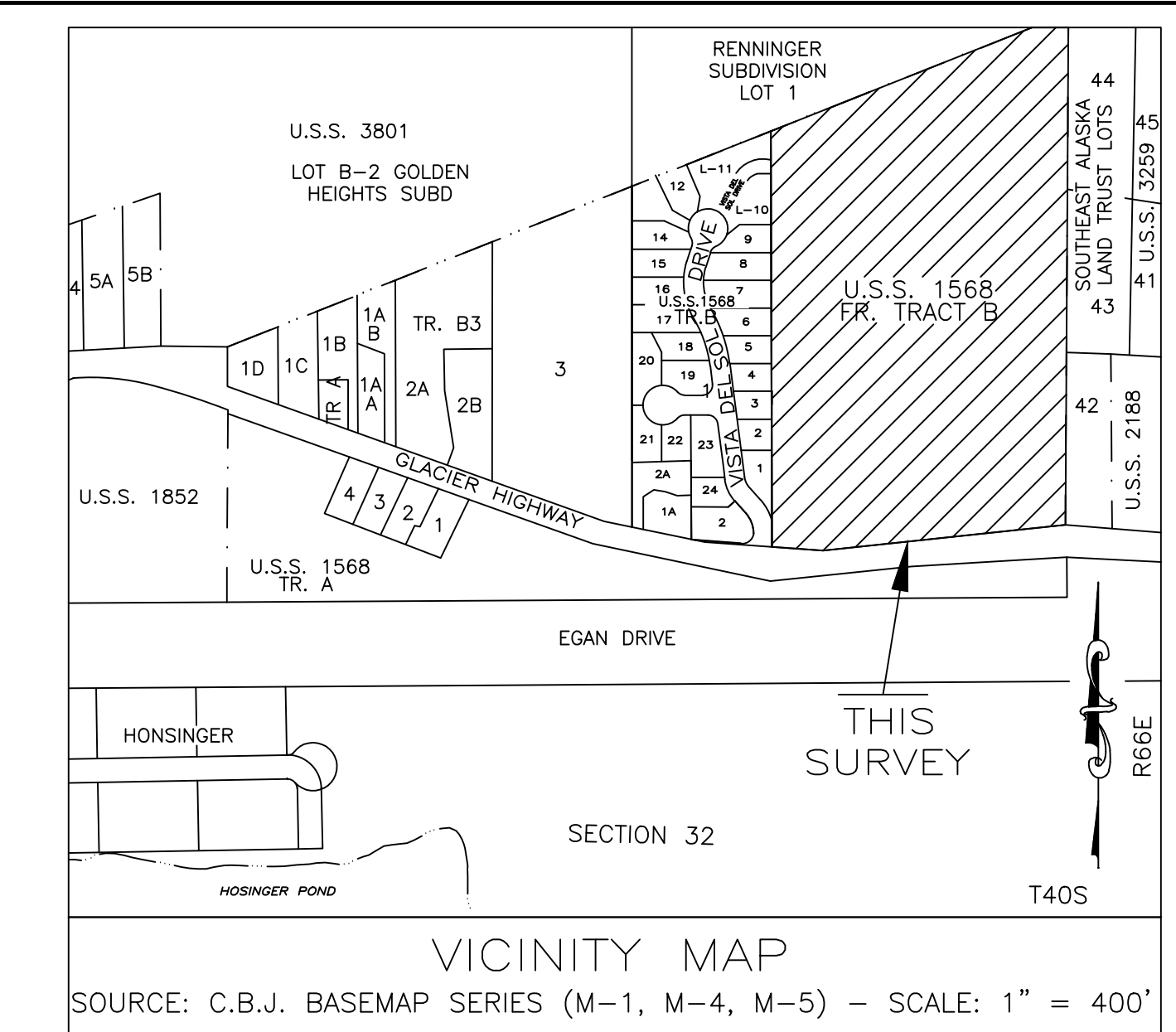
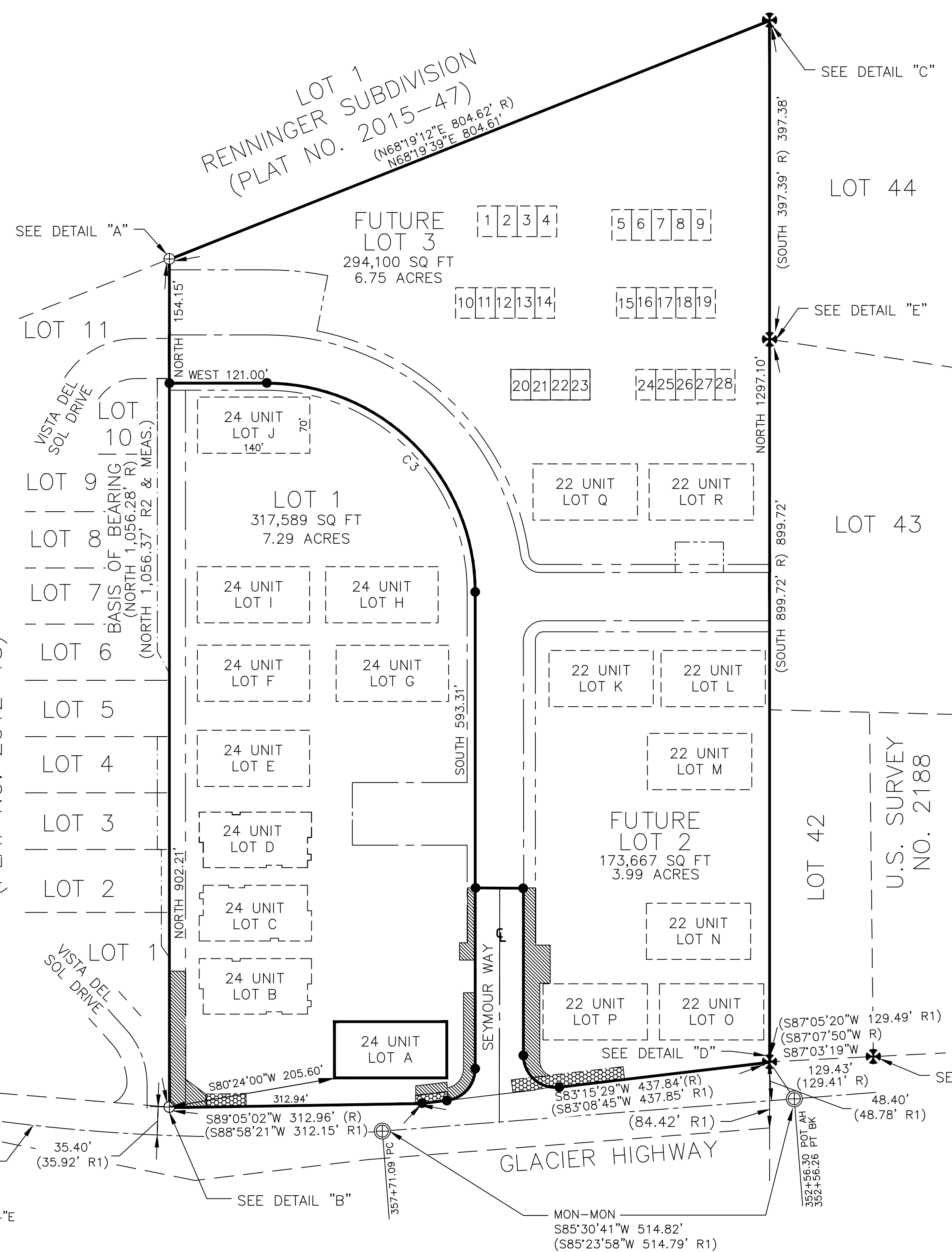
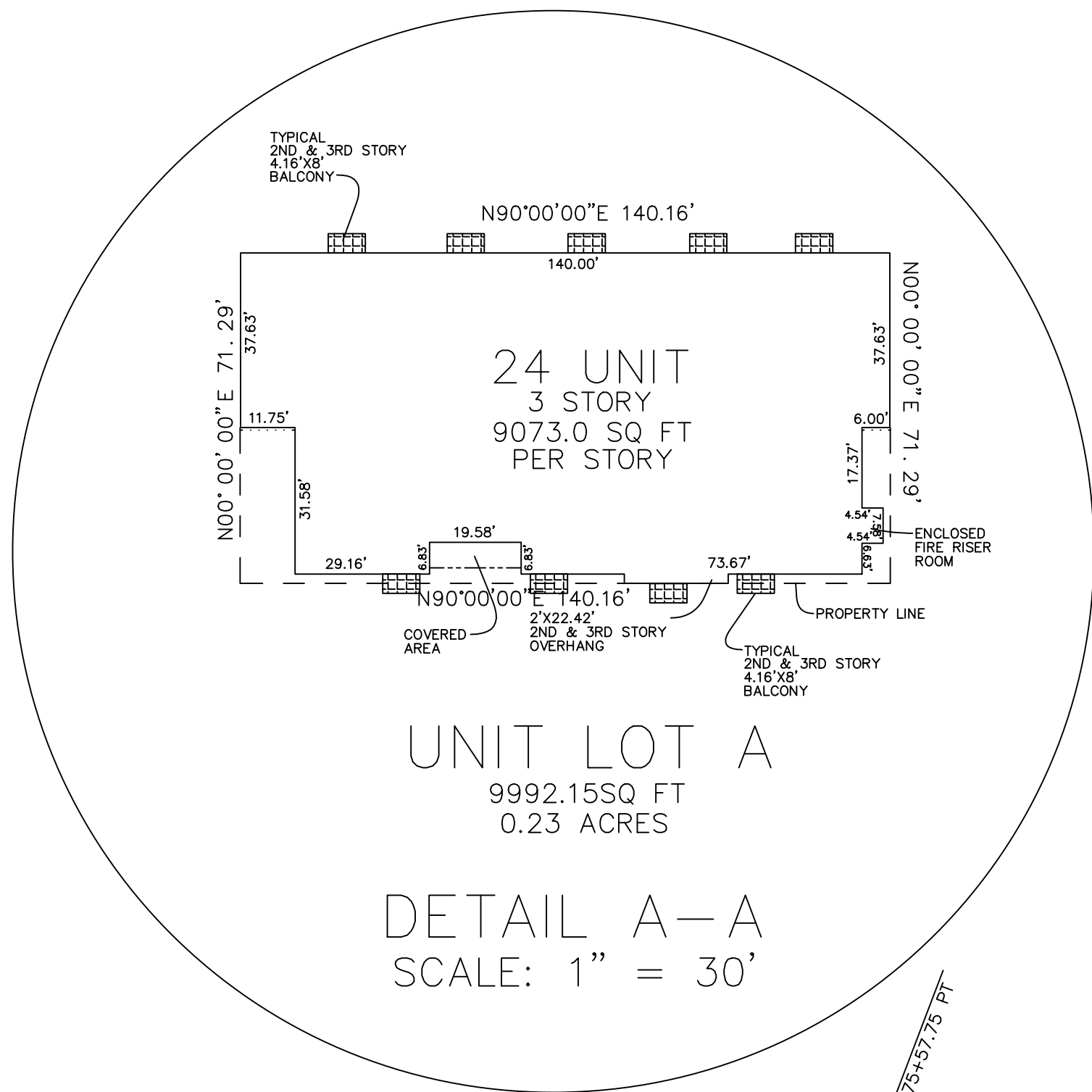
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A PLAT OF  
**RIDGEVIEW SUBDIVISION**  
 A SUBDIVISION OF  
 RECORD DOCUMENT NO. 2022-001111-0  
 WITHIN FR. TRACT B, U.S. SURVEY No. 1568  
 JUNEAU RECORDING DISTRICT  
 CITY & BOROUGH OF JUNEAU, ALASKA  
 RECORDED AT THE STATE RECORDER'S OFFICE AT ANCHORAGE

OWNER: GLACIER HEIGHTS, LLC, D/B/A GLACIER HEIGHTS JUNEAU, LLC, 445 NORTH 2000 WEST, SUITE 7, SPRINGVILLE, UTAH 84663	SURVEYOR: JW BEAN, INC. PROFESSIONAL SURVEYOR 1070 ARCTIC CIRCLE JUNEAU, ALASKA 99801 (907) 789-0590
CASE NUMBER: PAC2022-0023	PARCEL NUMBER: 5B1410110010
DATE: 02-08-2024	SHEET 2 OF 3

LEGEND

- ⊗ B.L.M. 2" BRASS MONUMENT RECOVERED THIS SURVEY
  - ⊕ PRIMARY DOT CENTERLINE MONUMENT IN CASING RECOVERED THIS SURVEY
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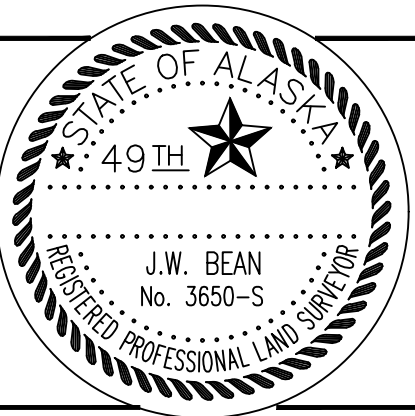


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Date \_\_\_\_\_



**J.W. BEAN INC.**  
 PROFESSIONAL SURVEYOR

1070 ARCTIC CIRCLE  
 JUNEAU - ALASKA  
 (907) 789-0590  
 SURVEYOR - PLANNER  
 PROJ: RIDGEBVIEW FINAL

CURVE TABLE FOR RIGHT OF WAY

CURVE #	DELTA	RADIUS	ARC LENGTH	CHORD BEARING	DISTANCE
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C3	90°00'00"	260.00'	408.41'	N45°00'00"W	367.70'

MON-MON  
 (A=25°32'50" R1) A=25°32'50"  
 (R=2291.83' R1) R=2291.83'  
 (L=1021.89' R1) L=1021.89'  
 C=1013.44'  
 CB=S81°42'54"E

MON-MON  
 S85°30'41"W 514.82'  
 (S85°23'58"W 514.79' R1)

3" ALUMINUM MONUMENT  
 DETAIL "A"

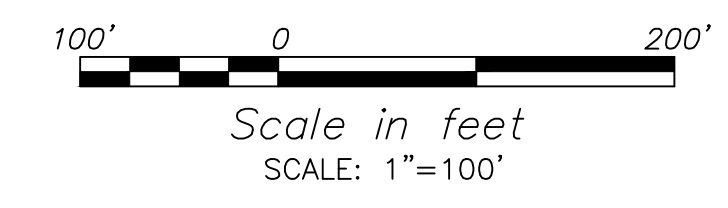
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 DETAIL "B"

2" BRASS CAP  
 DETAIL "C"

2" BRASS CAP  
 DETAIL "D"

3" BRASS CAP  
 DETAIL "E"

3" BRASS CAP  
 DETAIL "F"



A PLAT OF  
**RIDGEBVIEW SUBDIVISION**  
 A SUBDIVISION OF  
 RECORD DOCUMENT NO. 2022-001111-0  
 WITHIN FR. TRACT B, U.S. SURVEY No. 1568  
 JUNEAU RECORDING DISTRICT  
 CITY & BOROUGH OF JUNEAU, ALASKA  
 RECORDED AT THE STATE RECORDER'S OFFICE AT ANCHORAGE

OWNER:  
 GLACIER HEIGHTS, LLC,  
 D/B/A GLACIER HEIGHTS JUNEAU, LLC,  
 445 NORTH 2000 WEST, SUITE 7,  
 SPRINGVILLE, UTAH 84663

SURVEYOR:  
 JW BEAN, INC.,  
 PROFESSIONAL SURVEYOR  
 1070 ARCTIC CIRCLE  
 JUNEAU, ALASKA 99801  
 (907) 789-0590


CASE NUMBER: PAC2022-0023  
 DATE: 02-08-2024

PARCEL NUMBER: 5B1410110010  
 SCALE: 1"=100'  
 SHEET 3 OF 3



**PLANNING COMMISSION STAFF REPORT**  
**ALTERNATIVE RESIDENTIAL SUBDIVISION PLAN**  
**FILE NO: ARP2022 0001**  
**HEARING DATE: OCTOBER 11, 2022**

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

**DATE:** October 4, 2022  
**TO:** Michael LeVine, Chair, Planning Commission  
**BY:** Irene Gallion, Senior Planner   
**THROUGH:** Jill Maclean, Director, AICP

**PROPOSAL:** Preliminary Plan approval for Ridgeview Subdivision, an Alternative Residential Subdivision, developing up to 444 dwelling units on 19.71 acres.

**STAFF RECOMMENDATION:** Approval with conditions

**KEY CONSIDERATIONS FOR REVIEW:**

- The Assembly considered impacts of higher density housing when the site was rezoned in 2015.
- Phase I of development provides 72 units. If all phases are built out, the development would provide 444 units in apartment- and townhouse-style developments.
- A Traffic Impact Analysis will provide context on impacts to infrastructure, and required improvements.

GENERAL INFORMATION	
<b>Property Owner</b>	Rooftop Properties, LLC
<b>Applicant</b>	Rooftop Properties, LLC
<b>Property Address</b>	7400 Glacier Highway
<b>Legal Description</b>	USS 1568 Tract B1
<b>Parcel Number</b>	5B1401010010
<b>Zoning</b>	D18
<b>Lot Size</b>	19.7100 acres, 858,568 square feet
<b>Water/Sewer</b>	Yes
<b>Access</b>	Old Glacier Highway (Collector)
<b>Existing Land Use</b>	Vacant
<b>Associated Applications</b>	Grading Permit anticipated

**ALTERNATIVE ACTIONS:**

1. **Amend:** require additional conditions, or delete or modify the recommended conditions.
2. **Deny:** deny the permit and adopt new findings for items 1-14 below that support the denial.
3. **Continue:** to a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

**ASSEMBLY ACTION REQUIRED:**

Assembly action is not required for this permit.

**STANDARD OF REVIEW:**

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
  - CBJ 49.15.920
  - CBJ 49.15.930
  - CBJ 49.15.940
  - CBJ 49.20.200
  - CBJ 49.35.210
  - CBJ 49.80

**The Commission shall hear and decide the case per CBJ 49.15.900 - Purpose.** *The general purpose of this article is to provide reasonable minimum standards and procedures for unit-lot residential communities in which all or some of the lots do not substantially conform to the minimum requirements for a traditional subdivided lot. This article provides a housing option to allow dwellings on unit-lots to be conveyed by long-term leases, less than fee-simple ownership, or fee-simple ownership, including condominium and other common-interest communities*

*Fostering excellence in development for this generation and the next.*

## Attachment A - Application

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### SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North (D5)	Vacant CBJ
South (D5)	Glacier/Egan
East (D5)	Single-family residential
West (zone)	Vacant *AMHT

\*Alaska Mental Health Trust Authority (AMHT)

SITE FEATURES	
Anadromous	No
Flood Zone	No
Hazard	No mapped hazard
Hillside	Yes
Wetlands	No
Parking District	No
Historic District	No
Overlay Districts	None

### TIMELINE

This staff report analysis and conditions are specific to requirements for an Alternative Residential Preliminary Plan. Requirements of subsequent land actions will be considered under those applications. For instance, a construction plan and drainage plan are required for Final Plat Approval.

The Alternative Residential Subdivision (ARS) project can be split between planning elements and land documents.

Target Date	Plan Element	Land Documents
October 11, 2022	Preliminary Plan Approval	
November 22, 2022	Final Plan Approval, Phase 1	Preliminary Plat Approval, Sketch Plat
Estimate January 24, 2022		Final Plat Approval, Phase 1

A sketch plat is required to show the eventual development of the lot.

Each Phase is required to have a Final Plan Approval and a Final Plat Approval. The applicant may request Final Plan Approval for multiple phases, but Phase 1 construction must be completed before Phase 2 may progress [CBJ 49.15.960(b),(c)].

While preliminary design for the entire ARS subdivision is reasonable, final design is impractical unless a Phase is going to be completed. Final design will be required for each Final Plat.

The applicant can receive a Grading Permit, to do work at their own risk, until applicable approvals are received for the remainder of the project.

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**BACKGROUND INFORMATION**

**Project Description** – The applicant requests Preliminary Plan approval for an Alternative Residential Subdivision, developing up to 444 dwelling units on 19.71 acres, zoned D18, at 7400 Glacier Highway (**Attachment A**). The applicant provided an updated site plan, updated open space information, and updated phasing after the neighborhood meeting that more accurately illustrates the phasing of the development (**Attachment B**).

**Density bonuses** [CBJ 49.15.920(e)(3)] are requested for provision of:

- Open space.
- Public Right-of-Way access.
- Shared use pathways.

**Terms used in this report include:**

- *Grandparent Lot*: This is the entire 19.71 acres. Density bonuses are considered across this lot, because the ARS proposes development across the lot. The intent is to consider the development as a whole.
- *Parent Lot*: Each parent lot will meet setbacks. Each parent lot individually may or may not meet density bonus standards. This project creates three parent lots. The proposed Right-of-Way cuts the lot into three main sections. It did not make sense for the homeowners’ association [required under this land use type per CBJ 49.15.920(k)] to cross a City Right-of-Way.

If subsequent modification to a parent lot is requested, modifications must be accommodated on the parent lot or coordinated with the other two parent lots in the subdivision.

**Background** – The applicant purchased the property in May 2022. Owners initially intended to proceed with the approved subdivision of the lot into 24 common wall lots and two larger lots. Subsequent market analysis prompted the modification to the development under this application.

The table below summarizes relevant history for the lot and proposed development.

Item	Summary
SMP2021 0001/SMP2016 0001	A 2016 preliminary plat for 24 common wall lots, the remaining land was to be subdivided into two larger lots. Renewed in 2021.
AME2015 0005	A rezone from D5 to D18. The original request was to rezone to D18. After the public meeting the applicant modified the request to a mix of D18 and LC. The Commission recommended denial of the rezone to the Assembly, opposing a rezone to D18 and LC, and recommended the tract remain D5. The Assembly adopted the rezone of the tract from D5 to D18. (Attachments C and D)
VAR1998-00024	A variance to waive the requirement that subdivision of certain large tracts of land be provided with access by way of a secondary or interior street, to facilitate subdivision of Tract B1, U.S. Survey 1568 into two lots approximately 10 acres each. Variance approved, with a condition that future subdivision provide an interior access road to city standards.

**ANALYSIS**

**Zoning District and Dimensional Standards** – The three parent lots meet or exceed dimensional requirements for an ARS in the D18 zoning district.

## Attachment A - Application

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Topic and Code Reference	Summary	Complies
<b>CBJ 49.15.920(b)</b> Zoning Districts	<i>An alternative residential subdivision is only allowed in the following zoning districts: RR, D-1, D-3, D-5, D-10SF, D-10, D-15, D-18, and LC.</i>  The lot is zoned D18.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>CBJ 49.15.920(c)</b> Lot Size	<i>The parent lot shall be at least 150 percent of the minimum lot size for the zoning district in which it is located. There is no minimum size for the unit-lots.</i>  See table below.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>CBJ 49.15.920(d) Other</b> Dimensional Standards	<i>The minimum lot dimensions, lot coverage, and vegetative coverage shall be applied to the parent lot and not the unit-lots.</i>  See table below.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Dimensional Standard Table:

Standard	Dimension	Parent Lot 1	Parent Lot 2	Parent Lot 3
Size	7,500 square feet minimum	407,100	115,840	309,640
Width	50 feet minimum	~600 feet	~560 feet	~670*
Lot coverage	50%	95,000 square feet, or 31%	57,000 square feet, or 33%	44,200 square feet, or 14%
<i>Grandparent Lot</i>		196,200 coverage / 858,568 grandparent lot = 23%		
Vegetative cover	30%	89,620 square feet or 29%	60,200 or 52%	193,110, or 62%
<i>Grandparent Lot</i>		342,930 open space / 858,568 grandparent lot = 40%		

\* Measured at a line tangent to curved front, at middle driveway.

In the applicant's "Greenspace by Phase" (**Attachment B**), the applicant provided lot sizes and "open area" square footage.

Width and coverage were scaled from the site plan dated August 11, 2022. Each apartment structure footprint is assumed at 9,500 square feet. Each townhouse footprint is assumed at 900 square feet.

Lot coverage includes any structure with a roof (CBJ 49.80).

"Open area" is assumed to be vegetative cover for the purpose of this early analysis of the plan. Note that Parent Lot 1 does not meet vegetative cover requirements when considered in isolation, but the development as a whole (shown as the Grandparent Lot) meets the requirement.

Parent Lot 2 has 50% open space with what seems to be the densest development.

**Condition 1:** Reevaluate figures provided in "Greenspace by Phase."

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**Density** – Per CBJ 49.15.920(e)(1), *The number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the alternative residential subdivision and rounding to the nearest whole number.*

Maximum Dwelling Units Per Acre	Parent Lot Size	Maximum Density	Number of Dwelling Units Proposed with bonuses
18	19.7100 acres	355 (354.78)	<b>444</b>

**Density Bonus** – The applicant is requesting a 25% density bonus, the most allowed for D18 zoning, resulting in 444 units, or 23 units per acre.

The Commission may award a density bonus up to 25% for the following improvements in a D18 zoning district:

Topic and Code Reference	Bonus Allowance	Discussion
<b>Open Space</b> [CBJ 49.15.920(e)(3)(A)]	<i>Five percent for each ten percent increment of open space in excess of that required in the zoning district to a maximum bonus of 15 percent for open space in excess of that required.</i>  <i>If open space is not required, this bonus may still be applied beginning at 10 percent.</i>	Open space is not required in D18 [CBJ 49.15.920(i)]. Each 10% open space provided garners a 5% density bonus, up to 15%. The applicant is proposing 267,250 square feet of open space, or 31%.  <b>Possible 15% bonus (recommended).</b>
<b>Habitat</b> [CBJ 49.15.920(e)(3)(B)]	<i>Five percent for a continuous setback greater than 50 feet or ten percent for a continuous setback greater than 50 feet on both sides of a stream, if applicable, designated in the plan as undisturbed open space along important natural water bodies, including anadromous fish streams, lakes, and wetlands.</i>	Not applicable.
<b>Housing Types</b> [CBJ 49.15.920(e)(3)(C)]	<i>Fifteen percent for a mixture of housing units restricted by a recorded document for a period of 30 years from the first sale:</i>  <i>(i) In which ten percent of the dwelling units are set aside for lower income households earning no more than 80 percent of the area median income; or</i>  <i>(ii) In which 20 percent of the dwelling units are set aside for</i>	Not applicable.

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	<i>workforce households earning no more than 120 percent of the area median income.</i>	
<b>Common Facilities and Amenities</b> [CBJ 49.15.920(e)(3)(D)]	<i>Up to ten percent for provision of common facilities and additional amenities that provide an unusual enhancement to the general area, such as siting, landscaped buffers, or the creation or preservation of view corridors.</i>	
<b>Public Right-of-Way</b> [CBJ 49.15.920(e)(3)(E)]	<i>Ten percent for dedication of a public Right-of-Way accessible to all unit-lots consistent with CBJ chapter 49.35.</i>	<p>CBJ 49.35.240 bases improvements on Average Annual Daily Traffic (ADT). The project is estimated to create 2,577 ADT. A 60-foot Right-of-Way is required, with a 26-foot paved width, and sidewalks on both sides. The applicant is proposing Seymour Way and an as-yet unnamed spur to the east. A 60-foot Right-of-Way is proposed, and sidewalks on both sides of Seymour Way are proposed.</p> <p>Overhead streetlights will be required at all intersections.</p> <p><b>Possible 10% bonus (recommended).</b></p>
<b>Non-motorized Transportation</b> [CBJ 49.15.920(e)(3)(F)]	<i>Five percent in the RR, D-1, D-3, D-5, and D-10SF zoning districts, and ten percent in the D-10, D-15, D-18 and LC zoning districts for providing shared use pathways to facilitate safe pedestrian and bicycle movement within the development and to ensure non-vehicular access to open space, common facilities and to public services.</i>	<p>The applicant is proposing shared use pathways on both sides of Seymour Way, extending into the apartment and townhouse development area.</p> <p><b>Possible 10% bonus (recommended).</b></p>
<b>Energy Efficiency</b> [CBJ 49.15.920(e)(3)(G)]	<i>Up to ten percent for using high-efficiency primary heating methods, such as heat pumps, in all dwelling structures.</i>	Not applicable – each unit lot owner will determine energy efficiency practices during development of their facilities.
<b>High-efficiency Heating</b> [CBJ 49.15.920(e)(3)(H)]	<i>Up to ten percent for using high-efficiency primary heating methods, such as heat pumps, in all dwelling structures.</i>	Not applicable – each unit lot owner will determine heating practices during development of their facilities.



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Parent lots will not be able to exceed the density established in this Preliminary Plan without further review and approval by the Commission through a modification of the permit.

	Parent Lot 1	Parent Lot 2	Parent Lot 3
Size, acres	9.35	2.66	7.11
Number of units proposed	236	136	72
Density, units per acre	25	51	10

Per CBJ 49.15.920(4), the Director makes the following findings on the requested density bonus:

**(1) Will the requested density bonus materially endanger public health or safety?**

**Analysis:** The 60-foot Right-of-Way and multi-use paths on both sides facilitate safe use by vehicles and pedestrians. Seymour Way provides secondary emergency access to Vista del Sol Drive.

**Finding: No.** The requested density bonus will not materially endanger the public health or safety.

**(2) Will the requested density bonus substantially be out of harmony with property in the neighboring area?**

**Analysis:** The property in the neighboring area has less dense zoning and development. The AMHT, who owns properties to the east, would be interested in comparable density development of their property. The Right-of-Way width and multi-use paths accommodate and channel transportation in the development. Multi-family housing is not anticipated to create noise or other impacts in excess of those anticipated in a residential setting.

**Finding: No.** The requested density bonus will not be out of harmony with property in the neighboring area.

**(3) Is the requested density conforming to the Comprehensive Plan or other adopted plans?**

**Analysis:** The 2013 Comprehensive Plan Map G designates this area Medium Density Residential (MDR), characterized with densities of five to 20 units per acre. The Assembly has set a precedent that up to 30 units per acre conforms to the Comprehensive Plan Land Use Map Designation of MDR [Ordinances 2021-26(am) and 2022-30]. The 19.71 acre site with 444 units is a density of 23 units per acre, or three units higher than identified in the Comprehensive Plan.

**Finding: Yes.** The requested density bonus conforms to the Comprehensive Plan and other adopted plans.

**(4) Will the requested density bonus create an excessive burden on roads, sewer, water, schools, or other existing or proposed public facilities?**

**Analysis:** CBJ and Alaska Department of Transportation and Public Facilities (ADOT&PF) reviewed the plan. The applicant will build improvements required to accommodate the development.

**Finding: No.** The requested density bonus will not create an excessive burden on roads, sewer, water, schools, or other existing or proposed public facilities.

**Condition 2:** Revise site plan to show pedestrian paths or multi-use paths in Phase 3.

**Frontage and Access** – Each parent lot proposed has access onto Seymour Way, which will be built for acceptance by CBJ [49.15.920(f)]. For the private accesses on the parent lots:

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Topic and Code Reference	Summary	Complies	Recommended Condition
<b>CBJ 49.15.920(f)(1)</b> Location	<i>The access shall be located completely on the parent lot.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	None.
<b>CBJ 49.15.920(f)(2)</b> Safety	<i>The access protects public safety or welfare and provides for safe pedestrian and vehicular traffic circulation.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	None.
<b>CBJ 49.15.920(f)(3)</b> Emergency Services	<i>The access complies with the emergency service access requirements of CBJ [chapter] 19.10.</i>  The subdivision has been reviewed by Capital City Fire and Rescue (CCFR).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	None.
<b>CBJ 49.15.920(f)(4)</b> Pavement	<i>Access to and within the development is paved.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Planned.
<b>CBJ 49.15.920(f)(5)</b> Homeowners Association (HOA)	<i>(5) The developer submits adequate evidence that upon approval of the development, a homeowners 'association will be formed, can obtain liability insurance, and is solely responsible for maintaining the private access—including winter maintenance.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Prior to approval of the Final Alternative Residential Subdivision Plan, the applicant shall submit homeowners' association, or similar, documents that comply with the requirements of CBJ 49.15.950(b).
<b>CBJ 49.15.920(f)(6)</b> Abutting Parcels	<i>Abutting parcels have alternative and practical frontage on a publically maintained Right-of-Way.</i>  Note that access to AMHT lands to the east is through their own lot access onto Glacier Highway.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	None.

Two access-related proposals were raised at the neighborhood meeting. One was to terminate Seymour Way at a *cul de sac* rather than connect to Vista Del Sol Drive.

Per CCFR comments, secondary access would be required after 100 units were constructed. Under the current proposal, secondary access is indicated before the 28<sup>th</sup> Temporary Certificate of Occupancy in Phase 2. The public suggested developing secondary access on AMHT lands to the east, rather than connecting to Vista del Sol Drive. The Commission cannot mandate using neighboring non-CBJ land for improvements.

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At the public meeting, Mr. Duran, developer of the adjacent Vista Del Sol subdivision, mentioned plans to re-plate Vista del Sol Drive to access City lands above the subdivision for development. No revised plat has been submitted for this project. No Land Use applications or Pre-Application Conferences are indexed to the City land that indicate a plan for development above Vista del Sol subdivision. The Lands Manager does not currently have an application for use of the lands above Vista del Sol subdivision. Re-platting of Vista del Sol Drive to access City land could be in addition to the connection with Ridgeview Subdivision rather than instead of it.

The Commission approved the Vista del Sol subdivision intentionally connecting to the adjacent property (Ridgeview). Vista del Sol was platted with the purpose of serving as a public Right-of-Way, and was accepted by CBJ. Vista Del Sol Drive is a City street with a 50-foot wide Right-of-Way. Construction of the extension from the *cul de sac* was waived (**Attachment E**). Note that Mr. Duran had requested that the extension be vacated if development on the adjoining lot had not been completed in two years. The Planning Commission denied the request (SMF2011 0001).

CBJ 49.35.210(a)(1) and (2), requires connecting streets to adjoining undeveloped land and street systems must be designed to maximize the number of connecting streets in a given area. The requirements of Chapter 35 cannot be varied CBJ 49.20.200. When Seymour Way connects to Vista del Sol Drive, the road will need to have one name. Since the Vista del Sol neighborhood is developed and addresses assigned, the new road through the Ridgeview development would be named Vista del Sol Drive.

**Condition 3:** When the connection to Vista del Sol Drive is constructed, change the name of Seymour Way to Vista del Sol Drive.

**Utilities, Drainage, and Stormwater Management –**

Topic and Code Reference	Summary	Complies	Recommended Condition
<b>CBJ 49.15.920(g)</b> Public Utilities	<i>An alternative subdivision is required to connect each dwelling unit to public sewer and water. A master meter for water shall be installed by the developer.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	None – requirement accommodated in the Building Permit process.
<b>CBJ 49.15.920(l)</b> Stormwater Management	<i>Stormwater management. Facilities for the control and disposal of stormwater must be adequate to serve the development and areas draining through the development. Management shall be in accordance with the Stormwater Best Management Practices manual.</i>  Drainage plan approval is part of the Final Plat process.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	None – requirement accommodated in code review of final plat.

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According to the preliminary plat for the previous proposed development (SMP2016 0001), a five-foot private drainage, slope, access, and maintenance easement is centered along the west property line (in common with the Vista del Sol subdivision).

**Design Requirements** – The table below discusses design requirements applied to an ARS. The proposed ARS meets these requirements.

Topic and Code Reference	Summary	Complies	Recommended Condition
<b>CBJ 49.15.920(i)</b> Open Space	<i>Open space is required as follows: 25 percent in the RR and D-1 zoning districts; 20 percent in the D-3, D-5 and D-10 zoning districts; 15 percent in the D-10SF district. Open space is not required in the D-15, D-18, or LC zoning districts.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
<b>CBJ 49.15.920(j)</b> Perimeter Buffer	<p><i>According to CBJ 49.15.920(j), there are no setback requirements on the unit-lots. A perimeter buffer on the parent lot is required in lieu of the setback requirements for unit lot.</i></p> <p>Note that Parent Lots 1 and 2 have rights-of-way on three sides, so are not required to provide a rear yard setback [CBJ 49.25.430(3)]. As proposed, Parent Lot 1 has a 36 foot setback between Vista del Sol lots (west) to the proposed unit lots. Parent Lot 2 exceeds the five foot setback required from undeveloped lots to the east. Parent Lot 3 has a rear yard setback of 20 feet from undeveloped land to the east.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
<b>CBJ 49.15.920(m)</b> Permitted Uses	<p><i>No primary uses are permitted on the parent lot except a recreational center, community facility, or a child care center. Consistent with the table of permissible uses, CBJ 49.25.300, only residential uses and</i></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

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Topic and Code Reference	Summary	Complies	Recommended Condition
	<i>associated accessory structures are allowed on the unit-lots.</i>		
<b>CBJ 49.15.920(n)</b> Street Sign	<i>The developer shall install a street sign provided by the City and Borough of Juneau at the developer's expense.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Addressed in Construction Plan – part of Final Plat.
<b>CBJ 49.15.920(o)</b> Mailboxes	<i>Upon consultation with the United States Postal Service, the director shall determine the placement location of mailboxes.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	The final mailbox location shall be reviewed and approved by the CDD Director for the Final Plan.

**Parking** – Off-street parking may be located on the parent lot or unit lots [CBJ 49.15.920(h)].

For multi-family units, off-street parking required is based on the number of bedrooms in each unit.

Infrastructure, including off-street parking, is required to be constructed during each phase of development.

The phasing plan (**Attachment B**) shows off-street parking. **Attachment F** shows parking required for each phase, and provides cumulative totals.

**Condition 4:** For each Final Plan, provide updated off-street parking plans that show required ADA spaces, or denote if they are included in garage parking.

**Traffic** – According to CBJ 49.40.300(a)(2) a Traffic Impact Analysis is required; the development is anticipated to generate more than 250 ADT.

Parent Lot #	Use	Metric	Units	Trips Generated
<b>1</b>	Low-rise apartment	6.59 per occupied dwelling unit	236	1,555
<b>2</b>	Low-rise apartment	6.59 per occupied dwelling unit	134	883
<b>3</b>	Residential Townhouse	5.81 per dwelling unit	74	139
			<b>TOTAL:</b>	2,577

**Condition 5:** For the Final ARS Plan for the first phase, a Traffic Impact Analysis for the entire development must be approved by CBJ. ADOT&PF will be consulted regarding impacts from the development.

**Habitat** – The U.S. Army Corps of Engineers issued a jurisdictional determination indicating wetlands on the lot. The jurisdictional determination expired on January 20, 2021. A new determination and permitting will be required for project development. There are no other known habitats regulated by Title 49 on site.

**Condition:** None recommended.

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**Hazard Zones** – The development is not in a mapped hazard area.

A Hillside Endorsement is required for cuts into or slopes of 18%. Staff anticipates that residential structures will require hillside endorsement. At its most basic level, the hillside endorsement includes items stamped by an engineer, architect, geologist, or surveyor licensed by the State of Alaska:

- A site plan.
- A landscaping plan.
- A geotechnical memo discussing the soils and the thought process of development on those soils.

Determination of the need for a Hillside Endorsement is done during the Building Permit process.

In the image to the right, the slopes over 18%, derived from 2013 LiDAR, are shown in light purple. Slopes over 37% are darker.



**Public Health, Safety, and Welfare** – The creation of housing is the Assembly’s number one goal for 2022. Housing is believed to constrain economic development.

The applicant participated in a CBJ survey of interest for the Juneau Affordable Housing Fund, stating that they would aim the first two apartment structures at people with incomes of 80% to 120% Average Mean Income (AMI) (**Attachment G**). Housing targeting this group was previously referred to as “workforce housing,” and is currently called “middle income housing.” Under the CBJ program, rents for people at 80% AMI for a one-bedroom unit would be capped at \$1,934, and a two-bedroom unit would be capped at \$2,176.

During the public meeting (details below) members of the public voiced concerns that low-income housing would bring crime and drug use to the area. Public housing built with access to employment, commerce, schools, and other institutions has crime rates similar to those of other neighborhoods (**Attachment H**).

**What Does 80% AMI Mean?**

For context, 80% AMI is \$67,680 for a single person in Juneau, or \$2,820 every two weeks. A State of Alaska Employee Range 20 at Step A could qualify for this housing. Among the State jobs posted with qualifying salary ranges include Accountant 3 & 4, Analyst Programmer 5, Assistant Attorneys General and District Attorneys, the Executive Administrator for the Board of Pharmacy, Grant Administrators, and payroll supervisors. For a CBJ perspective, a Senior Planner at Community Development can’t qualify at 80% AMI until reaching Step D (**Attachment I**).

**Property Value and Neighborhood Harmony** – The Assessor’s Office did not respond to staff’s query about property value. Assembly action rezoning the property from D5 to D18 indicates Assembly understanding and acceptance of impacts to the neighborhood.

Neighbors have expressed an interest in a fence or other barrier between the Ridgeview development and Vista del Sol, to better differentiate project open space from private property next door. After consulting with a fencing company, the applicant would prefer a vegetative barrier due to poorly drained soils.

Attachment A - Application

Rooftop Properties, LLC  
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Vista del Sol neighbors expressed concerns about clearing conducted by the previous owner resulting in trees falling or about to fall on their property. Neighbors were encouraged to contact the applicant directly to address tree concerns, because the applicant will have a contractor available this fall season to remove offending trees.

**Condition 6:** Plan and install a continuous vegetated barrier along the entire length of the development from the platted connection with Vista del Sol Drive along the shared property line to the development’s property line at Glacier Highway. The vegetated barrier will be depicted on the preliminary and final plats of each Phase located in this area with an associated plat note.

**Phasing –** The phasing plan is in **Attachment B**. Construction of common facilities for a phase (such as roadway, off-street parking, and open space) is required to be completed before moving on to the next Phase [CBJ 49.15.960(b)]. **Attachment J** provides the requirements for each phase based on the materials provided in **Attachment B**.

The off-street parking and phasing plan provided omits ADA spaces. ADA spaces would be required to be shown for the Final Plan for each phase. Provision of ADA parking is a Federal regulatory requirement that can be examined during the Final Plan for each phase, and does not require a condition.

Road construction is proposed to be phased as shown. The secondary access must be developed by the ninth (9<sup>th</sup>) Temporary Certificate of Occupancy in Phase 2.

Standard conditions for ADA signage and parking lot striping can be included on conditions for the Final Plan for each phase.

**Condition 7:** Prior to approval of the Final Alternative Residential Subdivision Plan for each phase, the applicant shall submit homeowners’ association, or similar, documents that comply with the requirements of CBJ 49.15.950(b).

**Condition 8:** Per CBJ 49.15.920(o), prior to approval of the Final Alternative Residential Subdivision Plan, the CDD Director will approve the final mailbox location.

**AGENCY REVIEW**

CDD conducted an agency review comment period between August 3, 2022 and September 15, 2022. Agency review comments can be found in **Attachment K**.

Agency	Summary
U.S. Army Corp of Engineers	Lot has wetlands that fall within their jurisdiction.
ADOT&PF	Traffic Impact Analysis required, build to ADOT&PF standards.
CCFR	Sprinkler, fire alarm, hydrant, and equipment turn-around provisions. Secondary access required after 100 units. Updated with acceptance of <i>cul de sac</i> proposal.
CBJ General Engineering	No comments at this time.
CBJ GIS Specialist	Change name of Seymour Way to Vista del Sol Drive, for continuity.

Rooftop Properties, LLC  
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**PUBLIC COMMENTS**

CDD conducted a neighborhood meeting on September 8, 2022, attended by 16 members of the public (**Attachment L**). Notice was sent to property owners within 500 feet of the proposed development.

The group proposed three modifications.

- (A) Use AMHT land to provide secondary access. This will depend on negotiations with AMHT.
- (B) End Seymour Way in a *cul de sac*. Do not connect to Vista del Sol Drive.
- (C) Provide a fence or other barrier between the development and neighbors in Vista Del Sol Subdivision.

CDD conducted a public comment period between September 9, 2022 and September 19, 2022. Public notice was mailed to property owners within 500 feet of the development (**Attachment M**). A public notice sign was also posted on site two weeks prior to the scheduled hearing (**Attachment N**). Public comments submitted at time of writing this staff report can be found in **Attachment O**.

Name	Summary
Collin McClelland	From Neighborhood Meeting: installation of barrier between developments, <i>cul de sac</i> instead of connection to Vista del Sol, address traffic impact.

**CONFORMITY WITH ADOPTED PLANS**

The proposed development conforms to the 2013 Comprehensive Plan, 2016 Housing Action Plan, and the 2015 Juneau Economic Development Plan. Plans call for the development of housing, particularly in a flexible format that fits the character of existing neighborhoods and provides housing for a variety of CBJ residents and economic groups.

PLAN	Chapter	Page No.	Item	Summary
2013 Comprehensive Plan	4	36-37	Policy 4.1/4.2	Policies promote providing an adequate supply of various types of housing for all CBJ residents and economic groups.
	10	130	Policy 10.2	Policy promotes flexibility and creativity in residential development within the urban service boundary.
	11	157	Land Use Designation	Complies with the <i>Medium Density Residential</i> Land Use Designation which allows for residential development between 5-20 units per acre.
2016 Housing Action Plan	Part 2	35	Production Target	The Housing Action Plan sets an annual goal of 66 new dwelling units. Proposal creates 444 new housing units.
2015 Juneau Economic Development Plan	5	103	Initiative	Plan calls for promoting housing affordability and availability.



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**FINDINGS**

**Alternative Residential Subdivision Preliminary Plan Approval** – Per CBJ 49.15.940(d), the Director makes the following findings on the proposed Alternative Residential Subdivision Preliminary Plan:

**1. Does the proposed development protect natural features and avoid natural hazards by reserving them as open space?**

**Analysis:** No additional analysis needed.

**Finding:** Not applicable. There are no natural features or natural hazards on the lot to reserve as open space.

**2. Is the proposed development consistent with Title 49, the Land Use Code?**

**Analysis:** No additional analysis needed.

**Finding: Yes.** With recommended conditions, the proposed development complies with CBJ 49.15 Article 9, CBJ 49.35, and CBJ 49.40.

**3. Does the development incorporate perimeter buffers sufficient to minimize off-site impacts of the subdivision and to maximize harmony with the neighborhood?**

**Analysis:** No additional analysis needed.

**Finding: Yes.** With recommended conditions, the proposed development incorporates perimeter buffers sufficient to minimize off-site impacts and maximize neighborhood harmony.

**4. Do utilities proposed for connection to the City and Borough system meet City and Borough standards, and are all others consistent with sound engineering practices, as determined by the City and Borough Engineering and Public Works Department?**

**Analysis:** The details of utilities will be finalized with each phase at Final Plat. CBJ Engineering and Public Works reviewed the proposal and said that existing infrastructure in Glacier Highway is sufficient to meet the increased use.

**Finding: Yes.** The CBJ Engineering and Public Works Department has reviewed preliminary plans. The development can reasonably connect to CBJ services and meet CBJ standards.

**5. Does the configuration of the development provide for economy and efficiency in utilities, housing construction, access, parking, and circulation?**

**Analysis:** No additional analysis needed

**Finding: Yes.** The proposed development provides economy and efficiency in utilities, housing construction, access, parking, and circulation.

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**6. If the approval is for a phased development, is each phase consistent with the preliminary development plan and design of the entire Alternative Residential Subdivision?**

**Analysis:** Each phase will have a Final Plan approval and Final Plat approval. Those final documents are required to be consistent with this preliminary plan.

**Finding: Yes.** This phase of development is consistent with the preliminary development plan requirements.

**7. Does the proposed development adequately address the cumulative impacts of the phased development on the neighborhood and the natural environment?**

**Analysis:** The Traffic Impact Analysis will determine improvements required to address traffic impacts from the development.

**Finding: Yes.** With recommended conditions, the proposed development plan adequately addresses the cumulative impacts of the phased development on the neighborhood and the natural environment.

**8. If the approval includes an allotment of a density bonus, the density bonus complies with section CBJ 49.15.920(e)(4).**

**Analysis:** No additional analysis required.

**Finding: Yes.** As discussed above, the proposed density bonus complies with section CBJ 49.15.920(e)(4).

Additionally, in accordance with CBJ 49.15.930 and CBJ 49.15.330 (e) & (f), the Director makes the following findings on the proposed Alternative Residential Subdivision Preliminary Plan:

**9. Is the application for the requested Alternative Residential Subdivision Preliminary Plan complete?**

**Analysis:** A Traffic Impact Analysis for the development is recommended before approval of the Final Plan for Phase 1.

**Finding: Yes.** The application contains the information necessary to conduct full review of the proposed operations. The application, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

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

**Analysis:** The application is for multi-family housing. The use is listed at CBJ 49.25.300, Section 1.300 for the D18 zoning district.

**Finding: Yes.** The requested permit is appropriate according to the Table of Permissible Uses.

Attachment A - Application

Rooftop Properties, LLC  
File No: ARP2022 0001  
October 4, 2022  
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**11. Will the proposed development comply with the other requirements of this chapter?**

**Analysis:** The proposed site design complies with code requirements of this stage. Future elements – the Preliminary Plat, Final Plan, and Final Plat will be reviewed for completion at the time.

**Finding: Yes.** With the recommended conditions, the proposed development will comply with Title 49, including bonus provisions.

**12. Will the proposed development materially endanger the public health, safety, or welfare?**

**Analysis:** A Traffic Impact Analysis will outline improvements needed for traffic safety.

**Finding: Yes.** With recommended conditions, the requested development, in a D18 zoning district, will not materially endanger the public health or safety.

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

**Analysis:** The Assessor’s Office did not respond to staff’s query about property value. Assembly action rezoning the property from D5 to D18 indicates Assembly understanding and acceptance of impacts to the neighborhood. The Assembly rezoned the property from D5 to D18 in 2015, with discussion of impacts.

**Finding: No.** With recommended conditions, the requested development, in a D18 zoning district will not substantially decrease the value or be out of harmony with the property in the neighboring area.

**14. Will the proposed development conform with the Land Use Plan, Thoroughfare Plan, or other officially adopted plans?**

**Analysis:** In addition to conforming to current plans, the proposal addresses current Assembly’s number one Goal of housing.

**Finding: Yes.** The proposed development, with the recommended conditions, will conform to the 2013 Comprehensive Plan, 2014 Economic Development Plan, and the 2015 Housing Action Plan.

**RECOMMENDATION**

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE WITH CONDITIONS** the Preliminary Plan for the Ridgeview Subdivision, an Alternative Residential Subdivision creating 90 unit-lots and three (3) parent lots. This permit would allow the applicant to submit for the Final Plan.

This approval is subject to the following conditions:

1. Reevaluate figures provided in “Greenspace by Phase.”
2. Revise site plan to show pedestrian paths or multi-use paths in Phase 3.
3. When the connection to Vista del Sol Drive is constructed, change the name of Seymour Way to Vista del Sol Drive.
4. For each Final Plan, provide updated off-street parking plans that show required ADA spaces, or denote if they are included in garage parking.

## Attachment A - Application

Rooftop Properties, LLC  
 File No: ARP2022 0001  
 October 4, 2022  
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5. For the Final ARS Plan for the first phase, a Traffic Impact Analysis for the entire development must be approved by CBJ. ADOT&PF will be consulted regarding impacts from the development.
6. Plan and install a continuous vegetated barrier along the entire length of the development from the platted connection with Vista del Sol Drive along the shared property line to the development’s property line at Glacier Highway. The vegetated barrier will be depicted on the preliminary and final plats of each Phase located in this area with an associated plat note.
7. Prior to approval of the Final Alternative Residential Subdivision Plan for each phase, the applicant shall submit homeowners’ association, or similar, documents that comply with the requirements of CBJ 49.15.950(b).
8. Per CBJ 49.15.920(o), prior to approval of the Final Alternative Residential Subdivision Plan, the CDD Director will approve the final mailbox location.

### **STAFF REPORT ATTACHMENTS**

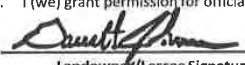

<b>Item</b>	<b>Description</b>
<b>Attachment A</b>	Application
<b>Attachment B</b>	Revised Plan Documents, September 16, 2022
<b>Attachment C</b>	April 14, 2015 Planning Commission Regular Meeting Minutes
<b>Attachment D</b>	June 6, 2015 Committee of the Whole, and July 7, 2015 Regular Meeting Minutes for the Assembly.
<b>Attachment E</b>	Plat 2012-18, Vista del Sol, Phase II
<b>Attachment F</b>	Phased Parking Analysis
<b>Attachment G</b>	Juneau Affordable Housing Fund Program Guidelines, Appendix B
<b>Attachment H</b>	National Low Income Housing Coalition, “Myths and Realities About Public Housing” (2019)
<b>Attachment I</b>	AFL-CIO GGU Contract, Current
<b>Attachment J</b>	Infrastructure Requirements by Phase
<b>Attachment K</b>	Agency Comments
<b>Attachment L</b>	Public Meeting Materials
<b>Attachment M</b>	Abutters Notice
<b>Attachment N</b>	Public Notice Sign Photo
<b>Attachment O</b>	Public Comment

Attachment A - Application



# DEVELOPMENT PERMIT APPLICATION

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


To be completed by Applicant	<b>PROPERTY LOCATION</b>	
	Physical Address 7400 Glacier Highway, Juneau, AK 99801	
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) USS 1568, TR B1, Juneau Recording District, First Judicial District	
	Parcel Number(s) 5B1401010010	
	<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 _____	
	<b>LANDOWNER/ LESSEE</b>	
	Property Owner Rooftop Properties LLC	Contact Person Brandon Gray & Garrett Johnson
	Mailing Address 445 N 2000 W Ste 7, Springville, UT 84663	Phone Number(s) 801-358-5381
	E-mail Address Brandon@pci1980.com & Garrett@pci1980.com	801-262-9315
	<b>LANDOWNER/ LESSEE CONSENT</b> 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>Garrett Johnson</u> <u>7/22/2022</u> Landowner/Lessee Signature Date		
X _____ _____ Landowner/Lessee Signature Date		
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.		
<b>APPLICANT</b> If the same as OWNER, write "SAME"		
Applicant Same	Contact Person	
Mailing Address	Phone Number(s)	
E-mail Address		
X  <u>Garrett Johnson</u> <u>7/22/2022</u> Applicant's Signature Date of Application		

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

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.

Intake Initials 
Case Number A12P22-001
Date Received 7/22/22

Attachment A - Application



ALTERNATIVE RESIDENTIAL SUBDIVISION 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

PCI Proposes to develop 19.71 acres off 7400 Glacier Highway, creating 444 dwelling units.

TYPE OF ALTERNATIVE RESIDENTIAL SUBDIVISION APPROVAL REQUESTED (please see submittal requirements on reverse)

Alternative Residential Subdivision (ARP) Preliminary Plan Approval

Alternative Residential Subdivision (ARF) Final Plan Approval (or Extension)

Amendment to Approved (ARP) Preliminary Plan\*

Amendment to Approved (ARF) Final Plan\*

\* Minor amendments will be reviewed by the Director; Major amendments will be reviewed by the Planning Commission.

LEGAL DESCRIPTION(S) OF PROPERTY INVOLVED

Number of Existing Parcels 1 Total Land Area Number of Resulting Parcels

PROPOSED USE OF LAND AND BUILDING(S)

Zoning District(s) D-18

Percent Open Space 31

Right-of-Way Frontage Proposed 750

Percent Buffer 5

Number of Dwelling Units Proposed 444

Density Proposed 22.5 Du/Acre

Parking Proposed 580

Density Bonus  YES  NO

ALL REQUIRED MATERIALS ATTACHED

- Complete application per CBJ 49.15.940 (preliminary) or CBJ 49.15.950 (final)
- Pre-Application Conference notes
- Narrative including:
  - Current use of land or building(s)
  - Unique characteristics of land or building(s)
  - How the proposed project conforms to the Comprehensive Plan and CBJ Title 49 How
  - the proposed project effects public health, safety, and welfare
  - How the proposed project is in harmony with the surrounding neighborhood
- Preliminary development plan (detailed on page 2)
- Density Bonus
  - Open Space
  - Stream Setback
  - Lower Income Households / Workforce Households
  - Unusual Enhancements
  - Public Right-of-Way Access
  - Shared Use Pathways
  - 5-Star Plus Energy Efficiency
  - 6-Star Energy Efficiency
  - High-efficiency Primary Heating Methods

DEPARTMENT USE ONLY BELOW THIS LINE

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: ARP22-001 Date Received: 7/22/22

Attachment A - Application



# SUBDIVISION AND DEVELOPMENT PLAN APPLICATION

See subdivision hand-outs 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**  
 PCI proposes to develop 19.71 acres off 7400 Glacier Highway, creating 444 dwelling units.

Number of Existing Parcels 1 Total Land Area 19.71 Number of Resulting Parcels 3

**HAS THE PARCEL BEEN CREATED BY A MINOR SUBDIVISION IN THE PRECEDING 24 MONTHS**  
 NO  YES Case Number \_\_\_\_\_

**TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED**

<b>MINOR DEVELOPMENT</b> (changing or creating 13 or fewer lots)	<b>MAJOR DEVELOPMENT</b> (changing or creating 14 or more lots)
<input type="radio"/> Preliminary Plat (MIP) <input type="radio"/> Final Plat (MIF) <input type="radio"/> Panhandle Subdivision <input type="radio"/> Accretion Survey <input type="radio"/> Boundary Adjustment <input type="radio"/> Lot Consolidation (SLC) <input type="radio"/> Bungalow Lot Subdivision <input type="radio"/> Common Wall/Zero Lot Subdivision <input type="radio"/> Other _____	<input type="radio"/> Preliminary Plat (SMP) <input type="radio"/> Final Plat (SMF) <input type="radio"/> Preliminary Development Plan – PUD (PDP) <input type="radio"/> Final Development Plan – PUD (PDF) Preliminary <input checked="" type="radio"/> Development Plan – ARS (ARP) Preliminary <input type="radio"/> Development Plan – ARS (ARF) Final <input type="radio"/> Bungalow Lot Subdivision <input type="radio"/> Common Wall/Zero Lot Subdivision <input type="radio"/> Other _____

**ALL REQUIRED DOCUMENTS ATTACHED**

Pre-application conference notes

Narrative including: Per ARS Application

- Legal description(s) of property to be subdivided
- Existing structures on the land
- Zoning district
- Density
- Access
- Current and proposed use of any structures
- Utilities available
- Unique characteristics of the land or structure(s)

Preliminary Plat checklist Not applicable

To be completed by Applicant

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

SUBDIVISION/PLATTING FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ 35,920	\$80 x 444 lots, plus \$400		
Admin. of Guarantee	\$ 150	public notice		
Adjustment	\$ _____			
<b>Total Fee</b>	<b>\$ 35,920</b>			

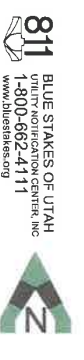
For assistance filling out this form, contact the Permit Center at 586-0770.

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

Case Number	Date Received
ARP 22-001	7/22/2021



ISSUE DATE		7/21/2022	
PROJECT NUMBER		AK21001	
PLAN INFORMATION		DATE	
NO.	REVISION	XX-XX-XX	
1	XXXX		
2			
3			
4			



# ALASKA 20 ACRE JUNEAU, ALASKA

Attachment C- ARP22-01\_With Attachments

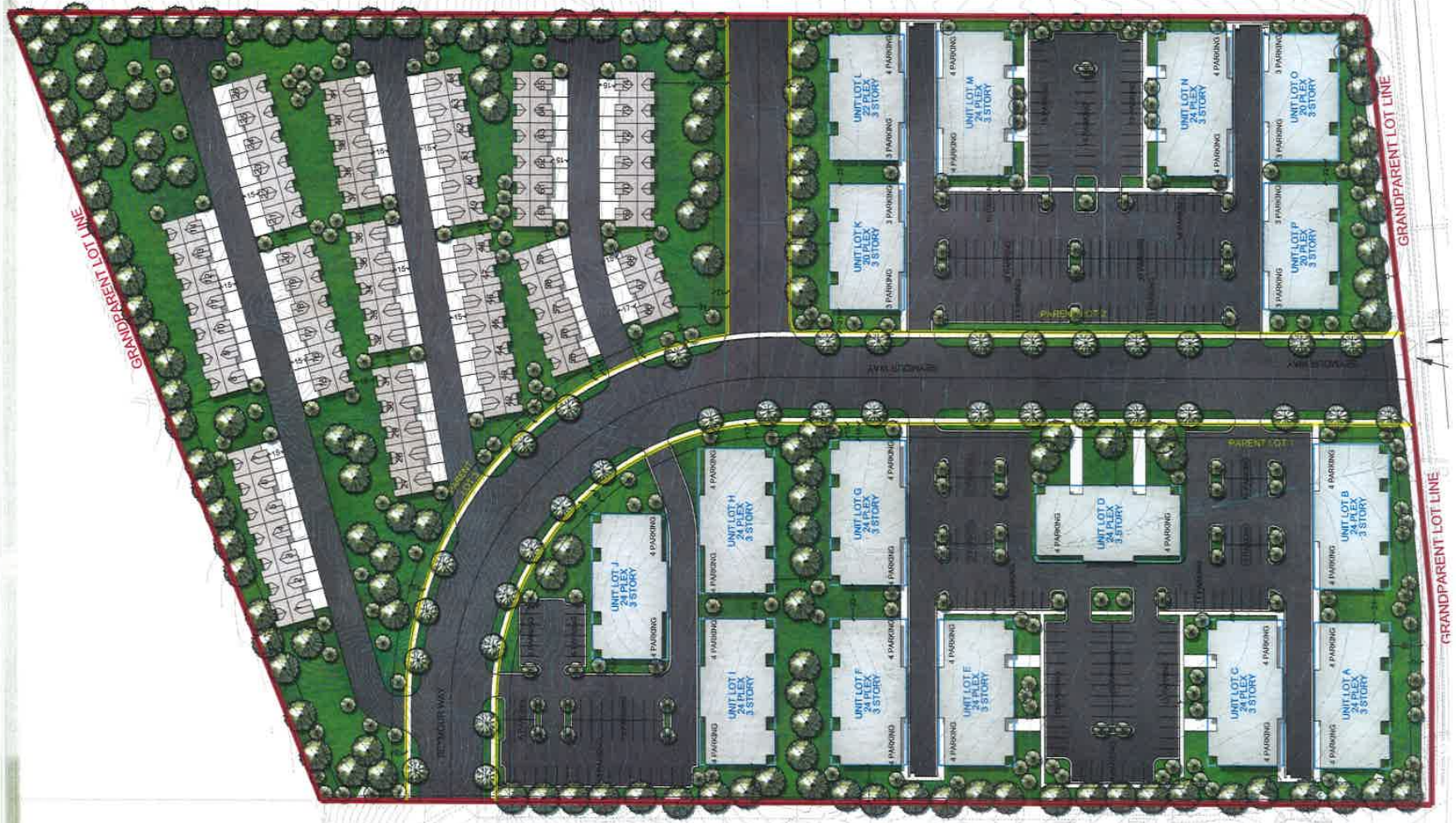
**PCI**  
 ATT:BRANDON GRAY  
 801-358-5381  
 BRANDON@PCI11980.COM

**DESIGN GROUP**  
 Landscape Architecture Planning & Visualization  
**PPKJ**  
 LANDSCAPE PLAN COLOR  
 PRELIMINARY P1 ANS NOT

BRANDING AND  
 JTA  
 REVIEW  
 ACP  
 CHECKED  
 JMA  
 DATE  
 7/21/2022



Attachment A - Application



7/21/2022 AK21001

NO.	REVISION	DATE
1	XXXX	XX-XX-XX
2		
3		
4		
5		
6		
7		

811 BLUE STAKES OF UTAH  
 1-800-662-4111  
 www.bluestakes.org

GRAPHIC SCALE: 1" = 40'

ALASKA 20 ACRE  
 JUNEAU, ALASKA

PCI  
 ATT: BRANDON GRAY  
 801-358-5381  
 BRANDON@PCI1980.COM

PKJ  
 DESIGN GROUP  
 3450 N. TRIUMPH BLVD., SUITE 102  
 LEHI, UTAH 84043 (801) 753-5644  
 www.pkjdesigngroup.com

JTA  
 ACP  
 JMA  
 TIT10022

LANDSCAPE PLAN COLOR  
 PRELIMINARY PLANS NOT  
 FOR CONSTRUCTION  
 LP-COLOR

# Attachment A - Application

## Alternative Residential Subdivision Application Instructions

Alternative Residential Subdivision outlined in CBJ 49.15.900

Each application for an Alternative Residential Subdivision is reviewed by the Planning Commission at a public hearing. The permit procedure is intended to provide the Commission the flexibility necessary to make decisions tailored to individual applications. The Commission may stipulate conditions to mitigate external adverse impacts from the proposed use. If it is determined that these impacts cannot be satisfactorily overcome, the permit shall be denied.

**Pre-Application Conference:** A pre-application conference is required prior to submitting an application. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure, and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via email at [Permits@juneau.org](mailto:Permits@juneau.org).

**Application:** An application for an Alternative Residential Subdivision will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Alternative Residential Subdivision Application and a Development Permit Application forms.
2. **Fees:** The fee is dependent upon the number of residential structures involved. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** outlined in CBJ 49.15.940(b)(2). (Surveyed Plans Required)
  - a. The amount of land for housing, open space, buffer, access, parking, and pedestrian circulation
  - b. The number and types of housing units and proposed density
  - c. The natural features to be protected and hazards to be avoided
  - d. The public, if any, and private services to be provided

**Document Format:** All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies;
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

### Preliminary Plan Approval

#### **Application Review & Hearing Procedure:**

**Review:** The Community Development Department shall determine when the Alternative Residential Subdivision Application is complete and advise the developer. Within 60 days of determining that an application is complete, the Director shall schedule the preliminary plan for a public hearing.

**Hearing:** All Alternative Residential Subdivision applications must be reviewed by the Planning Commission. The Commission shall review the preliminary plan and approve, approve with conditions, or deny pursuant to 49.15.940.

**Public Notice Responsibilities:** As part of the Preliminary Plan Approval, proper public notice must be given as outlined in CBJ 49.15.230 which consists of the following:

**The Community Development Department** will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, the department will mail abutters notices to all property owners within 500-feet of the project site.

**The Applicant** will post a sign on the site at least 14 days prior to the meeting. The sign shall be visible from a public right-of-way or where determined appropriate by CDD. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing \$50 may be refunded. The Applicant may make and erect their own sign. Please speak with the Community Development Department for more information.

### Final Plan Approval

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

1. An application, fee, and a final plan must be submitted for Commission review.
2. Formation of a homeowners' association, or similar entity, is required, outlined in CBJ 49.15.950(b)(1)-(4).
3. The Commission may approve the final plan if it substantially conforms to the approved preliminary plan and all requirements of this article.

## Attachment A - Application

**Phased Development:** An applicant may develop an Alternative Residential Subdivision in phases, provided:

1. The initial application includes a preliminary development plan sufficient to assess the cumulative effects of the entire Alternative Residential Subdivision on the neighborhood and the environment according to the standards in subsection 49.15.940.
2. Each phase shall be so designed and implemented that, when considered with reference to any previously constructed phases but without reference to any subsequent phases, it meets the design standards applicable to the entire Alternative Residential Subdivision. Construction and completion of open space and common facilities serving each phase in an Alternative Residential Subdivision shall proceed at a rate no slower than that of other structures in the phase. No phase shall be eligible for final plan approval until all components of all preceding phases are substantially complete and homeowners' association documents have been approved.
3. Each phase of an Alternative Residential Subdivision shall be reviewed according to the provisions of this chapter then current. Each phase of an Alternative Residential Subdivision shall maintain design continuity with earlier phases. At no point during a phased development shall the cumulative density exceed that established in the approved preliminary plan.

### **Amendments**

The developer of an Alternative Residential Subdivision may request an amendment to an approved preliminary or final Alternative Residential Subdivision plan. The request shall state the reasons for the amendment and shall be submitted in writing to the director, who shall inform the developer within 15 days whether the request shall be processed as a minor amendment or major amendment.

1. A minor amendment is a change consistent with the conditions of the original plan approval and would result in:
  - a. Insignificant change in the outward appearance of the development;
  - b. Insignificant impacts on surrounding properties;
  - c. Insignificant modification in the location or siting of buildings or open space;
  - d. No reduction in the number of parking spaces below that required;
  - e. A delay of no more than one year in the construction or completion schedule for the project or, in the case of a phased project, the phase for which the amendment is requested.
2. All other amendments shall be reviewed by the Commission upon payment of a filing fee and in accordance with the requirements of the original plan approval.

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

Attachment A - Application

**Project Narrative**

**Ridgeview Subdivision  
7400 Glacier Highway**

PCI intends to develop a planned community on the 19.71 acres off 7400 Glacier Highway that adheres to the code requirements and is in harmony with the surrounding neighborhoods.

**Current use of land:** Currently the land is vacant and is zoned D-18, which allows for 18 units / acre. PCI proposes a design that meets the requirements for the max density bonus of 25% or 22.5 units / acre in order to maximize the use of the land, thereby reducing the impact to natural habitat elsewhere. The community would consist of 444 dwelling units comprised of a mixture of studio, one-bedroom, and two-bedroom units as well as common wall lots. See the proposed unit matrix below:

Building	1-Bed	2-Bed	Total Units	Parking Req'd	Surface Parking Provided	Garage Parking	Total Parking	Delta
<b>Parent Lot 1</b>								
A	16	8	24	28	16	8	24	-4
B	16	8	24	28	25	8	33	5
C	16	8	24	28	16	8	24	-4
D	16	8	24	28	25	8	33	5
E	16	8	24	28	10	8	18	-10
F	16	8	24	28	10	8	18	-10
G	16	8	24	28	18	8	26	-2
H	16	8	24	28	18	8	26	-2
I	16	8	24	28	18	8	26	-2
J	16	4	20	22	15	8	23	1
<b>Subtotal</b>			236	274	171	80	251	-23
<b>Parent Lot 2</b>								
K	16	8	24	28	23	6	29	1
L	16	6	22	25	23	7	30	5
M	16	8	24	28	23	8	31	3
N	16	4	20	22	23	8	31	9
O	16	4	20	22	24	6	30	8
P	16	8	24	28	24	6	30	2
<b>Subtotal</b>			134	153	140	41	181	28
<b>Parent Lot 3</b>								
Condos	NA	NA	74	74	74	74	148	74
<b>Total</b>			444	501	385	195	580	79

**Unique Characteristics of Land or Buildings:** This planned community will provide a much-needed supply of new housing to Juneau.

**How the proposed project conforms to Comprehensive Plan and CBJ Title 49:** We believe that the attached design aligns with the general provisions as detailed in CBJ Title 49.15.920. The parent lot size is approximately 5 times larger than the minimum required (150% of D-18 minimum lot size 5,000 SF = 7,500 SF). Minimum lot dimension, lot coverage, and vegetative coverage also exceed the minimum requirements.

**Density Bonuses:**

- Open Space:**

The ARS code says there is a bonus of five percent of each ten percent increment of open space in excess of that required in the zoning district to a maximum bonus of 15 percent for open space in excess of that required. Below is a tabulation based on our current master plan dated 7-21-22.

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Description	Area (SF)	Open Area Provided (SF)
Parent Lot 1	305,655	81,107
Parent Lot 2	170,774	36,900
Parent Lot 3	291,991	149,243
ROW	90,148	0
Total Site SF (Grandparent Lot)	858,568	267,250

- Public Right-of-Way Access:**  
PCI proposes the construction of approximately 1,500 LF of dedicated public right-of-way that will allow people to travel across designated private property to access their homes and public areas.
- Shared Use Pathways:**  
There will be several pathways enabling pedestrians access to and from their homes, open / common space and public services.

**How the proposed project effects public health, safety, and welfare:** The construction of these units will provide clean and safe places for people to live, thus positively impacting the public health, safety and welfare of its residents.

**How the proposed project is in harmony with the surrounding neighborhood:** PCI intends to design buildings that are architecturally pleasing, efficient and in harmony with the buildings in Alaska by using common materials, design elements and embracing the beautiful landscape of the area.

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LIMITED LIABILITY AGREEMENT  
OF  
ROOFTOP PROPERTIES, LLC

This LIMITED LIABILITY COMPANY AGREEMENT (“Agreement”) of ROOFTOP PROPERTIES, LLC (“Company”) is dated effective as of March 10, 2021 (“Effective Date”), among the undersigned members (“Members”) and, in their capacities as managers of the Company, the undersigned managers, (“Managers”).

RECITALS

The Company is a limited liability company formed under the Utah Revised Limited Liability Company Act. The parties intend by this Agreement to define their rights and obligations with respect to the Company’s governance and financial affairs and to adopt guidelines and procedures for the conduct of the Company’s activities. Therefore, pursuant to the Act, the parties designate and adopt this Agreement as the Company’s operating agreement.

ARTICLE 1.  
DEFINITIONS

1.1 The following terms shall have the indicated meanings:

“Act” means the Utah Revised Uniform Limited Liability Company Act, as amended, U.C.A. § 48-3a-101 et seq., as the same may be amended, restated or revised from time to time.

“Affiliate” means, with respect to a particular Person, a Person that controls, is controlled by or is under common control with, such Person. A Person that has a fifty percent (50%) or more interest in another Person shall conclusively be deemed to be a controlling Person. A Person who is a member of a limited liability company or a partner (general or limited) in a partnership (general or limited) shall be conclusively deemed to be an Affiliate of the limited liability company or partnership.

“Agreement” is defined in the introductory paragraph above.

“Book Gain” or “Book Loss” means the gain or loss recognized by the Company for book purposes in any Fiscal Year or other period by reason of the sale, exchange or other disposition by the Company of any Company asset. Such Book Gain or Book Loss shall be computed by reference to the Book Value of such asset as of the date of such sale, exchange or other disposition, rather than by reference to the tax basis of such asset as of such date, and each and every reference herein to “gain” or “loss” shall be deemed to refer to Book Gain or Book Loss, rather than to tax gain or tax loss.

“Book Value” of an asset means, as of any particular date, the asset’s adjusted basis for federal income tax purposes, except as follows:

(a) The initial Book Value of any asset contributed by a Member to the Company shall be the gross fair market value of such asset, as determined by the Managers;

(b) The Book Values of all Company assets shall be adjusted to equal their respective gross fair market values, as determined by the Managers, as of the following times: (i) the acquisition of an additional interest in the Company by any new or existing Member in exchange for more than a de minimis Capital Contribution if the Managers reasonably determine that such adjustment is necessary or appropriate to reflect the relative economic interests of the Members in the Company; (ii) the distribution by the Company to a Member of more than a de minimis amount of Company or other property as consideration for an interest in the Company if the Managers reasonably determine that such adjustment is necessary or appropriate to reflect the relative economic interests of the Members in the Company; and (iii) the liquidation of the Company within the meaning of Regulations Section 1.704-

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1(b)(2)(ii)(g);

(c) The Book Value of any Company asset distributed to any Member shall be the gross fair market value of such asset on the date of distribution, as determined by the Managers;

(d) The Book Values of Company assets shall be increased (or decreased) to reflect any adjustment to the adjusted basis of such assets pursuant to Code Section 734(b) or Code Section 743(b), but only to the extent such adjustments are taken into account in determining Capital Accounts pursuant to Regulations Section 1.704-1(b)(2)(iv)(m) and Section 5.6; *provided, however*, that Book Values shall not be adjusted pursuant to this paragraph (d) to the extent the Managers determine that an adjustment pursuant to paragraph (b) above is necessary or appropriate in connection with a transaction that would otherwise result in an adjustment pursuant to this paragraph (d); and

(e) If the Book Value of an asset has been determined or adjusted pursuant to paragraphs (a), (b) or (d) above, such Book Value shall thereafter be adjusted by the Depreciation taken into account with respect to such asset for purposes of computing Profits and Losses.

“*Capital Account*” is defined in Section 3.2.

“*Capital Contribution*” means the cash and other property contributed to the capital of the Company by a Member pursuant to Article 3.

“*Certificate*” means the Certificate of Organization filed with the Utah Division of Corporations and Commercial Code to organize the Company as a limited liability company, including any amendments thereto.

“*Code*” means the Internal Revenue Code of 1986, as amended, restated or supplemented from time to time, or any successor statute. Any reference to a specific section or sections of the Code shall be deemed to include a reference to any corresponding provision of any successor statute.

“*Company*” means Rooftop Properties, LLC and any successor entity thereto.

“*Depreciation*” means, for each Fiscal Year or other period, an amount equal to the depreciation, amortization or other cost recovery deduction allowable with respect to an asset for such Fiscal Year or other period, except that if the Book Value of an asset differs from its adjusted basis for federal income tax purposes at the beginning of any Fiscal Year or other period, Depreciation shall be an amount that bears the same relationship to the Book Value of such asset as the depreciation, amortization, or other cost recovery deduction computed for tax purposes with respect to such asset for the applicable period bears to the adjusted tax basis of such asset at the beginning of such period, or if such asset has a zero adjusted tax basis, Depreciation shall be an amount determined under any reasonable method selected by the Managers.

“*Effective Date*” is defined in the introductory paragraph above.

“*Fiscal Year*” means the fiscal year of the Company. Each Fiscal Year shall commence on the day immediately following the last day of the immediately preceding Fiscal Year. Each Fiscal Year shall end on the earlier to occur after the commencement of such Fiscal Year of (i) December 31, or (ii) the date on which the Company is dissolved pursuant to Section 10.1.

“*Manager*” and “*Managers*” are defined in Section 8.1

“*Mandatory Capital Contribution*” is defined in Section 3.1

“*Member*” means each initial Member made a party hereto and such additional and substituted Members as shall be admitted to the Company pursuant to hereto. Schedule I shall be amended from time to time to reflect the admission of any Member or the removal, withdrawal, expulsion, retirement or death of any Member or the receipt by the Company of notice of any change of name of a Member. The

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Managers may amend Schedule I without the consent of the Members as the information on Schedule I changes in accordance with the terms of this Agreement. Schedule I, as maintained and amended from time to time by the Managers, shall be deemed accurate in all respects absent manifest error.

“*Membership Interest*” means, with respect to each Member, a percentage interest determined as the quotient of (a) the number of Units held by such Member divided by (b) the total number of Units held by all Members at the time of determination, as set forth beside such Member’s name on Schedule I, as amended from time to time.

“*Net Available Cash*” means the excess of (a) the cash revenues of the Company derived from the operations of the Company and the yield from interim investments and excess cash reserves of the Company over (b) all cash disbursed or reserved or required to be disbursed or reserved, including, without limitation, cash used to pay, or to establish reserves for, operating expenses, taxes, fees, repayment of indebtedness, capital expenditures, contingencies or other anticipated obligations.

“*Objection Notice*” is defined in Section 8.2.

“*Person*” means an individual natural person, corporation, joint venture, partnership, limited partnership, limited liability company, trust, estate, business trust, association, governmental authority or any other entity.

“*Profit*” and “*Loss*” mean, for each Fiscal Year or other period, an amount equal to the Company’s taxable income or loss for such year or period, determined in accordance with Section 703(a) of the Code (for this purpose, all items of income, gain, loss, or deduction required to be stated separately pursuant to Section 703(a)(1) of the Code shall be included in taxable income or loss), with the following adjustments:

- (a) any income of the Company that is exempt for federal income tax purposes and not otherwise taken into account in computing Profit or Loss pursuant to this provision shall be added to such taxable income or loss;
- (b) any expenditures of the Company described in Section 705(a)(2)(B) of the Code or treated as Code Section 705(a)(2)(B) expenditures pursuant to Section 1.704-1(b)(2)(iv)(i) of the Regulations, and not otherwise taken into account in computing Profit or Loss pursuant to this provision, shall be subtracted from such taxable income or loss;
- (c) in the event the Book Value of any Company asset is adjusted pursuant to paragraph (b) or paragraph (d) of the definition of Book Value, the amount of such adjustment shall be taken into account as gain or loss from the disposition of such asset for purposes of computing Profits and Loss;
- (d) Book Gain or Book Loss from the sale or other disposition of any asset of the Company shall be taken into account in lieu of any tax gain or tax loss recognized by the Company by reason of such sale or other disposition;
- (e) in lieu of the depreciation, amortization and other cost recovery deductions taken into account in computing such taxable income or loss, there shall be taken into account Depreciation for such Fiscal Year or other period, computed as provided in this Agreement; and
- (f) any items that are specially allocated pursuant to Section 5.6 shall not be taken into account in computing Profits or Losses.

If the Company’s taxable income or loss for such Fiscal Year or other period, as adjusted in the manner provided above, is a positive amount, such amount shall be the Company’s Profit for such Fiscal Year or other period; and if negative, such amount shall be the Company’s Loss for such Fiscal Year or other period.



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“Regulations” means regulations issued by the Department of Treasury under the Code, as they may be amended, restated or supplemented from time to time, and any successor regulations. Any reference to a specific section or sections of the Regulations shall be deemed to include a reference to any corresponding provision of future regulations under the Code.

“Unit” is a unit of Membership Interest, which are set forth on Schedule I.

“Unreturned Capital Contribution” of a Member means the excess, if any, at any time of the aggregate Capital Contributions of such Member over the aggregate amount distributed to such Member, including pursuant to Section 6.1(a), Section 6.2(a) or Section 10.2(c) through such time.

### ARTICLE 2. FORMATION OF COMPANY

2.1 Formation. The Members and the Managers hereby ratify and confirm the formation of the Company as a limited liability company under and pursuant to the Act by the filing of the Certificate with the Utah Department of Commerce, Division of Corporations and Commercial Code.

2.2 Company Name. The name of the Company shall be “Rooftop Properties, LLC”. The business and affairs of the Company shall be conducted solely under such name and such name shall be used at all times in connection with the Company’s business and affairs.

2.3 Certificate. The Certificate has been executed and filed with the Utah Department of Commerce, Division of Corporations and Commercial Code. The Members shall execute, and the Managers shall file and record, all such other certificates and documents, including amendments to the Certificate, and shall do such other acts as may be appropriate to comply with all requirements for the formation, continuation and operation of the Company as a limited liability company, and the conduct of business under the laws of the State of Utah and any other jurisdiction in which the Company may from time to time own property or conduct business.

2.4 Principal/Designated Office, Agent for Service of Process.

(a) The principal office of the Company shall be located at 610 East 50 North, Salem, Utah 84653. The principal office may be changed by the Managers from time to time in accordance with the applicable provisions of the Act and any other applicable law. The Managers shall promptly notify each Member of any change in such principal office.

(b) The address of the initial registered office of the Company is 610 East 50 North, Salem, Utah 84653. The name of its initial registered agent at such address is Vance Barrett. The Managers may, from time to time, select another agent for service of process on the Company in Utah in accordance with the Act and applicable laws. The Managers shall promptly notify each Member of any such selection.

2.5 Term. The period of the Company’s duration will be in perpetuity, unless earlier dissolved and terminated pursuant to the provisions of Section 10.1.

2.6 Purposes. The Company is organized to conduct any and all legal and lawful business purposes for which a limited liability company may be formed pursuant to the Act, subject to the terms, requirements, restrictions and limitations set forth in this Agreement, as in effect from time to time.

2.7 Powers. The Company shall have all powers afforded under the Act to the extent necessary to effect or accomplish the purposes of the Company set forth in Section 2.6.

2.8 Representations and Warranties. The Members each hereby represent and warrant as follows:

(a) Such person is over eighteen (18) years of age and has not been found or

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adjudicated to be incompetent or otherwise mentally unable to execute this Agreement.

(b) This Agreement constitutes such Member’s legal, valid and binding obligation and is enforceable in accordance with its terms, subject, however, to the effects of bankruptcy, insolvency, reorganization, moratorium and similar laws from time to time in effect, as well as to general principles of equity (regardless of whether such enforceability is considered in a proceeding in equity or at law).

(c) Each Member represents and warrants to the other Member that he or she is acquiring such Membership Interest for his or her own account for investment purposes and not with a view to its sale or distribution. Each Member has been given such information as such Member deemed necessary in order to acquire its Membership Interest. Each Member recognizes that investments such as those contemplated by this Agreement are speculative and involve substantial risk. Each Member further represents and warrants that no other Member nor any Manager has made any guaranty, promise or representation upon which such Member has relied concerning the possibility or probability of profit or loss as a result of his or her acquisition of a Membership Interest in the Company.

ARTICLE 3.  
CAPITAL CONTRIBUTIONS; CAPITAL ACCOUNTS

3.1 Capital Contributions.

(a) Initial Capital Contributions. On or prior to the Effective Date, the Members have made initial capital contributions to the Company of the cash or property set forth on Schedule I attached hereto.

(b) Discretionary Capital Contributions. The Members may from time to time, as determined by the unanimous consent of the Members, in their sole discretion, elect to make additional Capital Contributions to the Company, in proportion to their respective Membership Interests or in any other proportion as the Members unanimously may determine, in such amounts and in such a manner that the Members unanimously may determine (once unanimously agreed, a “Mandatory Capital Contribution”).

3.2 Capital Accounts. A separate capital account (each, a “Capital Account”) shall be established and maintained for each Member in accordance with the following provisions:

(a) To each Member’s Capital Account there shall be credited (i) the amount of the cash or property contributed by such Member as Capital Contributions to the Company, (ii) such Member’s allocable share of Profit, and (iii) the amount of any Company liabilities that are assumed by such Member or that are secured by any Company property distributed to such Member.

(b) To each Member’s Capital Account there shall be debited (i) the amount of cash and the fair market value of any Company property distributed to such Member pursuant to any provision of this Agreement, (ii) such Member’s allocable share of Loss, and (iii) the amount of any liabilities of such Member that are assumed by the Company or that are secured by any property contributed by such Member to the Company.

(c) The provisions of this Agreement relating to the maintenance of Capital Accounts are intended to comply with Regulations Section 1.704-1(b). To the extent consistent with the terms of this Agreement, Capital Accounts shall be maintained and adjusted in accordance with such Section of the Regulations.

(d) No Member shall be entitled to withdraw any part of his or her Capital Contribution without the consent of the Managers. No loan made to the Company by any Member shall constitute a Capital Contribution to the Company for any purpose. No interest shall be paid on any

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Capital Contribution.

(e) Except as expressly required by this Agreement or by the Act, no Member shall have any liability for the return of the Capital Contributions of any other Member. A Member who has more than one interest in the Company shall have a single Capital Account that reflects all such interests, regardless of the class of interest owned and regardless of the time or manner in which the interests were acquired.

ARTICLE 4.  
BOOKS; ACCOUNTING; TAX ELECTIONS; REPORTS

4.1 Books and Records. The Managers shall keep, or cause to be kept, complete and accurate books and records of account of the Company. The books and records of the Company shall be kept using the same basis of accounting as the basis used by the Members for federal income tax purposes and shall at all times be maintained or made available at the principal office of the Company. A current list of the full name and last known residential address of each Manager and each Member, a copy of this Agreement and the Certificate, in each case with all amendments thereto, and all other documents required to be maintained by the Act, shall be maintained or made available at the principal office of the Company. The Company shall not be required to prepare or maintain the materials permitted to be omitted by the Act or any other records that are not otherwise expressly required by the Act or this Agreement.

4.2 Reports: Access to Records. Each Member shall have the right to the information set forth in Section 48-3a-410 of the Act (“Company Confidential Information”). Each Member may use Company Confidential Information only for purposes reasonably related to a Member’s Membership Interest in the Company and upon the conditions set forth in Section 48-3a-410(2)(b) of the Act. Company Confidential Information shall be provided solely at the Company’s principal office during business hours and upon ten (10) days’ written notice to the Manager. The requesting Member shall bear all expenses incurred in any examination made for such Member’s account. Company Confidential Information shall be deemed confidential and each Member shall have a duty to keep such information confidential and not use it except in furtherance of the Company’s interest. The Company may reasonably restrict the use of any Company Confidential Information provided to Members to the furthest extent permitted by the Act and hereby restricts the use of any Company Confidential Information to the furthest extent permitted by the Act. In the event of any breach or threatened breach of a reasonable restriction on the use of any Company Confidential Information, the Company shall be entitled to equitable relief, all without the posting of a bond or other security, monetary damages and any other relief permitted by applicable law, including, without limitation, the Act.

4.3 Filing of Returns and Other Writings, Tax Matters Member. The Managers shall cause the preparation and timely filing of all Company tax returns and shall, on behalf of the Company, timely file all other writings required by any governmental authority having jurisdiction to require such filing. Vance Barrett shall serve as the Company’s “tax matters partner” for purposes of Section 6231 of the Code (the “Tax Matters Partner”). The Managers, by unanimous consent, may remove the Tax Matters Partner, with or without cause, and designate a successor to the Tax Matters Partner who for any reason ceases to act. The Tax Matters Partner will inform the Members and Managers of all administrative and judicial proceedings pertaining to the determination of the Company’s tax items and will provide the Members and Managers with copies of all notices received from the Internal Revenue Service regarding the commencement of a Company-level audit or a proposed adjustment of any of the Company’s tax items. The Tax Matter Partner may extend the statute of limitations for assessment of tax deficiencies against the Members attributable to any adjustment of any tax item. The Company will reimburse the Tax Matters Partner for reasonable expenses properly incurred while acting within the scope of the Tax Matters Partner’s authority.

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### ARTICLE 5. ALLOCATIONS

5.1 General. Profit or Loss for each Fiscal Year (or portion thereof) shall be determined as of the end of such Fiscal Year (or portion thereof) and shall be allocated among the Members in proportion to their respective Membership Interests.

5.2 Special Basis Adjustment. The Company may elect pursuant to Code Section 754 to adjust the basis of any of the Company's assets. However, the determination of Profit or Loss, Book Gain or Book Loss, distributions and Capital Accounts, for purposes of this Article 5, shall be made without taking into account any such special basis adjustments. Each Member shall furnish the Company with all information necessary to give effect to such election.

5.3 Allocations for Tax and Book Purposes. Except as otherwise provided herein, any allocation to a Member of a portion of the Profit or Loss for a Fiscal Year shall be determined to be an allocation to that Member of the same proportionate part of each item of income, gain, loss, deduction or credit, as the case may be, that is earned, realized or available by or to the Company for federal income tax purposes.

5.4 Certain Accounting Matters. For purposes of determining the Profit, Loss or any other items allocable to any period, Profit, Loss and any such other items shall be determined on a daily, monthly or other basis, as determined by the Managers using any permissible method under Code Section 706 and the Regulations thereunder.

5.5 Tax Allocations Under Code Section 704(c). In accordance with Code Section 704(c) and the Regulations thereunder, income, gain, loss, and deduction with respect to any property contributed to the capital of the Company shall, solely for income tax purposes, be allocated among the Members so as to take account of any variation between the adjusted basis of such property to the Company for federal income tax purposes and its fair market value at the time of contribution. In the event that the Book Value of any Company asset is subsequently adjusted in accordance with the last sentence of the definition of Book Value, any allocation of income, gain, loss and deduction with respect to such asset shall thereafter take account of any variation between the adjusted tax basis of the asset to the Company and its Book Value in the same manner as under Section 704(c) of the Code and any Regulations promulgated thereunder. Any elections or other decisions relating to such allocations shall be made by the Managers in a manner that reflects the purpose and intention of this Agreement. Allocations pursuant to this Section 5.5 are solely for purposes of federal, state, and local income taxes and shall not affect, or in any way be taken into account in computing, any Member's Capital Account or share of Profit or Loss, Book Gain or Book Loss, or distributions pursuant to any provision of this Agreement.

5.6 Special Provisions. Section 704 of the Code and the Regulations issued thereunder, including, but not limited to, the provisions of such Regulations addressing qualified income offset provisions, minimum gain charge back requirements and allocations of deductions attributable to nonrecourse debt and partner nonrecourse debt, are hereby incorporated by reference into this Agreement.

### ARTICLE 6. DISTRIBUTIONS

6.1 Distributions of Net Available Cash. Net Available Cash shall be applied or distributed, at such time or times as the Managers shall determine, to the Members in accordance with their respective Membership Interests at the time of the distribution.

### ARTICLE 7.

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RIGHTS AND OBLIGATIONS OF MEMBERS

7.1 Limited Liability. No Member shall be personally liable for any of the debts, liabilities or obligations of the Company, nor shall any Member be required to lend any funds to the Company. A Member shall not, except (a) in the case of any returned Capital Contributions or other sums distributed to a Member, as required by the express provisions of the Act, or (b) Mandatory Capital Contributions, be required to make any additional Capital Contributions to the Company.

7.2 No Control. No Member (except in a Member’s capacity as a Manager) shall participate in the management or control of the business or operation of, or transact any business for, the Company. No Member (except in a Member’s capacity a Manager) shall have any power to sign for or bind the Company.

ARTICLE 8.

RIGHTS AND OBLIGATIONS OF THE MANAGER

8.1 Designation of Manager. The Company shall be managed by one or more managers (collectively, the “Managers,” and each individually a “Manager”). Until such number is changed by the Members holding a majority of the Membership Interests in the Company, there shall be three (3) Managers, who shall initially be Vance Barrett, Ryan Johnson, and Garrett Johnson. The appointment of any other Manager shall require the consent of Members holding a 100% of the Membership Interests in the Company. Notwithstanding the forgoing, in the event either Vance Barrett, Ryan Johnson, or Garrett Johnson, respectively, shall cease to be a Manager for any reason, the Members hereby irrevocably consent and approve Justin Comish as a substitute Manager.

8.2 Management; Authority. The Managers shall have full responsibility and exclusive and complete discretion in the management and control of the business and affairs of the Company for the purposes herein stated, shall make all decisions affecting the Company’s affairs and business, and shall have full, complete and exclusive discretion to take any and all action that the Company is authorized to take and to make all decisions with respect thereto. Subject to the provisions of this Section 8.2, (a) all documents executed on behalf of the Company need only be signed by one Manager and (b) any single Manager may act individually to bind the Company or take actions on behalf of the Company. References in this Agreement to “Managers” shall not be deemed to require the actions or consents of more than one Manager unless and until such time as a Member delivers notice to the other Members and the Managers stating that such Member objects to the authority of any one Manager to bind the Company (the “Objection Notice”), at which time the Managers shall only act by unanimous consent (unless and until such Objection Notice is later withdrawn or waived by the objecting Member). If the Managers are unable to reach unanimous consent on any matter following the delivery of an Objection Notice, Members holding a majority of the Membership Interests shall resolve such stalemate. If at anytime under this Agreement a stalemate exists among the Members as to any matter requiring Member approval (i.e., no majority of Membership Interest) and such stalemate continues for more than ten (10) business days, any Member may submit the applicable matter to binding arbitration administered by the American Arbitration Association under its Commercial Arbitration Rules held in Salt Lake City, Utah, and all Members and Managers hereby agree to be bound by the decision rendered (and pay the fees in the manner decided) thereby.

8.3 Liability of Managers to Members; Indemnification.

(a) No Manager or, if applicable, its officers, directors, shareholders or employees, shall be liable, responsible or accountable for damages or otherwise to any Member for any act or omission as a Manager, except for those resulting from the Manager’s gross negligence, willful misconduct, bad faith or breach of fiduciary duty.

(b) Each Manager and, if applicable, its officers, directors, shareholders or

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employees, shall be entitled to indemnification from the Company for any loss, damage or claim by reason of any act or omission performed or omitted by such Manager or any such person in good faith on behalf of the Company and in a manner reasonably believed to be within the scope of the authority conferred by this Agreement, except that no Manager or, if applicable, its officers, directors, shareholders or employees, shall be entitled to be indemnified in respect of any loss, damage or claim incurred by such Manager or by any such person by reason of gross negligence, willful misconduct, bad faith or breach of fiduciary duty with respect to such acts or omissions. Any indemnity under this Section 8.3(b) shall be provided out of and to the extent of Company assets only, and no Member shall have any personal liability on account hereof.

(c) Resignation or Termination of a Manager. Any Person acting as a Manager may resign from such position (but not as a Member if such Manager is also a Member) upon not less than thirty (30) days' written notice to all Members. In addition, any Manager shall automatically be terminated as a Manager of the Company upon the occurrence of any of the following events (each, an "Event of Termination"):

(d) Such Manager shall: (i) commence a voluntary case under Title 11 of the United States Code as from time to time in effect, or authorize, by appropriate proceedings, the commencement of such a voluntary case; (ii) file an answer or other pleading admitting or failing to deny the material allegations of a petition filed against it commencing an involuntary case under said Title 11, or seeking, consenting to or acquiescing in the relief therein provided, or by its failing to controvert timely the material allegations of any such petition; (iii) be subject to an order for relief under any involuntary case under said Title 11; (iv) seek relief as a debtor under any applicable law, other than said Title 11, of any jurisdiction relating to the liquidation or reorganization or its consenting to or acquiescing in such relief; (v) be subject to the entry of an order by a court of competent jurisdiction (x) finding such Manager to be bankrupt or insolvent, (y) ordering or approving its liquidation, reorganization, or any alteration or modification of the rights of its creditors, or (z) assuming custody of, or appointing a receiver or other custodian for, all or a substantial part of its property, and such receiver or custodian is not discharged within thirty (30) days, or (vi) make an assignment for the benefit of, or enter into a composition with, its creditors, or appoint or consent to the appointment of a receiver or other custodian for all or a substantial part of its property; or

(e) If applicable, the dissolution or liquidation of such Manager.

8.4 Designation of Successor Manager. Upon the termination, death or resignation of a Manager under Section 8.4, Members holding 100% of the Membership Interests in the Company may appoint a successor to such Manager, subject in all respects to Section 8.1 above.

8.5 Other Business; Compensation, Etc. Any Member or Manager, and any Affiliate, stockholder, member, manager, partner (general or limited), director, officer, employee or agent of a Member or Manager, may engage in or possess an interest in other business ventures (unconnected with the Company) of every kind and description, independently or with others. Neither the Company nor any Member or Manager shall have any rights in or to such independent ventures or the income or profits therefrom by virtue of this Agreement. No Member, Manager or stockholder, member, manager, partner (general or limited), director, officer, employee or agent of a Member or Manager shall be liable to the Company or to any Member for his or its good faith reliance on the provisions of this Agreement.

### ARTICLE 9.

#### RESTRICTIONS ON TRANSFERS OF MEMBERSHIP INTERESTS

9.1 Transfers. No Member may withdraw from the Company or make a demand for return of any Capital Contributions until the termination of the Company or as otherwise specifically set forth in this Agreement. Other than as set forth in Section 9.2, no Member shall Transfer his, her or its Interests

## Attachment A - Application

or any rights thereof, unless such Transfer is authorized in writing by the Managers and 100% of the Membership Interests. All attempted Transfers in violation of the terms of this Agreement shall be void *ab initio*. If any Transfer in violation of the terms of this Agreement is validated by a court, such Transferred Membership Interest shall be non-voting for all purposes of this Agreement. Each Member and each assignee thereof hereby agrees that it will not effect any assignment of all or any part of its Interests (whether voluntarily, involuntarily or by operation of law) in any manner contrary to the terms of this Agreement or that violates or causes the Company or any of the Members to violate the Securities Act, the Securities Exchange Act, the Investment Company Act, or the laws, rules, regulations, orders and other directives of any governmental authority. "Transfer" or "Transferring" means a sale, assignment, transfer, exchange, mortgage, pledge, grant of a security interest, or other disposition or encumbrance, or the act of making such a sale, assignment, transfer, exchange, mortgage, pledge, grant of a security interest, or other disposition.

9.2 Rights of First Refusal. Each of the following occurrences with respect to a Member shall constitute an "Event of Offer" (provided, with respect to divorce (or other similar legal separation resulting in the partitioning of assets), the Event of Offer shall encompass only the number of Interests proposed to be Transferred):

- (a) Any Event of Bankruptcy;
- (b) The Transfer of a deceased or mentally incompetent Member's Interests following the death or mental incompetency of such Member;
- (c) The divorce (or other similar legal separation resulting in the partitioning of assets) of a Member with the consequential division of marital property otherwise entitling the Member's spouse to the Interest;
- (d) The voluntary offer by a Member of some or all of its Interests for purchase by the Company, which shall be evidenced by written notice to the Company (a "Voluntary Offer");
- (e) With the prior written consent of the Managers, to be given or withheld in their sole discretion for any reason or no reason, the proposal by a Member to Transfer some or all of its Interests to any Person not the Company, evidenced by a written notice delivered to the Company, (which notice includes the written offer received by the Member which written offer must be bona fide, itemize each of the material terms and conditions upon which the offer is made and reasonably evidence the buyer's willingness and actual ability to close on the proposed transaction within one hundred eighty (180) days of the date of the written offer) (a "Third Party Offer"); or
- (f) A Member's voluntary termination of Company employment.

9.3 Offered Interest. The term "Offered Interest" shall, subject to the provisions of Section 9.2 with respect to divorce (or other similar legal separation resulting in the partitioning of assets), mean all of the Interests owned by a Member as to which an Event of Offer has occurred (which Member, or such Member's estate, trustee or other successor or assign, is referred to as the "Offeror"), except that such term shall include as to a Voluntary Offer and a Third Party Offer only the Interests proposed to be Transferred. Notwithstanding anything to the contrary contained in this Agreement, any and all rights of the Company arising under Section 9.4 as a result of the occurrence of an Event of Offer may be waived by unanimous consent of the Managers. The Company is permitted, and the Offeror hereby consents to, the assignment of the rights to exercise the rights to acquire the Offered Interests to one or more of the Members of the Company (other than the Offeror). The Managers may assign such right pro rata based on the Members that choose to participate in the rights granted hereunder.

9.4 Company Option.

- (a) Upon the occurrence of any Event of Offer, the Offeror shall immediately notify

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the Company and the Managers in writing of such occurrence, and the Company (or its Member assign(s), as applicable, collectively the “Company” for purposes of Section 9.4) shall have the exclusive option to purchase all (or a part) of the Offered Interest at the price determined under Section 9.5 (the “*Company Option*”). The Company Option may be exercised by the Company, at the sole discretion of the Managers, by delivering written notice to the Offeror within sixty (60) days (the “*Company Option Period*”) after:

- (i) if arising out of a Voluntary Offer, a death or mental incompetency covered by Section 9.3(b), or the divorce (or other similar legal separation resulting in the partitioning of assets) of a Member covered by Section 9.3(c), the date on which the Company receives actual written notice of the Event of Offer;
- (ii) if arising out of a Third Party Offer and the consideration underlying such proposal consists entirely of cash, the date on which the Company receives actual written notice of the Event of Offer;
- (iii) if arising out of a Third Party Offer including non-cash consideration, thirty (30) days after the date on which the Company receives actual written notice of the Event of Offer; and
- (iv) if the Event of Offer is an Event of Bankruptcy, forty-five (45) days after the date on which the Company received actual written notice of the Event of Bankruptcy.

The written notice delivered by the Company shall confirm the Company’s intent to exercise the Company Option and to acquire all (or a part) of the Offered Interest and shall detail each of the material terms and conditions (as set forth in the Third Party Offer, if applicable) upon which the sale shall occur.

If the Company timely exercises the Company Option, the sale and purchase of the Offered Interest as to which such option is exercised shall be closed within ninety (90) days after the date of such written notice of exercise at the price determined pursuant to Section 9.5(a).

(b) If the Company does not elect to purchase all of the Offered Interest or fails to consummate such purchase in accordance with the terms of this Agreement, then such Offeror may (other than with respect to a Third Party Offer), during the ninety (90) day period beginning on the date the Company Option expires or the date set for closing and sale, as applicable, sell or otherwise transfer the remaining portion of the Offered Interest not purchased by the Company (and, as to a Third Party Offer, only in accordance with the terms and conditions set forth in the applicable notice) in accordance with the terms and conditions of this Agreement.

9.5 Price. The price to be paid for any Membership Interests sold and purchased pursuant to this Agreement shall be the appropriate pro rata share (based on the proportionate amount of Membership Interests included in the Offered Interest out of the total number of Membership Interests of the Company outstanding, and including discounts for marketability or minority interest) of the fair market value of the Company based on the liquidation valuation of its assets, less liabilities, as of the last day of the calendar month coinciding with or next preceding the beginning of the Option Period (the “*Offer Value*”). If the Offeror and the Company cannot agree on the Offer Value within 30 days after the date of delivery by the Company of the written notice of the exercise of the Company Option (the “*Agreed Value Date*”), either the Offeror or the Company may seek to have the Offer Value determined pursuant to Section 9.7.

9.6 Closing. The closing of the purchase and sale of any Offered Interests pursuant to this Agreement shall be at the offices of the Company at a time specified by the Company during the Company’s regular business hours and on a business day specified by the Company within ninety (90) days after the date of written notice of exercise of the Company Option or at such other place, time or



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date as the parties to the purchase and sale shall mutually agree. At the closing, the purchase price of any Membership Interests sold or otherwise transferred pursuant to this Agreement shall be paid by the Company to the Offeror either (i) in cash or by certified or cashier's check, or, (ii) at the option of the Company, by issuance of a promissory note payable to the Offeror (which promissory note, at the option of the Company, shall have a maturity of up to ten (10) years, bear interest at the lowest applicable federal rate per annum (payable at maturity) and be secured solely by the Membership Interests being acquired).

9.7 Calculation of Offer Value. If the Company and the Offeror cannot agree upon the Offer Value of the Company by the Agreed Value Date, the determination thereof shall be made as provided in this Section 9.7.

(a) The Offer Value of the Company shall be determined as follows:

(i) If the Company and the Offeror cannot agree upon the Offer Value of the Company by the Agreed Value Date, the Company and the Offeror shall agree upon an appraiser to make an independent determination of the Offer Value of the Company, and the Offer Value determined by such appraiser shall be final and binding. The cost of such appraisal shall be equally shared by the Company and the Offeror. If the Company and the Offeror fail to agree upon an appraiser within 10 days after the Agreed Value Date (the "*Appraiser Designation Date*"), the Company and the Offeror shall each designate an appraiser to make the determination within ten days after the Appraiser Designation Date. The appraiser chosen by the Offeror shall be referred to as the "*Exiting Appraiser*," and the appraiser chosen by the Company shall be referred to as the "*Company Appraiser*." The appraisals prepared by the Exiting Appraiser and the Company Appraiser shall be referred to as the "*Initial Appraisals*."

(ii) If the Offer Values determined by the Initial Appraisals differ by less than 5%, the Offer Value of the Company shall be the average of the Initial Appraisals. If the Offer Values determined by the Initial Appraisals differ by 5% or more, the Exiting Appraiser and the Company Appraiser shall choose a third appraiser (the "*Third Appraiser*") to prepare a third appraisal of the Offer Value of the Company (the "*Third Appraisal*").

(b) The final Offer Value of the Company shall be determined by comparing the Initial Appraisals and the Third Appraisal and computing the Offer Value as follows:

(i) If the three Appraisals are clustered such that the highest of the three Appraisals is not more than 115%, and the lowest of the three Appraisals is not less than 85% of the middle Appraisal, then the three Appraisals shall be averaged and the Offer Value shall be the average of the Appraisals; or

(ii) If the condition stated above is not met but the highest and lowest Appraisals are equally close in amount to the middle Appraisal, then the value determined in the middle Appraisal shall be the Offer Value of the Company; or

(iii) If either one of the conditions stated above is not met, then, the two of the three Appraisals which are closest together in amount shall be averaged, and the result of such averaging shall be the Offer Value.

9.8 Early Event of Offer. Notwithstanding anything contained in this Agreement to the contrary or otherwise, the Offer Value for any Event of Offer occurring during the five-year period commencing on the date the Company was formed by filing the Certificate with the Utah Department of Commerce, Division of Corporations and Commercial Code shall not exceed the Transferring Member's then Unreturned Capital Contribution.

### ARTICLE 10.

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### DISSOLUTION

#### 10.1 Events of Dissolution.

(a) The Company shall be dissolved (without further action by the Members) and its affairs wound up upon the decision of the Members holding 100% of the Membership Interest to dissolve the Company.

(b) A dissolution of the Company shall be effective on the day on which the event occurs giving rise to the dissolution, but the Company shall not terminate until the assets of the Company shall have been distributed as provided herein.

#### 10.2 Application of Assets. In the event of dissolution:

(a) The Company shall conduct only such activities as are necessary to wind up its affairs in an orderly manner.

(b) The Company shall pay amounts due its creditors, including Members who are creditors to the extent otherwise permitted by the Act or other applicable law, and the Company shall establish reserves for contingent or unascertained liabilities in such amounts as the Managers shall determine. The Members and the Company hereby acknowledge and agree that until paid in full, the Mandatory Capital Contributions shall be a continuing liability of the Members that shall survive the dissolution of the Company.

(c) The Company shall pay subsequent amounts to the Members until each Member has received an amount equal to such Member's Unreturned Capital Contributions to such date.

(d) The Company shall apply the remaining assets of the Company in proportion to and in payment of the Capital Accounts of the Members (after reflecting in such Capital Accounts all adjustments thereto necessitated by the Company's operations and transactions for the Fiscal Year of the Company in which such dissolution occurs).

(e) Notwithstanding the foregoing, the Members shall have no obligation to make up a deficit balance in their Capital Accounts upon the dissolution or liquidation of the Company.

### ARTICLE 11. MISCELLANEOUS

11.1 Bank Accounts; Investments. The bank accounts of the Company shall be maintained in such commercial banks, credit unions or trust companies or other financial institutions as the Managers shall from time to time determine, and withdrawals shall be made in the regular course of Company business on such signature or signatures as the Managers may designate.

#### 11.2 Notices.

(a) Any and all notices, consents, elections, approvals and other communications required or permitted under this Agreement shall be deemed adequately given only if in writing and the same shall be delivered either in hand, by facsimile transmission, or by first class, postpaid and registered or certified with return receipt requested United States Postal Service delivery or overnight commercial carrier, addressed to the recipient of the notice, or with all freight charges prepaid (if by Federal Express or similar carrier).

(b) All notices, consents, elections, approvals and other communications required or permitted under this Agreement shall be deemed to have been given for all purposes of this Agreement upon the date of receipt or refusal.

(c) All such notices, consents, elections, approvals and other communications required or permitted under this Agreement to a Member shall be addressed to such Person at the address

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set forth beside his or her name on Schedule I attached hereto.

(d) By giving to the other parties written notice thereof, the parties hereto and their respective successors and assigns shall have the right from time to time and at any time during the term of this Agreement to change their respective addresses effective upon receipt by the other parties of such notice and each shall have the right to specify as its address any other address within the United States of America.

11.3 Meanings. The words “herein,” “hereinafter,” “hereof” and “hereunder” refer to this Agreement as a whole and not merely to a subdivision in which such words appear unless the context otherwise requires. The singular shall include the plural and the masculine gender shall include the feminine and neuter, and vice versa, unless the context otherwise requires.

11.4 Binding Provisions. The agreements contained herein shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns. Whenever in this Agreement a reference to any party or Member is made, such reference shall be deemed to include a reference to the successors and permitted assigns of such party or Member.

11.5 Applicable Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Utah. In the event of a conflict between any provisions of this Agreement and any non-mandatory provision of the Act, the provisions of this Agreement shall control and take precedence. This Agreement, including any Schedule attached hereto, contains the entire agreement among the parties with respect to the subject matter hereof, and supersedes all prior understandings and agreements of the parties with respect thereto.

11.6 Severability. If any provision of this Agreement, including any provision of any Exhibit or Schedule, shall be held or deemed to be, or shall in fact be, invalid, inoperative or unenforceable because of the conflict of such provision with any constitution, statute, rule of public policy or for any other reason, such circumstance shall not have the effect of rendering any other provision or provisions herein contained invalid, inoperative or unenforceable, but rather this Agreement shall be reformed and construed as if such invalid, inoperative or unenforceable provision had never been contained herein and such provision shall be reformed so as to be valid, operative and enforceable to the maximum extent permitted by applicable law.

11.7 Section Heading. Section headings are for descriptive purposes only and shall not control or alter the meaning of this Agreement as set forth in the text.

11.8 Further Assurances. The Members shall execute and deliver such further documents and instruments and do such further acts and things as may be required to carry out the intent and purposes of this Agreement.

11.9 Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument, and in pleading or proving any provision of this Agreement it shall not be necessary to produce more than one such counterpart.

11.10 Waivers; Amendments. Any waiver of any term, provision or condition of this Agreement, or of the breach of any covenant, representation or warranty contained herein, in any one instance, shall not operate as or be deemed to be or construed as a further or continuing waiver of any other breach of such term, condition, covenant, representation or warranty or of a breach of any other term, condition, covenant, representation or warranty, nor shall any failure at any time or times to enforce or require performance of any provision hereof operate as a waiver of or affect in any manner such party’s right at a later time to enforce or require performance of such provision or of any other provision hereof; *provided, however*, that no such written waiver, unless it, by its own terms, explicitly provides to

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the contrary, shall be construed to effect a continuing waiver of the provision being waived and no such waiver in any instance shall constitute a waiver in any other instance or for any other purpose or impair the right of the party against whom such waiver is claimed in all other instances or for all other purposes to require full compliance with such provision. This Agreement may not be amended, nor shall any waiver, change, modification, consent or discharge be effected, except by an instrument in writing executed by or on behalf of the party against whom enforcement of such amendment, waiver, change, modification, consent or discharge is sought. Any attempt to amend this Agreement in a manner not consistent with this Section 11.10 shall be void and of no force or effect.

11.11 Equitable Remedies. The rights and remedies of the Members hereunder shall not be mutually exclusive (i.e., the exercise of one or more of the provisions hereof shall not preclude the exercise of any other provision hereof). Each of the Members confirms that damages at law may not always be an adequate remedy for a breach or threatened breach of this Agreement and each of them agrees that, in the event of a breach or threatened breach of any provision hereof, the respective rights and obligations hereunder shall be enforceable by specific performance, injunction or other equitable remedy, but nothing herein contained is intended to, nor shall it, limit or affect any rights at law or by statute or otherwise of any party aggrieved as against the other for a breach or threatened breach of any provision hereof.

11.12 Partition. No Member and no Manager nor any successor-in-interest to any Member or Manager shall have the right while this Agreement remains in effect to have any property of the Company partitioned, or to file a complaint or institute any proceeding at law or in equity to have a complaint or to institute any proceeding at law or in equity to have such property of the Company partitioned, and each Member, on behalf of himself or herself, and his or her successors, representatives, heirs and assigns, hereby waives any such right. It is the intention of the Members that the rights of the Members and their successors-in-interest to Company property, as among themselves, shall be governed by the terms of this Agreement, and that the rights of the Members and their successors-in-interest to assign, transfer, sell or otherwise dispose of any interest in the Company shall be subject to the limitations and restrictions of this Agreement.

11.13 Authorized Disclosure. Notwithstanding anything herein to the contrary, any party to this Agreement (and any employee, representative or other agent of such party) may disclose to any and all persons, without limitation of any kind, the tax treatment and tax structure of the transactions contemplated by this Agreement and all materials of any kind (including opinions or other tax analyses) that are provided to it relating to such tax treatment and tax structure. For this purpose, tax treatment and tax structure shall not include the identity of any existing or future party (or any affiliate of such party) to this Agreement.

Disclosure and Waiver of Conflicts. IN CONNECTION WITH THE PREPARATION OF THIS AGREEMENT AND THE FORMATION OF THE COMPANY, THE MEMBERS ACKNOWLEDGE AND AGREE THAT: (A) THE ATTORNEY WHO PREPARED THIS AGREEMENT (“ATTORNEY”) ACTED AS LEGAL COUNSEL TO THE COMPANY AND DOES NOT REPRESENT THE MEMBERS OR THEIR INTERESTS; (B) THE MEMBERS HAVE BEEN ADVISED BY THE ATTORNEY THAT THE INTERESTS OF THE MEMBERS ARE OPPOSED TO EACH OTHER AND ARE OPPOSED TO THE INTERESTS OF THE COMPANY AND, ACCORDINGLY, THE ATTORNEY’S REPRESENTATION OF THE COMPANY MAY NOT BE IN THE BEST INTERESTS OF THE MEMBERS; (C) EACH OF THE MEMBERS HAS BEEN ADVISED BY THE ATTORNEY, AND HAS HAD THE OPPORTUNITY, TO RETAIN SEPARATE, INDEPENDENT LEGAL COUNSEL REGARDING THIS AND ALL RELATED AGREEMENTS AND ANY MATTERS RELATING THERETO; (D) THE ATTORNEY MAY HAVE PREVIOUSLY PERFORMED OTHER LEGAL SERVICES FOR ONE OR MORE OF THE MEMBERS; AND (E) IF A CONFLICT OF

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INTEREST EXISTS AND/OR ANY DISPUTE ARISES BETWEEN THE MEMBERS, AND/OR THE MEMBERS AND COMPANY AS A RESULT OF THIS AGREEMENT OR ANY MATTERS RELATING THERETO OR TO THE COMPANY, THE ATTORNEY WOULD NOT BE ABLE TO REPRESENT ANY MEMBER. NOTWITHSTANDING THE FORGOING, THE MEMBERS (A) DESIRE THE ATTORNEY TO REPRESENT THE COMPANY; (B) ACKNOWLEDGE THAT THEY HAVE BEEN ADVISED TO RETAIN SEPARATE LEGAL COUNSEL AND HAVE EITHER DONE SO OR HAVE VOLUNTARILY AND KNOWINGLY DECLINED TO DO SO; AND (C) JOINTLY AND SEVERALLY FOREVER WAIVE AND RELEASE ANY CLAIM THAT THE ATTORNEY'S REPRESENTATION OF THE COMPANY CONSTITUTES A CONFLICT OF INTEREST WITH RESPECT TO THE MEMBERS AND COMPANY OR OTHERWISE.

*[Signature page follows.]*

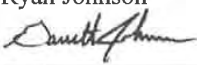
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IN WITNESS WHEREOF, the Members and the Managers have executed this Operating Agreement effective as of the Effective Date.

MANAGERS:

  
Vance Barrett (Sep 25, 2021 14:32 HST)

Vance Barrett  
  
Ryan Johnson (Apr 29, 2021 11:57 MDT)

Ryan Johnson  
  
Garrett Johnson

MEMBERS:

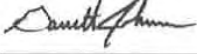
V &M Investment Holdings, Inc.

By:   
Vance Barrett (Sep 25, 2021 14:32 HST)  
Vance Barrett, President

Salem Hills Properties, LLC

By:   
Ryan Johnson (Apr 29, 2021 11:57 MDT)  
Ryan Johnson, Manager

Tango H.C. LLC

By:   
Garrett Johnson, Manager

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**Schedule I**

Members:	Units:	Membership Interest
V &M Investment Holdings, Inc. Attn: Vance Barrett 610 East 50 North Salem, Utah 84653	33.33	33.33%
Salem Hills Properties, LLC Attn: Ryan Johnson 347 West 90 South Salem, Utah 84653	33.33	33.33%
Tango H.C. LLC Attn: Garrett Johnson 956 N. 200 E. Spanish Fork, Utah 84660	33.33	33.33%

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

**Ridgeview Subdivision - reorientation and first phase**

Case Number: PAC2022 0023  
 Applicant: Brandon Gray  
 Property Owner: Rooftop Properties LLC  
 Property Address: 7400 Glacier Highway  
 Parcel Code Number: 5B1401010010  
 Site Size: 858,568 Square Feet, 19.71 acres  
 Legal Description: USS 1568 Tract B1  
 Zoning: D18  
 Existing Land Use: Vacant

Conference Date: May 4, 2022  
 Report Issued: May 17, 2022  
**DISCLAIMER: Pre-application conferences are conducted for purposes of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application, and are not a guarantee of final project approval.**

**List of Attendees**

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

Name	Title	Email address
Brandon Gray	Applicant	<a href="mailto:Brandon@pci1980.com">Brandon@pci1980.com</a>
Garrett Johnson	Partner	<a href="mailto:Garrett@pci1980.com">Garrett@pci1980.com</a>
Toby Lockhart	Homesore Engineering LLC	<a href="mailto:Toby@homesorellc.com">Toby@homesorellc.com</a>
John Bean	Surveyor	<a href="mailto:JwBean@gci.net">JwBean@gci.net</a>
Irene Gallion	Planning	<a href="mailto:Irene.Gallion@juneau.org">Irene.Gallion@juneau.org</a>
David Peterson		<a href="mailto:David.Peterson@juneau.org">David.Peterson@juneau.org</a>
Jill Maclean	Community Development Director	<a href="mailto:Jill.Maclean@juneau.org">Jill.Maclean@juneau.org</a>
Scott Ciambor	Planning Manager	<a href="mailto:Scott.Ciambor@juneau.org">Scott.Ciambor@juneau.org</a>
Dan Jager	CCFR Fire Marshall	<a href="mailto:Dan.Jager@juneau.org">Dan.Jager@juneau.org</a>
Ken Hoganson	General Engineering	<a href="mailto:Ken.Hoganson@juneau.org">Ken.Hoganson@juneau.org</a>
Sydney Hawkins	Permit Technician II	<a href="mailto:Sydney.Hawkins@juneau.org">Sydney.Hawkins@juneau.org</a>



# Attachment A - Application

## Pre-Application Conference Final Report

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### Conference Summary

**Questions/issues/agreements identified at the conference that weren't identified in the attached reports.**  
The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

In your narrative you say 12-16-plex, on the site plan it is a 24-plex. Have you decided?  
How many 1, 2, and 3 bedroom units in the 24-plex?

What density provisions are you hoping to take advantage of?  
Is Seymour Way intended to be a ROW at some point?  
Take me through your math on the density bonus, I get 443 units available.  
For the entire development, you come up with 515 parking spaces required, I come up with 612. Difference?

### Project Overview

(Provide a brief description of the proposed project. *Note to Planners: be aware if there have been any previous PACs for this applicant or site.*)

The Applicant would like to:

- Develop a 12-24 unit structure on the lot. The applicant estimates 1/3 each of studios, one-bedroom and two-bedroom units.
- Stage for further development of the lot.

Note that Seymour Way does not exist. The preliminary plat that proposed Seymour Way was not finalized. Before that, there were two other subdivision proposals, both of which were withdrawn.

A multi-family development is a permissible stand-alone use for this lot [19.25.300 Paragraph 1.300] that would require a conditional use permit.

The size of the lot will beg the question of subsequent development. The applicant proposes an Alternative Residential Subdivision. This process will be time-consuming and will push development to late in the summer at the earliest, and more likely next construction season.

The applicant's goals will determine the best way forward. CBJ 49.15.960 will be key to this strategy:

*An applicant may develop an alternative residential subdivision in phases, provided the initial application includes a preliminary development plan sufficient to assess the cumulative effects of the entire alternative residential subdivision on the neighborhood and the environment according to the standards in subsection 49.15.940.*

If the applicant would like to:

- Construct a 24-plex this season, **AND**
- Use features of the 24-plex in density bonus (for instance, if the 24-plex has workforce housing provisions),

THEN the applicant should apply for a Conditional Use Permit and for an ARS Preliminary Plan Approval at the same time.

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#### Pre-Application Conference Final Report

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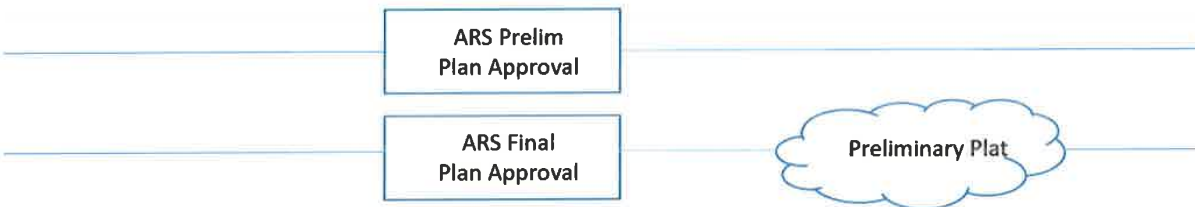
If the applicant would like to:

- Construct a 24-plex this season, BUT
- DOES NOT require features of the 24-plex to meet density bonuses,

THEN a stand-alone Conditional Use Permit for the development can be applied for. An ARS Preliminary Plan Approval can be applied for concurrently or later.



If the applicant can wait to construct until next season, the ARS process can be pursued without a Conditional Use Permit for the 24-plex. The goal would be to complete the process before next construction season.



#### Planning Division

1. **Zoning** – D18.

An ARS is allowed in D18 [CBJ 49.15.920(b)]

2. **Subdivision** – Minimum lot size is 5,000 square feet. To develop an ARS, the lot must be at least 150 percent minimum lot size [CBJ 49.15.920(c)]. USS 1568 Tract B1 meets this requirement.

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- 3. **Setbacks** – The lot is a D18 island that abuts D5 land on all sides except the frontage. Where one district abuts another, the greater of the two setbacks is required.
  - a. **Front:** 20 feet
  - b. **Rear:** 20 feet (D5 setback)
  - c. **Side:** 5 feet (same for D5 and D18)
  - d. **Street side:** 13 feet (same for D5 and D18)
  - e. Under an ARS, dimensional standards are applied to the parent lot rather than to unit lots [CBJ 49.15.920(D)].

- 4. **Density** – The lot is 19.71 acres, and can accommodate 355 units. The applicant suggests they could get a 25 percent density bonus under ARS code [CBJ 49.15.520(e)(3)] for a total of 444 units. Applicant is proposing 454 units.

19.71 acres x 18 units/acre = 355 units  
 355 units x 0.25 = 89 units  
 355 units + 89 units = 444 units

*Open space* means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or in the same neighborhood as such open space.

ARS code says there is a bonus of five percent for each ten percent increment of open space in excess of that required in the zoning district to a maximum bonus of 15 percent for open space in excess of that required.

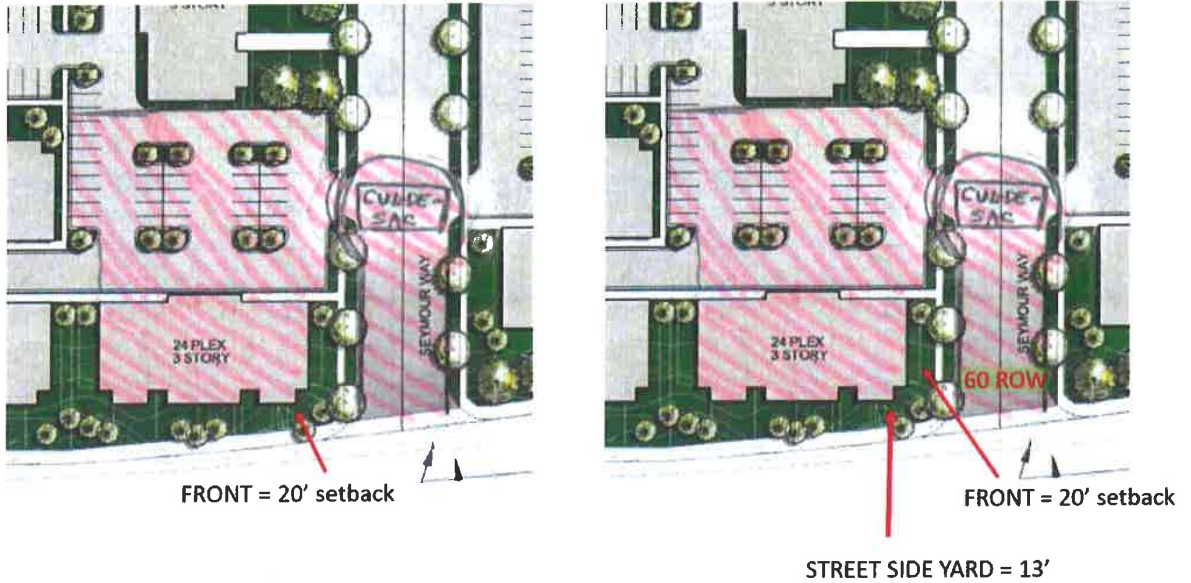
- 858,568 square feet total
- 5% density bonus for **85,857 square feet, or 1.97 acres**, of open space
- 10% density bonus for **171,714 square feet, or 3.94 acres**, of open space
- 15% density bonus for **257,571 square feet, or 5.91 acres**, of open space

- 5. **Height** – 35 feet for permissible uses, 25 feet for accessory uses.
- 6. **Access** – Access is proposed from Glacier Highway, classified as a Collector under Ordinance 2013-9. Under subsequent ARS subdivision, the access can be either a driveway managed by the homeowners association, or a right-of-way given to the CBJ [CBJ 49.15.920(f)].  
 Keep in mind that if the intent is to subdivide and create a right-of-way, the proposed multi-family structure will need to meet front yard setbacks from both the Glacier Highway and the eventual right-of-way.

Below, the image on the left shows structure setbacks for the multi-family structure that will be built before subdivision. The image on the right shows the setbacks that the structure will need to have in order to create and dedicate a right-of-way access to the ARS.

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### Pre-Application Conference Final Report



A secondary emergency access may be required, depending on CCFR evaluation. Consider that other subdivisions have provided an emergency access that was not built to right-of-way standards, which may be an option.

**7. Parking & Circulation** – Revisions to the parking code will go into effect on May 25, 2022.

For a 24-plex, 28 parking spaces will be required:

Unit Bedrooms	# of Units	Per Bedroom	Total
<b>12 UNITS</b>			<b>14</b>
Studio	4	1	4
One	4	1	4
Two	4	1.5	6
<b>16 UNITS</b>			<b>19</b>
Studio	6	1	6
One	5	1	5
Two	5	1.5	8
<b>24 UNITS</b>			<b>28</b>
Studio	8	1	8
One	8	1	8
Two	8	1.5	12

For the subdivision as proposed, 612 parking spaces will be required:

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Unit Bedrooms	# of Units	Per Bedroom	Total
<b>TOWNHOMES</b>			<b>148</b>
One		1	0
Two		1.5	0
Three or more	74	2	148
<b>APARTMENTS</b>			<b>227</b>
One	90	1	90
Two	91	1.5	137
Three or more		2	0
<b>CONDOMINIUMS</b>			<b>238</b>
One	95	1	95
Two	95	1.5	143
Three or more		2	0
<b>TOTAL PARKING REQUIRED</b>			<b>612</b>

Total parking proposed is 515.

On the parking summary provided on the site plan differs from staff calculations:

- For townhomes, 111 parking spaces are estimated for the development – 148 are required.
- For 2-bedroom apartments, 100 parking spaces are estimated for the development – 137 are required.
- For the 2-bedroom condominiums, 104 parking spaces are estimated for the development – 143 are required.

Accessible parking spaces (ADA spaces) will be required for residential uses with ten or more spaces, OR if designated visitor parking spaces are provided. Each parking lot for each multi-family development would be evaluated for provision of ADA spaces. See the attached code, 49.40.210(c) for ADA parking requirements. Note that dimensions will need to meet CBJ 49.40.225:

- 8.5x17 feet for pull-in space
- 6.5x22 feet for parallel parking
- 13x17 feet for an accessible space, including the five foot access aisle. Note that one aisle can be shared between two spaces. ADA spaces must be marked and signed appropriately.

The development could apply for a Parking Waiver [49.40.220(a) in the attached code]. The effect of the waiver will have more benefits than detriments for the development, and will not materially endanger public health, safety or welfare.

ADA spaces are based on the number required before reductions, such as waivers, are considered. For instance, you may have nine required ADA spaces for 464 total required apartment and condo spaces. The Commission could waive the required parking spaces to, say, 350, but the developer would still need to provide nine ADA spaces.

8. **Lot Coverage** – Lot coverage is 50% for permissible and conditional uses. Lot coverage considers structures with roofs.

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- 9. **Vegetative Coverage** – Required vegetative cover in D18 is 30 percent.
- 10. **Lighting** – A lighting plan should demonstrate full cut-off fixtures and should not illuminate neighboring property.
- 11. **Noise** – Noise is not anticipated to be in excess of that usually occurring in this zoning district
- 12. **Flood** – The lot is NOT located in a flood zone (Panel 02110C 1531D).
- 13. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – The lot is not in a mapped hazard zone.  
 Excavation of, or creation of, slopes of 18% or more will require a hillside endorsement from a qualified engineer. In general terms, this will require an engineered site plan, a vegetation plan, and a geotechnical memo, in addition to the construction and drainage plans usually required.  
 The Commission must sign off on the Hillside Endorsement for the CUP and for the ARS. Staff suggests that the Applicant either provide the information for hillside endorsement, or explain why the hillside endorsement is not needed. Refer to 49.70 Article II, attached to this report.
- 14. **Wetlands** – Wetlands are mapped on the lot. A United States Army Corps of Engineers permit will be required for fill. You can contact them at (907) 753-2689.
- 15. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.
- 16. **Plat Restrictions** – On the preliminary plat (never finalized) for the previous subdivision, there was a plat note that said:  
 “6. A THROUGH CONNECTION TO VISTA DEL SOL DRIVE IS REQUIRED FOR THE DEVELOPMENT OF LOT 14.”  
 It appears the intent was a connection if Tract B1A was developed. It is not known if the Planning Commission would require a connection for the development proposed in this application. The requirement is not included on the 1975 survey on record.
- 17. **Traffic** –  
 A Traffic Impact Analysis (TIA) will not be required for the apartment complex constructed alone:

Use	Units	Trips Generated per Unit	Total Trips
<b>Apartment</b>	24	6.65	159.6

A TIA will be required for the ARS development:

Use	Units	Trips Generated per Unit	Total Trips
<b>Residential Townhouse</b>	74	5.81	430
<b>Residential Condominium</b>	190	5.81	1,104
<b>Apartment</b>	181	6.65	1,204
<b>Total ADTs:</b>			<b>2,738</b>

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Anticipate that the Alaska Department of Transportation and Public Facilities will be reviewing the TIA.

#### Building Division

- 18. **Building** – Building permits required will be reviewed during the submittal process.
- 19. **Outstanding Permits** – None.

#### General Engineering/Public Works

- 20. **Engineering – Grading:** Slopes and retaining structures shall be shown on the Grading Plan. The heights and slope ratios shall be quantified.
  - 1. **Easements:** Site plan (plat) shall include all existing (and proposed) easements for drainage, utility lines, plumbing lines, access, snow storage, trash (dumpster) storage, or any other shared use that requires crossing the property line.
  - 2. **Roadway Slopes** are shown as 11% on Phase 1. This is to be verified acceptable with the Fire Chief.
  - 3. **Seismic structural design criteria:** IBC: Use ICC referenced CD-ROM *Seismic Design 3.01* or figure 1613.5(12) with the listed explanation and references. IRC: Seismic Design Category: D1
- 21. **Drainage** – Drainage must be directed to pre-approved drainage ways and cannot be directed at neighbors or otherwise cause a nuisance. Drainage shall be shown in the Grading Plan with arrows. Any drainage structure(s) shall be identified and sizes called out.
- 22. **Utilities** – (water, power, sewer, etc.): Water service shall be provided. A CBJ ROW Permit and Utility Permit will be required. The plans shall include a Utility Plan that shows location of buried sewer and water utilities including valves, unions, cleanouts, and system components. Sizes and materials shall be called out. Power by others.
  - 1. **CBJ right-of-way (ROW) permit** – Once the construction plan for the utilities is approved, CBJ will create the ROW permit. The permit will cover the tapping of the water main and road restoration within the right-of-way (if required). Inspection fees, refundable bond amount, and conditions will be determined after review of the proposed construction plan. The extension of the utilities within the property will require further permitting and fee assessments. This process is done separately from the subdivision and typically in conjunction with the building permit application. Utility as-builts shall be submitted to GE prior to return of Bond and closure of permits.
  - 2. **Water Utility permit** – For the water/fire line to be installed to the new structure:
    - i. The line sizing shall be determined by the engineer. The meter is required to be installed prior to any branches in the plumbing line. The meter location and sizing shall be shown on the mechanical plans. The meter installation and conduit installation is the responsibility of the applicant. A water assessment will need to be paid and will be determined after sizing of meter and domestic line are identified.
    - ii. The requirement for providing adequate water pressure will require a booster station and/or water storage at higher elevation.
  - 3. **Sewer Utility permit** – For the sewer line to be installed to the new structure, the line sizing shall be determined by the engineer. The mechanical plans shall include a drainage fixture unit (DFU) count. The sewer assessment and inspection fees are to be paid and will be determined after review of the DFU's and the configuration of the underground sewer line.

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### Fire Marshal

23. Fire Items/Access –

- All buildings will need to be sprinklered and have fire alarms.
- Hydrants – no more than 500 feet between them.
- Apparatus turn-around capability
- Slopes – get as close as possible to 10%, if you must exceed please coordinate with CCFR.
- May be access issues with one-way-in, one-way-out. May require secondary access.

### Other Applicable Agency Review

24. Alaska Department of Transportation and Public Facilities:

- a. Driveway permitting  
Michael K. Schuler, Property Management Officer  
(907) 465-4499 Desk  
(907) 419-4510  
michael.schuler@alaska.gov
- b. Traffic Analysis  
Nathan Purves, Traffic and Safety Engineer  
(907) 465-4521  
nathan.purves@alaska.gov

25. United States Army Corps of Engineers: (907) 753-2689

26. United States Fish and Wildlife Service: (907) 780-1160

### List of required applications

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

1. Development Permit Application (required with all applications)
2. Conditional Use Permit
3. Alternative Residential Subdivision Application
4. Parking Waiver Application

### Additional Submittal Requirements

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

1. A copy of this pre-application conference report.

### Exceptions to Submittal Requirements



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Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

- 1. N/A

### Fee Estimates

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

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

- 1. Conditional Use Permit: Class III, \$750
- 2. Alternative Residential Subdivision preliminary plan: Assuming 454 total units, \$36,720; \$400 plus \$80 per residential unit.
- 3. Alternative Residential Subdivision final plan: Assuming 454 total units, \$27,540; \$300 plus \$60 per residential unit.

NOTE: ARS fees cited include the preliminary and final plat process.

- 4. Public Notice Sign – for each occurrence. \$150, with \$100 refundable if the sign is returned by the Monday following the Planning Commission meeting.
- 5. Parking Waiver: \$320 if applied for with a major development permit (ARS or CUP)

For informational handouts with submittal requirements for development applications, please visit our website at [www.juneau.org/community-development](http://www.juneau.org/community-development).

### Submit your Completed Application

You may submit your application(s) online via email to [permits@juneau.org](mailto:permits@juneau.org)  
OR in person with payment made to:

City & Borough of Juneau, Permit Center  
230 South Franklin Street  
Fourth Floor Marine View Center  
Juneau, AK 99801

Phone: (907) 586-0715  
Web: [www.juneau.org/community-development](http://www.juneau.org/community-development)

### Attachments:

- 49.15.330 –Conditional Use Permit
- 49.15 Article IX – Alternative Residential Subdivisions
- 49.70 Article II – Hillside Endorsement
- REVISED PARKING CODE EFFECTIVE MAY 25, 2022
- Development Permit Application
- Conditional Use Permit Application
- Alternative Residential Subdivision Application
- Parking Waiver Application

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49.15.330 Conditional use permit.

- (a) *Purpose.* A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.
- (b) *Preapplication conference.* Prior to submission of an application, the developer shall meet with the director for the purpose of discussing the site, the proposed development activity, and the conditional use permit procedure. The director shall discuss with the developer, regulation which may limit the proposed development as well as standards or bonus regulations which may create opportunities for the developer. It is the intent of this section to provide for an exchange of general and preliminary information only and no statement by either the developer or the director shall be regarded as binding or authoritative for purposes of this code. A copy of this subsection shall be provided to the developer at the conference.
- (c) *Submission.* The developer shall submit to the director one copy of the completed permit application together with all supporting materials and the permit fee.
- (d) *Director's review procedure.*
  - (1) The director shall endeavor to determine whether the application accurately reflects the developer intentions, shall advise the applicant whether or not the application is acceptable and, if it is not, what corrective action may be taken.
  - (2) After accepting the application, the director shall schedule it for a hearing before the commission and shall give notice to the developer and the public in accordance with section 49.15.230.
  - (3) The director shall forward the application to the planning commission together with a report setting forth the director's recommendation for approval or denial, with or without conditions together with the reasons therefor. The director shall make those determinations specified in subsections (1)(A)—(1)(C) of subsection (e) of this section.
  - (4) Copies of the application or the relevant portions thereof shall be transmitted to interested agencies as specified on a list maintained by the director for that purpose. Referral agencies shall be invited to respond within 15 days unless an extension is requested and granted in writing for good cause by the director.
  - (5) Even if the proposed development complies with all the requirements of this title and all recommended conditions of approval, the director may nonetheless recommend denial of the application if it is found that the development:
    - (A) Will materially endanger the public health or safety;
    - (B) Will substantially decrease the value of or be out of harmony with property in the neighboring area; or
    - (C) Will not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans.
- (e) *Review of director's determinations.*
  - (1) At the hearing on the conditional use permit, the planning commission shall review the director's report to consider:
    - (A) Whether the proposed use is appropriate according to the table of permissible uses;
    - (B) Whether the application is complete; and
    - (C) Whether the development as proposed will comply with the other requirements of this title.
  - (2) The commission shall adopt the director's determination on each item set forth in paragraph (1) of this subsection (e) 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.

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- (f) *Commission determinations; standards.* Even if the commission adopts the director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the 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) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.
- (g) *Specific conditions.* The commission may alter the director's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:
  - (1) *Development schedule.* A reasonable time limit may be imposed on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighborhood, to ensure that development is not used or occupied prior to substantial completion of required public or quasi-public improvements, or to implement other requirements.
  - (2) *Use.* Use of the development may be restricted to that indicated in the application.
  - (3) *Owners' association.* The formation of an association or other agreement among developers, homeowners or merchants, or the creation of a special district may be required for the purpose of holding or maintaining common property.
  - (4) *Dedications.* Conveyance of title, easements, licenses, or other property interests to government entities, private or public utilities, owners' associations, or other common entities may be required.
  - (5) *Performance bonds.* The commission may require the posting of a bond or other surety or collateral approved as to form by the city attorney to guarantee the satisfactory completion of all improvements required by the commission. The instrument posted may provide for partial releases.
  - (6) *Commitment letter.* The commission may require a letter from a public utility or public agency legally committing it to serve the development if such service is required by the commission.
  - (7) *Covenants.* The commission may require the execution and recording of covenants, servitudes, or other instruments satisfactory in form to the city attorney as necessary to ensure permit compliance by future owners or occupants.
  - (8) *Revocation of permits.* The permit may be automatically revoked upon the occurrence of specified events. In such case, it shall be the sole responsibility of the owner to apply for a new permit. In other cases, any order revoking a permit shall state with particularity the grounds therefor and the requirements for reissuance. Compliance with such requirements shall be the sole criterion for reissuance.
  - (9) *Landslide and avalanche areas.* Development in landslide and avalanche areas, designated on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by assembly ordinance, shall minimize the risk to life and property.
  - (10) *Habitat.* Development in the following areas may be required to minimize environmental impact:
    - (A) Developments in wetlands and intertidal areas.
  - (11) *Sound.* Conditions may be imposed to discourage production of more than 65 dBa at the property line during the day or 55 dBa at night.
  - (12) *Traffic mitigation.* Conditions may be imposed on development to mitigate existing or potential traffic problems on arterial or collector streets.
  - (13) *Water access.* Conditions may be imposed to require dedication of public access easements to streams, lake shores and tidewater.
  - (14) *Screening.* The commission may require construction of fencing or plantings to screen the development or portions thereof from public view.

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- (15) *Lot size or development size.* Conditions may be imposed to limit lot size, the acreage to be developed or the total size of the development.
- (16) *Drainage.* Conditions may be imposed to improve on and off-site drainage over and above the minimum requirements of this title.
- (17) *Lighting.* Conditions may be imposed to control the type and extent of illumination.
- (18) *Other conditions.* Such other conditions as may be reasonably necessary pursuant to the standards listed in subsection (f) of this section.

(Serial No. 87-49, § 2, 1987; Serial No. 2006-15, § 2, 6-5-2006; Serial No. 2015-03(c)(am), § 9, 8-31-2015 ; Serial No. 2017-29, § 3, 1-8-2018, eff. 2-8-2018 )

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PART II - CODE OF ORDINANCES  
TITLE 49 - LAND USE  
Chapter 49.15 - PERMITS  
ARTICLE IX. ALTERNATIVE RESIDENTIAL SUBDIVISIONS

## ARTICLE IX. ALTERNATIVE RESIDENTIAL SUBDIVISIONS

### 49.15.900 Purpose.

The general purpose of this article is to provide reasonable minimum standards and procedures for unit-lot residential communities in which all or some of the lots do not substantially conform to the minimum requirements for a traditional subdivided lot. This article provides a housing option to allow dwellings on unit-lots to be conveyed by long-term leases, less than fee-simple ownership, or fee-simple ownership, including condominium and other common-interest communities. The specific purpose of this article is to permit flexibility in the regulation and use of land in order to promote its most appropriate use for unit-lot residential communities; to encourage residential developments that are planned, designed and developed to function as integral units with common facilities; to encourage developments that provide different types of housing options; to encourage development of quality affordable housing; to facilitate the adequate and economical provisions of access and utilities; and to encourage developments that are in harmony with the surrounding area.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

### 49.15.910 Application.

The provisions of this article apply when a parent lot is subdivided into developable unit-lots and where a portion of the parent lot remains.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

### 49.15.920 General provisions.

- (a) *General.* The requirements of this title apply except as provided in this article.
- (b) *Zoning districts.* An alternative residential subdivision is only allowed in the following zoning districts: RR, D-1, D-3, D-5, D-10SF, D-10, D-15, D-18, and LC.
- (c) *Lot size.* The parent lot shall be at least 150 percent of the minimum lot size for the zoning district in which it is located. There is no minimum size for the unit-lots.
- (d) *Other dimensional standards.* The minimum lot dimensions, lot coverage, and vegetative coverage shall be applied to the parent lot and not the unit-lots.
- (e) *Density.*
  - (1) The number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the alternative residential subdivision and rounding to the nearest whole number.
  - (2) Land and water bodies used in calculating the number of dwelling units permitted shall be delineated on the preliminary and final plans in a manner allowing confirmation of acreage and density computations.
  - (3) The commission may award a density bonus as an incentive for enhancements to the development. The total bonus shall not exceed 50 percent in the RR, D1, D3, D5, D10 zoning districts, and 25 percent

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in the D-10SF, D15, D18 and LC zoning districts of the density provided in subsection (e)(1) of this section and rounded to the nearest whole number and shall be the sum of individual density bonuses as follows:

- (A) Five percent for each ten percent increment of open space in excess of that required in the zoning district to a maximum bonus of 15 percent for open space in excess of that required;
  - (B) Five percent for a continuous setback greater than 50 feet or ten percent for a continuous setback greater than 50 feet on both sides of a stream, if applicable, designated in the plan as undisturbed open space along important natural water bodies, including anadromous fish streams, lakes, and wetlands;
  - (C) Fifteen percent for a mixture of housing units restricted by a recorded document for a period of 30 years from the first sale:
    - (i) In which ten percent of the dwelling units are set aside for lower income households earning no more than 80 percent of the area median income; or
    - (ii) In which 20 percent of the dwelling units are set aside for workforce households earning no more than 120 percent of the area median income.
  - (D) Up to ten percent for provision of common facilities and additional amenities that provide an unusual enhancement to the general area, such as siting, landscaped buffers, or the creation or preservation of view corridors;
  - (E) Ten percent for dedication of a public right-of-way accessible to all unit-lots consistent with chapter 49.35;
  - (F) Five percent in the RR, D-1, D-3, D-5, and D-10SF zoning districts, and ten percent in the D-10, D-15, D-18 and LC zoning districts for providing shared use pathways to facilitate safe pedestrian and bicycle movement within the development and to ensure non-vehicular access to open space, common facilities and to public services;
  - (G) Five percent for designing all dwelling structures to a five-star plus energy efficiency rating; ten percent for designing all dwelling structures to a six-star energy efficiency rating; and
  - (H) Up to ten percent for using high-efficiency primary heating methods, such as heat pumps, in all dwelling structures.
- (4) A density bonus may be limited or denied if it will more probably than not:
- (A) Materially endanger public health or safety;
  - (B) Substantially be out of harmony with property in the neighboring area;
  - (C) Lack general conformity with the comprehensive plan or another adopted plan; or
  - (D) Create an excessive burden on roads, sewer, water, schools, or other existing or proposed public facilities.
- (f) *Frontage and access.* The parent lot shall front on and be accessed by a publically maintained right-of-way. Access within the development may be exempted from [chapter] 49.35 and be privately owned and maintained if it complies with the following requirements:
- (1) The access shall be located completely on the parent lot;
  - (2) The access does not endanger public safety or welfare and provides for safe pedestrian and vehicular traffic circulation;
  - (3) The access complies with the emergency service access requirements of CBJ [chapter] 19.10;

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- (4) Access to and within the development is paved;
  - (5) The developer submits adequate evidence that upon approval of the development, a homeowners' association will be formed, can obtain liability insurance, and is solely responsible for maintaining the private access—including winter maintenance; and
  - (6) The alternative residential subdivision does not abut a developable parcel that lacks alternative and practical frontage on a publically maintained right-of-way.
- (g) *Utilities.* An alternative subdivision is required to connect each dwelling unit to public sewer and water. A master meter for water shall be installed by the developer.
- (h) *Parking.* Parking required for each dwelling unit may be located on either the parent lot or the unit-lot.
- (i) *Open space.* Open space is required as follows: 25 percent in the RR and D-1 zoning districts; 20 percent in the D-3, D-5 and D-10 zoning districts; 15 percent in the D-10SF district. Open space is not required in the D-15, D-18, or LC zoning districts.
- (j) *Buffer.* There are no setback requirements on the unit-lots. A perimeter buffer is required in lieu of the setback requirements of this title on the parent lot. The presumptive buffer width shall not be less than the setback set by the underlying zoning district to ensure neighborhood harmony and minimize off-site impacts. The commission may enlarge a buffer or a portion of a buffer up to 25 feet in total width, and the commission may reduce a buffer or a portion of a buffer by 75 percent of the setback for the underlying zoning district. The commission may only enlarge or reduce the buffer width upon considering, but not limited to: type of buffer, location of the subdivision structures and uses therein; the location and type of surrounding uses or development; topography; and the presence of existing visual and sound buffers. A buffer shall be vegetated unless the commission requires non-vegetated screening. A buffer may include fencing, natural berm, or other similar features. No parking areas, dwelling units, unit-lots, or permissible uses may be located within the perimeter buffer. Access to the development may cross a portion of the buffer.
- (k) *Parent lot.* Portions of the parent lot not subdivided into unit-lots shall be owned in common by a homeowners' association, or similar entity, comprised of the owners of the unit-lots located within the parent lot.
- (l) *Stormwater management.* Facilities for the control and disposal of stormwater must be adequate to serve the development and areas draining through the development. Management shall be in accordance with the Stormwater Best Management Practices manual. Where appropriate, natural drainage channels, swales, or other similar areas within the open space may be used for stormwater management at the development. The developer shall provide the CBJ Engineering and Public Works Department with an evaluation of offsite drainage outfalls for the additional runoff contributed by the alternative residential subdivision. The commission may require construction of offsite drainage improvements necessary to accommodate additional runoff from the development.
- (m) *Permitted uses.* No primary uses are permitted on the parent lot except a recreational center, community facility, or a child care center. Consistent with the table of permissible uses, 49.25.300, only residential uses and associated accessory structures are allowed on the unit-lots. Accessory dwelling units are prohibited on the parent lot and on any unit-lots. A home occupation or a child care home is permissible on the unit-lots. If an alternative residential subdivision creates a lot that complies with the table of dimensional standards, 49.25.400, for the underlying zoning district, the accessory dwelling unit prohibition of this subsection does not apply.
- (n) *Street sign.* Street signage is required. The developer shall install a street sign provided by the City and Borough of Juneau at the developer's expense. The director shall determine the type of street sign—addresses or street name—upon considering public health, safety, and welfare given the size of the subdivision.

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- (o) *Mailboxes.* Upon consultation with the United States Postal Service, the director shall determine the placement location of mailboxes. The director may require additional improvements and design changes to enable efficient mail delivery and to minimize traffic interferences and compliance with CBJ standard details.  
( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.930 Alternative residential subdivision review process.**

- (a) *General procedure.* A proposed alternative residential subdivision shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of an application proposing a change in the number or boundaries of unit-lots, section 49.15.402, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of unit-lots, the preliminary and final plat submissions required by section 49.15.402 shall be included with the preliminary and final plan submissions required by this chapter.
- (b) *Preapplication conference.* Prior to submission of an application, the director shall conduct an informal preapplication conference with the developer to discuss the proposed alternative residential subdivision. The purpose of the preapplication conference shall be to exchange general and preliminary information and to identify potential issues and bonuses. The developer may discuss project plans and the director may provide an informal assessment of project permit eligibility, but no statement made by either party shall be regarded as binding, and the result of the conference shall not constitute preliminary approval by the department. The conference shall include a discussion of the zoning, size, topography, accessibility, and adjacent uses of the development site; the uses, density and layout of buildings, parking areas, the open space and landscaping proposed for the development; the common facilities; provision of utilities, including solid waste and recycling collection; the access, the vehicle and pedestrian circulation, and winter maintenance including snow removal locations; the development schedule and the alternative residential subdivision permit procedures. The developer shall provide a sketch of the proposed alternative residential subdivision.  
( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.940 Preliminary alternative residential subdivision plan approval.**

- (a) *Application.* The developer shall submit to the department one copy of a complete alternative residential subdivision application, which shall include an application form, the required fee, any information required in subsection 49.15.402, the information required by this section, and any other information specified by the director.
- (b) *Required submissions.* The application shall include the following material:
  - (1) *Ownership.* The application shall identify, and shall be signed by or upon, the included written authorization of, all owners, lessees, and optionees of land within the boundaries of all phases of the alternative residential subdivision.
  - (2) *Preliminary development plan.* The application shall include a preliminary development plan, explaining how the proposed alternative residential subdivision will achieve the purposes set forth in section 49.15.900. The preliminary development plan shall summarize the different land uses proposed, including the amount of land for housing, open space, buffer, access, parking and pedestrian circulation; the number and types of housing units and proposed density; the natural features to be protected and hazards to be avoided; and the public, if any, and private services to be provided.
  - (3) *Design.* The application shall describe the design of the alternative residential subdivision, with particular attention to building siting, massing, access, parking, and architectural features; provision of



### Attachment A - Application

utilities including drainage and trash collection; provision of winter maintenance for access and parking areas; and the circulation of traffic and pedestrians.

- (4) *Open space, common facilities, and general landscaping.* The preliminary plat shall show and describe common facilities, pedestrian circulation to common facilities and amenities, open space, buffers, landscaping, and similar features.
- (5) *Request for density bonuses.* If a density bonus is being applied for, the application shall include a narrative describing the justification for the requested bonus, and the application shall show the nature and extent of the requested bonus.
- (6) *Description of phased development.* The preliminary development plan for a phased alternative residential subdivision shall include:
  - (A) A drawing and development schedule for each phase and for the entire alternative residential subdivision;
  - (B) The size and general location of proposed land uses for each phase at the maximum level of density, including maximum allotment of density bonuses;
  - (C) A description of the access (pedestrian and vehicular) connecting all the phases and where they will connect at the alternative residential subdivision boundaries;
  - (D) A description of how the developer will address the cumulative impacts of the phased development on the neighborhood and the natural environment;
  - (E) A description of the overall design theme unifying the phases;
  - (F) An analysis of how each phase in the project will meet the requirements of subsection 49.15.960(b); and
  - (G) A sketch plat consistent with section 49.15.410.
- (c) *Department review.* The director shall advise the developer whether the alternative residential subdivision application is complete, and, if not, what the developer must do to make it complete. Within 45 days after determining an application is complete, the director shall schedule the preliminary plan for a public hearing before the commission. The director shall give notice to the developer and the public according to section 49.15.230.
- (d) *Commission action.* The commission may approve an alternative residential subdivision preliminary plan if it meets the following requirements:
  - (1) The development protects natural features and avoids natural hazards by reserving them as open space;
  - (2) The development is consistent with the land use code;
  - (3) The development incorporates perimeter buffers sufficient to minimize off-site impacts of the subdivision and to maximize harmony with the neighborhood;
  - (4) Utilities proposed for connection to the City and Borough system meet City and Borough standards, and all others are consistent with sound engineering practices, as determined by the City and Borough Engineering and Public Works Department;
  - (5) The configuration of the development provides for economy and efficiency in utilities, housing construction, access, parking and circulation;
  - (6) If the approval is for a phased development, that each phase is consistent with the preliminary development plan and design of the entire alternative residential subdivision;

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- (7) Adequately addresses the cumulative impacts of the phased development on the neighborhood and the natural environment; and
  - (8) If the approval includes an allotment of a density bonus, the density bonus complies with section 49.15.920(e)(4).
- (e) *Expiration.* Approval of a preliminary plan shall expire 18 months after the commission notice of decision unless a final plan for the entire project or, in the case of a phased development, the first phase thereof, is submitted to the department for commission action. An application for extension of a preliminary plan shall be according to section 49.15.250, development permit extension.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.950 Final alternative residential subdivision plan approval.**

- (a) *Application.* Upon completion of all conditions of the preliminary plan, the developer shall submit an application, fee, and a final plan for commission approval.
- (b) *Homeowners' association.* The formation of a homeowners' association, or similar entity, is required.
  - (1) The articles of incorporation and bylaws of the homeowners' association, required under A.S. 34.08 or this chapter, shall be prepared by a lawyer licensed to practice in the state.
  - (2) The homeowners' association shall be responsible for the maintenance of open space, water and sewer utilities, and stormwater control features and drainages. The association documents shall specify how any other common facilities shall be operated and maintained. The association documents shall require homeowners to pay periodic assessments for the operation, maintenance and repair of common facilities. The documents shall require that the governing body of the association adequately maintain common facilities.
  - (3) If the alternative residential subdivision is phased, the association documents shall specify how the cost to build, operate, and maintain improved open space and common facilities shall be apportioned among homeowners of the initial phase and homeowners of later phases.
  - (4) The homeowners' association documents shall be recorded with the approved final plat.
- (c) *Commission action.* The commission may approve the final plan if it substantially conforms to the approved preliminary plan and all requirements of this article.
- (d) *Expiration.* An approved final plan shall expire 18 months after recording if the applicant fails to obtain an associated building permit and make substantial construction progress. An application for extension of a final plan shall be according to section 49.15.250, development permit extension.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.960 Phased development.**

- (a) *Phasing allowed.* An applicant may develop an alternative residential subdivision in phases, provided the initial application includes a preliminary development plan sufficient to assess the cumulative effects of the entire alternative residential subdivision on the neighborhood and the environment according to the standards in subsection 49.15.940.
- (b) *Completion of an individual phase.* Each phase shall be so designed and implemented that, when considered with reference to any previously constructed phases but without reference to any subsequent phases, it meets the design and density standards applicable to the entire alternative residential subdivision.

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Construction and completion of open space and common facilities serving each phase in an alternative residential subdivision shall proceed at a rate no slower than that of other structures in that phase. No phase shall be eligible for final plan approval until all components of all preceding phases are substantially complete and homeowners' association documents have been approved.

- (c) *Standards for phases.* Each phase of an alternative residential subdivision shall be reviewed according to the provisions of this chapter then current. Each phase of an alternative residential subdivision shall maintain design continuity with earlier phases. At no point during a phased development shall the cumulative density exceed that established in the approved preliminary plan.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

# Attachment A - Application

PART II - CODE OF ORDINANCES  
TITLE 49 - LAND USE  
Chapter 49.70 - SPECIFIED AREA PROVISIONS  
ARTICLE II. HILLSIDE DEVELOPMENT

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**49.15.970 Amendments to approved alternative residential subdivision plan.**

- (a) *Request for amendment.* The developer of an alternative residential subdivision may request an amendment to an approved preliminary or final alternative residential subdivision plan. The request shall state the reasons for the amendment and shall be submitted in writing to the director, who shall inform the developer within 15 days whether the request shall be processed as a minor amendment or major amendment.
  - (b) *Minor amendment.* A minor amendment may be submitted without a filing fee and may be approved by the director. For purposes of this section, a minor amendment is a change consistent with the conditions of the original plan approval, and would result in:
    - (1) Insignificant change in the outward appearance of the development;
    - (2) Insignificant impacts on surrounding properties;
    - (3) Insignificant modification in the location or siting of buildings or open space;
    - (4) No reduction in the number of parking spaces below that required;
    - (5) A delay of no more than one year in the construction or completion schedule for the project or, in the case of a phased project, the phase for which the amendment is requested.
  - (c) *Major amendment.* All other amendments shall be reviewed by the commission upon payment of a filing fee and in accordance with the requirements of the original plan approval.
- ( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

# Attachment A - Application

PART II - CODE OF ORDINANCES  
TITLE 49 - LAND USE  
Chapter 49.70 - SPECIFIED AREA PROVISIONS  
ARTICLE II. HILLSIDE DEVELOPMENT

## ARTICLE II. HILLSIDE DEVELOPMENT

### 49.70.200 Purposes.

The purposes of this article are to:

- (1) Ensure that hillside development provides erosion and drainage control to protect adjoining parcels;
- (2) Protect waterways from sedimentation and pollution;
- (3) Minimize injury or damage to people or property from natural or artificial hazards in hillside development; and
- (4) Minimize any adverse aesthetic impact of hillside development.

(Serial No. 87-49, § 2, 1987)

### 49.70.210 Applicability and scope.

- (a) This article applies to all development on hillsides in the City and Borough that involves the following:
  - (1) Removal of vegetative cover;
  - (2) Excavation of any slope in excess of 18 percent;
  - (3) Creation of a new slope in excess of 18 percent for a vertical distance of at least five feet; or
  - (4) Any hazard area identified on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by the assembly by ordinance or any other areas determined to be susceptible to geophysical hazards.
- (b) All hillside development endorsement applications shall be reviewed by the planning commission, except the following may be reviewed by the director:
  - (1) An excavation below finished grade for basements and footings of a building, a retaining wall or other structure authorized by a building permit, provided that this shall not exempt any fill made with the material from such excavation nor any excavation having an unsupported height greater than two feet after the completion of the associated structure.
  - (2) Graves.
  - (3) Mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate or clay provided such operations do not affect the location or peak volume of runoff, the location or amount of standing water, or the lateral support for, the stresses in, or the pressure upon, any adjacent or contiguous property.
  - (4) Exploratory excavations less than 200 square feet in area and under the direction of a civil engineer with knowledge and experience in the application of geology in the design of civil work.
  - (5) An excavation which:
    - (A) Is less than two feet in depth and covers less than 200 square feet; or

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- (B) Does not create a cut slope greater than five feet in height or steeper than one and one-half horizontal to one vertical.
- (6) A fill less than one foot in depth and intended to support structures which fill is placed on natural terrain with a slope flatter than five horizontal to one vertical, which does not exceed 20 cubic yards on any one lot and which does not obstruct a drainage course.
- (7) A fill less than three feet in depth and not intended to support structures which fill is placed on natural terrain on a slope flatter than five horizontal to one vertical, which does not exceed 50 cubic yards on any one lot and which does not obstruct a drainage course.
- (8) Minor development.

(Serial No. 87-49, § 2, 1987; Serial No. 2006-15, § 22, 6-5-2006; Serial No. 2015-03(c)(am), § 51, 8-31-2015 )

### 49.70.220 Hillside development endorsement application.

- (a) All development on hillsides shall be pursuant to a hillside development endorsement.
- (b) The developer shall apply for and obtain a hillside development endorsement prior to any site work other than land and engineering surveys and soils exploration.

(Serial No. 87-49, § 2, 1987; Serial No. 2015-03(c)(am), § 52, 8-31-2015 )

### 49.70.230 Fees.

The City and Borough shall charge the developer the gross hourly rate for professional review of the application and for inspection. The developer shall deposit one percent of the value of the site development, excluding that portion of the site determined by the engineer to be subject to a public transmission facility permit, in a specially designated reserve account, against which the City and Borough may bill its documented time and expenses. The developer shall promptly replenish this amount when requested, and no endorsement may be issued if there is any deficiency in the developer's reserve account. All unexpended funds in the reserve account shall be returned to the developer upon final approval of development or when the engineer is satisfied that the work under the hillside development endorsement has been completed and the requirements of this chapter have been met.

(Serial No. 87-49, § 2, 1987)

### 49.70.240 Application.

The application shall be accompanied by the following materials, which shall be signed and stamped by a civil engineer, architect, geologist or land surveyor licensed in the State of Alaska:

- (1) A vicinity map, at a clear and legible scale, showing roads, place and street names and natural waterbodies.
- (2) Site maps, showing the present condition of the site at a clear and legible scale compatible with the size of the development and including:
  - (A) Two-foot contours for flat terrain or five-foot contours for steep terrain and extending 50 feet in all directions beyond the development site; 12 percent line, 30 percent line;
  - (B) Water bodies, tidelands and drainage ways from the development site to accepting natural waterbody;

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(Supp. No. 139)

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- (C) Lot boundaries and easements for the site and adjacent lots; and
  - (D) Existing improvements on the site and adjacent lots, including structures, roads, driveways and utility lines.
- (3) The application shall include a finished proposed site plan at a clear and legible scale that includes the following information:
- (A) Finished grade at two-foot contours for flat terrain or five-foot contours for steep terrain and extending 50 feet in all directions beyond the development site; 12 percent line, 30 percent line.
  - (B) Water bodies, tidelands and drainage ways, and temporary and permanent drainage systems from the development site to the accepting natural waterbody.
  - (C) Lot boundaries, easements and setback lines.
  - (D) The location of improvements including structures, roads, driveways, utility lines, culverts, walls and cribbing.
  - (E) Clearing limits of existing vegetative cover.
  - (F) A cross section of the development site.
- (4) The application shall include detailed engineering drawings of roads, driveways, parking areas, structural improvements for foundations, off-site stormwater runoff systems; cross sections and road elevations.
- (5) A description of the source and type of any off-site fill, and the site for depositing excess fill.
- (6) A landscaping plan, including all trees to be retained in excavation areas, all plant species and locations; temporary slope protection measures; erosion and siltation control measures; seeding or sodding materials, a planting and maintenance program; and methods of stabilization and protection of bare slopes.
- (7) An engineering geologic report, including a summary of the relevant surface and bedrock geology of the site, a discussion of active geologic processes with conclusions and recommendations regarding the effect of geologic factors on the proposed development; data regarding the nature, distribution and relevant parameters of existing soils, recommendations for grading procedures; design criteria for corrective measures as necessary, and recommendations covering the suitability of the site for the proposed development.
- (8) A work schedule, by phase.
- (9) Such other different or more detailed submissions as may be required.

(Serial No. 87-49, § 2, 1987; Serial No. 2015-03(c)(am), § 54, 8-31-2015 )

**49.70.250 Standards for approval.**

Hillside development shall meet the following minimum standards:

- (1) *Roads.* The City and Borough road standards shall apply to hillside development, except that:
  - (A) *Modification of standards.* The engineer or planning commission may modify road standards as identified in subsections (1)(B) and (C) of this section, if:
    - (i) The developer's traffic analysis and circulation, land ownership, and development patterns indicate future use of the roadway at less than collector street levels;

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- (ii) The modification would enable the development to meet, or more closely approximate, the criteria set forth in section 49.70.260; and either
  - (iii) The proposed road or access in question would result in a permanent cul-de-sac; or
  - (iv) A secondary access to the proposed development exists or will be developed as a part of the project.
- (B) **Road width.** The width of a section of residential roadway may be narrowed to 20 feet, with a single four-foot pedestrian way and underground storm drain system, if:
- (i) The section is not more than 200 feet in length, and is separated from other such sections by at least 100 feet of standard roadway;
  - (ii) No entrances, intersections or parking are allowed in the section;
  - (iii) Guard rails, if any, are designed to permit the passage of plowed snow;
  - (iv) There is at least a 200-foot line of sight along the centerline of the section;
  - (v) The section enables the development to meet, or more closely approximate, the criteria set forth in section 49.70.260;
  - (vi) Grouped off-street parking spaces are provided at the entry to the section; and
  - (vii) Adequate provision is made for storage of snow.
- (C) **Road grade.** The grade of a section of residential roadway may be increased to a maximum of 15 percent if:
- (i) The section is not more than 200 feet in length and separated from other such sections by at least 100 feet of roadway;
  - (ii) No entrances or intersections are allowed in the section;
  - (iii) Through intersections at the end of the section have approaches at least 50 feet long measured from the edge of the traveled way of the crossroad and are at a grade of eight percent or less; intersections requiring a full stop have approaches no less than 20 feet long at a grade of two percent or less, or no less than 50 feet long at a grade between two and six percent;
  - (iv) Any guard rails are designed to permit the passage of plowed snow;
  - (v) All sight distances conform to standards of the American Association of State Highway and Transportation Officials; and
  - (vi) The section enables the development to meet, or more closely approximate, the criteria set forth in section 49.70.260.
- (2) **Weather.** The engineer may prohibit a developer from earthmoving during periods of very wet soil conditions, in which case the permit shall be extended by a like period.
- (3) **Sediment.** The developer shall not allow any increase in sediment to flow off-site during or after construction if such would be likely to cause an adverse impact on a down slope lot or waterbody.
- (4) **Peak discharge.** The developer shall ensure that during and after construction of major development, the peak discharge of all streams and natural drainage ways at the down slope boundary shall be no greater than that occurring prior to excavation.

(Serial No. 87-49, § 2, 1987)



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### 49.70.260 Criteria.

The commission or director shall consider the extent to which the development meets the following criteria:

- (1) *Soil erosion.* Soil disturbance and soil erosion shall be minimized and the effects thereof mitigated.
- (2) *Existing vegetation.* Depletion of existing vegetation shall be minimized.
- (3) *Contours.* The developer shall recontour the finished grade to natural-appearing contours which are at or below 30 percent or the natural angle of repose for the soil type, whichever is lower, and which will hold vegetation.
- (4) *Time of exposure and soil retention.* The developer shall minimize the period of time that soil is exposed and shall employ mats, silt blocks or other retention features to maximize soil retention.
- (5) *Replanting.* The developer shall mat, where necessary, and plant all exposed soil in grass or other soil-retaining vegetation and shall maintain the vegetation for one full growing season after planting.
- (6) *Drainage.* The developer shall minimize disturbance to the natural course of streams and drainage ways. Where disturbance is unavoidable, the developer shall provide a drainage system or structures which will minimize the possibility of sedimentation and soil erosion on-site and downstream and which will maintain or enhance the general stream characteristics, spawning quality, and other habitat features of the stream and its receiving waters. Where possible, development shall be designed so lot lines follow natural drainage ways.
- (7) *Foundations.* The developer shall ensure that buildings will be constructed on geologically safe terrain.
- (8) *Very steep slopes.* The developer shall minimize excavation on slopes over 30 percent.
- (9) *Soil retention features.* The developer shall minimize the use of constructed retention features. Where used, their visual impact shall be minimized through the use of natural aggregate or wood, variation of facade, replanted terraces, and the like.
- (10) *Wet weather periods.* The developer shall minimize exposure of soil during the periods of September 1—November 30 and March 1—May 1.

(Serial No. 87-49, § 2, 1987; Serial No. 2015-03(c)(am), § 54, 8-31-2015 )

### 49.70.270 Conditions on approval.

The commission or director may place conditions upon a hillside development endorsement as necessary or desirable to ensure that the spirit of this chapter will be implemented in the manner indicated in the application. Fulfillment of conditions shall be certified by the engineer. The conditions may consist of one or more of the following:

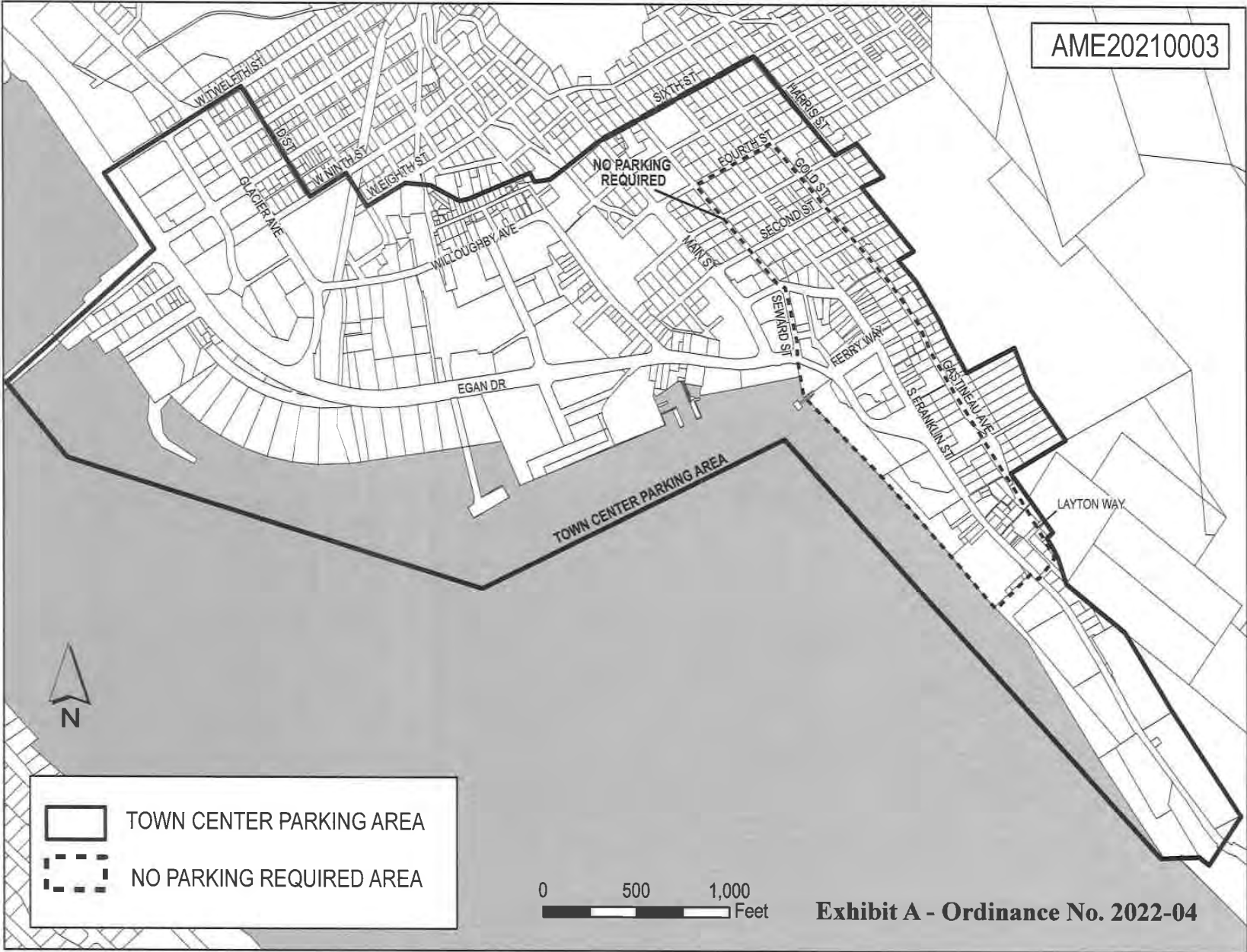
- (1) *Development schedule.* The commission or director may place a reasonable time limit on or require phasing of construction activity associated with the development or any portion thereof, in order to minimize construction-related disruption to traffic and neighbors or to ensure that the development is not used or occupied prior to substantial completion of required improvements.
- (2) *Dedications.* The commission or director may require conveyances of title or other legal or equitable interests to public entities, public utilities, a homeowner's association, or other common entities. The developer may be required to construct any public facilities, such as drainage retention areas, to City and Borough standards prior to dedication.

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- (3) *Construction guarantees.* The commission or director may require the posting of a bond or other surety or collateral providing for whole or partial releases, in order to ensure that all required improvements are constructed as specified in the approved plans.
  - (4) *Lot size.* If justified by site topography, the commission or director may require larger lot areas than prescribed by zoning requirements.

(Serial No. 87-49, § 2, 1987; Serial No. 2015-03(c)(am), § 55, 8-31-2015 )

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Presented by: The Manager  
Presented: 02/07/2022  
Drafted by: R. Palmer III

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2022-04(b)**

**An Ordinance Amending the Parking Requirements of the Land Use Code.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

**Section 2. Amendment of Section.** CBJ 49.40 Parking and Traffic, Article II Parking and Loading, is repealed and reenacted to read:

**ARTICLE II: PARKING AND LOADING**

**49.40.200 General applicability.**

Developers must provide off-street parking spaces for automobiles in accordance with the requirements set forth in this chapter at the time any structure is erected, expanded, or when there is a change in the principal use.

(a) **Special Parking Areas.**

- (1) *Town Center Parking Area.* The Town Center Parking Area, as depicted in Ordinance 2022-04 is adopted. The Town Center Parking Area consists of the lots within the area bound by West Tenth Street, Egan Drive, West Twelfth Street, D Street, West Ninth Street, C Street and its projection, West Eight Street and its

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projection, the rear lot lines of property between 370 through Distin Avenue, Sixth Street and its projection, Harris Street, projection of Third Street, projection of East Street, projection of Second Street, projection of Harris Street, the rear lot lines of property between 143 and 400 Gastineau Avenue, the rear lot lines of property between 511 and 889 South Franklin Street, and Gastineau Channel.

(2) *No Parking Required Area.* The No Parking Required Area, as depicted in Ordinance 2022-04 is adopted. The lots within the area bound by Gastineau Avenue, Fourth Street, Seward Street, Gastineau Channel, 490 South Franklin Street, and Layton Way are excluded from the parking requirements of this chapter. No additional parking is required for development in this area.

(b) *Conforming parking.* The requirements, alternatives and reductions of this chapter can be combined to meet parking requirements of a development.

(c) *Developer responsibility.* Developer must submit documentation to demonstrate that applicable parking code requirements have been met, in conformance with this chapter.

(d) *Owner/occupant responsibility.* The provision and maintenance of off-street parking and loading spaces required in this chapter is a continuing obligation and joint responsibility of the owner and occupants.

(e) *Determination.* The determination of whether the parking requirements of this chapter are satisfied, with or without conditions, and deemed necessary for consistency with this title, must be made by:

- (1) The director for minor development;
- (2) The commission for major development; or

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- (3) The commission if the development application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the director.
- (f) *Expansion.* In cases of expansion of a structure on or after the effective date of Ordinance 2022-04,
  - (1) The number of additional off-street parking spaces required must be based on the gross floor area added.
  - (2) No additional parking spaces are required if the additional spaces would amount to less than ten percent of the total required for the development and amount to two or less spaces.
  - (3) For phased expansion, the required off-street parking spaces is the amount required for the completed development, as determined by the director.
- (g) *Change in use.* In cases of a change in use on or after the effective date of Ordinance 2022-04, the number of spaces required will be based on this chapter.
- (h) *Replacement and reconstruction of certain nonconforming structures.* Off-street parking requirements for the replacement and reconstruction of certain nonconforming structures in residential districts must be governed by chapter 49.30.
- (i) *Mixed occupancy.* Mixed occupancy is when two or more of the parking uses in 49.40.210 share the same lot(s). For mixed occupancy, the total requirement for off-street parking facilities is the sum of the requirements for the uses computed separately.
- (j) *Uses not specified.* The requirements for off-street parking in 49.20.320 are based on the requirements for the most comparable use specified, as determined by the director for minor development or by the commission for major development.

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(k) *Location.* Off-street parking facilities must be located as provided in this chapter. If a distance is specified, such distance is the walking distance measured from the building being served to the parking provision. Off-street parking facilities for:

- (1) Single-family dwellings and duplexes must be on the same lot as the building served;
- (2) Multifamily dwellings may not be more than 100 feet distant, unless compliant with section 49.40.215; and
- (3) Uses other than those specified above, may be not more than 500 feet distant, unless compliant with section 49.40.215.

(l) *Off-street parking requirements for a lot accessible by air or water only.* Off-street parking requirements do not apply to a lot if it is accessible only by air or water. If the director determines that public access by automobile to the lot later becomes available, the owner of the property must be given notice and within one year must provide the required off-street parking.

**49.40.210 Number of off-street parking spaces required.**

(a) *General.* The minimum number of off-street parking spaces required must be as set forth in the following table. The number of spaces must be calculated and rounded down to the nearest whole number:

Use	Spaces Required in All Other Areas	Spaces Required in Town Center Parking Area
Single-family and duplex	2 per each dwelling unit	1 per each dwelling unit
Multifamily units	1 per one bedroom unit	0.4 per one bedroom unit
	1.5 per two bedroom unit	0.6 per two bedroom unit
	2.0 per three or more bedroom unit	0.8 per three or more bedroom unit
Roominghouse, boardinghouse, single-room occupancies with	1 per 2 bedrooms	1 per 5 bedrooms

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Use	Spaces Required in All Other Areas	Spaces Required in Town Center Parking Area
shared facilities, bed and breakfast, halfway house, and group home		
Single-room occupancies with private facilities	1 per each single-room occupancy plus 1 additional per each increment of four single-room occupancies with private facilities	1 per 5 single-room occupancies, plus 1 per each increment of ten single-room occupancies with private facilities.
Accessory apartment	1 per each unit	0 per each unit
Motel	1 per each unit in the motel	1 per each 12 units in the motel
Hotel	1 per each four units	1 per each 12 units
Hospital and nursing home	2 per bed OR one per 400 square feet of gross floor area	2 per bed OR one per 400 square feet of gross floor area
Senior housing	0.6 parking spaces per dwelling unit	0.3 spaces per dwelling unit
Assisted living facility	0.4 parking spaces per maximum number of residents	0.4 parking spaces per maximum number of residents
Sobering center	1 parking space per 12 beds	2 parking spaces
Theater	1 for each four seats	1 for each 10 seats
Church, auditorium, and similar enclosed places of assembly	1 for each four seats in the auditorium	1 for each 10 seats in the auditorium
Bowling alley	3 per alley	1.2 per alley
Bank, office, retail commercial, salon and spa	1 per 300 square feet of gross floor area	1 per 750 square feet of gross floor area
Medical or dental clinic	1 per 200 square feet of gross floor area	1 per 400 square feet of gross floor area
Funeral Home	1 per six seats based on maximum seating capacity in main auditorium	1 per 15 seats based on maximum seating capacity in main auditorium
Warehouse, storage, and wholesale businesses	1 per 1,000 square feet of gross floor area	1 per 2,500 square feet of gross floor area
Restaurant and alcoholic beverage dispensary	1 per 200 square feet of gross floor area	1 per 750 square feet of gross floor area
Swimming pool serving general public	1 per four persons based on pool capacity	1 per 10 persons based on pool capacity
Shopping center and mall	1 per 300 square feet of gross leasable floor area	1 per 750 square feet of gross floor area
Convenience store	49.65 Article V	1 per 750 square feet of gross floor area
Watercraft moorage	1 per three moorage stalls	2 per 15 moorage stalls
Manufacturing uses; research, testing and processing, assembling, industry	1 per 1,000 square feet gross floor area except that office space must provide parking as required for offices	1 per 2,500 square feet gross floor area except that office space must provide parking as provided for offices.
Library and museum	1 per 600 square feet gross floor area	1 per 1,500 square feet of gross floor area



Attachment A - Application

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Use	Spaces Required in All Other Areas	Spaces Required in Town Center Parking Area
School, elementary	2 per classroom	2 per classroom
Middle school or junior high	1.5 per classroom	1.5 per classroom
High school	A minimum of 15 spaces per school; where auditorium or general assembly area is available, one per four seats; one additional space per classroom	A minimum of 15 spaces per school; where auditorium or general assembly area is available, one per four seats; one additional space per classroom
College, main campus	1 per 500 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater	1 per 500 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater
College, satellite facilities	1 per 300 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater	1 per 300 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater
Repair/service station	5 spaces per bay. For facilities with two or more bays, up to 60% of the required non-accessible parking spaces may be in a stacked parking configuration.	3 spaces per bay. All but two of the required non-accessible parking spaces may be in a stacked configuration.
Post office	1 per 200 square feet gross floor area	1 per 500 square feet of floor area.
Childcare Home	49.65 Article X, cannot be varied or FIL	49.65 Article X, cannot be varied or FIL
Childcare Center	49.65 Article X, cannot be varied or FIL	49.65 Article X, cannot be varied or FIL
Indoor sports facilities, gyms	1 per 300 square feet gross floor area	1 per 750 square feet gross floor area
Mobile Food Vendors	No parking requirement	No parking requirement.
Open air food service (TPU 8.3)	1 per 400 square feet of gross floor area.	Zero

23 (b) *Accessible parking spaces.* Accessible parking spaces must be provided as part of the  
 24 required off-street parking spaces, according to the following table (Table 49.40.210(b)). Except,  
 25 Accessible parking spaces are not required for residential uses that require fewer than ten  
 parking spaces and there are no visitor parking spaces.

Attachment A - Application

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Table 49.40.210(b)	
Total Parking Spaces in Lot	Required Minimum Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total spaces
1,001 and over	20 plus 1 space for each 100 spaces over 1100 total spaces in lot

(c) *Facility loading spaces.* In addition to the required off-street parking requirements, a development must provide loading spaces as set forth in the following table:

Use	Gross Floor Area in Square Feet		Loading Space Required
	All other areas	Town Center Parking District	
Motels and hotels	5,000—29,999	6,000-60,000	1
	30,000—60,000		2
	Each additional 30,000	Each additional 30,000	1

Attachment A - Application

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Use	Gross Floor Area in Square Feet		Loading Space Required
	All other areas	Town Center Parking District	
Commercial	5,000—24,999	6,000-50,000	1
	25,000—50,000		2
	Each additional 30,000	Each additional 30,000	1
Industrial, manufacturing, warehousing, storage, and processing	5,000—24,999	6,000-50,000	1
	25,000—50,000		2
	Each additional 30,000	Each additional 30,000	1
Hospital	5,000—40,000	6,000-40,000	1
	Each additional 40,000	Each additional 40,000	1
School	For every two school buses		1
Home for the aged, convalescent home, correctional institution	More than 25 beds		1

**49.40.215 Parking alternatives.**

Parking alternatives are methods of accommodating required parking without building parking on site. A developer may apply for one or more parking alternatives. Parking alternatives may be combined with approved reductions.

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(a) *Joint use.* Joint use occurs when the same off-street parking space is used to meet the parking requirement of different uses at different times. Joint use of off-street parking spaces may be authorized when the developer demonstrates there is no substantial conflict in the principal operating hours of the structures and uses involved and subject to the following requirements:

- (1) Any structure or use sharing the off-street parking facilities of another structure or use must be located within 500 feet of such parking facilities, unless a lesser radius is identified in this chapter. A developer may apply to provide off-street parking in an area greater than 500 feet distant, if approved by the commission.
- (2) The developer demonstrates with appropriate analysis or data that there is no substantial conflict in the principal operating hours of the structures or users for which joint use of off-street parking facilities is proposed.

The developer must present to the director a written instrument, proposed by the parties concerned, providing for joint use of off-street parking facilities. Upon approval by the director, such instrument must be recorded by the developer and documentation of recording provided to the director.

(b) *Loading spaces off-site.* The required loading space(s) may be met by an alternative private off-site loading parking space, if the alternate space is determined by the director of adequate capacity and proximity. In no case will the distance exceed standards established in 49.40.200(k).

**49.40.220 Parking reductions.**

A parking reduction reduces the required off-street parking spaces for a development. A developer may apply for one or more parking reductions. Accessible parking spaces must not be

Attachment A - Application

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reduced and must be provided in accordance with subsection 49.40.210(b). Loading spaces must not be reduced and must be provided in accordance with subsection 49.40.210(c).

(a) *Parking waivers.* The required number of parking spaces required by this chapter may be reduced if the requirements of this section are met.

(1) *Standards.* Any waiver granted under this section must be in writing and must include the following required findings and any conditions, such as public amenities, imposed by the director or commission that are consistent with the purpose of this title:

(A) The effect of granting a waiver would result in more benefits than detriments to the neighboring area and community as a whole as identified by the comprehensive plan; and

(B) The effect of granting a waiver will not materially endanger public health, safety, or welfare.

(2) *Relevant information.* The following information may be relevant for the director or commission’s review:

(A) Analysis or data relevant to the intended use and related parking demands.

(B) Provision for alternative transportation.

(C) Traffic mitigation measures supported by industry standards.

(D) Bicycle and pedestrian amenities.

(3) *Applications.* Applications for parking waivers must be on a form specified by the director and must be accompanied by a one-time fee as provided in 49.85.

(4) *Public notice.* The director must mail notice of any complete parking waiver application to the owners of record of property located within a 250-foot radius of

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the site seeking the waiver. If the parking waiver application is filed in conjunction with a major development permit, notice of both applications should be made concurrently in accordance with CBJ 49.15.230.

(5) *Expiration.* An approved parking waiver expires upon a change in use.

(b) *Town Center Parking Area, Fee-In-Lieu of off-street parking spaces.* In the Town Center Parking Area, a developer may pay a one-time fee in lieu of providing off-street parking spaces to satisfy the minimum parking requirements of this chapter. Fee in lieu can be used in any combination with other parking provisions of this chapter. Any fee in lieu due must be paid in full prior to the issuance of a temporary certificate of occupancy.

**49.40.225 Dimensions and signage for Required Off-Street Parking Spaces.**

(a) *Standard spaces.*

(1) Except as provided in this section, each standard parking space must consist of a generally rectangular area at least 8½ feet by 17 feet. Lines demarcating parking spaces may be drawn at any angle to curbs or aisles so long as the parking spaces so created contain within them the rectangular area required by this section.

(2) Spaces parallel to the curb must be no less than 22 feet by 6½ feet.

(b) *Accessible spaces.*

(1) Each accessible parking space must consist of a generally rectangular area at least 13 feet by 17 feet, including an access aisle of at least 5 feet by 17 feet. Two accessible parking spaces may share a common access aisle.

(2) One in every eight accessible parking spaces, but not less than one, must be served by an access aisle with a width of at least eight feet and must be designated “van-accessible.”

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(3) Accessible parking spaces must be designated as reserved by a sign showing the symbol of accessibility. "Van-accessible" parking spaces must have an additional sign designating the parking space as "van-accessible" mounted below the symbol of accessibility. A sign must be located so it cannot be obscured by a vehicle parked in the space.

(4) Access aisles for accessible parking spaces must be located on the shortest accessible route of travel from parking area to an accessible entrance.

(c) *Facility loading spaces.*

(1) Each off-street loading space must be not less than 30 feet by 12 feet, must have an unobstructed height of 14 feet 6 inches, and must be permanently available for loading.

**49.40.230 Parking area and site circulation review procedures.**

(a) *Purpose.* The purpose of these review procedures is to ensure that proposed parking and related site access areas provide for adequate vehicular and pedestrian access and circulation; that parking spaces are usable, safe, and conveniently arranged; that sufficient consideration has been given to off-street loading and unloading; and that the parking area will be properly drained, lighted, and landscaped.

(b) *Plan submittal.* Development applications must include plans for parking and loading spaces. Major development applications must include plans prepared by a professional engineer or architect. These plans may be part of a plan submission prepared in conjunction with the required review of another aspect of the proposed development.

(1) *Contents.* The plans must contain the following information:

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- (A) Parking and loading space plans drawn to scale and adequate to show clearly the circulation pattern and parking area function;
- (B) Existing and proposed parking and loading spaces with dimensions, traffic patterns, access aisles, and curb radii;
- (C) Improvements including roads, curbs, bumpers and sidewalks indicated with cross sections, designs, details, and dimensions;
- (D) A parking schedule indicating the number of parking spaces required, the number provided, and how such calculations were determined;
- (E) Topography showing existing and proposed contour intervals; and
- (F) Landscaping, lighting and sign details, if not provided in conjunction with the required review of another aspect of the proposed development.

(2) *Waiver of information.* The director may waive submission of any required exhibits.

(c) *Review procedure.* Plans must be reviewed and approved according to the procedures of this chapter and chapter 49.15.

(d) *Public improvements required.* As a condition of plan approval, the department may require a bond approved as to form by the municipal attorney for the purpose of ensuring the installation of off-site public improvements. As a condition of plan approval, the applicant is required to pay the cost of providing reasonable and necessary public improvements located outside the property limits of the development but necessitated by construction or improvements within such development.

**49.40.230 Parking and circulation standards.**

(a) *Purpose.* Provisions for pedestrian and vehicular traffic movement within and adjacent to the site must address layout of parking areas, off-street loading and unloading needs, and the



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movement of people, goods, and vehicles from access roads, within the site, and between buildings and vehicles. Parking areas must be landscaped and must feature safely-arranged parking spaces.

(b) *Off-street parking and loading spaces; design standards.*

(1) Access. There must be adequate ingress and egress from parking spaces. The required width of access drives for driveways must be determined as part of plan review depending on use, topography and similar considerations.

(2) Size of aisles. The width of aisles providing direct access to individual parking stalls must be in accordance with the following table. Other angles may be approved by the director that satisfy the needs of this chapter.

Parking Angle	0°	30°	45°	60°	90°
One-way traffic aisle width	13'	11'	13'	18'	24'
Two-way traffic aisle width	19'	20'	21'	23'	24'

(3) Location in different zones. No access drive, driveway or other means of ingress or egress may be located in any residential zone if it provides access to uses other than those permitted in such residential zone.

(4) Sidewalks and curbing. Sidewalks must be provided with a minimum width of four feet of passable area and must be raised six inches or more above the parking area except when crossing streets or driveways. Guardrails and wheel stops permanently anchored to the ground must be provided in appropriate locations. Parked vehicles

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must not overhang or extend over sidewalk areas, unless an additional sidewalk width of two feet is provided to accommodate such overhang.

(5) Stacked parking. Stacked parking spaces may only be counted as required parking spaces for single-family residences, duplexes, and as otherwise specified for specific uses. In the case of single-family residences and duplexes with or without accessory uses and child care homes in a residential district, only a single parking space per dwelling unit may be a stacked parking space.

(6) Back-out parking. Parking space aisles must provide adequate space for turning and maneuvering on-site to prevent back-out parking onto a right-of-way. If the director or the commission, when the commission has authority, determines back-out parking would not unreasonably interfere with the public health and safety of the parking space aisles and adjacent right-of-way traffic, back-out parking is allowed in the following circumstance:

- (A) In the case of single-family dwellings and duplexes with or without accessory uses located in residential and rural reserve zoning districts;
- (B) Where the right-of-way is an alley; or
- (C) In the case of a child care home in a residential district.

(c) *Drainage.*

- (1) Parking areas must be suitably drained.
- (2) Off-site drainage facilities and structures requiring expansion, modification, or reconstruction in part or in whole as the result of the proposed development must be subject to off-site improvement requirements and standards as established by the city.

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(d) *Lighting.* Parking areas must be suitably lighted. Lighting fixtures must be “full cutoff” styles that direct light only onto the subject parcel.

(e) *Markings and access.* Parking stalls, driveways, aisles and emergency access areas and routes must be clearly marked.

(f) *General circulation and parking design.*

(1) Parking space allocations must be oriented to specific buildings. Parking areas must be linked by walkways to the buildings they serve.

(2) Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks must be clearly designated by pavement markings or signs. Crosswalk surfaces must be raised slightly to designate them to drivers, unless drainage problems would result.

**Section 3. Amendment of Section. CBJ 49.65.530 Standards, is amended to read:**

**49.65.530 Standards.**

(a) Stores may be approved in each of the areas shown on the convenience store use area maps A—B.

(b) Video rentals, a laundromat, and an automatic teller machine may be permitted as accessory uses. Automobile fuel sales may be permitted as an accessory use in locations with adequate space for queuing. The retail area for liquor sales may occupy no more than 50 percent of the gross floor area. Automotive service and exterior merchandising shall not be permitted. Drive-up window service may be permitted only if vehicle queues will not extend into adjacent streets.

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(c) Except as authorized by the bonus provisions of this article, gross floor area shall be limited to 3,000 square feet.

(d) Vehicle access must be directly from an arterial or collector, and not from a local street.

(e) Height shall be limited to one story except that a second story may be allowed for residential use and for accessory office and storage uses, provided that any storage use must relate directly to the primary permitted use.

(f) The site perimeter and parking area shall be landscaped and screened with live material installed within ten months of the date of final construction permit approval or issuance of a certificate of occupancy, whichever is the later. The commission may authorize a bond or other security or collateral required pursuant to CBJ 49.15.330(g)(5) a provision specifying that the bond shall be forfeited if landscaping is not complete by the time required or if any plants dying within one year of installation are not replaced. Development abutting a lot zoned for residential use shall include landscaped strips or landscape boxes at least five feet wide unless the applicant demonstrates that a narrower landscape strip meets the intent of this section. The strips shall be covered with ground cover and shall be maintained throughout the year such that:

(1) On a property line shared with the residential lot the strip shall include a continuous shrub screen, fence, or both, six feet high and 95% opaque. The screen shall include one tree at least six feet high at installation per 30 lineal feet;

(2) On a property line adjacent to a street the strip shall include a continuous low shrub screen on a berm or other raised facility which is at least five feet wide, landscaped at a slope not greater than the natural angle of repose, and consistent with sight distance requirements for vehicle egress. The strip width may be reduced

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to not less than 18 inches to accommodate planter boxes and sight obscuring fences.

The screen shall include one tree per 30 lineal feet;

(3) On all other property lines except those along driveways the strip shall include a continuous low shrub screen with one tree per 30 lineal feet at least six feet high at installation.

(g) Outside of the Town Center Parking Area, the minimum off-street parking requirement shall be one space per 250 square feet of gross floor area.

(h) Exterior bear-resistant public litter cans shall be provided.

(i) The exterior building appearance, including siding, roofline, windows, paint colors, and building massing shall be compatible on all sides with surrounding uses.

(j) Exterior lighting may not shed light or glare above the roofline of the building or beyond the property line of the site.

(k) The building shall be set back from any property line shared with a residentially zoned parcel by a distance of 20 feet or the distance required by the underlying zoning district, whichever is greater.

(l) No more than 80 percent of the lot shall be covered by an impervious surface.

(m) The layout of the store shall provide for views from the cash register of bicycle racks, telephones, seating areas, and other exterior public amenities.

(n) The parking lot shall be paved and striped with spaces and a circulation pattern.

(o) Headlight glare shall not be permitted onto residentially-zoned lots adjacent to the site.

(p) Liquor sales shall not be permitted from drive-in window(s).

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**Section 4. Amendment of Section.** CBJ 49.80.120 Definitions, is amended to include the following new definitions in alphabetical order, to read:

**49.80.120 Definitions.**

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

Mobile food vendor means a type of food service that is located in a vehicle, trailer or cart, and is capable of moving easily daily. Unless a push cart, these units must be capable of being licensed by the state as a motor vehicle, and can be moved without special conditions (such as a pilot car, flagging, or restricted hours of movement). Mobile units must completely retain their mobility at all times.

...

Open air food service means a food service located in a structure or area that does not have a permanent means of heat. (Note that woodstoves are not considered a permanent means of heat by the building code official). The director can extend the operation period for cause, such as extended tourist season, community event, or emergency provisions.

...

Walking distance is the distance measured by the shortest route, using pedestrian facilities, from the public entrance of the building in which a use occurs to the outer boundaries of another use.

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**Section 5. Amendment of Section.** Section 49.85.100 is amended to read:

**49.85.100 Generally.**

Processing fees are established for each development, platting and other land use action in accordance with the following schedule. If a public notice sign is required by the director, the fee is \$150 for the first sign, and \$25 for each additional sign. One hundred dollars of the sign fee can be refunded if the sign is returned within two (2) weeks of the decision being issued.

...

(21) Parking waiver, \$400. If the application is filed in conjunction with a major development permit the fee shall be reduced by 20 percent.

(22) Fee in lieu, \$10,000 per off-street parking space required.

**Section 6. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Beth A. Weldon, Mayor

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk



**TownHome Units**  
 28 Units Total  
 3 to 4 bedroom floor plans  
 56 Parking Spaces Needed  
 67 Parking Provided

**Apartment Units**  
 208 Units Total  
 142 1 Bedroom Floor Plans  
 142 Parking Spaces Needed  
 66 2 Bedroom Floor Plans  
 99 Parking Spaces Needed  
 241 Parking Provided

**Condominium Units**  
 208 Units Total  
 142 1 Bedroom Floor Plans  
 142 Parking Spaces Needed  
 66 2 Bedroom Floor Plans  
 99 Parking Spaces Needed  
 241 Parking Provided

ISSUE DATE	PROJECT NUMBER	PLAN INFORMATION	PROJECT INFORMATION	DEVELOPER / PROPERTY OWNER / CLIENT	LANDSCAPE ARCHITECT / PLANNER	LICENSE STAMP	DRAWING INFO
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9/16/2022 AK21001

NO.	REVISION	DATE
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**811** BLUE STAKES OF UTAH  
 UTILITY NOTIFICATION CENTER, INC  
 1-800-662-4111  
 www.bluestakes.org

GRAPHIC SCALE: 1" = 40'

# ALASKA 20 ACRE JUNEAU, ALASKA

Attachment B - Revised Plan Documents, 9/16/2022

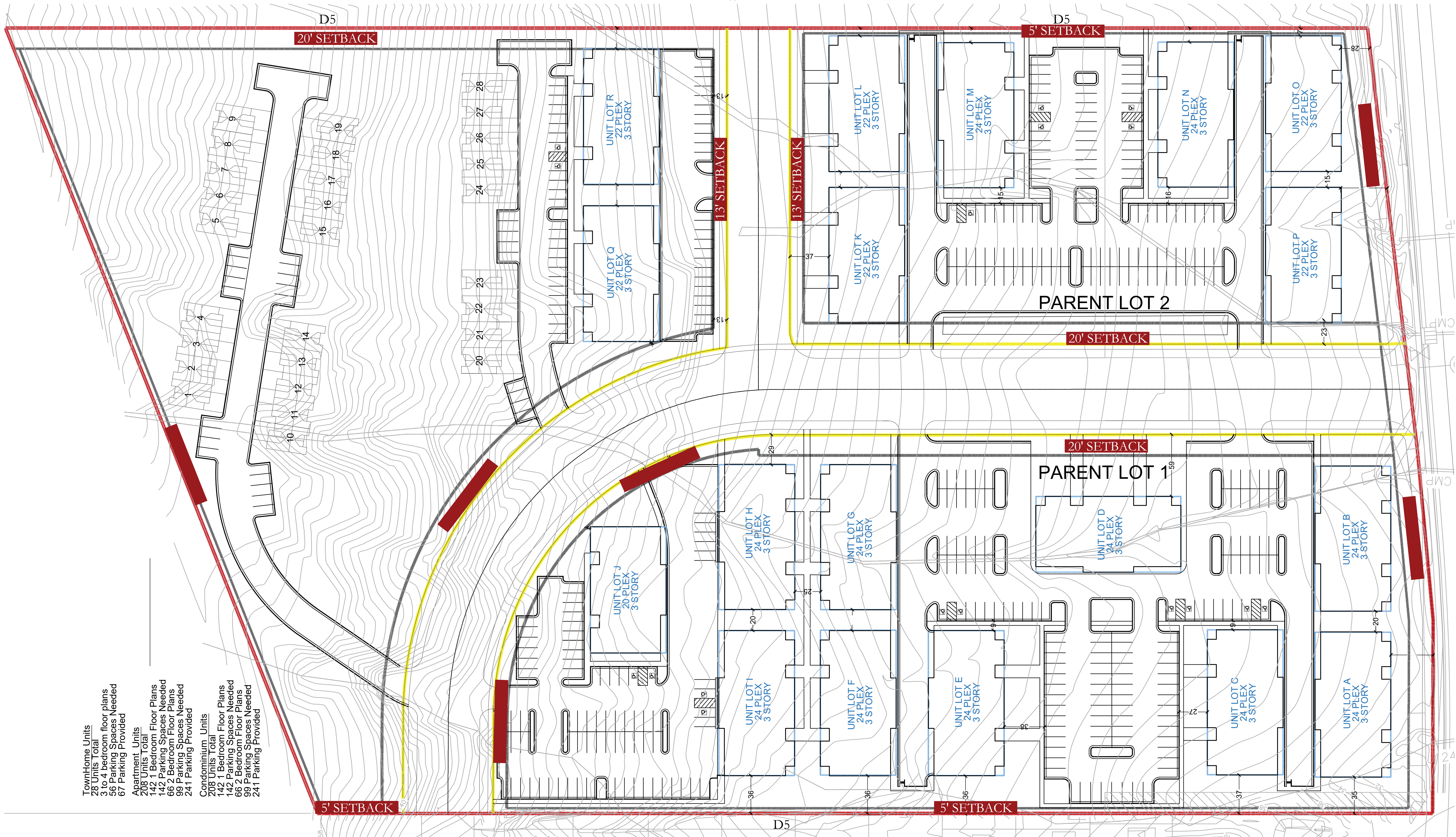
PCI  
 ATT: BRANDON GRAY  
 801-358-5381  
 BRANDON@PCI1980.COM

**PKJ**  
 DESIGN GROUP  
 Landscape Architecture # Planning & Visualization  
 3450 N. TRIUMPH BLVD, SUITE 102  
 LEHI, UTAH 84043 (801) 753-5644  
 www.pkjdesigngroup.com

DATE	9/16/2022
DRAWN	ACP
CHECKED	JMA
PLotted	

**LANDSCAPE PLAN COLOR**  
 PRELIMINARY PLANS NOT  
 FOR CONSTRUCTION  
 LP-COLOR





- TownHome Units
- 28 Units Total
- 3 to 4 bedroom floor plans
- 56 Parking Spaces Needed
- 67 Parking Provided
- Apartment Units
- 208 Units Total
- 142 1 Bedroom Floor Plans
- 142 Parking Spaces Needed
- 66 2 Bedroom Floor Plans
- 99 Parking Spaces Needed
- 241 Parking Provided
- Condominium Units
- 208 Units Total
- 142 1 Bedroom Floor Plans
- 142 Parking Spaces Needed
- 66 2 Bedroom Floor Plans
- 99 Parking Spaces Needed
- 241 Parking Provided

ISSUE DATE	PROJECT NUMBER	PLAN INFORMATION	PROJECT INFORMATION	DEVELOPER / PROPERTY OWNER / CLIENT	LANDSCAPE ARCHITECT / PLANNER	LICENSE STAMP	DRAWING INFO
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9/16/2022 AK21001

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**811** BLUE STAKES OF UTAH  
 UTILITY NOTIFICATION CENTER, INC.  
 1-800-662-4111  
 www.bluestakes.org

# ALASKA 20 ACRE JUNEAU, ALASKA

Attachment B - Revised

PCI  
 ATT:BRANDON GRAY  
 801-358-5381  
 BRANDON@PCI1980.COM

**PKJ**  
 DESIGN GROUP  
 Landscape Architecture & Planning & Visualization  
 3450 N. TRIUMPH BLVD, SUITE 102  
 LEHI, UTAH 84043 (801) 753-5644  
 www.pkjdesigngroup.com

DATE:	9/16/2022
DRAWN:	ACP
CHECKED:	JMA
PLANNED:	
DATE:	9/16/2022

**LANDSCAPE PLAN COLOR**  
**PRELIMINARY PLANS NOT FOR CONSTRUCTION**  
**LP-COLOR**



**TownHome Units**  
 28 Units Total  
 3 to 4 bedroom floor plans  
 56 Parking Spaces Needed  
 67 Parking Provided  
**Apartment Units**  
 208 Units Total  
 142 1 Bedroom Floor Plans  
 142 Parking Spaces Needed  
 66 2 Bedroom Floor Plans  
 99 Parking Spaces Needed  
 241 Parking Provided  
**Condominium Units**  
 208 Units Total  
 142 1 Bedroom Floor Plans  
 142 Parking Spaces Needed  
 66 2 Bedroom Floor Plans  
 99 Parking Spaces Needed  
 241 Parking Provided

**206 APARTMENT UNITS**  
**206 CONDO UNITS**  
**28 TOWNHOME UNITS**  
**444 TOTAL UNITS**  
**554 TOTAL PARKING SPACES NEEDED**  
**579 TOTAL PARKING SPACES PROVIDED**

ISSUE DATE	PROJECT NUMBER	PLAN INFORMATION	PROJECT INFORMATION	DEVELOPER / PROPERTY OWNER / CLIENT	LANDSCAPE ARCHITECT / PLANNER	LICENSE STAMP	DRAWING INFO
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9/16/2022 AK21001

NO.	REVISION	DATE
1	XXXX	XX-XX-XX
2		
3		
4		
5		
6		
7		

BLUE STAKES OF UTAH  
 UTILITY NOTIFICATION CENTER, INC.  
 1-800-662-4111  
 www.bluestakes.org

GRAPHIC SCALE: 1" = 40'

# ALASKA 20 ACRE JUNEAU, ALASKA

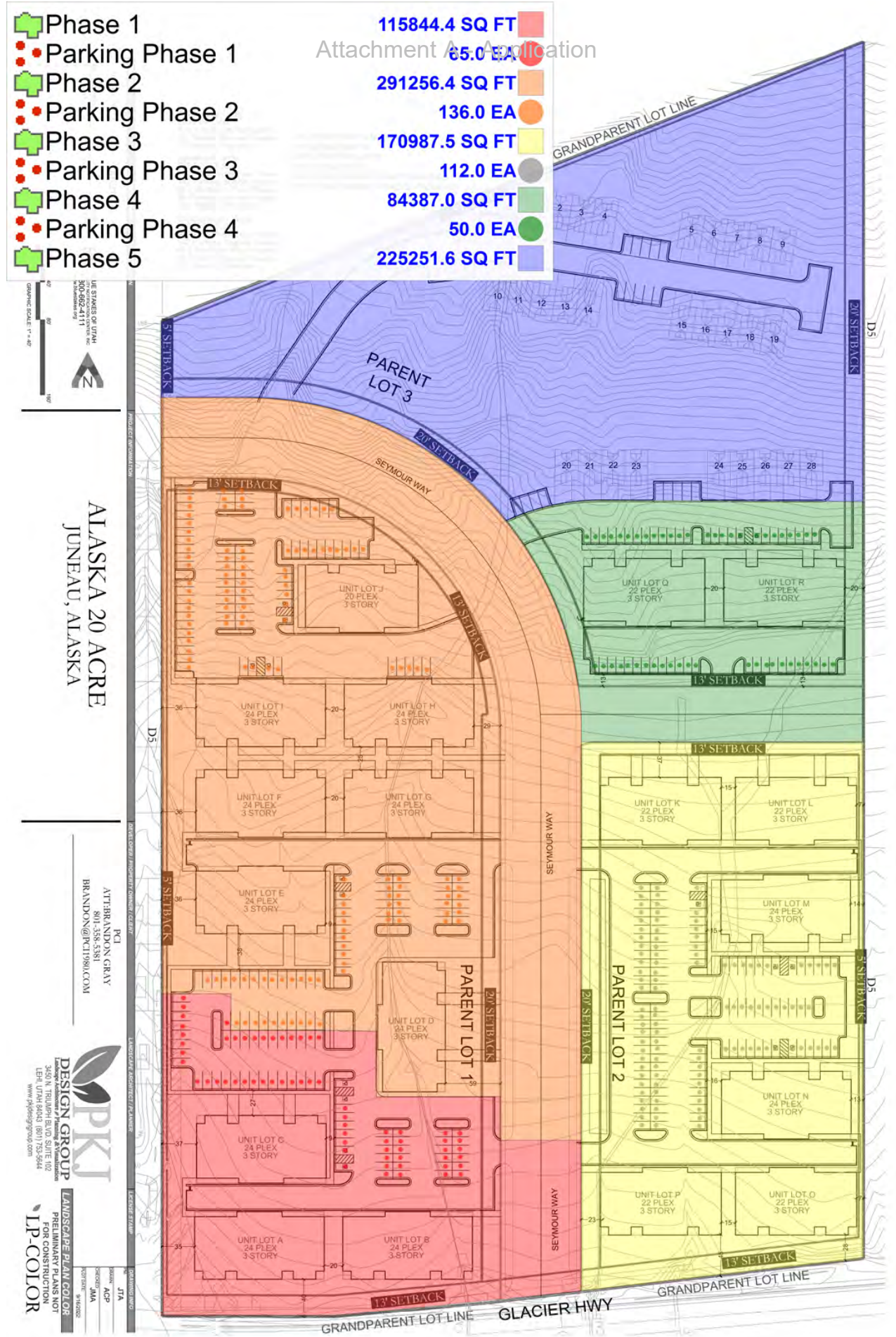
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**LANDSCAPE PLAN COLOR**  
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	Greenspace By Phase	
<b>Parent Lot 1</b>	Phase 1	SF
	Greenspace By Phase	35,060
	Parking / Building	80,780
	<i>Total</i>	<i>115,840</i>
	Phase 2	
	Greenspace By Phase	54,560
	Parking / Building	236,700
	<i>Total</i>	<i>291,260</i>
<b>Parent Lot 2</b>	Phase 3	
	Greenspace By Phase	60,200
	Parking / Building	54,790
	<i>Total</i>	<i>115,840</i>
<b>Parent Lot 3</b>	Phase 4	
	Greenspace By Phase	20,020
	Parking / Building	64,370
	<i>Total</i>	<i>84,390</i>
	Phase 5	
	Greenspace By Phase	173,090
	Parking / Building	52,160
	<i>Total</i>	<i>225,250</i>



Attachment B - Revised Plan Documents, 9/16/2022

Attachment C- ARP22-01\_With Attachments

Attachment A - Application

**MINUTES**

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

April 14, 2015

**I. ROLL CALL**

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

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

**Commissioners absent:**

**Staff present:** Hal Hart, Planning Director; Beth McKibben, Planning Manager; Teri Camery, Senior Planner; Laura Boyce, Senior Planner; Eric Feldt, Planner II; Jonathan Lange, Planner II; Chrissy McNally, Planner I; Tim Felstead, Planner I; Allison Eddins, Planner I; Rob Steedle, Deputy City Manager; Greg Chaney, Lands and Resource Manager; Amy Mead, City Attorney; Robert Palmer, Assistant City Attorney; Rorie Watt, Engineering and Public Works Department Director

**II. APPROVAL OF MINUTES**

- March 10, 2015 – Special Joint Assembly and Planning Commission Meeting
- March 10, 2015 – Regular Planning Commission Meeting

**MOTION:** *by Mr. Miller, to approve the March 10, 2015, Special Joint Assembly and Planning Commission meeting minutes and the March 10, 2015, Regular Planning Commission meeting minutes with any minor modifications by any Commission members or by staff.*

***The motion was approved with no objection.***

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

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**IV. PLANNING COMMISSION LIAISON REPORT**

Assembly Liaison Loren Jones reported that the Assembly heard the Haven House appeal, with a decision from the Assembly due within the next 45 days. At the last meeting the Assembly approved the reorganization and subsequent creation of an Engineering and Public Works department, said Mr. Jones. The Assembly also granted authority to the City Manager to extend the Memorandum of Agreement with Goldbelt on the West Douglas road for another five years, said Mr. Jones. The zoning change on North Douglas was approved; this was rezoning the properties from D3 to D5, said Mr. Jones. The Hidden Valley zoning map change was also approved, said Mr. Jones. A tweak in the Subdivision Ordinance may be required for that, which was on the Commission’s agenda for this evening, he said.

**V. RECONSIDERATION OF THE FOLLOWING ITEMS – None**

**VI. CONSENT AGENDA**

CSP2015 0004: Land trade of 0.9 acres of land between Christ Evangelical Lutheran Church and the City and Borough of Juneau to provide right-of-way access for Pederson Hill Subdivision.  
Applicant: CBJ Lands and Resources  
Location: 10300 Glacier Highway

**Staff Recommendation**

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

CSP2015 0005: A City Consistency permit for a short telecommunication tower on Mendenhall Peninsula, north of Engineer’s Cutoff.  
Applicant: CBJ  
Location: North half of Mendenhall Peninsula

**Staff Recommendation**

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

PDF2015 0001: Final plan approval for a 12 unit Planned Unit Development in the D-3 zoning district.  
Applicant: Corvus Design  
Location: 5405 North Douglas Highway

**Staff Recommendation**

Staff recommends that the Planning Commission adopt the Director's analysis and findings and approve the Final Plan for the Sunset Heights Planned Unit Development. The permit would allow the development of a 12 unit Planned Unit Development in accordance with the plans

## Attachment A - Application

submitted in this application. Approval of the final plan would also allow for the recording of the plat for Lot 7A1 & Lot 7B1 of USS 2950. Approval is subject to the following conditions:

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

SMP2015 0002/  
 SMF2015 0002: A combined Preliminary and Final plat review for a major subdivision involving the consolidation of 6 lots into 2 along Jordan Avenue near Nugget Mall.

Applicant: R & S Construction, LLC.  
 Location: 2035 and 2037 Jordan Avenue

### **Staff Recommendation**

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

VAR2015 0004: Variance request to side yard setback to allow a garage to be rebuilt.

Applicant: Barbara Craver and Mark Kirchhoff  
 Location: 506 West Ninth Street

### **Staff Recommendation**

Staff recommends that the Board of Adjustment adopt the Director’s analysis and findings and grant the requested Variance, VAR2015 0004. The Variance permit would allow for the construction of a new garage in the same footprint as the existing garage, which is one foot from the street side property line with the following condition:

1. Provide an as-built survey to confirm the 1 foot setback prior to the issuance of a certificate of occupancy.

**MOTION:** *by Mr. Miller, to approve the Consent Agenda as read with staff’s findings, analysis and recommendations.*

***The motion was approved with no objection.***

**VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None**

**VIII. UNFINISHED BUSINESS – None**

Attachment A - Application

**IX. REGULAR AGENDA**

AME2015 0001: A rezone request to change 5.13 acres from Industrial to Mixed Use.

Applicant: Errol Champion

Location: Mill Street and Eastaugh Way

**Staff Recommendation**

Staff recommends that the Planning Commission adopt the Director's analysis and findings and **DENY** the proposed rezone request to change 5.13 acres from Industrial to Mixed-Use.

Ms. McKibben stated that this a rezone request for 5.13 acres in the area of the large rock dump. The application was received in January, one of the two months when rezone requests can be received, the other month being July. Each piece of the land is over two acres, said Ms. McKibben. The lots in question are surrounded by industrial land, she said.

The land is identified as Heavy Industrial on the Comprehensive Plan future land use designation, noted Ms. McKibben. In this zoning residential, office, retail and personal service uses are not allowed, with the exception that a residential caretaker facility is permitted, she said.

In Development Guideline One, said Ms. McKibben, "Land designated for heavy industrial use of the Comprehensive Plan land use maps should not be converted to use. It is not allowed in the Heavy Industrial land use definition of Chapter 11, unless it is an essential public purpose as is deemed by the Planning Commission and the Assembly warrants such a conversion."

The long range Waterfront Plan calls for this area to continue on as an important economic engine and logistics point for the community, by preserving and encouraging a continuation of waterfront dependent and industrial uses, said Ms. McKibben. The Plan also calls for the removal of tourist related retail as a permissible use, with the exception of the uses that are necessary and located on the same lot as the cruise ship docks, she said.

The Waterfront Plan also calls for continued utilization of a part of this area for the operation of the CBJ Wastewater Treatment Plant, reported Ms. McKibben. Mixed-Use zoning has no setbacks, said Ms. McKibben, in contrast to the Waterfront and Industrial zone designations, which require 10 foot side yard setbacks on all four sides. The biggest difference is that for Industrial zoned land only one caretaker residence is allowed per lot, said Ms. McKibben, in contrast to the Mixed-Use zoning district, where no maximum density is set.

Ms. McKibben reviewed the relevant portion of the Table of Permissible Uses for the Commission. She said that the City Assessor has concerns about the rezone request. In a portion of her assessment the CBJ Assessor stated that, "...a precedent of rezoning Industrial land to Mixed-Use is a disservice to the industrial base for which it is believed that Juneau needs to provide viable, useful space at attractive land rates...." The City Assessor expressed concern over the possible impact a rezone of this type would have on neighboring land and



## Attachment A - Application

values, said Ms. McKibben. The Director of Engineering and Public Works also expressed concern, said Ms. McKibben, particularly regarding its proximity to the Wastewater Treatment Plant.

There were quite a few public comments received, noted Ms. McKibben, a number of them expressing concern over the incompatibility of residential use with surrounding industrial uses. She said this includes comments from the Utilities Advisory Board for the City and Borough. There are also some comments in support of the project, said Ms. McKibben, primarily citing the need for additional housing.

The land is identified as Heavy Industrial on the Comprehensive Plan maps.

The staff recommends denial of the rezone request, said Ms. McKibben, because it is not in substantial conformance with the maps of the Comprehensive Plan.

### *Commission Comments And Questions*

Mr. Watson asked if Ms. McKibben knew how many uses were designated for the land in the rock dump area.

Ms. McKibben said she did not know the exact number of uses.

Mr. Watson asked if the Assessor's Office comments were in response to the routine request for input from all of the various departments.

Ms. McKibben responded that this is true, and that it was part of the agency review.

### *Applicant*

Mr. Errol Champion said that he represents North Pacific Erectors, which is developing Lot 2, and has plans to develop the remaining lots.

Mr. Champion said they began discussing the rezone of the seven lots last spring, and that they met with Community Development Department (CDD) staff in July. They had initially thought that a zone change of General Commercial was the right approach. However, said Mr. Champion, the CDD staff counseled them that it would be better if they requested Mixed-Use zoning.

Mr. Champion said housing development was part of the reason for the rezone request, but that this would also be for storage units, and that there is a dire need in the downtown Juneau area for storage.

Mr. Champion outlined the need for housing in Juneau by citing housing sales and prices over the past few years. For example in 2012 there were 197 single family housing sales, said Mr. Champion. The average sales price was \$353,000, he noted. In 2013 there were 219 single-family homes sold with the average price of \$373,000, he said. Prices continue to climb, said Mr. Champion, and so does the demand, with the exception of single-family housing sales in 2014.

## Attachment A - Application

The real demand in the community is for units that sell for less than the \$200,000 price range, said Mr. Champion. The demand for housing is so high that many housing units are not even listed with the Multiple Listing Service, said Mr. Champion, and therefore do not show up in these numbers.

Today there are 41 single family housing units on the market, with the average asking price of \$439,000, said Mr. Champion. There are currently eight attached homes on the market with the average list price of \$281,000, he said. There are 23 condos on the market at \$176,434, he added.

The rock dump area is not fully developed, said Mr. Champion. Most of the uses in the area are not Industrial, he said, they are Commercial. The rezone has a lot of support, said Mr. Champion, mostly from business owners in the area who lack storage. He said all of them would like the capability for residential use for the upper story of the buildings, he said.

Mr. Champion said in all of his experience both on the Planning Commission and as a realtor he has never experienced the Assessor commenting on a rezone request before. Mr. Champion read comments in favor of the rezone from the President of the Alaska Appraisal Association, which cited the need to provide housing in the area in order to attract a workforce. Housing within Industrial zoning is consistent with green growth goals, read Mr. Champion.

Mr. Champion said they understand that Alaska Marine Lines (AML) is opposed to the rezone request. He added that it is not uncommon to see residential areas behind waterfront commercial zones.

Heavy industrial development is not in Juneau's future, said Mr. Champion. He said there is not industrial development in Juneau's future as is defined in the code. He said as an Industrial zone, the property has sat idle for 65 years. The land will not be used and developed as long as it is Industrial, said Mr. Champion. He said that uses need to be created for land within the existing infrastructure so that funds are not needed for the provision of additional services.

Granting the rezone would enable them to add to the housing inventory of Juneau, said Mr. Champion. It would also increase the assessed role, said Mr. Champion, because the buildings would not be assessed only as a storage unit but also as a residential dwelling.

### *Commission Comments And Questions*

Mr. Voelckers asked if Mr. Champion has run into any storage limitations for the property with the current zoning.

Mr. Champion replied that the current zoning would allow for the storage units but that would be all; no mezzanines would be allowed.

### *Public Comments*

Joan Cahill, who owns a rock dump storage condominium, spoke in favor of the rezone, stating that they had hoped that they could develop an apartment for the second floor of their

## Attachment A - Application

property. She said she is frequently in the area and that her impression of the area has never been that of heavy industrial use.

Jake Mampa, Terminal Manager for AML, said that AML is opposed to the rezone request. He said they have safety concerns if residents lived in the area. In the summer there are two bus businesses, and 90% of the Juneau fuel and commodities come through that area, he said. The area is already full of people off of the cruise ships walking the area in the summer, said Mr. Mampa.

He said they are constantly getting complaints from Douglas over the existing noise level created by AML, and that if there were residential dwellings in the area those complaints would increase, he said.

### *Commission Comments and Questions*

Mr. Haight asked if AML has had the opportunity to measure its existing noise levels.

Those levels have been measured, but he did not have that information with him, responded Mr. Mampa.

Mr. Watson commented that since Northland used AML barges in the winter that there really was not a change in the traffic flow for the area. He said that AML is protected by interstate commerce regarding noise levels.

Ms. Grewe asked Mr. Champion how he would respond to AML's concern that there would be complaints about the noise level if there were residences in the area.

Mr. Champion responded that Juneau has a noise ordinance in effect. The barge traffic is not constant and is periodic activity, said Mr. Champion. These would not be starter homes with families with children, said Mr. Champion. People would like to be able to be absent from Juneau in the winter, while using the storage units to store their possessions, said Mr. Champion.

Mr. Levine asked Mr. Champion to relate the reasons given to him by the CDD staff to seek Mixed-Use rather than Commercial zoning for their property.

The staff felt it was a more fitting zone for the downtown general area, said Mr. Champion. He said he yielded to the expertise of the staff.

Mr. Jackson said that he disagreed with the assessment that there are no children living in the more recent condominiums. He said he notices plenty of children outside in the Jordan Creek Condominium area, and that there is no place for them to play.

Mr. Watson asked how many feet the property in question is from AML.

Mr. Champion responded that it varies, but that their property is located probably 500 feet from the AML area with the most activity.

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**MOTION:** *by Mr. Voelckers, that the Commission adopt the Director's analysis and findings, and deny the proposed rezone request to rezone 5.13 acres from Industrial to Mixed-Use.*

In support of his motion, Mr. Voelckers stated that although he is highly sympathetic to the arguments raised about the need for housing and the values of Mixed-Use zoning, that he felt very firmly this was the wrong place to enact this zoning. He said he felt the staff did a good job outlining the issues, and that there is a very good reason that Heavy Industrial zoned land is valuable in its own right, and that there is a reason why there is that type of zoning separation. He said the property under consideration is surrounded by a tank farm on one side, an active barge company on the other, with the sewage treatment plant on the third side.

Mr. Miller spoke against the motion, citing the dire housing situation in Juneau, and stating that the need for housing is so great that these condominium projects with housing attached to them are very popular. He said that the Costco area where land in the Industrial area was mostly commercial, was similar in this area. People need to be able to develop commercial uses, said Mr. Miller. Mr. Miller said that he did not perceive noise being an issue for future residents in the area. Most industrial areas get extremely quiet at the end of the workday, noted Mr. Miller. Mr. Miller said he feels that the rezone request does comply with the policies and guidelines of the Comprehensive Plan. The Comprehensive Plan is in support of the location and growth of locally-based basic sector industry that provides year-round full-time employment and provides tax revenues that support public services, said Mr. Miller.

The Development Guideline for 5.11 does provide for this type of rezone if an essential public purpose as deemed by the Planning Commission and the Assembly warrants such a conversion, said Mr. Miller. Mr. Miller said he did not think there is any use more essential than housing for the people that live and work in the community.

Ms. Grewe asked where else in the Borough approximately five acres of industrial land is available.

Ms. McKibben responded that she believes there is a similar parcel on Sherwood Lane.

Ms. Grewe commented that these potential units would be placed between a tank farm, shipping business and a wastewater treatment plant. She said when she is in other cities and sees the condo residential mix that they are typically located within warehouse districts that are being redeveloped.

She asked the staff if they had given any thought to the trend for these types of developments.

Ms. McKibben said that she has not given a lot of thought to the issue currently but that it is potentially an issue that can be addressed once the industrial land inventory is completed.

Mr. Hart noted that this is a trend that is taking place up and down the West Coast. They have also noted the trend of more office use in industrial areas because the nature of manufacturing has changed, he said.

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Thousands of cruise ship passengers each season walk up the street in this area, said Mr. Watson. He added that eventually the sea walk will run up against this area. There is also a gentleman planning a marina for the area, said Mr. Watson. He added that this is one of the slowest growth areas in Juneau. Mr. Watson said that he feels Mr. Champion made an excellent presentation, and that he would vote against the motion.

Speaking in the in favor of the motion, Mr. LeVine said that while he agreed with Mr. Miller that the need for housing is an essential purpose which could lead the Planning Commission to rezone this property, just because the Commission has the ability to approve the rezone request, it did not mean that this land was the right choice for a rezone. Mr. LeVine said he felt this was the wrong location for a residential development, and that if the area were rezoned it could lead to the development of other projects such as a hotel.

Mr. Haight said he saw the merit of both arguments, for both the need for housing in the community and also the merits of the integration of housing into a Mixed-Use zoning district. Mr. Haight said the Commission has received complaints in the past about the Mendenhall Sewage Treatment Plant and its odor impact on neighboring residents. They have also received complaints about the noise in the industrial Costco Lemon Creek environment, said Mr. Haight. Mr. Haight said because of the number of conflicts in the area, that he would vote in favor of the motion.

Speaking in support of the motion, Ms. Grewe said the request is not in compliance with the Comprehensive Plan land use map and associated policies. She said that Industrial land composed of five acres is very difficult to acquire in this community, and she did not think enough thought had been given to the future of this area. The surrounding land use activities are not compatible with residential development, said Ms. Grewe.

Mr. Jackson said he was in favor of the motion, and that this Industrial area would be needed for future industrial use.

Mr. Peters said he saw merit to both sides of the argument for the rezone request, but that having observed similar developments in Anchorage, that he spoke against the motion and was in favor of rezoning the area to enable residential use.

Chairman Satre said that while he is very open to housing in Industrial land, that he did not feel that rezones were up the way to accomplish this. He said that he would be voting in support of this motion, and that perhaps it was time to open up the code to enable the construction of housing units in Industrial areas.

**Roll Call Vote:**

**Yeas:** Voelckers, Jackson, Grewe, Haight, LeVine, Satre

**Nays:** Miller, Peters, Watson

***Motion Passes.***

## Attachment A - Application

AME2015 0002: A rezone request to change 4.5 acres from Waterfront Industrial to Industrial.

Applicant: CBJ

Location: Juneau Douglas Wastewater Treatment Plant on Thane Road

### **Staff Recommendation**

Based upon the proposed project (Attachments 1-3) and the findings and conclusions stated above, staff recommends the Planning Commission adopt the Director’s analysis and findings and **RECOMMEND APPROVAL** to the Assembly for the rezone of the subject 4.5 acres of the parcel from Waterfront Industrial to Industrial.

This land is owned by the City and Borough of Juneau and the rezone request comes through the Department of Engineering and Public Works, said Ms. McKibben. The land is adjacent to Industrial land, she noted. The rezone request is for more than two acres and it is adjacent to an existing zoning district, said Ms. McKibben. In the Comprehensive Plan maps the land is designated for Institutional and Public Uses (IPU). Rezones must substantially conform to the maps of the Comprehensive Plan, she noted. Land of this type would include the University of Alaska, community gardens, along with schools, libraries and fire stations, said Ms. McKibben.

The public use of these lands would vary widely, and IPU designated lands can be under any zoning district with uses that are appropriate to the zone as dictated by the Table of Permissible Uses, said Ms. McKibben. A Public Use must be in the same district as the surrounding or abutting lands, she added.

Policy 5.10 is, “To designate sufficient and suitable land for anticipated commercial and industrial development as part of its overall economic development program”, cited Ms. McKibben. She cited policy 5.11, which states, “To encourage the location and growth of locally-based basic sector industries that provide year-round, full-time employment and provide tax revenues that support public services.”

Lands designated for heavy industrial use would not be converted unless the Planning Commission or the Assembly found a central public purpose, noted Ms. McKibben. Deepwater ports and navigable waters are valued assets and are critical to the sustainability of the economy and livability of Juneau, said Ms. McKibben, reading Development Guideline One.

The difference between Waterfront Industrial and Industrial zoning is the fact that Waterfront Industrial zoning must have water-focused uses, explained Ms. McKibben. The rezoning request has come forward in order to allow a wider variety of uses in the area, said Ms. McKibben.

Mr. Watson asked why amending the Table of Permissible Uses was not the approach taken for this piece of property. He added that he is apprehensive about taking away rare, waterfront

## Attachment A - Application

property with the rezone. Mr. Watson said he did not recall the removal of waterfront land through a rezone being done in the community before.

Ms. McKibben responded that she found an ordinance from the nineties that did amend the Comprehensive Plan maps from Waterfront Industrial to Industrial. She admitted it is unusual. She said it was her understanding that there is no Waterfront Industrial or Commercial land that is not zoned Waterfront Industrial or Commercial.

Mr. Voelckers asked for verification that some of the wastewater treatment functions that occur are now allowed within Waterfront Industrial zoning.

Mr. Watt said he is fine pursuing any option that would provide the City flexibility in its use of the land. He added that as the community grows, the City needs the use of all of the available Industrial land that it can access. If the Waterfront Industrial zone is left on the periphery of the property, Mr. Watt said he feared a ribbon of Waterfront Industrial zoned land which would never get used for any purpose. It could be a possible potential site of the future biosolids plant, noted Mr. Watt.

### *Commission Comments and Questions*

Mr. Voelckers asked if the City would own the Waterfront Industrial strip of property in perpetuity.

Mr. Watt responded in the affirmative.

### *Public Comment*

Howard Lockwood said his primary business has always been Juneau contracting and land development, and that he was appearing before the Commission as the owner of Alaska Metal Extraction Mining company. He said that this business holds the current operating agreement on state mining claims in this area. He said they have an agreement with the City to build a harbor in the area and that they have title to the mineral estate.

Speaking in opposition to the rezone request, Mr. Lockwood said zoning this particular piece of property from Waterfront Industrial to Industrial would nearly destroy all of the years of work that have gone into planning construction of a harbor in the area. The harbor is designed to accommodate the larger private vessels that come to the area that are too large to use the other harbors, said Mr. Lockwood. The rezone request did not follow due process, and they were not given a chance to comment on it, said Mr. Lockwood.

### *Commission Comments and Questions*

Mr. Voelckers asked Mr. Watt for his understanding of how the mining claims overlap with the City's legal interest in the property.

## Attachment A - Application

This is a legal question, said Mr. Watt, adding that the City attorneys disagreed with Mr. Lockwood’s assessment of property rights.

Mr. LeVine asked Mr. Watt if the change that they are requesting would affect a legal lease held by Mr. Lockwood for the property.

Mr. Watt said his answer was no, and that Mr. Lockwood’s lease was complicated. There were a number of steps Mr. Lockwood was required to take under the initial lease which has been extended several times, noted Mr. Watt. One of those steps involves surveying the property to determine the actual location of the lease boundary, said Mr. Watt. The survey has not taken place, he added. There is a lease, and Mr. Lockwood has some rights to pursue his project, said Mr. Watt. He said their request did not affect the lease.

**MOTION:** *by Mr. Watson, that the rezone request be denied.*

In support of his motion, Mr. Watson said that this is waterfront property and there is precious little of that type of property available in the community. He added that he felt a rezone would further compound the problems of two entities which seem to disagree.

Mr. Haight said that he was in support of the motion. He said that it appears the rezone may enter the City into a conflict. He said he felt the existing treatment facility could continue to operate in the area without the rezone, and that the Table of Permissible Uses could be amended if needed, such as for a biosolids facility.

Mr. Miller also spoke in favor of the motion, stating that a rezone is not the right approach.

Mr. Levine said he also supported the motion. He said they did not appear to be an imminent need for the rezone at this time, which gives the City time to come up with a better solution.

Ms. McKibben reminded the Commission that to pass the motion denying the rezone request that the findings would need to be amended.

***The motion passed with no objection.***

Chairman Satre said to amend the findings he felt they should recognize the existing findings, while adding; “Waterfront Industrial zoned land is in very short supply, and the Commission does not see the need to change the zoning at this time.”

- AME2015 0003: Text amendment to CBJ 49.45.410, increasing the sign enforcement fee.
- Applicant: CBJ
- Location: Borough-wide



## Attachment A - Application

### **Staff Recommendation**

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

This is a text change to Title 49 and to Title 3, said Ms. Boyce. This request comes from the Historic Resources Advisory Committee (HRAC) of the City, she explained. One of their tasks is giving advice on historical resources, including development in the Historic District of Juneau, said Ms. Boyce. Signs are a type of development, she added.

The Advisory Committee has been concerned about the image of the Downtown Historic District over the years, and they have noticed that signage is becoming more of an issue, especially in the Downtown Historic District, said Ms. Boyce. They formed a signage subcommittee to address this issue, said Ms. Boyce. The proposed change would be Borough-wide, said Ms. Boyce, not just for the Downtown Historic District.

The existing code calls for a \$25 fine for the first offense, a \$50 fine for the second offense, and a \$100 fine with a mandatory court appearance for the third offense, said Ms. Boyce. The change would change the criminal infraction piece of this enforcement to a civil fine, said Ms. Boyce.

The proposed change calls for 15 days for the owner to come into compliance after being cited. On a first offense the fine would be eliminated if the business owners came into compliance within 15 days, noted Ms. Boyce. The proposed change for a sign violation would be \$500 a day per sign until compliance with the code, said Ms. Boyce.

Because of the current fine structure, it is currently cheaper to put up a sign without a permit than it is to pay for the permit, said Ms. Boyce.

The Title 49 Subcommittee is in support of the proposal, said Ms. Boyce. This request is in support of the goals and policies of the Comprehensive Plan, she said.

### *Commission Comments and Questions*

Mr. Watson asked if the fines collected would go into the general fund or into the CDD's fund.

The collected fines would not go into the CDD fund, answered Ms. Boyce.

Mr. Watson asked how this would be enforced.

The staff would enforce this, said Ms. Boyce.

Mr. Watson asked if sign infractions could not be enforced before, then how would they be enforced now.

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Currently they send a certified letter notifying the business that a sign has been erected without a permit, and to contact the CDD office, said Ms. Boyce. They include an application with the letter, she said. If they received no response the offender would receive another letter notifying them that they had 15 days to come into compliance before they were fined.

With the proposed change a letter can still be sent initially, but they could also be issued a citation giving them 15 days to rectify the situation, said Ms. Boyce. There were at least 22 businesses in the Downtown Historic District last summer that did not apply for a signage permit, noted Ms. Boyce.

Mr. Miller asked what the signage requirements entailed.

To be compliant the business would need to contact the CDD office and submit their application, said Ms. Boyce.

Mr. Miller asked if a realtor for-sale sign required a permit.

While they are considered signs, they are exempt from the signage requirements, said Ms. Boyce.

Mr. Levine asked how the 15 day compliance time frame was selected, and if a business began the application process if that brought the business into compliance, even if it left up a noncompliant sign over that time frame.

Code dictates that a sign be approved within three days of the application, said Ms. Boyce. Approving the application for a sign in the Historic District takes a little more time, she added. Ms. Boyce said the 15 day time period offers enough time for the application process.

Mr. Watson said he would feel more comfortable with this change if it were directed just at the Downtown Historic District.

Mr. Voelckers asked how long the signage compliance requirements have been in effect.

The Downtown Historic District standards were approved at the end of 2009, and they have been in effect since 2010, said Ms. Boyce.

Mr. Miller asked if a sign could remain standing while it was determined if the sign was in compliance or not. He also asked if the 15 day deadline was enforced while the business was getting its sign fabricated to be in compliance.

Ms. Boyce replied that it is a 15 day window with noncompliant signs being taken down at the end of that period, or the sign was approved during that period.

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*Public Comment*

Zane Jones, Chair of the HRAC Committee, spoke in support of the enforcement change. He said with the current fee structure it was cheaper not to apply for a permit. They plan on the process being self-regulating to a major extent, said Mr. Jones. He said notice of receiving a \$500 fine would encourage the business to want to comply with the code.

Downtown business owner Michael Tripp spoke in favor of the enforcement change. He said preparing a sign application for the District is not overly demanding or laborious. Once his application for signage within the Historic District was complete, said Mr. Tripp, it only took a few days for it to be approved. He said the current \$25 enforcement fee is absolutely powerless. The staff needs a tool that it can use to bring businesses into compliance quickly, said Mr. Tripp.

*Commission Comments and Questions*

Mr. Watson asked Mr. Tripp if he knew what the fines were for hocking.

Mr. Tripp said he did not know what the fines were for hocking.

Ms. Mead said the hocking findings were \$150 for the first offense and \$300 for the second offense. The third offense within two years requires a mandatory court appearance, said Ms. Mead.

*Public Comment*

Daryl Miller, owner of Commercial Signs and Printing, spoke against the fine change. He said that he believes requesting permits from the CDD in Juneau on behalf of his clients has made him very familiar with the process. He said he has reservations about the level of the fee structure. The \$500 a day proposed fee for noncompliance would require all sign products for the downtown area to use methods and materials that are not contemporary. The proposed materials are not as durable and would not last as long in the Juneau environment, said Mr. Miller. He said he was a proponent of current vinyl materials for sign construction. As the owner of his business he said it felt it put him at huge risk if the business that he fabricated a sign for was issued a \$20,000 fine because the sign was not in compliance. He suggested changing the code to a civil infraction as was discussed, and then to have a fee for noncompliance, but not to go “crazy” with the fee.

*Commission Comments and Questions*

Mr. LeVine asked if the signage rules were changed to Mr. (Daryl) Miller’s satisfaction, if he would still object to the fine structure as it is currently proposed.

Mr. (Daryl) Miller said under those circumstances he would not object because the City and Borough of Juneau would have made every effort to allow improvements in the Historic District.

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Mr. LeVine clarified with Mr. (Daryl) Miller that one of his concerns was ultimately being held liable for noncompliant signs.

Having his clients receive a \$500 a day fine for having a matte surface or vinyl letters on their signs is what concerned him, said Mr. (Daryl) Miller.

Mr. (Commissioner) Miller asked if there was a fine amount for a sign deemed in danger of falling and potentially hurting a citizen.

Ms. Boyce said she did not know the answer to that question.

**MOTION:** *by Ms. Grewe, that the Commission adopt AME2015 2003 with staff's findings, analysis and recommendations, and that the amendment as written in the staff report be forwarded to the Assembly with a recommendation for approval.*

In support of the motion Ms. Grewe said sign standards, policies and guidelines were fully vetted in 2009, and if there are problems that remain in that section of the code that it be dealt with as a separate issue. The issue is enforcement of what is currently within the ordinance, said Ms. Grewe.

Mr. Voelckers said he was in support of the motion, and that he recognized that parts of town have become an “anarchistic mess”. Mr. Voelckers said he felt it was appropriate to begin the process by tightening the fine structure within the ordinance.

Mr. (Commissioner) Miller said he felt that raising the fees was a good first step in sign enforcement, but that he did have issues with the \$500 a day fine for every day a business was without compliance. He said he felt this was true especially in light of testimony that there is still a requirement for painted signs in the Juneau climate, said Mr. Miller. People hardly put paint on houses anymore, let alone on signs, said Mr. Miller.

Mr. (Commissioner) Miller said he would like to submit a friendly amendment removing the \$500 fine for each day of noncompliance and instead have a flat \$500 fine, with the knowledge that the Commission has work to do on the code requirements in this area. This would give the fine more teeth for the coming summer, and give the Commission a year to remedy any weaknesses in the code, said Mr. Miller.

Ms. Grewe said she would not accept the friendly amendment. She said she felt that the 15 days given to businesses to come into compliance was fair.

**MOTION:** *by Mr. Miller, to amend Ms. Grewe's motion to a single flat offense fee of \$500.*

**Roll Call Vote:**

**Yeas:** Miller, Watson

**Nays:** Voelckers, Jackson, Grewe, Haight, LeVine, Peters, Satre

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### ***Motion fails.***

Mr. Peters spoke in favor of the main motion saying he felt this was the correct first step in enforcing the code. It has teeth, and those in noncompliance have 15 days to come into compliance, he said.

Mr. Watson spoke against the main motion saying that after tonight’s testimony that he has some concerns. He said he felt work needed to be done cleaning up the code before businesses were issued a daily \$500 fine for noncompliance.

### **Roll Call Vote:** *(on main motion by Ms. Grewe):*

**Yeas:** Voelckers, Jackson, Grewe, Haight, LeVine, Peters, Satre

**Nays:** Miller, Watson

### ***Motion Passes.***

AME2015 0005:	A rezone request to change 19.71 acres from D-5 to a mix of D-18 and LC (Light Commercial).
Applicant:	RH Development
Location:	7400 Glacier Highway

### **Staff Recommendation**

Based upon the proposed project (identified as Attachments A), and the findings and conclusions stated above, staff recommends the Planning Commission adopt the director’s analysis and findings and **RECOMMEND APPROVAL** to the Assembly to rezone the subject parcel from D-5 to D-18.

However, if the Planning Commission chooses to recommend to the Assembly that the lot be rezoned to a mix of D-18 (12.71 acres) and Light Commercial (7 acres), staff recommends the following condition be considered:

1. Adequate buffering should be considered at the time of development proposal and or subdivision, in order to buffer the multi-family residential development and commercial uses from the adjacent D-5 subdivision.

Mr. Lange described this land as a D5 parcel surrounded by D5 zoning. It is located on Old Glacier Highway located between Walmart and Fred Meyers on the uphill side. To the west of the property is land zoned D15 Light Commercial (Fred Meyers, Humane Society and doctor’s office), and to the east of the property there is land zoned D 18 Light Commercial, said Mr. Lange.

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It is the front portion of the property which the owner proposes be developed into Light Commercial, said Mr. Lange, with the back portion of the parcel proposed to be D 18 zoning. Mr. Lange said the applicant is requesting the Light Commercial zoning to act as a buffer between the noise from Egan and Old Glacier Highways and the residential property.

This area is Medium Density Residential in the Comprehensive Land Use plan, said Mr. Lange. Medium density residential has the characteristics of multi-family dwellings with densities of five to 20 units per acre. Light Commercial zoning carries with it a density of 30 units per acre, said Mr. Lange. Areas currently zoned Light Commercial are in land use designations that are Commercial, Traditional Town Center, and Marine Mixed-Use, said Mr. Lange. These areas allow for high density, multi-family residential developments ranging from 10 to 60 units per acre, said Mr. Lange.

With its current D5 zone, this parcel of land could have up to 99 dwelling units, said Mr. Lange. If it was rezoned to D18 it could have up to 355 dwelling units, and a mix of D18 and Light Commercial Zoning could result in up to 439 dwelling units, he added. The D5 zoning district is intended to accommodate primarily single family and duplex residences, with the D 18 definition addressing multi-family developments at 18 units per acre, said Mr. Lange. The definition for Light Commercial zoning states that it is generally located adjacent to residential areas, but with less intense development than a General Commercial zoned district, said Mr. Lange.

Hotels, day care centers and restaurants are all allowed in the Light Commercial zoned areas, said Mr. Lange. To the west of the parcel is the Vista Del Sol housing development which is zoned D5, said Mr. Lange.

### *Commission Comments and Questions*

Mr. Voelckers asked about the extent of wetlands on property.

The wetlands maps do not indicate that there are wetlands in this area, said Mr. Lange, but the applicant has stated there are four listed wetlands which the Army Corps of Engineers would regulate.

Mr. Watson asked what the CDD would consider “adequate buffering”.

Staff needed to research the answer to that question.

Chairman Satre noted that the meeting will proceed past the 10:30 p.m. threshold when the Commission is allowed to consider additional items on the agenda. The remaining items on the agenda barring any motions from the Commission will need to be pushed to the next agenda, noted Chairman Satre. He proposed that TXT2009-00001, Proposed Title 49 and Title 4 changes regarding the subdivision of land be referred to back up to the Subdivision Review Committee to address several issues which the staff was going to present to the Commission this evening,

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and that the remaining items on the agenda be moved to Unfinished Business on the next agenda.

The Commission voiced no objections to Chairman Satre's proposal.

### *Applicant*

Applicant Richard Harris said that Light Commercial zoning can be and has in the past been allowed within Mixed Density Residential designations regardless of density. There will be a fair amount of wetlands involved with this property, said Mr. Harris. The lot location and the streets will all be dictated by the location of the wetlands, said Mr. Harris.

As they were reviewing the property, they noticed that the portion of the property along Glacier Highway is very loud, said Mr. Harris. He said that is why they changed their initial application for all D 18 zoning to Light Commercial zoning along the Highway. He said he feels that is a far better use for that portion of the land.

Mr. Harris said the Comprehensive Plan does state that there should be Light Commercial development along busy thoroughfares and high visibility areas. He referenced the newly adopted Juneau Economic Development Plan which states that an adequate supply of properly zoned land should be made available for commerce and industry as well as residential development. The Plan encourages support of neighborhood-based small business growth that creates jobs and provides services, said Mr. Harris, reading from the Plan.

The Juneau Economic Development Plan survey showed that lack of land for commercial and residential use was the biggest concern of the community. With the above concerns, said Mr. Harris, he said he found it difficult to believe that density would be a reason for denying a rezone request.

### *Commission Comments and Questions*

Mr. Watson asked if Mr. Harris found that due to wetlands he could not construct as many dwellings as he had planned for the land behind the Light Commercial zone, if he would consider reducing the amount of space in the Light Commercial zone in favor of residential development, or would the Light Commercial land remain that way regardless of how many units could be constructed on the residential land abutting it.

They want to block sound coming up to the residential lots from the roads, said Mr. Harris, and he said that he believed Light Commercial zoning was the best zone selection for that property along Glacier Highway.

### *Public Comment*

Mike Ban, Associate Broker for Exit Realty, spoke in support of the rezone request. He said the residential lots were important but that options could remain open with the Light Commercial

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zoning that was proposed.

### *Commission Comments and Questions*

Mr. Haight asked from a marketing perspective when speaking of Light Commercial zoning, what type of development would Mr. Ban consider for this particular area.

Mr. Ban said he would think of Commercial zoning that would encourage walkable neighborhoods as supported by the Juneau Economic Development Plan. He said he envisions smaller businesses and professional offices for the proposed Light Commercial portion of the land.

### *Public Comment*

Greg Stopher, President of the Southeast Alaska Building Industry Association, said he fully supported the rezone request. He said if he lived in the area, he would like to be able to walk to a yoga studio, which is the type of development he envisioned for the Light Commercial portion of the property. He added that Juneau needed the density in zoning. Higher density results in lower cost to the buyer for their homes, he said.

Resident Doug Wesley said that higher density housing for the community may be needed, but that it was needed in a different location. He said that the area is composed of primarily single family residences, and that he hears the same argument that single-family dwellings are needed for the community. Regarding the claim by the applicant that the commercial zoning strip was needed as a buffer, Mr. Wesley stated that to him a buffer is composed of open space. He said there was no guarantee that high density housing would equal affordable housing.

Marciano Duran, developer of the adjacent Vista Del Sol housing development, spoke against the proposed rezone. He said the noise along the road is not that loud and that Commercial Light zoning was not the way to lessen its effects. Mr. Duran said the zoning should remain at its current D5 zoning.

Josette Duran, a co-developer of the adjacent Vista Del Sol housing development, also spoke against the proposed rezone. Ms. Duran said in the past the Commission had placed a least a 200 foot buffer between D15 zoning and multi-family housing on a parcel of land in the area. There are ways to mitigate noise which do not include the necessity of erecting a commercial building, said Ms. Duran. Ms. Duran questioned how the Assessor could make the assessment that the rezone would have no impact on the area when there were not yet plans to show what the development would entail.

Area resident Steve Havig spoke against the proposed rezone request. He said there do currently exist small business concerns in the area which do not negatively impact the residents by increasing traffic or noise such as a small charter operation and electrical business.



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**MOTION:** *by Mr. Watson, to extend the meeting until 11:15 p.m.*

***The motion passed with no objection.***

Resident in the area Roger Sams said he has lived in the area for 40 years and that his property is adjacent to the parcel up for rezone. He said he is opposed to the project, and that he does not feel the density levels of the requested zoning are appropriate for the area. They would like to maintain a stable environment for their neighborhood, said Mr. Sams.

Dave Hannah also spoke against the proposed development, stating that he is usually in favor of development in Juneau, but that zoning changes were a different situation than when discussing particular uses in already approved the zoning districts. People buy property and homes expecting that their land will remain the zone it was when they purchased it, said Mr. Hanna. D5 zoned property is actually getting difficult to obtain, said Mr. Hannah, adding that he felt Mr. Duran has showed that successful developments can occur within D5 zoning. If higher density is desired, Mr. Hannah suggested that the Commission consider D10 single-family residential zoning.

Real estate agent Marciano Duran Jr. spoke against the rezoning request. He expressed concern about the potential “500 units” [sic] which would be allowed on the rezone property contributing to an already heavy traffic problem. He said that development should occur on land already zoned for those purposes, and that rezoning this land was not necessary.

*Applicant*

Mr. Harris said there is currently no proposed project, because at this juncture they are following standard procedure for assessing the viability of a parcel of land. The first step in land development is to obtain the proper zoning, said Mr. Harris. Mr. Harris said their proposal follows the guidance of both the Comprehensive Plan and the Juneau Economic Development Plan which state that Juneau should encourage, promote and provide for Commercial and Mixed-Use zoning. Mr. Harris stated that he feels the proposed rezone would fit nicely within the area.

**MOTION:** *by Mr. Watson, to extend the meeting until 11:30 p.m.*

***The motion passed with no objection.***

*Commission Comments and Questions*

Ms. Grewe asked Mr. Harris if he had thought of D10 or D15 zoning instead of the D18 zone request.

The D18 zone is where they want to be for creating the maximum amount of housing in relation to the cost of the land, said Mr. Harris.

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Mr. Watson asked Mr. Harris if they understood there may be additional buffer requirements for the property.

Mr. Harris said he understood that buffers may be required.

Mr. Jackson said his biggest concern was an adequate buffer between the Light Commercial and D18 zones. Mr. Jackson said he was not in favor of the rezone request at this time.

Chairman Satre asked Mr. Harris if he would be comfortable if the Commission followed the staff's recommendation for zoning the entire parcel D18.

Mr. Harris said they would have to evaluate if they could proceed if the entire parcel was zoned D18 with no Light Commercial property. Zoning will dictate what they build, said Mr. Harris, and the Light Commercial and D18 zones are what he thinks are the best options for the property.

*Commission Comments and Questions*

Mr. Watson said Vista Del Sol had been required to put in an access road, and he asked how that abutted the applicant's property line.

Mr. Lange said it appears that the Vista Del Sol road would connect to the parcel of land in the reserve portion, not at the housing portion of the development.

Mr. Watson repeated his question earlier for the staff regarding what the Department considers an adequate buffer between either Light Commercial or D18-zoned land.

One of the requirements for adjacent zoning districts is that the abutting district have a setback where it abuts the other zone equal to the less densely zoned land that it abuts, said Mr. Lange.

Mr. LeVine asked if D18 zoning was approved for the entire parcel, if additional adequate buffers potentially in addition to the setback requirements could be recommended.

Buffers can be added as a condition on a rezone when it is approved, said Mr. Lange.

**MOTION:** *by Mr. Voelckers, on AME2015 0005, to rezone the 19.71 acres from D5 to D10.*

In support of his motion Mr. Voelckers stated that he agrees with a lot of the testimony against Light Commercial zoning for this particular area. He added that he feels even D18 zoning is too abrupt a change from the existing residential D5 zones. While saying that he is fully in support of walkable communities, Mr. Voelckers said those types of communities are contingent upon a more urban structure.

**MOTION:** *by Mr. Watson, to extend the meeting until 11:45 p.m..*

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***The motion passed with no objection.***

Mr. Watson spoke against the motion, stating he felt the applicant has made a good argument for D18 zoning, and that it is consistent with the Comprehensive Plan. Mr. Watson said he was not in favor of the Light Commercial rezone request.

Mr. Peters also spoke against the motion, stating that he felt D18 zoning was appropriate for the area.

Ms. Grewe stated that she supported the motion in favor of rezoning the entire parcel to D10, and that D18 zoning would be too abrupt of a change for the adjacent property owners. An informed buyer when buying their home checks the zoning of the area, and they assume a certain consistency of that zone, said Ms. Grewe.

Mr. LeVine said he agreed with Ms. Grewe; that a D10 zone would be a fair compromise.

Neighborhood harmony is an important component of any rezone, said Mr. Haight. He said he feels this area is comprised of single family housing and that there are other areas defined for multi-family dwellings. Mr. Haight said he felt with D10 zoning, the harmony and balance of the neighborhood could still be maintained.

Chairman Satre said on the topic of buffers, that they do not work. He said in his 10 years on the Planning Commission that the proper way to buffer is by zoning appropriately. One should not put buffers in place to correct zoning mistakes, said Chairman Satre. Even though D18 zoning may be consistent with the land use maps of the Comprehensive Plan, when you look at the actual area it is not appropriate, said Chairman Satre. Chairman Satre said that he felt D5 zoning at this time was the correct zoning for the area. He would vote in favor of the motion if he was the deciding vote simply to let it progress for the Assembly's review, said Chairman Satre.

**Roll Call Vote:**

**Yeas:** Voelckers, Grewe, Haight

**Nays:** Miller, Jackson, LeVine, Peters, Watson, Satre

***The motion fails.***

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**MOTION:** *by Mr. Levine, that the Commission deny the zoning request and that the Commission recommend to the Assembly that the land remain zoned D5.*

Speaking in opposition to the motion, Mr. Watson said that he maintains his position of D18 zoning for the entire parcel.

**Roll Call Vote:**

**Yeas:** Miller, Voelckers, Jackson, Grewe, Haight, LeVine, Satre

**Nays:** Peters, Watson

***The motion passes.***

TXT2009-00001:	Proposed Title 49 and Title 4 changes regarding the subdivision of land.
Applicant:	CBJ
Location:	Borough-wide

**Staff Recommendation**

Staff recommends that the Planning Commission forward proposed TXT2009-00001 to the Assembly with a recommendation for adoption.

To be referred to the Subdivision Review Committee.

**X. BOARD OF ADJUSTMENT** *(The following two items will be taken up at the next Regular Planning Commission meeting under "Unfinished Business" on April 28, 2015.)*

VAR2015 0006:	Variance request to reduce the street side yard setback from 13 feet to 4 feet.
Applicant:	Northwind Architects
Location:	635 Alder Street

**Staff Recommendation**

Staff recommends that the Board of Adjustment adopt the Director’s analysis and findings and **deny** the requested Variance, VAR2015 0006. If the Board of Adjustment chooses to grant the requested Variance staff recommends the following conditions:

1. The deck requires an approved building permit and required inspections. No Certificate of Occupancy shall be issued until any requirements of the building inspection are complete.
2. A lot consolidation shall be required to eliminate setback encroachments by the deck and new structure.

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- 3. Without a lot consolidation, no Certificate of Occupancy will be issued until the deck receives a Variance to the required setbacks.
- 4. During construction the driveway shall be realigned with the new garage four feet to the south.

VAR2015 0007:           Variance request to reduce the rear side yard setback from 20 feet to 6 feet.  
 Applicant:               Northwind Architects  
 Location:                 635 Alder Street

**Staff Recommendation**

Staff recommends that the Board of Adjustment adopt the Director’s analysis and findings and **deny** the requested Variance, VAR2015 0007. If the Board of Adjustment chooses to grant the requested Variance staff recommends the following conditions:

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

- XI.    **OTHER BUSINESS** - None
- XII.   **DIRECTOR’S REPORT** - None
- XIII.  **REPORT OF REGULAR AND SPECIAL COMMITTEES** - None
- XIV.  **PLANNING COMMISSION COMMENTS AND QUESTIONS** - None
- XV.   **ADJOURNMENT**

The meeting was adjourned at 11:36 p.m.

**SPECIAL ASSEMBLY MEETING  
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Meeting Minutes June 11, 2015

**MEETING NO. 2015-18:** The Special Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 5:00 p.m. by Mayor Merrill Sanford.

**I. CALL TO ORDER / ROLL CALL**

Assembly Present: Mary Becker, Maria Gladziszewski, Loren Jones, Jesse Kiehl, Jerry Nankervis, Merrill Sanford, Kate Troll and Debbie White.

Assembly Absent: Karen Crane.

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Robert Palmer, Assistant Attorney; Hal Hart, Community Development Director; Beth McKibben, Planning Manager; Teri Camery, Senior Planner; Rorie Watt, Engineering/Public Works Director.

**II. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

None.

**III. AGENDA TOPICS**

**A. Rezone Process**

The Assembly reviewed the Law Department memo on process from Ms. Mead.

Ms. McKibben provided a presentation on how a request for rezoning occurs. She said that a rezone must substantially conform to the maps of the comprehensive plan. Mayor Sanford said the comprehensive plan was broad. What took precedence, the plan or the maps? Ms. McKibben said Title 49 was specific and called out the maps as taking precedence.

She said when a request for a rezone was submitted, the CDD staff scheduled a neighborhood meeting to take public comment and then provided a staff report to the Planning Commission for consideration. A rezone had to be reviewed with the idea in mind that any use in the spectrum of uses listed in the Table of Permissible Uses in the requested zoning designation could be developed on the property subject to rezoning. The Planning Commission heard all information, and either recommended approval or denial to forwarded the matter to the Assembly.

**B. Planning Commission Minutes April 14, 2015 (DRAFT)**

The draft minutes of the April 14, 2015 Planning Commission meeting were provided to the Assembly for review, as all three rezoning requests on the agenda were heard by the Planning Commission at that meeting.

**C. Protest of Planning Commission's Recommendation to Deny Request to Rezone Tract B1 of USS 1568, Located at 7400 Glacier Highway.**

Beth McKibben provided staff report on AME2015 0005, saying that the request was to rezone 19.71 undeveloped acres from Residential D-5 to a mix of Residential D-18 (12.71 acres) towards the back of the lot and LC (Light Commercial) towards the Glacier Highway frontage. The CDD staff recommended the property be rezoned to D-18, and the Planning Commission denied the request in order to maintain D-5 zoning.

She showed an aerial photo of the area with an overlay of the current zoning in the area and the comprehensive maps showing the Medium Density Residential (MDR) designation of the property and area, with Urban Low Density Residential behind it. She read the definition of MDR: "These lands are characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (TPU) (CBJ49.25.300)." The staff recommendation was for D-18. The TPU allows some commercial uses in D-18 and they are low in intensity. Light Commercial allows for up to 30 units per acre and a wider variety of commercial uses, some not consistent with a residential neighborhood. The Planning Commission, based on public testimony, recommended D-5 and therefore recommended denial of the rezone request.

Mr. Jones asked if there were any guidance regarding access. Ms. McKibben said that through the subdivision process, a right of way access is required to provide access to large unsubdivided tracts of property. In this case, if this piece is subdivided, that type of access would be required to be provided to future development to adjacent parcels. Regarding access onto Glacier Highway, the CDD staff sought comments from DOT, but DOT preferred to reserve its comments to specific developments rather than rezone proposals, due to the variety of uses that could take place within a zoning designation.

Richard Harris spoke about his request for a rezone and his protest of the Planning Commission's recommendation for denial. He said the Comprehensive Plan was a guide. He said the actual numeric density of a district was not the deciding factor. It stated LC zoning should be adjacent to residential uses. Many of the uses in the LG were controlled by the Conditional Use Permit process, not the zone change process. The Assembly and PC should aim towards developing land to its highest and best use. He said his plan substantially fit within the confines of the comprehensive plan and maps. D-5 would not be a good use of the property to get affordable housing as the lots would be too large and the homes would need to be more expensive, similar to Mr. Duran's development next door. He showed the nearby D-18 lots and commercial businesses within a half mile of each direction of the subject property on a map, and he predicted further future subdivisions, as the area was underdeveloped. It was very common in the area to have commercial development in the front of a property. The Comprehensive Plan stated in Map G, the lower east Mendenhall Valley sub area should be utilized for light commercial and higher density mixed use type developments. He referenced several sections of the Juneau Economic Development Plan, including that Juneau should ensure "...an adequate supply of appropriately zoned land is available for commerce, and industry, as well as residential development." There is not enough residential or commercial land available in Juneau as stated in the plan, and the number one concern in the household community survey was affordable housing. Employers had the same concern and added a concern about the lack of availability of land for commercial development. D-18 was a great residential zoning, and light commercial on the front where there is more noise from traffic was

appropriate and could provide nice projects. The Assembly and committees have done studies and have requested help to implement the plan and he was trying to help by providing development.

Mr. Jones asked what kind of development was allowed in D-18 zoning and what different type of development was anticipated in the request for LC in the front. Mr. Harris said LC would allow for mixed use development he liked low level commercial and offices, etc. in the front with higher density multi-storied housing in the back. He did not have specific plans but the benefits were lot size and it would allow him to create different types of housing.

Ms. White asked about the number of units and said there were a lot of boggy wet spots and she asked how much property would be excluded from developable areas? Mr. Harris said the Corps of Engineers showed a majority of this property as wetlands, which was another reason he was asking for higher density. The 98 units could be fit within 3.25 acres of commercial ground. In D-18 there could be 98 units in 5.5 acres. There would be a lot of extra land that could be utilized as buffers to lessen the impact, but that would not be obtained with D-5 zoning.

Ms. Gladziszewski said MDR in the land use maps allowed 5-20 units per acre and LC allowed 30 units, so the LC zoning by definition did not fit in MDR. Mr. Harris said that case had been previously decided, that MDR was not meant to have a density designation as a deciding factor, in the matter of AME2013 0003 on Atlin Drive.

Ms. Troll asked why D-10 was not acceptable. Mr. Harris said the cost of the roads were significant and if more housing could be compacted into a smaller area he could develop at a lower cost which resulted in greater affordability. Mr. Harris said he had not calculated D-10 but D-15 D-18 was generally the ballpark to make things work.

Mr. Nankervis asked how much of the 19 acres were wetlands and Mr. Harris said approximately 12 acres. The property was currently being delineated.

Mr. Kiehl said he was a no vote on the previous case cited and said he still had some concerns about incompatible uses in LC zones with MDR. D-18 allowed a number of commercial uses that might be compatible and asked if any of those were allowed in D-15. Mr. Harris said D-18 was necessary for commercial use. Mr. Kiehl said the zoning in the area seemed to be a patchwork and in that context, the Chair of the PC said "there was no buffer big enough to fix a zoning mistake," and he asked about how potentially incompatible uses could be mitigated. Mr. Harris said that could be addressed through the conditional use process, when a project was brought forward, and that was when the decision about whether or not a specific development fit into an area. A zone change was giving a general a direction of how the area was headed. D-5 was an old designation and did not pencil out in Juneau today. He said he was trying to make the property work.

Ms. Becker asked how many units could be developed with D-18 zoning. Mr. Harris said roughly 400 but the controlling factors were the topography, parking, wetlands and other factors, so that number was generally reduced. It was not possible to condense housing due to wetland factors in D-5 only in D-18. Mayor Sanford asked Ms. McKibben to confirm that and she said yes.

Public Comment:



Josette Duran said she and her husband Marciano were developing the Vista del Sol subdivision next to this parcel and she supported increased housing and commercial space, but were opposed to this rezone request. Spoke about the fact that much of Juneau's lands did contain wetlands and she thought the Assembly would open a can of worms by approving rezones just because developers can not achieve maximum density. In this case this would quadruple density. There were ways to develop this parcel to achieve maximum density through off-site mitigation and the Planned Unit Development code section allowed for on-site preservation of wetlands and a mixture of residential types with no minimum lot size and lesser street standards, which was achievable without the impact to the neighborhood. They developed Vista Del Sol at less than D-5 to preserve the existing neighborhood. D-5 opened rentals by allowing people to buy homes. Commercial space was not compatible with D-5 neighborhoods. She said the applicant sketch did not provide a buffer or shield and a prior rezone near Fred Meyer's from D-5 to D15 required a 200 foot buffer during the Assembly rezone process. The Comprehensive Plan encourages maintenance of the density of existing neighborhoods.

Marciano Duran thanked the Assembly for the focus on increasing housing in the community. This parcel could be developed at a D-5 and they had made it work next door. There was a demand for D-5 housing types and if this property was rezoned it would create a bigger mess and they had people waiting for homes that had front and back yards, and D-18 did not work in this area. Developers had an obligation to not sit on property and to develop the property when there was a need. The highest use of the property was not necessarily the best.

Ms. Gladziszewski asked what about this parcel made it inappropriate for D-18 in the area since it was on the bus line and had sewer and water. Mr. Duran said there was a potential for 400 units and that was a tremendous amount of traffic and that would be difficult to combine with commercial traffic. Adding 400-500 cars would not reduce the vehicle noise.

Ms. Becker asked if the homes he had built were affordable. Mr. Duran said that was debatable. Ms. Becker said she believed \$250,000 was the level of affordability and he said that their houses were more expensive but they would open up other housing when people moved into their homes.

Mr. Jones asked about the wetlands and Mr. Duran said they ran into that problem but developed their lots at 7000 sf. per lot.

Doug Wesley said he knows there is a need for high density housing but also a need for housing with larger lots. He and his wife had been exasperated in trying to find a place to live after being in the community for a year. They decided to buy a home on the tract next door and he said there was a need for D-5 housing as any home for sale on Craig's List was bought before a call could be made. He said there needed to be housing type options.

Roger Sams said he had lived near the property in question for 40 years. He was opposed to the projected project at the density level requested. D-5 was appropriate and he could not imagine the traffic and congestion problems with the type of housing units discussed whether 300 or 500 units. The neighbors in the area were long term residents and he was concerned with his status quo.

Dave Hanna said Mr. Hart and the Planning Department had done an excellent job encouraging development over the past few years and they had been very thorough. The Planning Commission was correct to say that the current zoning should stay in effect. There was a need

for more development in the D-5 area and Juneau needed more stand alone single family homes. D-10 sf may also be appropriate, but there was not need for commercial property on this parcel with Walmart on one end and Fred Meyer on the other. LC was the least restrictive zoning in this area and this neighborhood does not need liquor store, or 400 apartments. We have reached the point in this community for getting development in place and we don't need to push if further and we should support the Planning Commission on this issue.

Mr. Jones said the Auke Bay plan looked at the problem of the hodge podge of zoning, and looking at this roadway, would this area be a candidate for this type of review considering all of the uses in the area. Mr. Hanna said it would be appropriate to look at and maybe include it in the Lemon Creek planning.

Ms. Gladziszewski said the staff recommended D-18 and the PC did not. Mr. Hanna said yes, there were caveats and he thought D-18 was inappropriate due to neighborhood incompatibility and the need for more D-5 housing.

Ms. Troll asked about traffic analysis and Ms. McKibben said that action would take place when a development permit application was expected to generate more than 500 trips per day and was only triggered with a development permit application and not a rezoning request.

Ms. White said that almost everything in LC required a conditional use permit (CUP) so wouldn't that allow review for neighborhood compatibility. Ms. McKibben said a CUP required findings for neighborhood compatibility, however it would be difficult for the PC to deny a CUP and to make findings that an activity was not compatible and in her time at CBJ she had not seen this finding made and so the Planners considered that any one of the uses in the TPU could take place.

Mr. Jones asked if there were significant wetlands and the property was developed at D-5, how could the density be moved around. Ms. McKibben said if there was one acre zoned D-18 and 18 units per acre, and half was in wetlands, all 18 units could still be put on the one acre, but setbacks, parking and rights of way and height would still be a factor. In D-5, a one acre lot would equal one home, and to get the maximum density the lot has to be subdivided into lots of 7000 s.f., so it was more challenging to concentrate the density into a smaller area. D-10 s.f. have a minimum lots size of 3600 s.f., so that is more flexible. Ms. McKibben said that in the single family zoning districts it was more challenging because the minimum lot sizes needed to be maintained. Montana Creek West was an example of a Planned Unit development. It was zoned D-3 and they were able to set aside a large area of wetlands for conservation and built single family homes and duplexes on smaller lots than what D-3 zoning generally allows.

Assembly Action:

*MOTION, by Becker, to forward for introduction an ordinance, directing that staff incorporate the proposed rezoning, incorporating language that D-18 and LC be allowed.*

Mr. Jones objected to LC being included.

Ms. Becker said Juneau needed more homes and more jobs and putting in commercial businesses in the area would bring in more workers and more jobs..

Ms. Troll objected and said it was hard to say LC was compatible with MDR and this would set a precedent and the need was not worth the precedent of such an incompatible interpretation.

Mr. Nankervis spoke against the motion and said he attended the Planning Commission meeting and heard the arguments and thought the Planning Commission ended up with the right decision. This would be a 25% increase in average daily trips in the area. The neighbors stated that was a significant increase. This was the wrong spot to go to LC and D-18 and he referred to the zoning map.

Ms. Gladziszewski spoke against the LC zoning in MDR.

Mr. Keihl said there were several incompatible uses in LC but disagreed with Mr. Nankervis that this would be an inappropriate place for increased density. He could not support the motion with LC included.

Ms. White said the property was surrounded by light commercial uses, we have the comp plan saying one thing but the economic plan and housing plan telling us to increase our density everywhere on public transit. If we can't do it here, surrounded by other commercial uses and an airport, why spend money on plans if they conflict. She said LC development would be subject to the CUP process and she favored the motion.

Mayor Sanford supported higher density residential to D-18 but did not support the commercial development.

Mr. Jones said there were commercial developments in the present zoning districts presently so he thought this should stay D-5.

Roll call:

Aye: Becker, White.

Nay: Jones, Gladziszewski, Kiehl, Nankervis, Troll, Sanford.

Motion failed, 2 aye, 6 nays.

*MOTION, by White, to direct staff to draft an ordinance for introduction to rezone the property to D-18 only with no LC, based on the CDD staff recommendation and that MDR allowed 5 - 20 residential units per acre.*

Mr. Jones objected and encouraged the Assembly to uphold the Planning Commission's decision.

Ms. Troll said she could support D-10 zoning, but thought D-18 was too intense. We have heard D-5 housing was a need, and should provide for a mix of uses and needs.

There was some discussion about D-10 and D-15 development.

Mr. Kiehl supported the motion to allow the Assembly to consider increasing the density in the area.

Ms. White said CBJ made an investment of water sewer transit and there were already two large businesses in a walkable area and the Assembly should increase density in this area to the highest extent possible.

Roll Call:

Aye: Becker, Gladziszewski, Kiehl, White, Sanford

Nay: Jones, Nankervis, Troll  
Motion passed, 5 ayes, 3 nays.

- D. Protest of Planning Commission's Recommendation to Deny Request to Rezone Lot 5 Block B Alaska Juneau IV-11; Lot 10 – 15 Block B Alaska Juneau V; and Lot 2 Block A Alaska Juneau IV-11, Located on Mill Street and Eastaugh Way.

Beth McKibben provided presentation of the request to rezone in AME 20150001 from Industrial to Mixed Use (MU). The CDD staff and the Planning Commission recommended denial of the request.

The comprehensive plan indicates that the property in the area is designated HI Heavy Industrial, and residential, office, retail and personal service uses are not to be allowed, except that residential caretaker facilities could be permitted. She read the MU designation from the code. Residential in MU was allowed at 60 units per acre. MU required no setbacks and no height restrictions. MU allowed variety of uses and HI specifically excludes many of those uses. MU zoning did not conform with the maps of the comprehensive plan.

Mayor Sanford asked if residential was done in some industrial areas above the industrial use and Ms. McKibben said yes, it happened, but the comprehensive plan and zoning code did not provide the tools to accomplish that.

Mr. Jones said the applicant sought general commercial but was told by staff to pursue mixed use and asked for an explanation. Ms. McKibben described general commercial designations and provided the developmental standards, stating that 50 residential units per acre were allowed in GC.

Ms. Becker asked about housing already allowed in the area. Ms. McKibben said that Industrial zoning allowed one caretaker per lot but there may be non-conforming uses in existence throughout the borough.

Ms. Gladziszewski asked if the primary unit was boat storage, if an apartment could be above each lot and Ms. McKibben said each unit would need to be on an individual lot.

Errol Champion said he was asked by the owner/developer of this property how he could do something about housing in this area in the downtown core. They sought zone change to general commercial and provided power point presentation showing an number of examples of living accommodations above storage units and said this was trend. They were encouraged by CDD staff that GC might be too far from Industrial and changed the request to MU. They were denied in their application. Mr. Champion said that Alaska was one of 11 non-disclosed states so it was difficult to find information about sales. He recapped three year history of MLS sales. He spoke about the popularity of condo development. He showed a picture of one of the two buildings already on Lot 2 of the subject site. He said with former print shop and rock climbing wall on the "Rock Dump" location, it was becoming a commercial development area. He showed several slides of the type of development that the owner of the lot was interested in developing. He said the reality of the Rock Dump to be used as a major industrial area was limited and potentially unobtainable. Affordable housing units were needed downtown, and the taxable value would increase to the community. He supported a GC or MU designation.

Ms. White stated a conflict of interest because her adult son worked on the construction of the buildings under discussion. Hearing no objection, Mayor Sanford excused Ms. White from the discussion.

Public Comment:

Jake Manala, works for Alaska Marine Lines in the area and was very concerned about the potential restrictions his business would face if the area was rezoned to MU. There were currently complaints about industry noise from Douglas Island residents from across the Channel, and he was concerned that adding residential units would lead to people requesting that their business hours be decreased. Their business required timely delivery of freight. He distributed a letter of complaint received from a Douglas Island resident about their business noise, and a picture of the view that residents on the site proposed for rezoning would see, which was a wall of containers. He said eventually someone would ask to have the containers moved for their view, and would complain about their freight noise. Their business handles hazardous materials and explosives safely, but there were regulations regarding distances to inhabited buildings that needed to be maintained. These materials were needed by the mines in the area, which were a large economic engine for the community.

Mr. Jones asked if it was permissible for the Assembly to change this zoning designation to General Commercial, despite the Planning Commission recommendation. Ms. Mead said it could be done with findings to the effect that it was within substantial conformance with Heavy industrial in the comprehensive use map. She said that general commercial allowed single family residential.

Ms. Gladziszewski said that mixed use was more incompatible than general commercial, and Ms. McKibben agreed.

Ms. Becker asked if the freight line would be allowed in general commercial. Ms. McKibben said that she interpreted that the testimony to mean that the impacts of the freight operation would be objectionable to those uses that would be allowed in a MU or GC use, such as a residence.

Ms. Troll asked if the Assembly declined to introduce the ordinance, could the applicant apply for another rezone request for GC. Ms. Mead said yes, in January, the time periods for submitting zoning applications. Ms. Mead said that a comment was made that Heavy Industrial was an outdated description and should be updated. If the Assembly amended the comprehensive plan code to allow different uses in HI or changed the map, that would be enough of a different situation to allow the applicant to submit another request in January, otherwise it would not be a substantial enough change.

Mayor Sanford asked if the Assembly could amend the code to change heavy industrial? Ms. Mead said yes, the Assembly could table this matter and initiate a code change and bring back an appropriate ordinance to do a rezone. The Assembly could rezone independent of an application.

Mr. Jones spoke about the marijuana issue and those type of uses being limited to industrial uses, so if the assembly rezoned the area to something that allowed residential uses, that could be problematic.

Assembly Action:

MOTION, by Gladziszewski, to approve introducing an ordinance to affect this zone change, and requested *no* vote.

Ms. Gladziszewski said the PC and staff both disagreed with recommending this change, and there was very little industrial land available in Juneau. People in mixed use have an expectation that their residential rights will be protected and that did not seem like a good expectation for the rock dump.

Mr. Kiehl objected in order to vote no.

Roll call:

Aye:

Nay: Becker, Jones, Gladziszewski, Kiehl, Nankervis, Troll, Sanford

Abstain: White

Motion failed: 0 ayes, 7 nays, 1 abstention.

Ms. White rejoined the meeting.

- E. Protest of Planning Commission's Recommendation to deny a Request to Rezone ATS 556 TR A, Located at 1540 Thane Road

Beth McKibben gave a presentation of the request for rezone in AME2015 0002 submitted by the CBJ Public Works and Engineering Director. The CDD staff recommended approval of the zone change and the Planning Commission denied the request.

The request is to change 4.5 acres from Waterfront Industrial (WI) to Industrial (I) in the rock dump area. She showed a zoning map and aerial photo of the area. The majority of the parcel was zoned Industrial and the ribbon of property along the shore was zoned WI. The property was the site of the Juneau Wastewater Treatment Plant. The Comp Plan designation was Institutional and Public Uses (IPU) and a small part was Waterfront/Commercial/Industrial (WCI). Ms. McKibben reviewed the Comp Plan designation descriptions. She said the dilemma was that IPU was intended to support a variety of public uses. The applicant indicated the purpose of the rezone was to expand public uses that may be permitted in the Industrial district but not in the WI district. She referred to the Table of Permissible Uses and the note "n" which indicated a restriction to water dependent, water oriented or water related. The uses allowed in WI were not as broad as the uses allowed in Industrial. Another factor was that the lot for rezone was split in two different zoning districts and it was challenging to do split lot zoning to designate where the line was drawn between districts. The CBJ owned the property, it was in use as an IPU described designation, and no matter the zoning it would always be used for an institutional public use. The PC decision was based on the scarcity of waterfront lands and this change would result in the only industrial land on the waterfront that was not designated for waterfront use.

Rorie Watt said that when he became the Engineering and Public Works Director, a lot of opportunities and ideas were combined. Juneau was a small town with limited property availability and the Assembly has a goal to find more industrial land. CBJ was trying to provide efficient services and make the best use of the land that exists. The placement of the treatment plant in this location was a 100 year decision. The biosolid project may be a 20 year decision. The piece of land he was most interested in was the area outside of the fence and there is some developable land that could be used. He indicated the land on a projected map. He spoke about the need for areas of

expansion of operations of the treatment plant and said even if this request was not successful, he would never agree to give up that land to waterfront Industrial use as some treatment plant manager in the future would need land for another facility into the future. He did not have any waterfront use other than an outfall pipe. In the short run he would like to find a better place to park snow plow equipment in place of the abandoned bridge public works facility. He would like to manage the city's available lands for uses related to the biosolids project. The zoning district followed mean high tide for 100 feet, which was challenging, as it did not follow the property line. He asked the Assembly to take the planner's recommendation in support of this rezone request, that finding made sense. He said he thought the Planning Commission did not believe the matter was timely, but he said that it was, and now he could not apply for another year.

Mr. Nankervis asked why he was asking for Industrial use vs. public use. Mr. Watt said that was the zoning designation and IPU was the comp plan designation. He did not actually need the whole ribbon, but was particularly interested in the upland area of the property.

Mr. Watt explained a short history of the rock dump. The treatment plant was built in the 1970's. The rock dump was filled tidelands as a result of historic mining operations. The city owned the tideland surveys. He indicated on a map the areas that the Assembly gave to the Docks and Harbors Board to manage. Mr. Lockwood had a lease with the Docks and Harbors and part of the lease was to provide a survey of the leased area, which he had not done, and it got more complicated due to overlapping mineral claims. Everything was CBJ property barring mineral claims, which overlaid much of the rock dump.

Ms. Becker asked for clarification of what portion he was interested in rezoning. He outlined on the map.

Ms. Troll said the PC discussed amending the TPU and the lack of imminent need. Mr. Watt said that the method of achieving his ends was not an issue for him, and it had been suggested to him that modifying the TPU was a worse idea, but he had no opinion on that. Because he spoke about two possible uses for the property the PC may not have felt the need was imminent.

Mr. Kiehl said he could not see what use would not be currently allowed in the present designations, as it appeared that an associated parking lot to a public utility was allowed as a water related use. Mr. Watt said the definitions of water oriented definition did not fit his potential uses. Parking snow removal equipment or the biosolids project were not dependent to the water or related to being on the waterfront. The short term use was snow plowing but the long term use was expanded sewage treatment. He would like to secure and use the land so to make more beneficial use of other CBJ land, such as the former valley public works shop site. Ms. McKibben said that Mr. Kiehl was referring to a code section regarding Coastal Management and the relevant code section was the Table of Permissible Uses. Mr. Watt read CBJ 49.80 regarding the definition of water related/dependent/oriented. Ms. Mead said that all the definitions were somewhat similar, and were included in the discussions on marijuana zoning because she went back to the 1987 code and the concepts with respect to land uses evolved and were splintered into different sections of the code, including in the Coastal Management Plan. The idea of what is water dependent/related had remained the same since the late 80's, and she apologized for the lack of clarity.

Mr. Jones said the entire section should be done or not, not a patchwork. Mr. Jones asked if there was any activity that Mr. Lockwood would be doing that would be in conflict with the industrial zone. Ms. McKibben said moorage was allowed in waterfront and industrial zones, but perhaps some of the upland uses would be affected.

Public Comment:

Howard Lockwood said he was the manager of the Juneau Port Development LLC and handed out a packet of information to the Assembly. He said he was opposed of the zone change to Industrial designation as presented. He has an active lease on ATS 556A, which was signed in 2007 with CBJ and the area was designated WCI at that time. The WCI zoning was needed to construct the harbor and upland development for the mega-yacht (up to 250') harbor, that would be constructed with private capital at no cost to the taxpayers. A change to Industrial zoning would eliminate approximately 54 of the servicable slips out of the 112 in design. In addition, there are two major land title issues that had not been properly addressed to date. The CBJ did not own ATS556A in fee simple title in the same manner that they did the uplands. ATS556A is filled and submerged tideland which lied seaward of the mean high tide 154. ATS556A was granted to the city after statehood under Tideland Patent 224, a municipal preference right and contained a mineral reservation which reserved the gold, silver, lead and zinc to the benefit of the State of Alaska, its heirs and assigns. This property is left open for appropriation and Dr. Roger Eichmann staked 5 mining claims on nearly all of ATS556A sometime in the 1980's. These 5 mining claims were valid and current with annual rents being paid as required to date. Both of these property title equities must be eliminated before anyone can legally do anything with that land. His packet contained more information. He spoke against the rezone. He said when the lease was signed in 2007, the first requirement was to take the survey from 556A and incorporate that into the lease document, eliminating only the city's sewer treatment plant at the time. He showed a state plat showing 556A which showed that ATS556A includes the treatment plant.

Ms. Troll said that the layout of the harbor did not appear to conflict with Mr. Watt's plans. Mr. Lockwood said that there needed to be upland support of the harbor and rezoning would remove 52 - 54 slips that would not be compatible in an industrial zone.

Mayor Sanford asked about the placement of the sewer treatment plant. Mr. Watt said the Assembly gave the Dock and Harbors authority over the land and he understood some was leased to Mr. Lockwood and the sewer treatment plant was not part of that lease. Mr. Watt said there was a long story going back to 2007, the lease was issued to Mr. Lockwood, with several conditions, including the requirement for a survey, easements, permits and starting construction, and those, in his opinion, had not been met and the lease had been extended a few times.

Ms. Becker asked if the area Mr. Watt wants to use is part of the lease. Mayor Sanford said he wants the Assembly to have the lease information when these issues arise.

Ms. McKibben said that private moorage was allowed in waterfront and industrial zones. Mayor Sanford said that the issue was the upland lots and the support services of the harbor uses, which was the big rub.

Mr. Kiehl said the TPU at 9.6 said that marine commercial facilities, including passenger traffic, were not allowed in industrial zoning, so that was the concern. Ms. McKibben said that TPU 9.600, marine commercial facilities, was a land 10.510 and 10.520, private moorage was allowed in WI.

Ms. Mead said there was a provision in the lease that spoke to CBJ's use. After the first 36 months of the lease being signed, in 2010, it allowed CBJ to put on any public facility that did not conflict with the lease holder's plan, but part of the problem in defining the lease area was the survey, which had not been done to define the lease area. The Planning Commission mentioned the mining claim, which I have researched and spoken about with DNR, but they are two different things.



Ms. McKibben said 49.25.110 (f) said that district boundary lines are to follow property lines, streets, etc., as in existence when the maps are adopted.

Mayor Sanford asked when the lease with Mr. Lockwood was up and it was determined to be at the end of this year.

Mayor Sanford suggested letting this go and waiting to see what happened with the lease and let another request come back in January. Ms. Mead said that was possible if that was how the Assembly wished to act. The Assembly had the right to rezone property without concurrence of a property owner and spoke about the options. It was also noted that the CDD Director or Assembly could initiate a rezone.

Assembly Action:

*MOTION, by Nankervis, to request staff draft an ordinance to introduce a rezone from WI to I using the CDD staff's findings and recommendations.*

Ms. Gladziszewski objected as there seemed to be a lack of clarity about the mining claims and the lease and Mr. Lockwood had been working on this project for several years.

Mr. Kiehl said there were a few of unanswered questions and a few answers. He was not ready to forward this for approval and he was willing to wait to get answers. He questioned the need, the existence of a snow dump that may be incorrectly permitted and it went too deep. He had concerns about different standards applying to CBJ or private projects.

Ms. Becker asked if there could be answers about the confusion tonight. Ms. Mead said there is no confusion about the mining claims. If you have questions about the lease with Docks and Harbors we can follow up.

*MOTION, by Becker, to table the motion until questions could be answered.*

Ms. Troll objected.

Roll call to table:

Aye: Becker, Jones, Gladziszewski, Kiehl, White, Sanford

Nay: Nankervis, Troll.

Motion passed, 6 ayes, 2 nays.

Ms. Mead asked for clarity on the questions to be answered and after those were provided, an Assemblymember would need to make a motion to take the matter off the table.

Mayor Sanford said the Assembly needed to see and understand the lease. The Assembly needed to learn what would be affected with Mr. Lockwood's development in the uplands area by such a zone change.

Ms. Troll asked if it made sense to reduce the amount of property to be rezoned to the specific area that Mr. Watt would like to develop.

Mr. Kiehl said he wanted to understand waterfront uses and the standards related to waterfront related, dependent and oriented uses in historical perspective.

**IV. ASSEMBLY COMMENTS AND QUESTIONS**

None.

**V. ADJOURNMENT**

There being no further business to come before the Assembly, the meeting adjourned at 9:00 p.m.

Signed: \_\_\_\_\_  
Laurie Sica, Municipal Clerk

Signed: \_\_\_\_\_  
Merrill Sanford, Mayor

**THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Meeting Minutes - July 20, 2015

**MEETING NO. 2015-21:** The Regular Meeting of the City and Borough of Juneau Assembly, held in the Assembly Chambers of the Municipal Building, was called to order at 7:00 p.m. by Mayor Merrill Sanford.

**I. ROLL CALL**

Assembly Present: Mary Becker, Karen Crane, Jesse Kiehl, Jerry Nankervis (teleconference), Merrill Sanford, Kate Troll and Debbie White.

Assembly Absent: Maria Gladziszewski, Loren Jones.

Staff Present: Kim Kiefer, City Manager; Rob Steedle, Deputy City Manager; Amy Mead, Municipal Attorney; Laurie Sica, Municipal Clerk; Rorie Watt, Engineering/Public Works Director; Hal Hart, Community Development Director; Beth McKibben, Planning Manager; Greg Chaney, Lands and Resources Manager; Aaron Landvik, Admin. Asst.- Assessors; Patti DeLaBruere, Airport Manager; Aaron Dean, Airport Field Maintenance; Audrey Dean, Litigation & Support, CBJ Law.

**II. SPECIAL ORDER OF BUSINESS**

A. Aaron Dean, Equipment Operator II at JIA

Mayor Sanford read a letter of commendation to Aaron Dean, who while performing a routine runway inspection check at the airport, found a large bolt on the runway and shared his concern that the component was part of a major aircraft. It was found to be missing from a Boeing 737 freighter, which was loading on the runway, and his discovery, initiative and actions led to the prevention of a major airline accident.

**III. APPROVAL OF MINUTES**

A. June 29, 2015 Regular Assembly Meeting No. 2015-20

Hearing no objection, the minutes of the June 29, 2015 Regular Assembly Meeting 2015-20 were approved with minor corrections.

**IV. MANAGER'S REQUEST FOR AGENDA CHANGES**

None.

**V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

Kay Smith said on behalf of the Black Awareness Association, they appreciated the invitation to participate in the conversation regarding the flags on Egan Drive. Because of the actions of a small group of citizens who spoke out and worked through the appropriate channels, the community was able to say that it was time to exchange one Mississippi flag with another Mississippi flag.

Albert Judson spoke about his concern regarding the CBJ code criminal trespass section and a sample form called "Order to Leave and Stay Away from the Premises" that had been available on the CBJ website. He said the use of the form and implementation of the trespass code could violate a person's due process rights, a persons right to privacy and it opened the door to discrimination. The order could be issued based on allegations rather than facts and it could bar people from their liberty and freedom. He provided the City Attorney with a copy of an event that happened to him. He asked the Assembly to repeal the order and refrain from its use.

## VI. CONSENT AGENDA

### A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction

None.

### B. Assembly Requests for Consent Agenda Changes

Ms. Troll asked if all the issues had been resolved with the liquor license changes at the airport and Ms. Kiefer said that Ms. McEwen distributed an email to the Assembly from Mr. Ford, the Building Official, indicating that the outstanding building code issued had been addressed, and she recommended that the Assembly waive its right to protest.

### C. Assembly Action

MOTION, by Becker, to adopt the consent agenda. Hearing no objections, the consent agenda was adopted.

#### 1. Ordinances for Introduction

- a. Ordinance 2014-24(AV) An Ordinance Appropriating to the Manager the Sum of \$7,830 as Funding to Provide for Commercial Motor Vehicle Inspections; Grant Funding Provided by the Alaska Department of Transportation and Public Facilities.

This ordinance would appropriate a \$7,830 grant from the Alaska Department of Transportation and Public Facilities to provide commercial motor vehicle inspections.

The inspections are intended to determine the appropriateness of driver credentials as well as road worthiness of commercial vehicles with the ultimate goal of improving commercial vehicle safety in Juneau.

There is no match requirement for this grant.

**The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.**

- b. Ordinance 2015-20(E) An Ordinance Appropriating to the Manager the Sum of \$642,300 as a Transfer to the General Fund as Partial Funding for the Housing First Grant, Funding Provided by the Sales Tax Funds in the Housing Land Development Capital Improvement Project (CIP) D14-095.

This ordinance would appropriate \$642,300 as a transfer from the Housing Land Development capital improvement project (D14-095) to fund the Housing First Grant. The funding source is sales tax.

The CIP was never expended because the Assembly had not finalized an order of priority for CBJ's housing development projects. In lieu of placing the funds into the Peterson or Switzer CIPs, the Assembly decided to create a new CIP called "Housing Land Development" to hold the funds until the Assembly made a decision on transferring the funds.

This funding represents a portion of the CBJ's \$1.5 million commitment to the Juneau Housing First Project.

After this appropriation is completed, CIP D14-095 will be closed.

The Finance Committee approved this action at its March 28, 2015, regular meeting, and recommended forwarding it to the full Assembly for approval.

**The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.**

- c. Ordinance 2015-20(G) An Ordinance Appropriating to the Manager the Sum of \$100,000 as Funding for the Lemon Creek Gravel Scale Replacement Capital Improvement Project (CIP) D14-020, Funding Provided by the Lands Fund's Fund Balance.

This ordinance would appropriate \$100,000 as a transfer from the Lands Fund's fund balance to the Lemon Creek Gravel Scale Replacement CIP (D14-020).

The existing Lemon Creek truck scale, which serves two CBJ material sources in Lemon Creek, has worn out to the point that it cannot be repaired and a replacement scale is necessary. This appropriation is required to establish a CIP for the purchase and installation of the replacement scale.

The Lands Committee approved this action at its July 13, 2015, regular meeting, and recommended forwarding it to the full Assembly for approval.

**The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.**

- d. Ordinance 2015-20(H) An Ordinance Authorizing the Manager to Accept the State of Alaska, Department of Environmental Conservation's Offer of Grant Amendment No. 1 for Partial Funding of the Salmon Creek Secondary Disinfection Capital Improvement Project and Appropriating to the Manager \$3,000,000 in additional Grant Funding Provided by the State of Alaska, Department of Environmental Conservation.

This ordinance would appropriate an additional \$3,000,000 in Municipal Matching grant funding in addition to the \$1,000,000 already on the project, from the Alaska Department of Environmental Conservation (ADEC) Division of Water for the following project:

Water Treatment Improvements - Salmon Creek LT2 Upgrades  
\$3,000,000

This grant has a 40% match requirement which will be provided with the funds already on the CIP.

ADEC Grant 44593 originally appropriated \$1,000,000 with Ordinance 2014-24(Q) and ADEC Grant Amendment No. 1 increases the grant amount by \$3,000,000, which this ordinance 2015-20(H) will put on the project, bringing the total grant to \$4,000,000.

The Public Works and Facilities Committee will review this item at its August 3, 2015 regular meeting.

**The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.**

- e. Ordinance 2015-32 An Ordinance Amending the Land Use Code Relating to Child and Day Care Facilities.

This ordinance would amend CBJ Title 49 as it relates to child and day care homes and centers, in order to address an identified need in the community for child care.

The ordinance would amend the Table of Permissible Uses to expand where child care homes and centers can operate, would add minimum standards for these operations, and would amend the definitions for child care centers and homes.

At its regular public meeting on June 23, 2015, the Planning Commission adopted the analysis and findings in the Community Development Department's staff report and, with some revisions, recommended that the Assembly approve the ordinance.

The Lands Committee considered the ordinance at its July 13, 2015, meeting, and recommended that the Assembly approve the ordinance.

**The Manager recommends the ordinance be introduced and set for public hearing at the next regular Assembly meeting.**

- f. Ordinance 2015-33 An Ordinance Amending the Uniform Sales Tax Code Relating to the Single Item Tax Exemption.

This ordinance would exclude jewelry sales from the single item sales tax cap exemption. The Finance Committee addressed this issue at its April 22, 2015, meeting and recommended forwarding this change to the full Assembly for adoption.

This ordinance would be effective January 1, 2016, to allow for the current summer and holiday retail season to continue uninterrupted, and to allow affected merchants adequate time to prepare.

**The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.**

- g. Ordinance 2015-36 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of USS 2386 Lots N, J1 and J2, Located near Glacier Highway at the South End of Auke Lake, from D1(T)D10 to D-3.

In May 2015, the Community Development Department initiated an application to transition Lots N, J1 and J2 of USS 2386, located near Glacier Highway at the south end of Auke Lake, from D1(T)D10 to D10. These three lots were part of a larger transition area granted a zoning upgrade by the Planning Commission in November 2012, when it transitioned 49 lots east of the subject lots from D1 (T)D10 to D-10. The subject lots were not ready to be transitioned at that time however.

At the June 23, 2015, Planning Commission meeting the Commission heard public testimony on the proposed transition. Based on the public testimony received, the Planning Commission declined to finalize the zoning upgrade and instead approved recommending to the Assembly a rezone of the three lots to D-3.

Two of the subject lots have a Comprehensive Plan land use designation of Medium Density Residential (MDR). The third lot is designated MDR and Urban Low Density Residential (ULDR). The MDR designation calls for between 5 and 20 units per acre. The ULDR designation calls for 1 to 6 units per acre.

Per CBJ 49.75.120, Restrictions on rezones, rezones shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan. In considering rezone requests, Staff makes a threshold determination as to whether the proposed zoning district meets the density limitations specified by the land use designation of the comprehensive plan land use maps.

CBJ 49.25.210(b) provides that D-3 has a density of 3 units per acre, is located primarily outside the urban service boundary where public utilities are not provided, and that the limited amount of D-3 zoned land within the urban service boundary is appropriate where a lower density is deemed appropriate or, in the case of transition zones, where the zoning is intended to be changed to a higher density when sewer and water are provided.

At its meeting on July 13, 2015, the Lands Committee considered the proposed rezone and recommended forwarding it to the full Assembly for its approval.

**The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.**

- h. Ordinance 2015-37 An Ordinance Authorizing the Issuance of General Obligation Bonds in the Principal Amount of Not to Exceed \$1,300,000 to Finance the cost of Educational Capital Improvements and Districtwide Major

Maintenance Projects, and Submitting a Proposition to the Voters at the Election to Be Held Therein on October 6, 2015.

This ordinance authorizes placing on the October 6, 2015, general election ballot the question of issuing \$1.3 million in 10 year general obligation bond for the purpose of funding a variety of school district deferred maintenance capital projects.

For several years the District, working together with CBJ Engineering, used prior bond money from the major maintenance capital improvement project. This source of money was fully expended. The 2015 State Legislature suspended the school-related debt reimbursement program for five years. The District need for these small projects will continue even though the state suspended its program. The Board of Education passed a motion at its June 9, 2015, meeting requesting that the Assembly provide \$1.3 Million for district-wide deferred maintenance and minor capital improvements.

At the June 22, 2015, Assembly Committee of the Whole meeting, a motion was passed directing staff to prepare this ordinance. If this is approved by voters during the October general election, beginning in FY17 the debt service component of the mill rate for the new bonds would be .038 mills. This amount of debt service would raise annual property tax revenues of \$160,000 to pay the annual debt service for 10 years. The .038 mill levy would collect approximately \$4 per \$100,000 of assessed value or approximately \$14 for the average single family home (estimated at \$350,000).

**The Manager recommends this ordinance be introduced and set for public hearing at the next regular Assembly meeting.**

## 2. Liquor License

### a. Liquor License Restaurant Designation Permit Modification for Premises Expansion at Juneau Airport - Jacobsen Daniels d/b/a Romeo's Tap Room

During the Summer of 2014, the Airport began the long-term concept of a consolidated food and beverage operation on the second floor of the airport terminal by introducing food and beverage in the departure lounge of the Juneau International Airport terminal. The Airport Board at its meeting on January 14, 2015 approved expansion of the food and beverage concession area to provide a larger bar area and to add a prep kitchen to enhance menu options.

Jacobsen Daniels representative Dan Brown has been working with Alcohol Beverage Control staff and CBJ staff to ensure the reconfiguration is compatible with the liquor license requirements. ABC Licensing Supervisor Sarah Oates indicated that this action does not require a new liquor license but is rather a change to the restaurant designation permit application. As such, it does not need to go back to the ABC Board for approval, however, it is still subject to approval by the local governing body and then approval by the ABC Director.



CBJ liquor license review staff in the Police, Fire, Finance, Community Development, and the Engineering/Public Works Departments have all had a chance to review and comment on this change to the liquor license premises. Building Official Charlie Ford has stated that there are one or two issues that remain outstanding and should be finalized and approved by Friday, July 17, 2015 and otherwise, staff from all departments recommend the Assembly approve this modification to the Restaurant Designation Permit as shown on the attached maps found in your packet.

**The Manager recommends the Assembly approve the modification to the Restaurant Designation Permit provided all issues are resolved and approved by the Building Code Official prior to this meeting.**

- b. Liquor License Transfer of Restaurant/Eating Place License #4192 Seongs S. Kim d/b/a Seong's Sushi Bar & Chinese Takeout to Jeong H. Kim d/b/a Seongs Sushi Bar

The following liquor license transfer of ownership and application for a Restaurant Designation Permit (RDP) is before the Assembly to either protest or waive its right to protest and approve or deny the RDP.

**Restaurant/Eating Place License #4192**

**Transfer from: Seong S. Kim d/b/a Seong's Sushi Bar & Chinese Takeout**

**Transfer to: Jeong H. Kim d/b/a Seongs Sushi Bar**

**Location: 740 W. 9th Street, Juneau, AK 99801**

The Assembly may protest a license application for any of the reasons listed in CBJ 20.25.025. The Finance, Police, Fire, Engineering/Public Works, and Community Development Departments have reviewed the above business and found it to be in compliance with CBJ Code.

In the event the Assembly does protest the transfer of this license, CBJ Code 20.25 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise their right to an informal hearing before the Assembly.

**The Manager recommends the Assembly waive its right to protest this liquor license transfer and approve the Restaurant Designation Permit.**

## VII. PUBLIC HEARING

- A. Ordinance 2014-24(AU) An Ordinance Appropriating and De-appropriating to the Manager the Sum of \$14,300 and \$4,778 Respectively as Additional Funding for the Salt Water Pump House Stabilization CIP; Additional Funding Provided by the Alaska Department of Natural Resources and In-Kind Services and Supplies.

The project is now complete and this ordinance would appropriate additional grant funds made available from the Alaska Department of Natural Resources Office of History and Archaeology to install a new roof structure and new roofing material on the Salt Water Pump House located on Sandy Beach and part of the historic Treadwell Mine Complex. In

addition this action would appropriate in-kind services and materials to the project budget which was used and approved as a portion of the required match for the grant.

The Treadwell Historic Preservation and Restoration Society provided funds to the CBJ as a match to the grant. The amount of funds provided proved to be in excess of what was required due to the additional funds provided by the state and in-kind supplies and services supplied by outside vendors. Thus, excess funds would be returned to the Society for future projects at the Treadwell Historic Mine Site.

The specific amounts subject to this ordinance are as follows:

- Appropriation of additional funds received from the Alaska Department of Natural Resources Office of History and Archaeology totaling \$5,023.51.
- Appropriation of donated services and materials totaling \$9,275.84.
- De-appropriation of donated funds from Treadwell Historic Preservation and Restoration Society totaling \$4,777.16.

**The Manager recommends this ordinance be adopted.**

Public Comment: None.

Assembly Action:

*MOTION, by Crane, to adopt Ordinance 2014-24(AU).* Hearing no objection, it was so ordered.

- B. Ordinance 2015-20(A) An Ordinance Appropriating to the Manager the Sum of \$72,000 as Funding for the Accessory Apartment Grant Incentive Program, Funding Provided by the Juneau Affordable Housing Fund's Fund Balance.

This ordinance would appropriate \$72,000 for an Accessory Apartment Grant Incentive Program.

The Affordable Housing Commission has designed a program to incentivize the development of accessory apartments. The basic concept behind the program is to provide homeowners a sum of money, after a certificate of occupancy is obtained, for newly constructed accessory apartments.

Originally, the funding for this program was proposed to come from \$77,000 remaining in an affordable housing grant from the State of Alaska. That ordinance failed at the Assembly's March 16, 2015, meeting.

At the June 8, 2015, Assembly meeting, a motion was passed to direct staff to prepare an ordinance that allows for the project to be funded by the Juneau Affordable Housing Fund, in the amount of \$72,000.

**The Manager recommends this ordinance be adopted.**

Public Comment: None.

Assembly Action:

*MOTION, by Troll, to adopt Ordinance 2015-20(A).*

Mr. Kiehl objected. He said he maintained his objections from the last time this issue was before the Assembly because there was a Housing Action Plan underway and we do not know the results of that plan yet. This program would issue grants without a return of funds. By the time this ordinance would become effective, this program would not miss a building season. We have not heard from the consultant about the recommendations and we are using money to incentivize things that are probably going to happen anyway.

Ms. Troll said the Affordable Housing Commission (AHC) was tracking the Housing Action Plan closely and there was nothing in the plan to suggest that this effort was not a good move. The AHC was very involved with this and thought this moderate spending would return a good result.

Roll call:

Aye: Becker, Crane, Nankervis, Troll, White, Sanford

Nay: Kiehl

Motion passed, 6 ayes, 1 nay.

- C. Ordinance 2015-20(B) An Ordinance Appropriating to the Manager the Sum of \$5,270,000 as Funding for Various Water and Wastewater Capital Improvement Projects; Funding Provided by Water Utility Revenues, Water Fund’s Fund Balance, and Wastewater Fund’s Fund Balance.

This ordinance would appropriate \$5,270,000 for Water and Wastewater Utility capital projects with funding provided by the Water and Wastewater Fund's fund balances. The FY16 Water and Wastewater Capital Improvement Projects (CIPs) were included in the overall FY2016 -2021 CIP Resolution 2713(b) in the unscheduled funding section.

This ordinance would appropriate \$1,000,000 of Water Utility funds and \$330,000 of Water Fund’s fund balance to the following FY16 Water Utility CIPs. The estimated remaining Water Fund’s fund balance will be \$4,010,000 after this appropriation.

**WATER UNSCHEDULED FUNDING**

Water Utility	Cope Park Water Main	\$ 350,000
Water Utility	Crow Hill Reservoir improvements	500,000
Water Utility	Front Street Douglas (Savikko to D St)	150,000
Water Utility	W Juneau Reservoir - Cathodic Protection and mixer	140,000
Water Utility	Utility Adjustments: Lakewood	20,000
Water Utility	Utility Adjustments: Pavement Management	20,000
Water Utility	Distin / W Eighth Reconstruction	150,000
<b>Water Enterprise Fund Total</b>		<b>\$ 1,330,000</b>

This ordinance would appropriate \$3,940,000 of Wastewater Fund’s fund balance to the following FY16 Wastewater Utility CIPs. The estimated remaining Wastewater Fund's fund balance will be \$1,750,000 after this appropriation.

**WASTEWATER UNSCHEDULED FUNDING**

Wastewater Utility	MWWTP Headworks Improvements	\$ 1,500,000
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Wastewater Utility	MWWTP Roof Repair	500,000
Wastewater Utility	Areawide Sewer Cleanout replacements	150,000
Wastewater Utility	Utility Adjustments: Eagles Edge	20,000
Wastewater Utility	Utility Adjustments: Pavement Management	20,000
Wastewater Utility	Front Street Douglas (Savikko to D St)	150,000
Wastewater Utility	Downtown, Whittier St Improvements	150,000
Wastewater Utility	Lakewood Subd Reconstruction	150,000
Wastewater Utility	SCADA	250,000
Wastewater Utility	Facilities Planning	250,000
Wastewater Utility	MWWTP Instrumentation Upgrades	300,000
Wastewater Utility	Long Run Dr Lift Station Improvements	300,000
Wastewater Utility	Distin/ Indian Reconstruction	100,000
Wastewater Utility	Cope Park Sewer improvements	100,000
<b>Wastewater Enterprise Fund Total</b>		<b>\$ 3,940,000</b>
<b>Water and Wastewater Funding Total</b>		<b>\$ 5,270,000</b>

The final design of the Cope Park Improvements project discovered additional unforeseen sewer and water repairs necessary during the project that were not accounted for in the FY16 CIP. These increases are reflected in the \$50,000 increase for Cope Park Water Main and the addition of \$100,000 for Cope Park Sewer Improvements.

Two water utility projects from the FY16 CIP are not included in this list due to being ADEC grant requests – Salmon Creek Secondary Disinfection (\$3 million) and Last Chance Basin Well Upgrade (\$2 million). Salmon Creek appears to be successful in receiving the full \$3 million, but is awaiting the Governor’s signature.

The projects receiving grant and loan funding will be presented to the Assembly for appropriation at a future date, when the applications are complete and the funding is made available to the CBJ.

The Public Works and Facilities Committee reviewed this ordinance at its June 22, 2015 meeting, and recommended forwarding to the full Assembly for approval.

**The Manager recommends this ordinance be adopted.**

Public Comment: None.

Assembly Action:

*MOTION, by Becker, to adopt Ordinance 2015-20(B).* Hearing no objection, it was so ordered.

- D. Ordinance 2015-20(C) An Ordinance Appropriating to the Manager the Sum of \$850,000 as Funding for the City Shop Sand and Salt Storage Shelter; Funding Provided by Waste Management Fund's Fund Balance.

This ordinance would appropriate \$850,000 from the Waste Management Fund’s fund balance as support for the sand and salt storage shelter to be located at the City Shop in Lemon Creek.

As discussed at the March 2nd and March 23rd Public Works and Facilities Committee meetings, there are significant operational efficiencies to be gained by constructing a new sand and salt storage shelter at the City Shop. Allocating more

space to the Household Hazardous Waste program will allow that program to grow and to increase diversion from the landfill and provide the community with additional free chemical products.

The combination of this appropriating ordinance, the transfer of \$176,135, approved at the June 8, 2015 Assembly meeting, and the FY16 CIP Resolution 2713d of \$300K will provide the funding to complete this project. A conservative project estimate for the sand and salt storage shelter is \$1.4M (the estimate has increased \$200,000 since we last reported to PWFC), but we expect very competitive bidding from contractors and suppliers of fabric building systems.

Moving forward with this project will position the CBJ to achieve three important goals:

1. Save money on street maintenance.
2. Incrementally grow the HHW Program
3. Open the opportunity in the future to combine the HHW and Recycling programs and save on the costs of those programs.

**The Manager recommends this ordinance be adopted.**

Public Comment:

Geoff Larson, said he represented the Alaska Brewing Company, located next to the facilities referenced. He asked for clarification that the salt storage facility proposed was being located at the seven mile city shop. He asked how this action fit into the long term plan for the area. and said long term planning for Lemon Creek was important to do before making decisions that shackled future development. CBJ needed to put this industrial land to the best use for the community.

Ms. Kiefer said that the salt storage facility was planned to be located at the seven mile shop.

Mr. Watt said there is not a long term plan for Lemon Creek, but there were two different programs at two different facilities and in the long term it would make sense to co-locate recycling and hazardous waste, but that decision had not been made and was a good question to investigate.

Mr. Kiehl said that putting a fabric building at the seven mile shop increased the flexibility of the program, rather than decreasing it. Mr. Watt agreed and said that it removed a complicating factor, the salt storage, from the current site and made the salt use more efficient, and improved the ability to use the current Lemon Creek site for other purposes.

Assembly Action:

*MOTION, by Kiehl, to adopt Ordinance 2015-20(D).* Hearing no objection, it was so ordered.

- E. Ordinance 2015-20(D) An Ordinance Appropriating to the Manager the Sum of \$500,000 as Funding for the Juneau International Airport Runway Rehabilitation Capital Improvement Project, Funding Provided by the Juneau International Airport Operating Reserves.

This ordinance would appropriate \$500,000 for the Runway Rehabilitation capital project.

Funding is provided as follows:

Juneau International Airport Operating Reserves: \$500,000

These funds would be reimbursed from a pending Federal Aviation Administration (FAA) grant amendment.

This airport capital project would resurface the runway, and install new drainage. The FAA funds 93.75% of the project with the remainder being split between Alaska DOT and Juneau International Airport.

The Airport Board approved this action at its June 23, 2015, Special meeting, and recommended forwarding to the full Assembly for approval.

**The Manager recommends this ordinance be adopted.**

Public Comment: None.

Assembly Action:

*MOTION, by Crane, to adopt Ordinance 2015-20(D).* Hearing no objection, it was so ordered.

F. Ordinance 2015-34 An Ordinance Amending the Land Use Code Relating to Transitional Housing.

This ordinance would amend Title 49 as follows:

1. By creating a transitional housing category in the Table of Permissible Uses (CBI 49.25.30) and related definition, consistent with the Board of Adjustment's unlisted use decision, dated August 26, 2014.
2. By amending the definition of "correctional facility" to include "halfway houses," and by amending the Table of Permissible Uses to delete references to "halfway houses."
3. By eliminating the "group home" category and definition for consistency with federal law.
4. By amending the "assisted living" definition to distinguish that category as it has historically been understood from transitional housing and multifamily housing.

The Planning Commission considered this ordinance at its July 14, 2015, meeting and, with an amendment to the definition of "transitional housing", recommended forwarding it to the Assembly for its approval. As the ordinance had already been introduced, the Planning Commission's recommendation is reflected in the memorandum included in your packet.

**The Manager recommends this ordinance be adopted.**

Ms. Mead referred to her memo in the packet which spoke about the language in the draft ordinance defining "Transitional Housing," and a change recommended by the Planning Commission, to add that "Residents live in transitional housing by choice." She explained her

concern about that wording, that it appeared to require an inquiry into the subjective intent of the residents before a permit for transitional housing could be approved. She offered a change to their recommendation based on their intent to further distinguish between correctional facilities and transitional housing in her memo.

Ms. Crane said AWARE referred to their new housing complex as transitional housing, but those residents are not being released from incarceration. Ms. Mead said that facility was a multi-family living facility, not technically a transitional housing unit.

Mr. Nankervis agreed with Ms. Mead's recommended language and the Planning Commission intended to flesh out the language.

Public Comment: None.

Assembly Action:

*MOTION, by Kiehl, to adopt Ordinance 2015-34.*

*MOTION, by Kiehl, to amend, on page 4 line 17 - 20, by replacing that definition of transitional housing, with the recommended language from Ms. Mead, "Transitional housing means residential use for people released from a correctional facility or similar facility. Residents may be on probation and parole. Although approval by the Department of Corrections may be necessary for a resident to reside in transitional housing, unlike a correctional facility, a resident is not ordered to live in transitional housing. An owner or manager must live on site." Hearing no objection, it was so ordered.*

Hearing no objection, Ordinance 2015-34 was approved as amended.

**G. Ordinance 2015-35 An Ordinance Amending the Official Zoning Map of the City and Borough to Change the Zoning of Tract B1 of USS 1568, Located at 7400 Glacier Highway, from D-5 to D-18.**

In January 2015, the applicant applied to have Tract B1 of USS 1568, located at 7400 Glacier Highway, rezoned from D-5 to a mix of D-18 and Light Commercial. On February 26, 2015, staff held an informational meeting to discuss the proposed rezoning with all property owners in the affected area.

The Planning Commission, at its April 14, 2015, meeting, recommended denial of the proposed rezone to the Assembly. The applicant, on April 24, 2015, submitted a timely protest to the Planning Commission's recommendation of denial.

On June 11, 2015, the Assembly took comments from the applicant and the public and received information from staff. The Assembly requested staff draft an ordinance for public hearing that, if adopted, would rezone the above-identified area from D-5 to D-18.

The rezone from D-5 to D-18 conforms to CBJ land Use Code requirements as follows:

1. The request is more than 2 acres.
2. No similar request has been made in the past year.
3. The request conforms to the 2013 Comprehensive Plan land use maps.

**The Manager recommends this ordinance be adopted.**

Public Comment:

Rich Harris said approving this zone change ordinance would be the right thing to do. A consultant who assisted the Housing Action Plan told the AHC that increasing density was one of the best ways to improve the housing situation in Juneau, and by approving this ordinance, it would be a step in the right direction.

Dave Hanna said at the original Planning Commission hearing, there were several residents that spoke against this and the Planning Commission (PC) recommended denial. He thought there people were not present to speak because some were discouraged with the process and some were not aware this issue was before the Assembly tonight. He knew Mr. Duran was trying to attend this meeting. This change would impact this neighborhood's residents investments and their lives. Juneau needs land for more single family homes and this area is zoned for that. Please consider the Planning Commission's comments and that single family housing is underserved.

Ms. Troll said that in reading the PC minutes, the zone change was seen as too abrupt, and thought that D-10 may be a compromise. She asked Mr. Hanna for his comments. Mr. Hanna said he supported D-10 and he would be applying for a rezone in Douglas for an area that could be built to D-18, but would propose D-10 for that type of housing. He thought owner occupied houses in a lower residential zoning district had a different character.

Assembly Action:

MOTION, by White, to adopt Ordinance 2015-35.

Ms. Troll objected. She said that after considering the neighborhood input, looking at the comprehensive plan, she believes the Planning Commission was correct. She could support an increase to D-10.

Ms. White said that Tamarak Condominiums were highly valued and their proximity to Mountainside Estates did not affect the Mountainside Estate property values. We need to utilize land on the transit system the best we can.

Mr. Kiehl said that traffic was one of the main concerns for the residents in the area, but there had been a lot of work in the area and the design specifications allowed a greater traffic load than was present. The state had essentially made a major infrastructure investment in that area. He said the comprehensive plan allowed for zoning up to this density of D-18.

## Roll call:

Aye: Becker, Crane, Kiehl, White, Sanford

Nay: Nankervis, Troll

Motion passed, 5 ayes, 2 nays.

**VIII. UNFINISHED BUSINESS**

None.

**IX. NEW BUSINESS**

A. Hardship Real Property Exemption - Darnell



Ms. Kiefer said that there were three hardship real property tax exemption applications and two senior citizen property tax exemption applications that were all filed late, and therefore could not be considered by the Assessor for action without permission of the Assembly. Backup from the applicants with some confidential information was emailed directly to the Assemblymembers, which included the applicants reasons for filing late. Ms. Kiefer said the first two requests, A and B, cited medical and age related issues for the late file. The other three requests in items C, D, and E cited that it was either their first time to apply, they were not aware of the process, and in all cases it was the first time the persons were eligible to apply. She was concerned about a "slippery slope" when we state a deadline and then ignore the deadline. She recommended approving A & B and not approving C, D and E.

Public Comment: None.

Assembly Action:

*MOTION, by Kiehl, to allow the Assessor to process the late filed application from the Darnell household for a2015 Hardship Exemption.*

Ms. Troll said she did not object but questioned the "high end" of valuation of property for qualification for a hardship exemption. She said the property was approximately valued at \$.5 million, and this was generous in the concept of "hardship."

Aaron Landvik said he oversaw the senior and hardship exemption applications for the Assessor's office. The hardship exemption was determined on a sliding scale and was dependent on the 2014 median income level for Juneau. For a two person household, the maximum income was \$84,000 and for a three person it was \$92,800.

Hearing no objection, it was so ordered.

B. Hardship Real Property Exemption - Felipe

Public Comment: None.

Assembly Action:

*MOTION, by Kiehl, to allow the Assessor to process the late filed application from the Felipe household for a2015 Hardship Exemption. Hearing no objection, it was so ordered.*

C. Hardship Real Property Exemption - Fratzke

Public Comment:

Assembly Action:

*MOTION, by Crane, to allow the Assessor to process the late filed application from the Fratzke household for a2015 Hardship Exemption.*

Ms. Troll objected and concurred with the city manager, that we begin to start a slippery slope with people not filing in a timely manner.

Roll call:

Aye: Becker, Crane, Nankervis, Sanford  
Nay: Kiehl, Troll, White  
Motion failed, 4 ayes, 3 nays.

D. Senior Citizen Exemption Late File - Lockhart

Public Comment: None.

Assembly Action:

*MOTION, by Crane, to allow the Assessor to process the late filed application from Ann M Lockhart for a2015 Senior Citizen/Disabled Veteran Exemption.*

Ms. Troll objected.

Roll call:

Aye: Becker, Crane, Nankervis, Sanford  
Nay: Kiehl, Troll, White  
Motion failed, 4 ayes, 3 nays.

E. Senior Citizen Exemption Late File - Miller

Public Comment: None.

Assembly Action:

*MOTION, by Crane, to allow the Assessor to process the late filed application from Scott Miller for a2015 Senior Citizen/Disabled Veteran Exemption.*

Ms. Troll objected.

Roll call:

Aye: Becker, Crane, Nankervis, Sanford  
Nay: Kiehl, Troll, White  
Motion failed, 4 ayes, 3 nays.

**X. STAFF REPORTS**

A. Airport Supplemental Agreement #2 - E14-259 JNU Runway 8-26 Rehabilitation

Ms. Kiefer provided a staff report for the Assembly's information regarding her action to approve an Airport Supplemental Agreement #2, E14-259 JNU, Runway 8-26 Rehabilitation, for work on Alex Holden way as she made a finding that it was in the best interest of CBJCurrent playtimeer CBJ 53.50.040. As the work fell under her authority, there was no action required of the Assembly.

Ms. Kiefer said she followed up on an Assembly request regarding an interest in some off street parking being provided for access to fishing at the end of the cul-de-sac on Channel Drive. She said the property has been identified as Alaska Department of Transportation right of way and she has attempted to contact them about this issue but has not been able to speak with anyone directly yet. Mr. Nankervis thanked Ms. Kiefer for looking into this.

## XI. ASSEMBLY REPORTS

### A. Mayor's Report

Mayor Sanford said information about HB46 regarding a tax abatement for subdivisions would be coming before the Committee of the Whole on August 3.

Mayor Sanford said he complied with the terms of the friendly bet and wore his Yukon hat as a result of the efforts of those in the tennis challenge with Sister City Whitehorse, Yukon.

Mayor Sanford asked for a report on how many senior citizen sales tax exemption cards had been issued.

Mayor Sanford encouraged the Assembly to keep moving forward on projects as they come forward, even if planning efforts are on-going, as planning takes time and we need to take action no to the best of the ability of the Assembly. He asked the Assembly to keep an open mind on projects that come before the Assembly.

### B. Committee Reports

Committee of the Whole: Chair Becker reported on the COW meeting on June 13. The next meeting was set for Monday, July 27, at 5 pm to discuss the subdivision ordinance.

Finance Committee: Chair Crane said the next meeting was set for Thursday, July 30, at 5:30 p.m.

Human Resources Committee: The next meeting of the HRC was set for August 10, 2015, at 6 p.m.

Lands and Resources Committee: Chair Kiehl said the committee met on and considered land use code changes regarding childcare facilities, recommended creation of a new CIP for a CBJ truck scale at the gravel pit, and reviewed a question regarding a rezone request at the south end of Auke Lake. It is a transitional zone and the PC recommended against the transition - this would proceed forward and a procedural question for zoning protests he asked if the Assembly should have them come forward to committees before they go to the full Assembly. This one was an application by CBJ, and we do not want the public to feel the city gets an extra step in this process, even though the staff did not want to bring something forward to the Assembly without a review in the committee. Mayor Sanford said he was concerned about duplicating efforts in committees, but would like to hear Ms. Mead's comments on that issue.

Marijuana Committee: Chair Kiehl said the next meeting was Thursday, July 23 at 6:00 p.m.

Public Works and Facilities Committee: Chair Nankervis said the next meeting was set for August 3.

### C. Liaison Reports

Airport Board: Liaison White said the Airport Board would hold a special Committee of the Whole meeting on Tuesday, July 28 at 2 p.m. The Board may move its regular meetings to Tuesday.

Bartlett Regional Hospital Board: Liaison Crane said the next meeting was set for Tuesday, July 28, at 5:30 p.m.

Affordable Housing Commission: Liaison Troll said the AHC met Thursday, June 21, and the actions coming out of the Housing Action Plan were items that all of the Assembly should be paying attention to. The AHC pushed for specific actions from the consultant. We are doing what we can to upzone, but the developers are not responding and there may be a more active role to play. Ms. Troll said the plan was out in draft form for comments and Ms. Kiefer would ensure all Assemblymembers would receive a copy.

Chamber of Commerce: Liaison Becker said Pat Pitney spoke to the Chamber members about the state economy and she was very upbeat, despite the state of the state. Cathy Munoz would be the next guest speaker.

Downtown Improvement Group: Ms. Becker said that JPD met with downtown business owners about safety and protecting stores from theft.

Juneau Commission on Sustainability: Liaison Troll said the committee met on June 10 and said it can address many of the concerns that Mr. Watt has about electric buses and would like an opportunity to make those comments to the Assembly. Ms. Kiefer said staff had received comments from the JCOS and in addition to the bus being electrified is the issue of the charging stations needed. The diesel buses to be purchased this year do not tie us into future purchases.

Juneau Convention and Visitors Bureau: Liaison White said Liz Perry was hired as the new executive director.

Juneau Economic Development Council: Liaison Troll said JEDC was very busy with summer camps, the "Storefront Star" award went to "Trove," and JEDC completed a visitor satisfaction survey. It was interesting to learn that the walkability of downtown had the highest satisfaction score and the look and feel of downtown had improved in the perception of the public and visitors. She suggested the results be provided to the Assembly COW.

Southeast Conference: Liaison Becker said the Southeast Conference received a presentation on the pending changes to the fall/winter ferry schedule.

School Board: Liaison Kiehl said the Board would hold a work session on July 23 to discuss charter schools, budget impacts and the evaluation of the superintendent.

UAS Campus Council: Liaison Kiehl said a few Assemblymembers were able to meet Jim Johnson, candidate for UAS Statewide President, and Mr. Kiehl said Mr. Johnson has a good understanding of UAS within the overall system.

### D. Presiding Officer Reports

Ms. Mead said the a draft decision on the Bicknell v Planning Commission appeal was due July 30, 2015.

## **XII. ASSEMBLY COMMENTS AND QUESTIONS**

Mayor Sanford wanted to ensure that the members are comfortable with his writing of the performance evaluation of Ms. Kiefer and invited members to review the draft. Mr. Nankervis said he objected to the evaluation. Ms. Troll and Ms. Becker said Mayor Sanford captured the Assembly's comments. Ms. Crane and Mr. Kiehl asked to take a look at the final draft, Mayor Sanford said he would ask the Assembly to vote on its adoption at the next meeting.

Ms. Becker said that the IGA had a ribbon cutting and would also be purchasing Super Bear so another ribbon cutting would be held in the future.

Mr. Kiehl said he attended the free day at the pool supported by the Rotary and the pool was filled to capacity. He congratulated the pool staff for their patience and great work to provide a safe, fun event. He reported on attending a ceremony to welcome a new cruise ship to town which begins and ends their tours in Juneau so they use the airport and hotels and provides a great economic benefit to Juneau. The governor mentioned Juneau's resolution of support for the expansion of the medicaid program and this will create jobs and provide better health care to many. He rode along with JPD on Friday night and it was busy and a remarkable learning experience. JPD officers do a lot of peace making and prevent crime and injuries. He said CBJ would greatly benefit from someone tasked with Public Information, to serve as a point of contact for press inquiries. The public doesn't have any one point of contact. He referred to the Housing Action Plan - Mr. Steedle explained the draft was not ready for public distribution. He referred to closure of Twin Lakes and said there should have been more information out.

Ms. Crane, attended National Association of County Officials (NACO) in Charlotte NC, where the U.S. Secretaries of Defense and Transportation. PILT and secure rural schools continues to be a priority for NACO. She spoke about the topics, and attending the board meeting and western region meeting.

Ms. Troll thanked the city manager for the information on shoreside power and said she learned a lot. She was thankful for the recognition of Aaron Dean and the good news to counterbalance the bad news recently with accidents and the plane crash. She encouraged participation in the upcoming National Night Out Tuesday on August 4.

Mr. Nankervis asked for follow up information on the status of the recycling baler, the completion date for the Centennial Hall Roof project and about trucks/containers for biosolids at the WWTP that are not being used.

Ms. Becker asked for follow up information about why there is not a handicap button on the door at Centennial Hall.

## **XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

None.

## **XIV. EXECUTIVE SESSION**

A. Juneau Arts and Cultural Center Lease Agreement

B. City Attorney Evaluation

MOTION, by Becker, to enter into executive session, to discuss a matter in which attorney client privilege applies, namely the Juneau Arts and Cultural Center Lease Agreement, and to discuss the city attorney performance evaluation. Hearing no objection, the Assembly entered into executive session at 8:50 p.m., with Mr. Chaney, Mr. Steedle, Ms. Kiefer and Ms. Mead in attendance for the first issue, and Ms. Mead in attendance for the second issue.

The Assembly returned to regular session at 10:20 p.m. Mr. Kiehl said the Assembly heard information and gave direction about the JACC lease agreement, and considered the city attorney's evaluation.

At some point, Mr. Nankervis left the meeting.

*MOTION, by Kiehl, to approve the City Attorney's evaluation as written and to provide a 5% pay increase.* Hearing no objection, it was so ordered.

**XV. ADJOURNMENT**

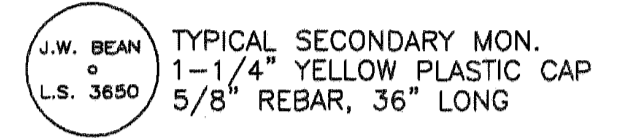
There being no further business to come before the Assembly, the meeting adjourned at 10:21 p.m.

Signed: \_\_\_\_\_  
Laurie Sica, Municipal Clerk

Signed: \_\_\_\_\_  
Merrill Sanford, Mayor

- LEGEND**
- ⊕ PRIMARY T&N ENG. MONUMENT RECOVERED THIS SURVEY
  - ⊙ PRIMARY DOT MONUMENT IN CASING RECOVERED THIS SURVEY
  - ⊗ PRIMARY MONUMENT RECOVERED THIS SURVEY
  - SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN
  - SECONDARY JW BEAN MONUMENT RECOVERED THIS SURVEY

- SURVEYED
- - - UNSURVEYED
- CENTERLINE
- SURVEY TIE LINE
- - - EASEMENT
- ▨ DRAINAGE EASEMENT



R-PLAT NO. 2011-16

RECORD DIMENSIONS DIFFERENT FROM MEASURED OR CALCULATED DIMENSIONS ARE SHOWN IN PARENTHESIS. ALL RECORDED INFORMATION THIS SURVEY FROM PLAT NO. 95-56 AND VISTA DEL SOL SUBDIVISION, PHASE I, PLAT NO. 2011-16 UNLESS OTHERWISE NOTED.

**BASIS OF BEARING**

BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF NORTH FROM A FOUND 3" ALUMINUM MONUMENT BEING THE SOUTHEAST CORNER OF LOT 5, TRACT B, U.S. SURVEY NO. 1568 TO A FOUND 3" ALUMINUM MONUMENT BEING THE NORTHEAST CORNER OF LOT 5, TRACT B, U.S. SURVEY NO. 1568 AS SHOWN ON RECORD PLAT NO. 95-56.

**CORPORATE OWNERSHIP CERTIFICATE:**

I HEREBY CERTIFY THAT DURAN CONSTRUCTION CO. LLC IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS MANAGER/ MEMBER HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

Date June 28, 2012

Owner Marciano G. Duran

MARCIANO G. DURAN  
MANAGER/ MEMBER

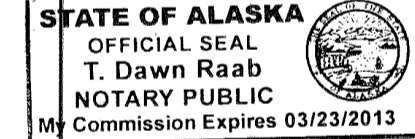
**NOTARY ACKNOWLEDGMENT:**

UNITED STATES OF AMERICA )  
S.S.  
STATE OF ALASKA )

THIS IS TO CERTIFY THAT ON THIS 28th DAY OF June, 2012 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED MARCIANO G. DURAN, MANAGER/ MEMBER

TO ME 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 T. Dawn Raab  
My Commission Expires 3/23/12

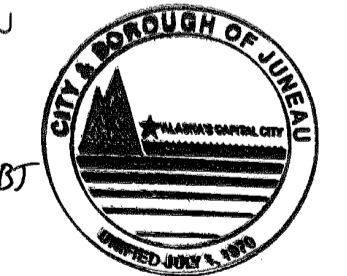
**PLANNING COMMISSION CERTIFICATE OF APPROVAL**

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION NO. 516-2011-0001 DATED: June 26, 2012, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.

DATED: July 2, 2012

ATTEST: [Signature]  
CHAIRMAN  
CITY & BOROUGH OF JUNEAU  
PLANNING COMMISSION

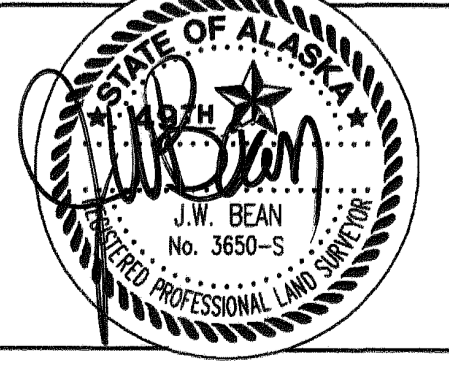
CLERK  
CITY & BOROUGH OF JUNEAU  
PLANNING COMMISSION  
[Signature]  
Municipal Club CBT



**CERTIFICATE OF REGISTERED LAND SURVEYOR**

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY TITLE 4, COMMUNITY DEVELOPMENT REGULATIONS AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

DATE 6-27-2012



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

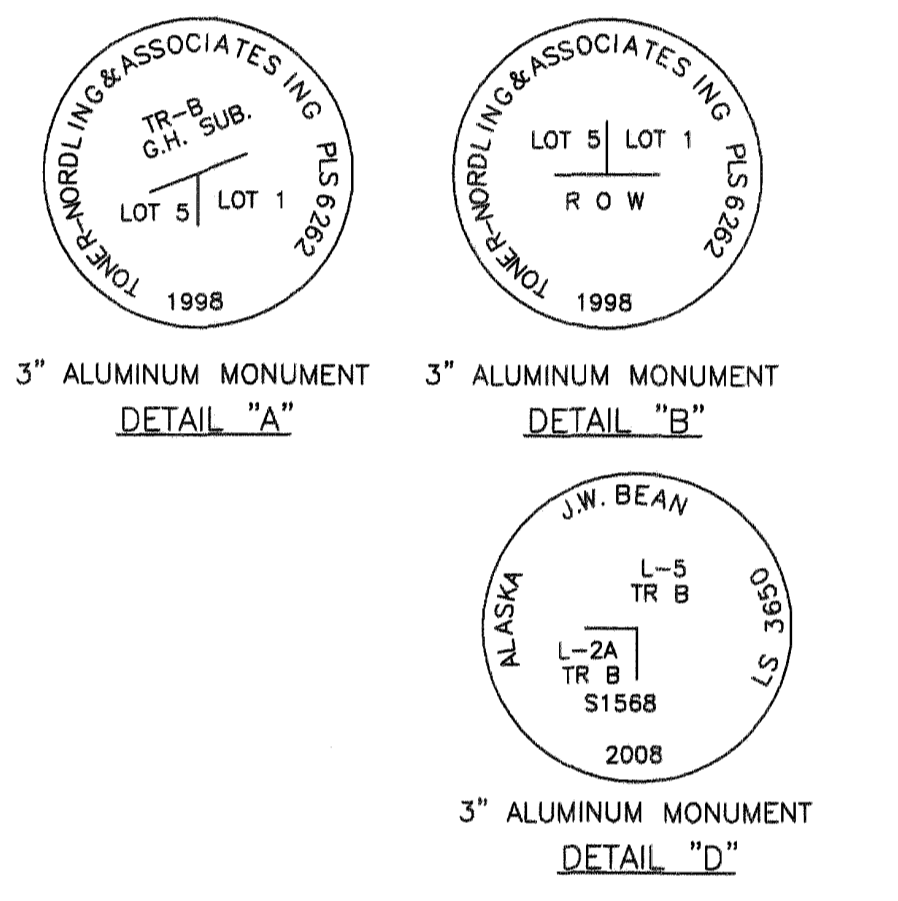
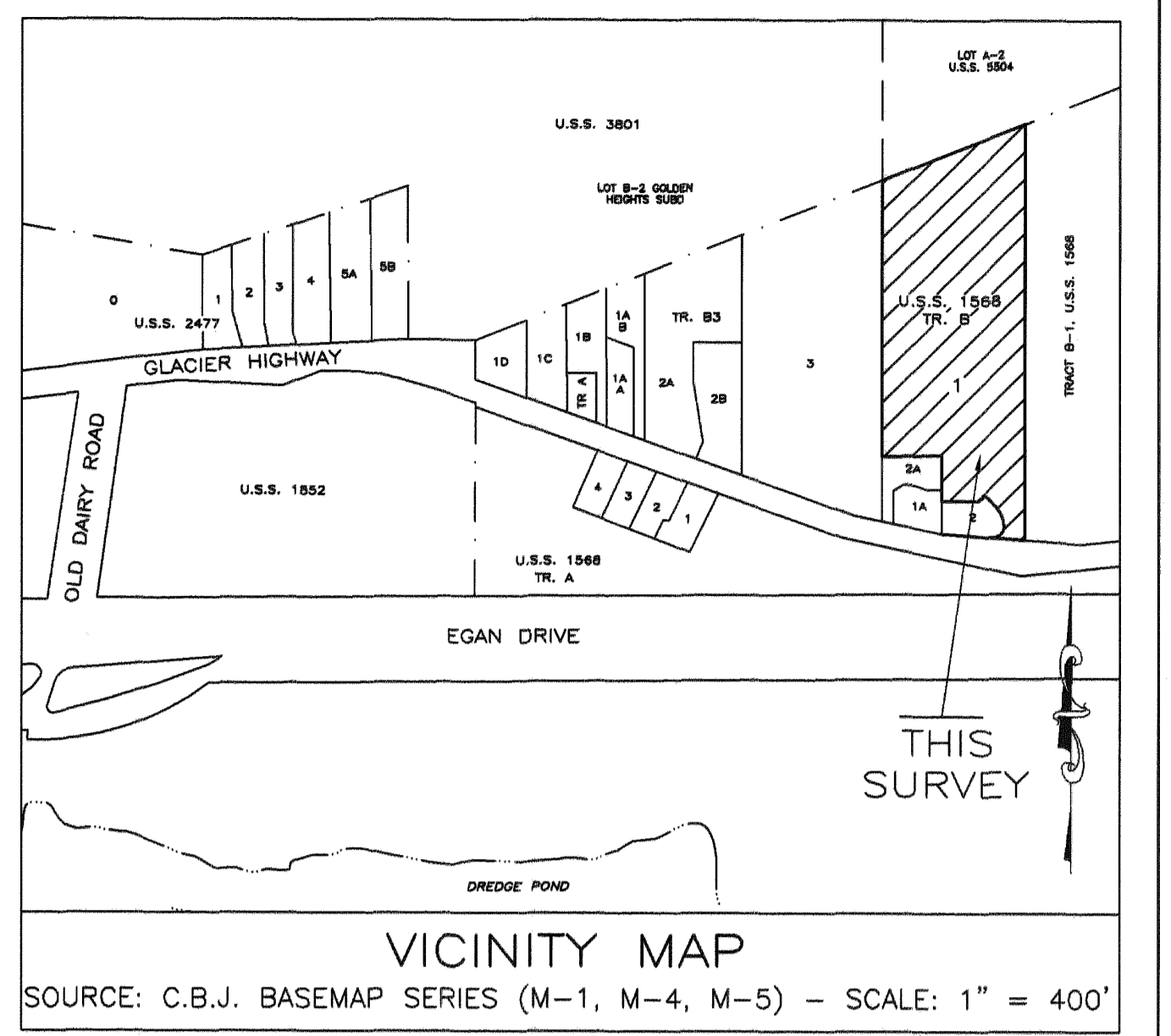
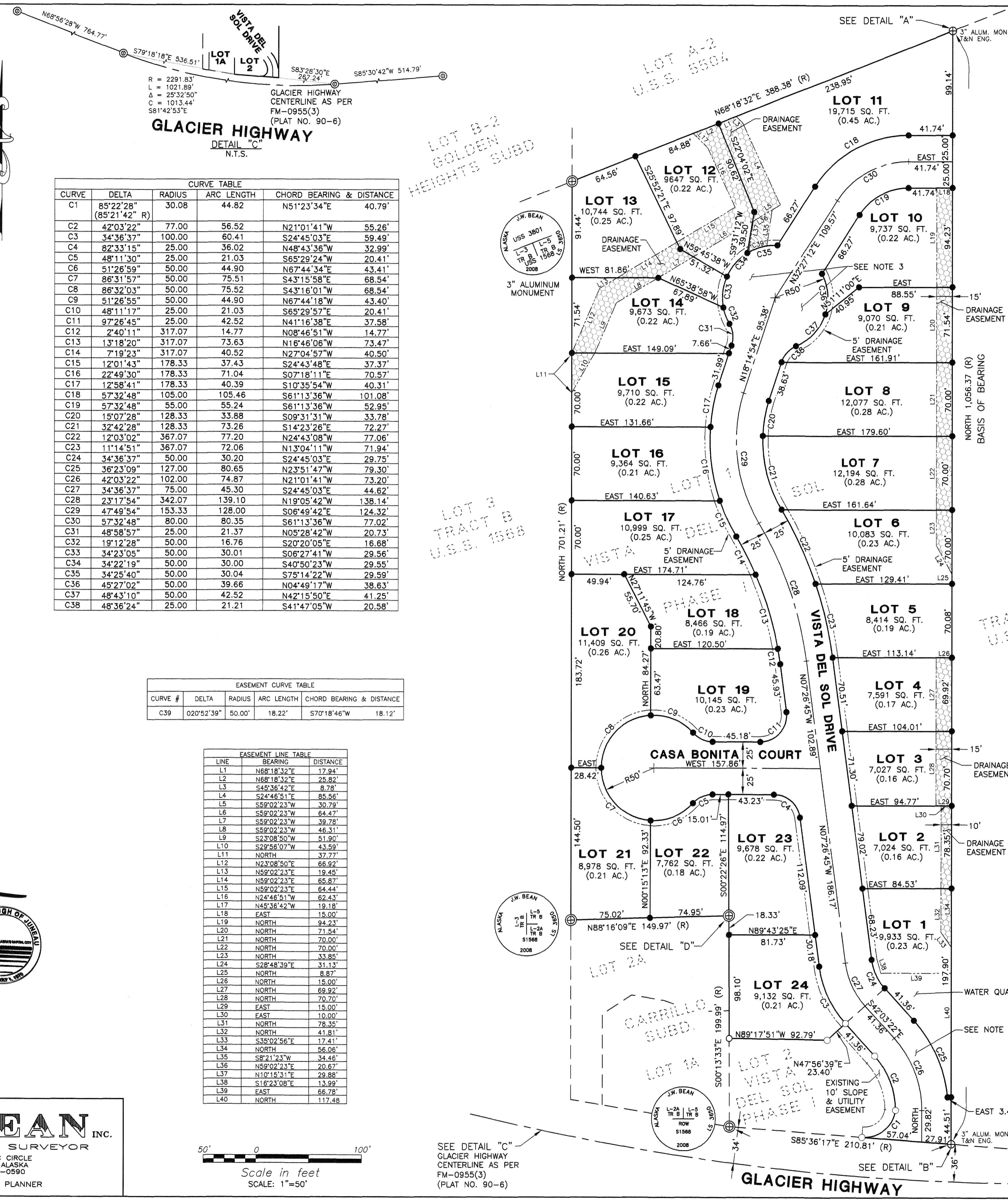
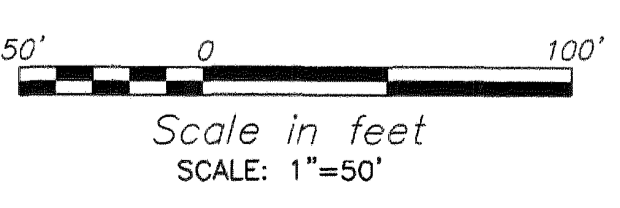
CURVE	DELTA	RADIUS	ARC LENGTH	CHORD BEARING & DISTANCE
C1	85°22'28" (85°21'42" R)	30.08	44.82	N51°23'34"E 40.79'
C2	42°03'22"	77.00	56.52	N21°01'41"W 55.26'
C3	34°36'37"	100.00	60.41	S24°45'03"E 59.49'
C4	82°33'15"	25.00	36.02	N48°43'36"W 32.99'
C5	48°11'30"	25.00	21.03	S65°29'24"W 20.41'
C6	51°26'59"	50.00	44.90	N67°44'34"E 43.41'
C7	86°31'57"	50.00	75.51	S43°15'58"E 68.54'
C8	86°32'03"	50.00	75.52	S43°16'01"W 68.54'
C9	51°26'55"	50.00	44.90	N67°44'18"W 43.40'
C10	48°11'17"	25.00	21.03	S65°29'57"E 20.41'
C11	97°26'45"	25.00	42.52	N41°16'38"E 37.58'
C12	2°40'11"	317.07	14.77	N08°46'51"W 14.77'
C13	13°18'20"	317.07	73.63	N16°46'06"W 73.47'
C14	7°19'23"	317.07	40.52	N27°04'57"W 40.50'
C15	12°01'43"	178.33	37.43	S24°43'48"E 37.37'
C16	22°49'30"	178.33	71.04	S07°18'11"E 70.57'
C17	12°58'41"	178.33	40.39	S10°35'54"W 40.31'
C18	57°32'48"	55.00	55.24	S61°13'36"W 101.08'
C19	57°32'48"	55.00	55.24	S61°13'36"W 52.95'
C20	15°07'28"	128.33	33.88	S09°31'31"W 33.78'
C21	32°42'28"	128.33	73.26	S14°23'26"E 72.27'
C22	12°03'02"	367.07	77.20	N24°43'08"W 77.06'
C23	11°14'51"	367.07	72.06	N13°04'11"W 71.94'
C24	34°36'37"	50.00	30.20	S24°45'03"E 29.75'
C25	36°23'09"	127.00	80.65	N23°51'47"W 79.30'
C26	42°03'22"	102.00	74.87	N21°01'41"W 73.20'
C27	34°36'37"	75.00	45.30	S24°45'03"E 44.62'
C28	23°17'54"	342.07	139.10	N19°05'42"W 138.14'
C29	47°49'54"	153.33	128.00	S06°49'42"E 124.32'
C30	57°32'48"	80.00	80.35	S61°13'36"W 77.02'
C31	48°58'57"	25.00	21.37	N05°28'42"W 20.73'
C32	19°12'28"	50.00	16.76	S20°20'05"E 16.68'
C33	34°23'05"	50.00	30.01	S06°27'41"W 29.56'
C34	34°22'19"	50.00	30.00	S40°50'23"W 29.55'
C35	34°25'40"	50.00	30.04	S75°14'22"W 29.59'
C36	45°27'02"	50.00	39.66	N04°49'17"W 38.63'
C37	48°43'10"	50.00	42.52	N42°15'50"E 41.25'
C38	48°36'24"	25.00	21.21	S41°47'05"W 20.58'

**EASEMENT CURVE TABLE**

CURVE #	DELTA	RADIUS	ARC LENGTH	CHORD BEARING & DISTANCE
C39	02°05'39"	50.00'	18.22'	S70°18'46"W 18.12'

**EASEMENT LINE TABLE**

LINE	BEARING	DISTANCE
L1	N68°18'32"E	17.94'
L2	N68°18'32"E	25.82'
L3	S45°36'42"E	8.78'
L4	S24°46'51"E	85.56'
L5	S59°02'23"W	30.79'
L6	S59°02'23"W	64.47'
L7	S59°02'23"W	39.78'
L8	S59°02'23"W	46.31'
L9	S43°08'59"W	51.92'
L10	S29°56'07"W	43.59'
L11	NORTH	37.77'
L12	N23°08'50"E	66.82'
L13	N59°02'23"E	19.45'
L14	N59°02'23"E	65.87'
L15	N59°02'23"E	64.44'
L16	N24°46'51"W	62.43'
L17	N45°36'42"W	19.18'
L18	EAST	15.00'
L19	NORTH	94.23'
L20	NORTH	71.54'
L21	NORTH	70.00'
L22	NORTH	70.00'
L23	NORTH	33.85'
L24	S28°48'39"E	31.13'
L25	NORTH	8.87'
L26	NORTH	15.00'
L27	NORTH	69.92'
L28	NORTH	70.70'
L29	EAST	15.00'
L30	EAST	10.00'
L31	NORTH	78.25'
L32	NORTH	41.61'
L33	S35°02'56"E	17.41'
L34	NORTH	56.06'
L35	S8°21'23"W	34.46'
L36	N59°02'23"E	20.67'
L37	N10°15'31"E	29.98'
L38	S16°23'08"E	13.99'
L39	EAST	66.78'
L40	NORTH	117.48'



2012-18  
Plat #  
Juneau  
Rec. Dist.  
7-3  
Date  
2012  
Time  
2:33 PM

- NOTES:**
- ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
  - ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
  - IF VISTA DEL SOL DRIVE IS EXTENDED TO THE ADJACENT PROPERTY, CONSTRUCTED TO CBJ STANDARDS, AND ACCEPTED FOR MAINTENANCE BY CBJ PUBLIC WORKS, PORTIONS OF THE CUL DE SAC RIGHT-OF-WAY MAY BE VACATED THROUGH AN APPROPRIATE SUBDIVISION PROCESS.
  - DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES
  - VISTA DEL SOL SUBDIVISION PHASE I ACCESS AND UTILITY EASEMENT VACATED THIS PLAT AND DEDICATED AS RIGHT-OF-WAY.

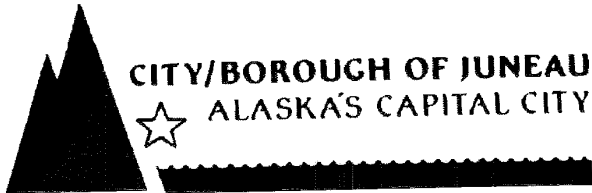
PLAT OF  
**VISTA DEL SOL SUBDIVISION PHASE II**  
A SUBDIVISION OF  
**LOT 1, VISTA DEL SOL SUBDIVISION PHASE I**  
WITHIN U.S. SURVEY NO. 1568  
CITY & BOROUGH OF JUNEAU, ALASKA  
JUNEAU RECORDING DISTRICT

OWNERS:  
DURAN CONSTRUCTION CO. LLC  
PO BOX 32634  
JUNEAU, ALASKA 99803

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

SHEET 1 OF 1  
SCALE: 1"=50' DATE: 6-27-2012 PROJ: 8751-CASA-DEL-SOL-PH2

Attachment A - Application Juneau 2012-18



Treasury Division  
155 S. Seward Street  
Juneau, AK 99801  
(907) 586-0375 Phone  
(907) 586-5367 Fax

### CERTIFICATION OF PAYMENT OF TAXES

I, the undersigned, being duly appointed, qualified Treasurer for the City and Borough of Juneau, First Federal District, State of Alaska, do hereby certify that, according to the records of the City and Borough of Juneau, the following described property is carried on the tax records in the name of:

DURAN CONSTRUCTION COMPANY LLC

Current Owner

VISTA DEL SOL LT 1

Description

5-B14-0-101-002-3

Parcel Code Number

and that, according to the records in my possession, all taxes assessed against said lands and in favor of the City and Borough of Juneau are paid in full; that current taxes of the year 2012, due on or before September 30, 2012, have been paid.

  
Randy L. Wiley Treasurer

July 3, 2012  
Date

**This Certification of Payment of Taxes is valid through June 15, 2013**

Attachment E - Plat 2012-18, Vista del Sol, Phase II



	Number of...				Total parking spaces required	Garage Parking	Surface Parking Needed	Surface Parking provided	Cumulative Parent Lot 1	Cumulative Parent Lot 2	Cumulative Parent Lot 3	Phase ADA Required Parent Lot 1	Phase ADA Provided Parent Lot 1	Phase ADA Required Parent Lot 2	Phase ADA Provided Parent Lot 2	Phase ADA Required Parent Lot 3	Phase ADA Provided Parent Lot 3
	Units	One Bedroom	Two Bedroom	Three (+) Bedroom													
<b>Phase 1</b>																	
A	24	12	12	0	30	8	22										
B	24	16	8	0	28	8	20										
C	24	16	8	0	28	8	20										
	72				86	24	62	67	86	0	0	4	4	0	0	0	0
<b>Phase 2</b>																	
D	24	16	8	0	28	8	20										
E	24	16	8	0	28	8	20										
F	24	16	8	0	28	8	20										
G	24	16	8	0	28	8	20										
H	24	16	8	0	28	8	20										
I	24	16	8	0	28	8	20										
J	20	16	4	0	22	6	16										
	164				190	54	136	136	276	0	0	6	6	0	0	0	0
<b>Phase 3</b>																	
K	22	16	6	0	25	7	18										
L	22	16	6	0	25	7	18										
M	24	16	8	0	28	8	20										
N	24	16	8	0	28	8	20										
O	22	16	6	0	25	7	18										
P	22	16	6	0	25	7	18										
	136				156	44	112	112	276	156	0	0	0	6	6	0	0
<b>Phase 4</b>																	
Q	22	16	6	0	25	7	18										
R	22	16	6	0	25	7	18										
	44				50	14	36	50	276	156	50	0	0	0	0	2	2
<b>Phase 5</b>																	
Townhomes	28				56				276	156	106	0	0	0	0	0	0
<b>TOTALS</b>	444								276	156	106	10	10	6	6	2	2

## Appendix B: 2021 Income Limits and Rental Limits

### City and Borough of Juneau Income Limits for 2022 (effective 4/18/22)

4-person AMI \$120,900

	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
30% AMI	25,380	29,010	32,640	36,270	39,180	42,060	44,970	47,880
60% AMI	50,760	58,020	65,280	72,540	78,360	84,120	89,940	95,760
80% AMI	67,680	77,360	87,040	96,720	104,480	112,160	119,920	127,680
100% AMI	84,600	96,700	108,800	120,900	130,600	140,200	149,900	159,600
120% AMI	101,520	116,040	130,560	145,080	156,720	168,240	179,880	191,520

Source: HUD User Datasets:

[https://www.huduser.gov/portal/pdrdatas\\_landing.html](https://www.huduser.gov/portal/pdrdatas_landing.html)

### City and Borough of Juneau Rental Limits for 2022 (effective 4/18/22)

Bedrooms (People)	Fair Market Rent	30% AMI	60% AMI	80%AMI	100% AMI	120% AMI
Efficiency (1.0)	958	634	1,269	1,692	2,115	2,538
1 Bedroom (2.0)	1,154	725	1,450	1,934	2,417	2,901
2 Bedrooms (3.0)	1,442	816	1,632	2,176	2,720	3,264
3 Bedrooms (4.0)	2,048	906	1,813	2,418	3,022	3,627
4 Bedrooms (5.0)	2,432	979	1,959	2,612	3,265	3,918
5 Bedrooms (6.0)	N/A	1,051	2,103	2,804	3,505	4,206

Source: HUD User Datasets: [https://www.huduser.gov/portal/pdrdatas\\_landing.html](https://www.huduser.gov/portal/pdrdatas_landing.html)

## Attachment A - Application



# Myths and Realities about Public Housing

Oct 17, 2019

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## Myths and Realities about Public Housing

### **Myth #1: Public housing is crumbling everywhere!**

Reality: 85% of public housing meets or exceeds federal quality standards and more than 40% of developments are considered “excellent.”

### **Myth #2: Public housing is a hotbed for criminal activity!**

Reality: Researchers agree that high crime rates in areas with lots of public housing are not due to the housing itself, but more likely to the lack of opportunity in the area in which the housing is built. Public housing in neighborhoods with access to employment, commerce, good schools, and other community institutions have crime rates similar to the rest of the neighborhood.

### **Myth #3: Residents hate it there! They want to get out!**

Reality: Surveys consistently show large majorities of public housing residents are satisfied with their housing. So many people are eager to live in public housing and benefit from its affordability that nearly all of the nation’s more than 3,000 PHAs have waiting lists that are more than one year long.

### **Myth #4: They are all just ugly high-rise projects!**

Attachment H - National Low Income Housing Coalition, “Myths and Realities About Public Housing” (2019)

## Attachment A - Application

Reality: Most public housing buildings are three stories tall or less, with townhomes or small buildings the most common architecture. When public housing was at its peak in terms of total units, only 27% of public housing was in high-rises, and that number has dropped since the early '90s.

### **Myth #5: Low-income white people in America do not benefit from public housing.**

Reality: 53% of households living in public housing identify as white. “The Long Wait for a Home,” NLIHC’s 2016 report on PHA waiting lists, shows that 58% of households currently on waiting lists are low-income white renters.

### **Myth #6: Public housing is only for poor people!**

Reality: Households with incomes up to 80% of area median income are eligible to move into public housing. For a 4-person household, this would be \$129,150 in an expensive city like San Francisco, or \$67,300 in a more affordable area like Fargo, ND. These standards are well above the poverty line. PHAs can set their standards below the maximum, and many of them do, but public housing can serve middle-income as well as poor households. Once living in public housing, resident incomes are allowed to climb above average for their community, up to 120% of AMI.

### **Myth #7: Residents in public housing have no power!**

Reality: Public housing’s concentration of subsidized renters in one location, the allocation of tenant participation funds for organizing activities, and required resident participation in PHA planning create an environment for better tenant mobilization than most other forms of affordable rental housing.

The data and information for this article is largely drawn from two excellent books. *In Defense of Housing* by David Madden and Peter Marcuse was released by Verso in 2016. *Public Housing Myths: Perception, Reality, and Social Policy*, edited by Nicholas Dagen Bloom, Fritz Umbach, and Lawrence J. Vale was released in 2015 by Cornell University Press.

**COLLECTIVE BARGAINING AGREEMENT**

**between the**

**ALASKA STATE EMPLOYEES ASSOCIATION,  
AMERICAN FEDERATION OF STATE, COUNTY  
AND MUNICIPAL EMPLOYEES  
LOCAL 52, AFL-CIO**



**and the**

**STATE OF ALASKA**



**covering the**

**GENERAL GOVERNMENT BARGAINING U**

**July 1, 2022 through June 30, 2025**

The Fund shall be sponsored and administered by the Union. The Employer shall have no voice in the amount or type of service provided by this plan; however, services provided by the Fund shall not be used in actions involving, or in a position adverse to the State of Alaska. The Fund shall attempt to obtain the maximum service possible for the bargaining unit member.

This Article confers only the right to demand and enforce payment of the required contributions. No dispute under or relating to such benefits or claims shall be subject to the grievance-arbitration procedure in the Collective Bargaining Agreement except a claim that the Employer failed to make the agreed upon contributions. Only the State's failure to make the required contribution is subject to the grievance-arbitration procedure. The provision or retention of legal assistance under this Article is the sole and exclusive responsibility of the Union and/or the member.

Unless such actions are taken to demand and enforce payment by the State of the required contributions, the Union agrees to defend, indemnify and hold harmless the State against any and all legal actions, orders, judgments or other decisions rendered in any proceeding as a result of the implementation of this Article.

**ARTICLE 21 –Wages**

**21.01 Wages.**

Wage tables can also be found at the Division of Finance website. ASEA General Government wage tables are located midway on the webpage: [http://doa.alaska.gov/dof/payroll/sal\\_sched.html](http://doa.alaska.gov/dof/payroll/sal_sched.html)

A. The following shall be the wage schedule for bargaining unit members who are subject to AS 23.40.200(a)(2) and (3) (Class Two and Three) occupying positions which are assigned to a normal workweek of thirty-seven and one-half (37:30) hours.

Range	Step A	Step B	Step C	Step D	Step E	Step F	Step G
5	1,058.25	1,086.00	1,116.75	1,149.00	1,183.50	1,214.25	1,250.25
	14.11	14.48	14.89	15.32	15.78	16.19	16.67
6	1,116.75	1,149.00	1,183.50	1,214.25	1,250.25	1,285.50	1,327.50
	14.89	15.32	15.78	16.19	16.67	17.14	17.70
7	1,183.50	1,214.25	1,250.25	1,285.50	1,327.50	1,368.00	1,408.50
	15.78	16.19	16.67	17.14	17.70	18.24	18.78
8	1,250.25	1,285.50	1,327.50	1,368.00	1,408.50	1,449.75	1,498.50
	16.67	17.14	17.70	18.24	18.78	19.33	19.98
9	1,327.50	1,368.00	1,408.50	1,449.75	1,498.50	1,542.00	1,587.00
	17.70	18.24	18.78	19.33	19.98	20.56	21.16
10	1,408.50	1,449.75	1,498.50	1,542.00	1,587.00	1,635.75	1,690.50
	18.78	19.33	19.98	20.56	21.16	21.81	22.54
11	1,498.50	1,542.00	1,587.00	1,635.75	1,690.50	1,742.25	1,803.75
	19.98	20.56	21.16	21.81	22.54	23.23	24.05
12	1,587.00	1,635.75	1,690.50	1,742.25	1,803.75	1,865.25	1,928.25
	21.16	21.81	22.54	23.23	24.05	24.87	25.71

covering the  
**GENERAL GOVERNMENT BARGAINING U**  
**July 1, 2022 through June 30, 2025**

13	1,690.50	1,742.25	1,803.75	1,865.25	1,928.25	2,000.25	2,071.50
	22.54	23.23	24.05	24.87	25.71	26.67	27.62
14	1,803.75	1,865.25	1,928.25	2,000.25	2,071.50	2,148.75	2,217.75
	24.05	24.87	25.71	26.67	27.62	28.65	29.57
15	1,928.25	2,000.25	2,071.50	2,148.75	2,217.75	2,301.75	2,386.50
	25.71	26.67	27.62	28.65	29.57	30.69	31.82
16	2,071.50	2,148.75	2,217.75	2,301.75	2,386.50	2,471.25	2,556.00
	27.62	28.65	29.57	30.69	31.82	32.95	34.08
17	2,217.75	2,301.75	2,386.50	2,471.25	2,556.00	2,644.50	2,731.50
	29.57	30.69	31.82	32.95	34.08	35.26	36.42
18	2,386.50	2,471.25	2,556.00	2,644.50	2,731.50	2,832.75	2,922.00
	31.82	32.95	34.08	35.26	36.42	37.77	38.96
19	2,556.00	2,644.50	2,731.50	2,832.75	2,922.00	3,029.25	3,121.50
	34.08	35.26	36.42	37.77	38.96	40.39	41.62
20	2,731.50	2,832.75	2,922.00	3,029.25	3,121.50	3,235.50	3,337.50
	36.42	37.77	38.96	40.39	41.62	43.14	44.50
21	2,922.00	3,029.25	3,121.50	3,235.50	3,337.50	3,458.25	3,573.00
	38.96	40.39	41.62	43.14	44.50	46.11	47.64
22	3,121.50	3,235.50	3,337.50	3,458.25	3,573.00	3,707.25	3,828.75
	41.62	43.14	44.50	46.11	47.64	49.43	51.05
23	3,337.50	3,458.25	3,573.00	3,707.25	3,828.75	3,972.00	4,106.25
	44.50	46.11	47.64	49.43	51.05	52.96	54.75
24	3,573.00	3,707.25	3,828.75	3,972.00	4,106.25	4,243.50	4,401.75
	47.64	49.43	51.05	52.96	54.75	56.58	58.69
25	3,828.75	3,972.00	4,106.25	4,243.50	4,401.75	4,566.00	4,733.25
	51.05	52.96	54.75	56.58	58.69	60.88	63.11
26	3,972.00	4,106.25	4,243.50	4,401.75	4,566.00	4,733.25	4,910.25
	52.96	54.75	56.58	58.69	60.88	63.11	65.47
27	4,106.25	4,243.50	4,401.75	4,566.00	4,733.25	4,910.25	5,082.75
	54.75	56.58	58.69	60.88	63.11	65.47	67.77

B. The following shall be the wage schedule for bargaining unit members who are subject to AS 23.40.200(a)(1) (Class One) occupying positions which are assigned to a normal workweek of thirty-seven and one-half (37:30) hours.

Range	Step A	Step B	Step C	Step D	Step E	Step F	Step G
5	1,068.00	1,096.50	1,126.50	1,161.00	1,196.25	1,226.25	1,260.00
	14.24	14.62	15.02	15.48	15.95	16.35	16.80
6	1,126.50	1,161.00	1,196.25	1,226.25	1,260.00	1,297.50	1,337.25
	15.02	15.48	15.95	16.35	16.80	17.30	17.83

	Units proposed	Square Feet Provided Parent Lot			Open Space Required Parent Lot			Parking Required <sup>B</sup> Parent Lot			ADA Required Parent Lot		
		1	2	3	1	2	3	1	2	3	1	2	3
Phase 1	72	115,840			35,060			86			4		
Phase 2	164	291,260			54,560			190			6		
Phase 3	136		115,840			60,200			156			6	
Phase 4	44			84,390			20,020			50			2
Phase 5	28			225,250			173,090			56			0
TOTALS		407,100	115,840	309,640	89,620	60,200	193,110	276	156	106	10	6	2
Acres		9.35	2.66	7.11	2.06	1.38	4.43						

A: See "Density Bonus" section for density discussion

B: See Attachment B for parking figures

by phase





Attachment A - Application

DEPARTMENT OF THE ARMY  
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
REGULATORY DIVISION  
P.O. BOX 22270  
JUNEAU, AK 99802-2270

August 11, 2022

Regulatory Division  
POA-2022-00359

Ms. Irene Gallion  
City and Borough of Juneau  
Community Development Department  
230 South Franklin Street  
Juneau, Alaska 99801

Dear Ms. Gallion:

The United States Army Corps of Engineers, Alaska District (USACE) is providing this letter as a written comment to your August 3, 2022, Rooftop Properties LLC Scoping request. The project has been assigned number POA-2022-00359, Gastineau Channel, which should be referred to in all correspondence with the USACE. The project site is located within Section 32, T. 40 S., R. 66 E., Copper River Meridian; USGS Quad Map Juneau B-2; Latitude 58.360434° N., Longitude 134.544145° W.; at 7400 Glacier Highway in Juneau, Alaska.

The USACE regulatory authorities derive from two laws: Section 10 of the Rivers and Harbors Act (RHA) of 1899 (33 USC 403), which prohibits the obstruction or alteration of navigable waters of the United States (U.S.) without a Department of the Army (DA) permit from the USACE; and Section 404 of the Clean Water Act (CWA), which prohibits the discharge of dredged or fill material into waters of the U.S. without a DA permit.

Waters of the U.S. include, but are not limited to, tidal waters, rivers both perennial and intermittent streams and wetlands. Wetlands are defined as areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include “muskegs,” swamps, marshes, bogs, and similar areas.

Based on a review of the information you furnished and that available to the USACE, it has been determined that the above described property contains waters of the U.S., including wetlands, subject to the USACE regulatory jurisdiction under Section 404 of the CWA.

Attachment A - Application

-2-

The USACE evaluation of a Section 10 and/or a Section 404 permit application involves multiple analyses, including the following:

1. Evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325),
2. Determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and
3. In the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

If the proposal requires a Section 404 permit application, the Guidelines specifically require that “no discharge of dredged or fill material shall be permitted if there were a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences” (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the USACE' decision whether there is a less damaging practicable alternative to the proposal.

If an application for a DA permit has not yet been submitted, the project proponent may request a pre-application consultation meeting with the USACE to obtain information regarding the data, studies or other information that will be necessary for the permit evaluation process. A pre-application consultation meeting is strongly recommended if the proposal has substantial impacts to waters of the U.S., or if it is a large or controversial project.

Nothing in this letter precludes compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact the USACE via email at [Randal.P.Vigil@usace.army.mil](mailto:Randal.P.Vigil@usace.army.mil), by mail at the address above, or by phone at (907) 201-5022, if you have questions. For more information about the Regulatory Program, please visit the Alaska District website at [www.poa.usace.army.mil/Missions/Regulatory](http://www.poa.usace.army.mil/Missions/Regulatory).

Sincerely,



Randal P. Vigil  
Project Manager

**Irene Gallion**

---

**From:** Bizzarro, Caleb T (DOT) <caleb.bizzarro@alaska.gov>  
**Sent:** Thursday, August 25, 2022 2:01 PM  
**To:** Irene Gallion  
**Cc:** Schuler, Michael K (DOT); Harp, Kelly M (DOT)  
**Subject:** RE: ARP22-01: Proposed 444 dwelling units at 7400 Glacier Highway  
**Attachments:** 01 APP\_ARP22-01.pdf; Agency Comments Form ARP22-01.pdf

**EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS**

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Thank you Irene for the opportunity to provide feedback on Rooftop Properties, LLC’s proposed 444 dwelling units at 7400 Glacier Hwy.

Please see the following from DOT&PF Southcoast Region:

- It would be preferable for emergency services to have alternate access routes within Vista Del Sol and Seymour Way. DOT&PF also understands residents of Vista Del Sol would be opposed to having the street connected due to the elevated traffic levels.
- Full build out of this subdivision would trigger AK Administrative Code 17 AAC 10.060, where development of a project generates more than 100 vehicle trips on a highway during any hour of the day, an applicant must perform a traffic impact analysis.
- DOT&PF expects the development to honor previous plat restrictions and intents.
- Existing easement agreements to DOT&PF during project FM-0955(3) shall continue to be honored. No construction on private land shall interfere with the Department's right to replace and maintain these drainage facilities.
- Rooftop Properties, LLC shall apply for an acceptable permanent access, which meets or exceeds DOT&PF Preconstruction Manual standards as well as CBJ requirements for an approach road.
- The timber must be removed from the property line to sidewalk within state right of way. The owner shall not leave a “landscape barrier” within the right of way between cleared private land and the roadway, as required within temporary access permit DW #31519.
- Finally, there is environmental as well as hydrology implications with such a proposal. DOT&PF expects both fields of interest to be addressed prior to final approval. The applicant should provide documentation that any drainage volumes will not hinder/damage or otherwise diminish the operation of state right of way and its drainage infrastructure.

Thank you for the opportunity to review,

Caleb Bizzarro  
Right Of Way Agent  
Department of Transportation & Public Facilities  
Southcoast Region Design & Engineering Services

Ph: (907) 465 4519  
Email: [caleb.bizzarro@alaska.gov](mailto:caleb.bizzarro@alaska.gov)

**Telework:** Tuesday & Thursday, 7:30AM – 4:30PM  
**Office:** Monday, Wednesday, Friday, 7:30AM – 4:30PM

**From:** Irene Gallion  
**Sent:** Wednesday, August 3, 2022 9:50 AM  
**To:** Bizzarro, Caleb T (DOT)  
**Cc:** Irene Gallion  
**Subject:** ARP22-01: Proposed 444 dwelling units at 7400 Glacier Highway

**CAUTION:** This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Caleb,

Attached are application materials for an Alternative Residential Subdivision at 7400 Glacier Highway. This is on 19.71 acres zoned D18. They plan to use bonus procedures to increase density allowed.

If ADOT&PF could provide any comments by **September 15, 2022**, that would be very helpful. If you need more time let me know.

After the preliminary plan, the developer will be making relatively large investments in design, platting and traffic analysis.

A public meeting is tentatively scheduled for September 8, 2022.

The Planning Commission hearing is currently scheduled for October 11, 2022.

I've attached the application, and an agency comments form for your use if you are inclined. Page 5 of the application has the proposed layout, and page 8 starts the applicant's narrative.

Let me know if you need more information. Thanks!

**Irene Gallion | Senior Planner**

[Community Development Department](#) | City & Borough of Juneau, AK  
Location: 230 S. Franklin Street | 4<sup>th</sup> Floor Marine View Building  
Office: 907.586.0753 X2



*Fostering excellence in development for this generation and the next.*



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

**COMMUNITY DEVELOPMENT DEPARTMENT - REQUEST FOR AGENCY COMMENT**

**DEPARTMENT:** Fire

**STAFF PERSON/TITLE:** Daniel Jager, Fire Marshal

**DATE:** 9/6/2022

**APPLICANT:** Rooftop Properties LLC

**TYPE OF APPLICATION:** Preliminary Plan Approval for an Alternative Residential Subdivision

**PROJECT DESCRIPTION:**

**LEGAL DESCRIPTION:**

**PARCEL NUMBER(S):** 5B1401010010

**PHYSICAL ADDRESS:** 7400 Glacier Highway

**SPECIFIC QUESTIONS FROM PLANNER:**

The plan currently proposes street access to Vista Del Sol. Is that required for emergency response purposes, or could it be reduced to a trail with emergency access only? Asking in order to get ahead of neighbor concerns about traffic.

**AGENCY COMMENTS:**

- 1) All buildings shall be provided with sprinkler and fire alarm systems.
- 2) Hydrants will be required to be added and spaced no more than 500 feet apart starting with nearest hydrant to project.
- 3) Shall provide adequate emergency apparatus turn around capability according to 2012 IFC Appendix D as adopted in State Regulation.
- 4) Slopes are not to exceed 10 percent grade.
- 5) Once development goes over 100 dwellings units, a separate and approved apparatus access road shall be provided.

**Irene Gallion**

---

**From:** Alec Venechuk  
**Sent:** Friday, September 9, 2022 10:32 AM  
**To:** Irene Gallion  
**Subject:** RE: ARP22-01: Proposed 444 dwelling units at 7400 Glacier Highway

Hi Irene – No comments from Engineering here. Looks like its all Code and preliminary submission requirements up to this point.

Thank you,  
Alec

---

**From:** Irene Gallion  
**Sent:** Wednesday, August 3, 2022 10:18 AM  
**To:** General Engineering ; Charlie Ford ; Dan Jager ; Quinn Tracy ; Dan Bleidorn  
**Cc:** Guy Gleason ; Alec Venechuk  
**Subject:** ARP22-01: Proposed 444 dwelling units at 7400 Glacier Highway

Hello all,

Attached are application materials for an Alternative Residential Subdivision at 7400 Glacier Highway in Juneau, AK. This is on 19.71 acres zoned D18. They plan to use bonus procedures to increase density allowed.

If you could provide any comments by **September 15, 2022**, that would be very helpful. If you need more time let me know.

After this preliminary plan is approved, the developer will be making relatively large investments in design, platting and traffic analysis.

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Let me know if you need more information. Thanks!

**Irene Gallion | Senior Planner**

[Community Development Department](#) | City & Borough of Juneau, AK  
Location: 230 S. Franklin Street | 4<sup>th</sup> Floor Marine View Building  
Office: 907.586.0753 X2



*Fostering excellence in development for this generation and the next.*

**Irene Gallion**

---

**From:** Quinn Tracy  
**Sent:** Tuesday, September 13, 2022 2:53 PM  
**To:** Irene Gallion  
**Subject:** RE: ARP22-01: Proposed 444 dwelling units at 7400 Glacier Highway

Hi Irene,

One issue from my end of things...if Seymour Dr is built to connect to Vista Del Sol Dr in a continuous way without any discernable distinction between the two streets, we will need to name the entire loop as Vista Del Sol Dr. If the development is completed but Seymour Dr does not connect to Vista Del Sol Dr, then it can remain as Seymour Dr, however at some point in the future, if a connection with Vista Del Sol is made, we would need to change the name of the entire loop to Vista Del Sol and change the addressing for all the units. If the development plans are revised and Seymour Dr connects with Vista Del Sol at a more discernable intersection, it can remain as Seymour Dr. The important thing is that we don't create a street that arbitrarily changes names at some location...we already have a few of those within CBJ and they're a pain.

Thanks,  
-Quinn

**Quinn Tracy | GIS Specialist**

[Community Development Department](#) | City & Borough of Juneau, AK  
Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building  
Office: 907.586.0715 Ext. 4122



---

**From:** Irene Gallion <Irene.Gallion@juneau.org>  
**Sent:** Tuesday, September 6, 2022 2:53 PM  
**To:** General Engineering <General\_Engineering@juneau.org>; Charlie Ford <Charlie.Ford@juneau.org>; Dan Jager <Dan.Jager@juneau.org>; Quinn Tracy <Quinn.Tracy@juneau.org>; Dan Bleidorn <Dan.Bleidorn@juneau.org>  
**Cc:** Jeffrey Hedges <Jeffrey.Hedges@juneau.org>  
**Subject:** FW: ARP22-01: Proposed 444 dwelling units at 7400 Glacier Highway

Hello all,

Just wanted to let you know we'll be having a neighborhood meeting on this project. I'll do a presentation on the regulatory elements, then the Applicant will present, then we answer questions. Based in initial contacts, I'm anticipating it will be engaging. If you need further context on the project feel free to stop by.

September 8, 2022 (Thursday)  
Dzantik'i Heeni Middle School  
6:00 pm

CAVEAT: Know that, if there is a question on which you are the subject expert, you may be pulled into the conversation.

Thanks!

IMG

---

**From:** Irene Gallion  
**Sent:** Wednesday, August 3, 2022 10:18 AM  
**To:** General Engineering <[General\\_Engineering@juneau.org](mailto:General_Engineering@juneau.org)>; Charlie Ford <[Charlie.Ford@juneau.org](mailto:Charlie.Ford@juneau.org)>; Dan Jager <[Dan.Jager@juneau.org](mailto:Dan.Jager@juneau.org)>; Quinn Tracy <[Quinn.Tracy@juneau.org](mailto:Quinn.Tracy@juneau.org)>; Dan Bleidorn <[Dan.Bleidorn@juneau.org](mailto:Dan.Bleidorn@juneau.org)>  
**Cc:** Guy Gleason <[Guy.Gleason@juneau.org](mailto:Guy.Gleason@juneau.org)>; Alec Venechuk <[Alec.Venechuk@juneau.org](mailto:Alec.Venechuk@juneau.org)>  
**Subject:** ARP22-01: Proposed 444 dwelling units at 7400 Glacier Highway

Hello all,

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Let me know if you need more information. Thanks!

**Irene Gallion | Senior Planner**

[Community Development Department](#) | City & Borough of Juneau, AK  
Location: 230 S. Franklin Street | 4<sup>th</sup> Floor Marine View Building  
Office: 907.586.0753 X2



*Fostering excellence in development for this generation and the next.*



**Irene Gallion**

---

**From:** Dan Jager  
**Sent:** Thursday, September 15, 2022 3:14 PM  
**To:** Irene Gallion  
**Subject:** RE: ARP22-01: Follow up on access

Hi Irene, I agree with the concepts below. As long as the cul de sac met fire code measurements that would be an adequate turn around for phase 1. And yes once they build dwelling or apartment unit 101 then a second access road is required.  
Thanks!

*Daniel M. Jager*  
Fire Marshal



Capital City Fire Rescue  
820 Glacier Avenue  
Juneau, Alaska 99801  
907-586-5322 Ext. 4323 (Office)  
907-586-8323 (Fax)

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

---

**From:** Irene Gallion <Irene.Gallion@juneau.org>  
**Sent:** Wednesday, September 14, 2022 11:01 AM  
**To:** Dan Jager <Dan.Jager@juneau.org>  
**Subject:** ARP22-01: Follow up on access

Hi Dan,

Thanks for your previous comments on this project (attached).

If these guys wanted to end Semour Way in a *cul de sac* (rather than hooking up to Vista del Sol Drive), what would you think of that (B in image below)?

Also, looks like they'd need to construct secondary access by Phase 2 (Phase 1 is 92 units). One idea is to use Alaska Mental Health Trust land to the east (A in image below).

These are comments the public recommended to make the development more palpable.

Section J, Item 2.



Thank you!

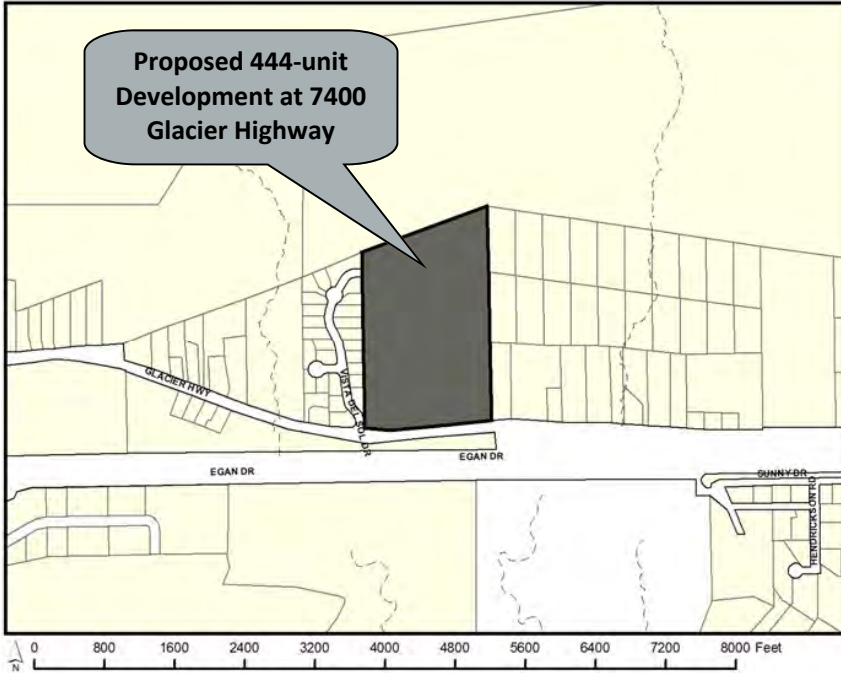
**Irene Gallion | Senior Planner**

Community Development Department | City & Borough of Juneau, AK  
Location: 230 S. Franklin Street | 4<sup>th</sup> Floor Marine View Building  
Office: 907.586.0753 X2



*Fostering excellence in development for this generation and the next.*

# Neighborhood Meeting Notice



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

The Community Development Department is hosting a neighborhood meeting to discuss a preliminary plan approval for an Alternative Residential Subdivision, developing up to 444 dwelling units on 19.71 acres at 7400 Glacier Highway.

More information at: <https://juneau.org/community-development/short-term-projects>



**NEIGHBORHOOD MEETING**  
**September 8, 2022, 6:00 p.m.**  
**Location: Dzantik'i Heeni Middle School**  
**Meeting will be held in person only.**

If you are not able to attend this meeting but have questions or comments, please contact **Irene Gallion**, CDD Senior Planner, at (907) 586-0753 ext. 4130 or [irene.gallion@juneau.org](mailto:irene.gallion@juneau.org).

*This project is scheduled for review by the Planning Commission on October 11, 2022. All property owners within 500 feet of the proposed rezone will receive a separate notice with details on how and where to submit comments or testify before the Commission.*

<p><b>Case No.:</b> ARP2022 0001  <b>Parcel No.:</b> 5B1401010010  <b>CBJ Parcel Viewer:</b> <a href="http://epv.juneau.org">http://epv.juneau.org</a></p>
--

Attachment A - Application

1

# ARP2022 0001

Developing up to 444 dwelling units on 19.71 acres, zoned D18,  
at 7400 Glacier Highway.

Neighborhood Meeting  
September 8, 2022



Attachment A - Application

# Orientation

- Restrooms
- Fire extinguisher
- Emergency egress



2



# Agenda

- CBJ presentation
- Applicant presentation
- Questions
  
- Difference between a Neighborhood Meeting and a Hearing



3

# Proposal



# How did we get here? 2015

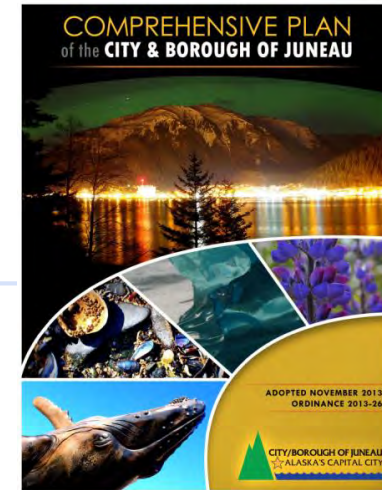
- Commission recommended denial (7/2)
- Consideration at Assembly COW (5/3)
- Assembly passes rezone to D18, (5/2)



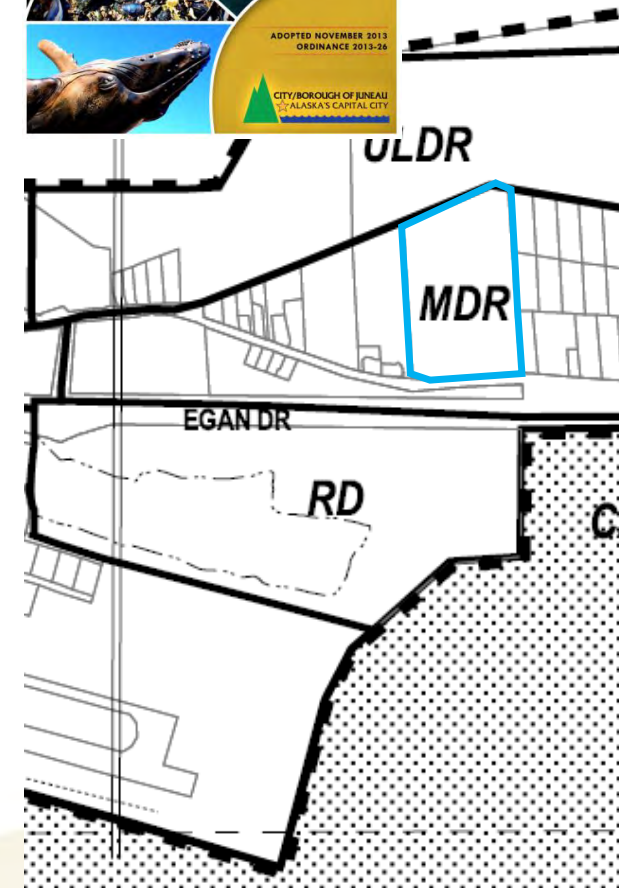


## Why?

- MDR = 5-20 units per acre
- On transit line
- Improvements along roadway for more capacity (Sunny Point)
- Juneau Economic Development Plan: Size, type and location
- Juneau Housing Action Plan (in the works)
  - Recognized need for trade-offs.
  - Encourage clustered, moderate-density, mixed-use that takes advantage of existing infrastructure.



6



## Alternative Residential Subdivision (ARS)

- Flexible development
- Encourage planned developments
- Different types of housing
- Affordability
- Efficiency in utilities
- Harmony with surrounding area







## Density Bonus – D18

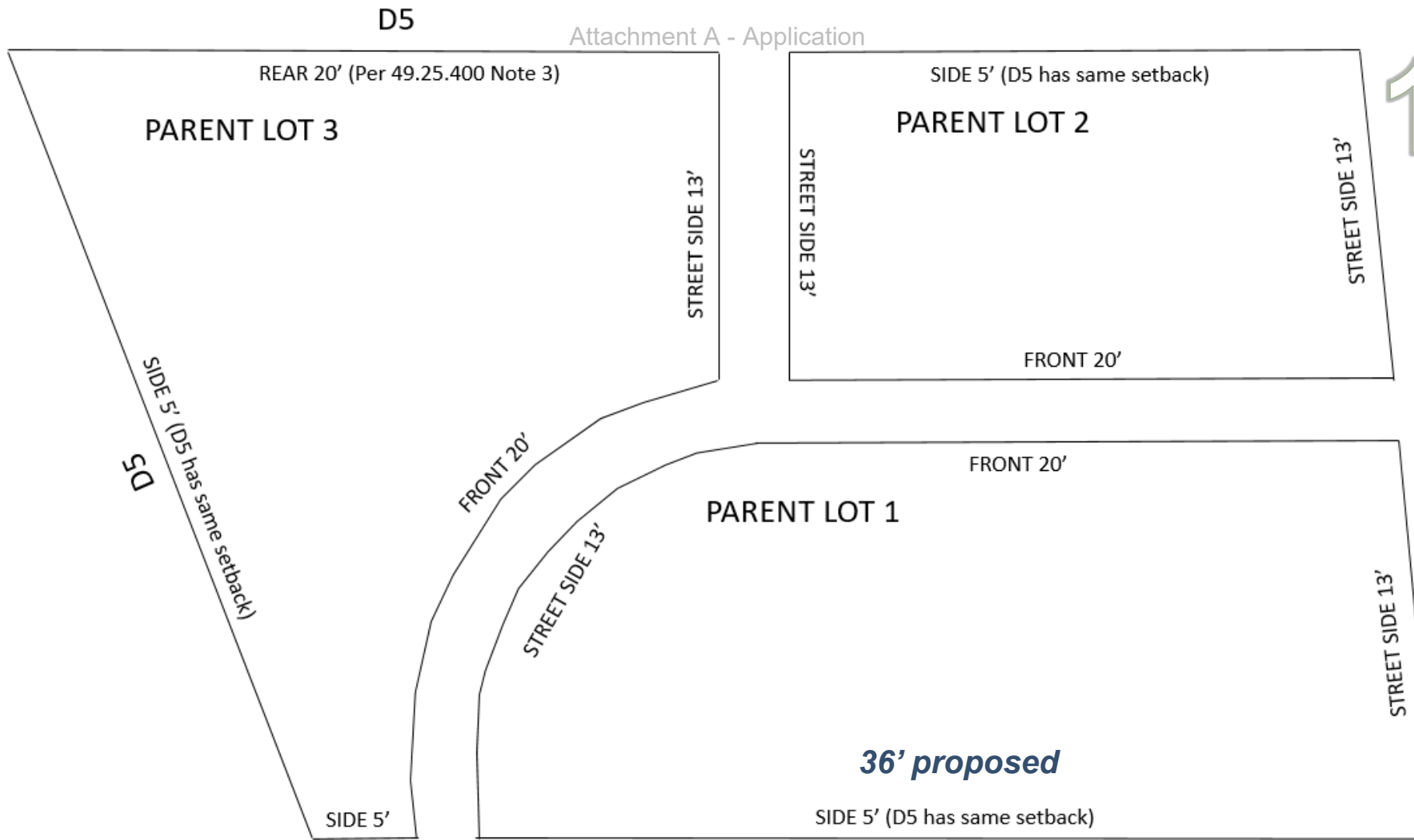
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- Open Space – 15 bonus points
- Right-of-Way dedication – 10 bonus points
- Non-motorized Transportation – 10 bonus points
  
- Possible 35 bonus points
- Maximum density bonus allowed is 25%

# Organization

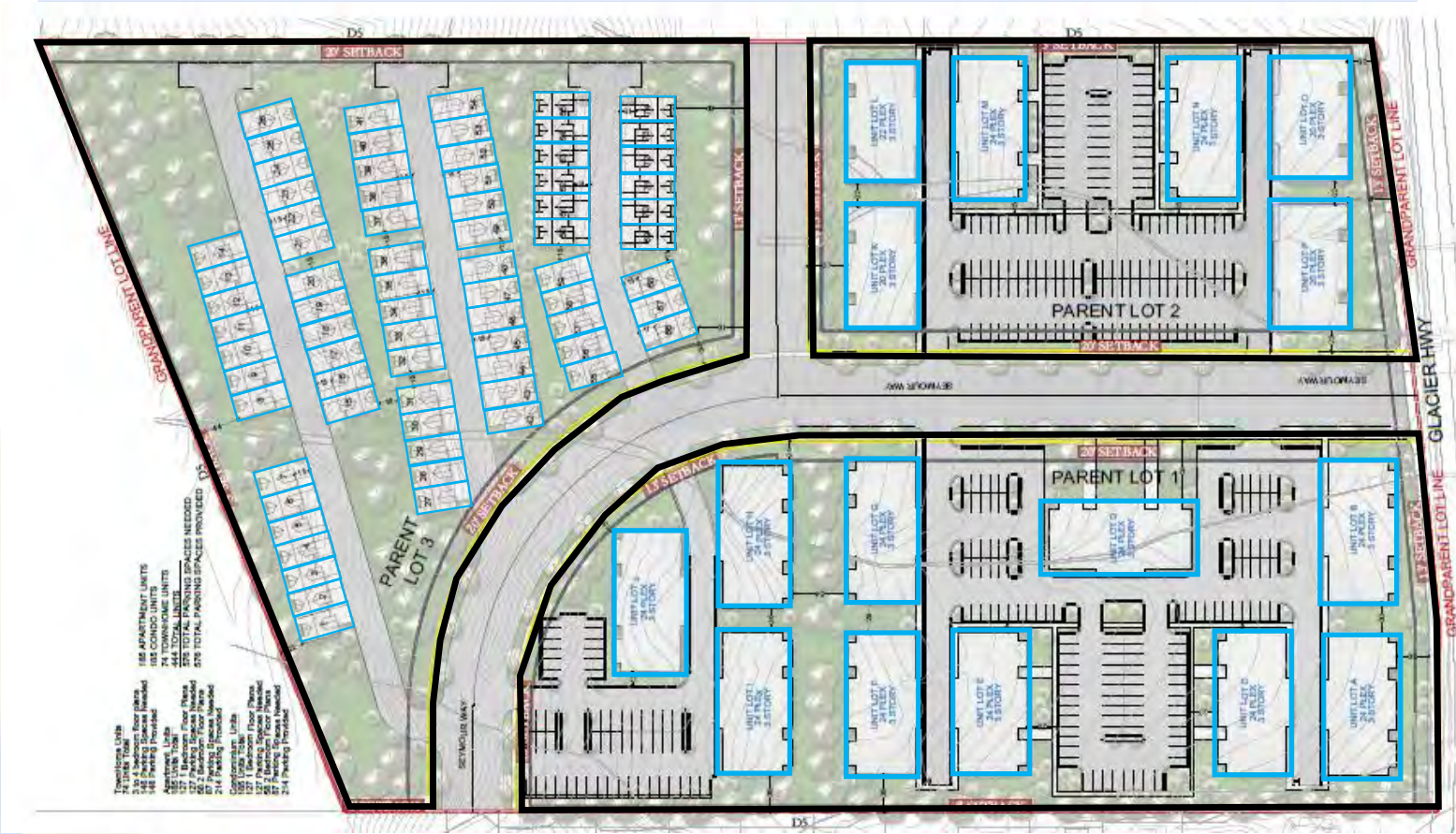


Attachment A - Application





# Organization





# Traffic

Parent Lot #	Use	Metric	Units	Trips Generated
1	Low-rise apartment	6.59 per occupied dwelling unit	236	1,555
2	Low-rise apartment	6.59 per occupied dwelling unit	134	883
3	Residential Townhouse	5.81 per dwelling unit	74	139
<b>TOTAL:</b>				<b>2,577</b>



Attachment A - Application

# Changes must be approved by the Commission

17



## If approved, next steps:

---

- Preliminary Plan Approval
- Final Plan Approval
  - Traffic impact analysis
  - Tighten up parking and bonuses
  - Other conditions determined by the Commission
  
- Preliminary Plat
- Final Plat
  - Construction plans
  - Drainage plan
  - Wetlands permitting
  - Construction or bonding of improvements (road)

## Summary

---

- 444 units
  - Open space
  - Right-of-Way
  - Non-motorized Transportation
- 3 parent lots, multiple unit lots
  - Association to manage common areas and services
- Over 2,500 AADT anticipated, over 400 surface parking spaces
- Proposed changes have to go through the Commission

# Opportunity for Public Comment

## **Planning Commission Hearing: October 11, 7:00 PM**

- In-person or ZOOM
- Will be asked your name and what part of town you live in
- May be limited on time – usually 2-3 minutes

## **Written Comments for Planning Commission Hearing**

- By September 19, 2022 to be included in staff report
- By October 7, 2022 at Noon to be forwarded to Planning Commission before the hearing



# Information About the Project

---

## Project Information

- CBJ Community Development website on short-term projects
- <https://juneau.org/community-development/short-term-projects>
- Navigate to ARP2202 0001

## Project Hearing Schedule

- CBJ recently changed to Municode software for public meeting
- <https://juneau-ak.municodemeetings.com/>
- Search for Planning Commission





# THANK YOU!

---

CBJ Planner

Irene Gallion

[Irene.Gallion@Juneau.org](mailto:Irene.Gallion@Juneau.org)

(907) 586-0753 x4130

Applicant:

Garrett Johnson, Partner  
Rooftop Properties, LLC



## AME2022 0001:

# Developing up to 444 dwelling units on 19.71 acres, zoned D18, at 7400 Glacier Highway.

### PROJECT INFORMATION:

<https://juneau.org/community-development/short-term-projects>

Click the + sign next to “ARP2022 0001” for the map and application materials.

### PROJECT HEARING SCHEDULE:

Planning Commission Hearing:

**October 11, 2022**

**7:00 pm**

**In person:** Assembly Chambers, 155 S Seward Street. Go in the door next to the raven on the mural, then turn right.



**ZOOM:** Connection information will be available at the scheduling site (see reverse). You can participate via computer or via phone.

**By computer:** Either paste the link into your browser, or navigate to ZOOM and join the meeting using the Webinar ID.

**By phone:** When ready to participate,

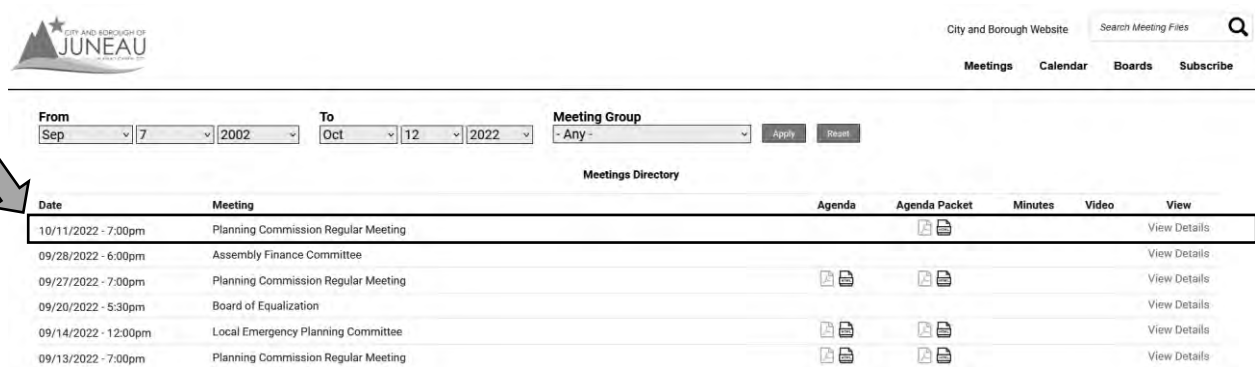
- Press \*9 to raise your hand.
- Press \*6 to unmute yourself (if needed).

Irene Gallion, Senior Planner ■ (907) 586-0753, x4130 ■  
irene.gallion@juneau.org

**PROJECT HEARING SCHEDULE, continued:**

<https://juneau-ak.municodemeetings.com/>

Locate the appropriate date:



City and Borough Website Search Meeting Files

Meetings Calendar Boards Subscribe

From: Sep 7, 2022 To: Oct 12, 2022 Meeting Group: -Any- Apply Print

Meetings Directory

Date	Meeting	Agenda	Agenda Packet	Minutes	Video	View
10/11/2022 - 7:00pm	Planning Commission Regular Meeting					View Details
09/28/2022 - 6:00pm	Assembly Finance Committee					View Details
09/27/2022 - 7:00pm	Planning Commission Regular Meeting					View Details
09/20/2022 - 5:30pm	Board of Equalization					View Details
09/14/2022 - 12:00pm	Local Emergency Planning Committee					View Details
09/13/2022 - 7:00pm	Planning Commission Regular Meeting					View Details

Your options are:

Agenda : This is a .pdf of the agenda, which will have ZOOM contact info.

Agenda : This is a web page of the agenda, which will have ZOOM contact info.

Agenda Packet : This is a .pdf of the agenda and of supporting documents (including staff reports) for cases being heard this night. It can be lengthy.

Agenda Packet : This is a web page that has the agenda, and links to supporting documents (including staff reports). This may be the easiest way to navigate through a long agenda.

**WRITTEN COMMENTS**

Comments can be e mailed to:

pc\_comments@juneau.org  
(that is, pc UNDERSCORE comments)

Comments can be posted to:

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

Comments may be dropped off at:

Marine View Building  
Corner of Ferry Way and S. Franklin Street  
4<sup>th</sup> Floor permit center (hang a right out of the elevator, and it will be on your left)

**COMMENTS DUE**

By **September 19, 2022** to be included in the staff report.

By **October 7, 2022 at NOON** to be forwarded to the Planning Commission before the hearing.

If you cannot make these deadlines, you should plan on testifying or have someone read your comments at the hearing.

Attachment A - Application

Public Comment Sign-In Sheet

Meeting: 9/8/2022

Name (please print)	Residence Address or Area of Town	Email Address – if you would like to receive project updates
Sample: Joe Juneau	555 Fifth St., Juneau	joe.juneau@juneau.org
Steve LUM	7526 Vista del sol drive	LUM907@Gmail.com
Jen LUM	" "	tongass teacher@Gmail.com
ERICA SJOROOS	7539 Vista del Sol Dr	ERSjoroos@qci.net
Jennifer Shields	CDD	CDD
John C MASON Janice Mason	7514 Casa Bonita Ct-	JCLMASON@gmail.com
COLLIN L. McCLELLAND	7513 CASA BONITA CT.	collin.l.mcclelland1357@yahoo.com
LEE PARKER	7320 Glacier Hwy	leeparker@shipfrontier.com
Alyssa Storbek	7515 Vista del Sol Dr	
Holly Kvam / Sean Kvam	7518 Casa bonita ct	HollyKvam@gmail.com
BARBARA SAMS	7340 Glacier Hwy	bjsams@chugach.net
Ruth Dean	7511 Vista Del Sol Dr.	RCCAKA13@yahoo.com
Mauricio Quin	7523 Vista Del Sol Dr	mquin@casalaska.net
Edric Carrillo	7520 Glacier Hwy	edriccarrillo.8@gmail.com
Marlyn Carrillo & Ed Carrillo	7520 Glacier Hwy	mrc19651@gmail.com

I:\DOCUMENTS\CASES\2022\ARP\ARP22-01 7400 Glacier Highway\04 Public Meeting  
 Note for Admin: Retain completed PDF copy in folder



**ARP2022 0001 – Public Meeting**

Dzantik’i Heeni Middle School  
September 8, 2022, 6:00 P.M

❖ In Attendance:

- 16 Members of the Public
- Irene Gallion, CDD Senior Planner
- Jennifer Shields, CDD Planner II
- Breckan Hendricks, CDD Administrative Officer
- Garrett Johnson, Applicant, Rooftop Properties LLC

❖ Presentation by Irene Gallion (IG):

- Meeting priority is to get questions answered, and then hear additional comments.
- Property was rezoned to D18 in 2015.
- Alternative Residential Subdivisions offer flexibility in development using density bonuses.
- Traffic Impact Analysis will be required and reviewed by CBJ and DOT/PF.
- Preliminary Plan is early in the design process.
- Planning Commission’s first meeting will be on October 11, 2022.

❖ Presentation by Garrett Johnson (GJ):

- Rooftop Properties LLC has four total partners; one owns property on Admiralty Island.
- Experience with project consulting focusing on housing, healthcare, and education.
- Wants to build a safe community providing walkways, trails, and a good traffic plan.
- Decided not to build just one building at a time but to develop a plan for the entire property.
- Early in the design process for the project.

❖ Public Questions:

Q & A	Summary
Q1: IG:	Looking at slide 13 (map), how will Alaska Mental Health access their site? There is an existing access in place.
Q2: IG:	Will traffic be coming down Vista Del Sol? Asphalt is falling apart already and it has a dangerous entrance off of Glacier Hwy., especially in the winter. Right now design shows a connection to Vista Del Sol.
Q3: GJ:	Are any other traffic exit options being proposed? The experts we have consulted want to keep the two separate accesses.
Q4: IG:	Again, what about not allowing access onto Vista Del Sol? On one preliminary plat it showed the end of Vista Del Sol being vacated, but with the final plat it was recorded. Noted.
Q5: IG:	Has CCFR reviewed this proposal? Yes, and they would like the second access from Vista Del Sol.
Q6: GJ:	Why did the developers not take a better approach and come and talk to the neighbors first, before designing their project? Good point, we should have.
Q7: IG:	What defines a new project being in harmony with the existing neighborhood? Harmony would mean that D18 zoning takes advantage of existing infrastructure, especially with the current housing shortage.
Q8: GJ:	What are the project’s anticipated economic impacts regarding labor and materials? Answer is complicated, no solutions at this time. This is probably a 10-year build out.

Q9:	Recommend you start pricing the cost of construction out now, so that just like with the Vista Del Sol subdivision, you build the first phase and then abandon the rest due to costs.
GJ:	We are going to be very cautious as we move forward.
Q10:	Will these be condos or single-family homes?
IG:	Townhomes and condo-style apartments with HOA's.
Q11:	What is the expected price point for the homes?
GJ:	Cannot give an exact price point at this time, but we are targeting workforce housing and healthcare workers.
Q12:	What is the timeline to start construction?
GJ:	We hope to start dirt work this fall, and begin Phase 1 construction by next spring.
Q13:	How many units per building? Will these be modulars?
GJ:	20-24 units per building, but we do not have any building drawings or renderings yet. However, our product will stand out above any others.
Q14:	What are previous examples or experience you have had with this type of development?
IG:	In downtown Provo, Utah we built a 600 unit multi-family housing development on about 3 acres; address is 312 S. University Avenue in Provo.
Q15:	Will there be a buffer or barrier on the west between the property and houses in Vista Del Sol?
GJ:	Beyond the 5' setback, they have not figured out that far into the design yet.
Q16:	How many Phase 1 total units? It should be in harmony with the density of Vista Del Sol re. crime, drugs, etc.
GJ:	72 units in Phase 1.
IG:	Worth in not characterizing an entire income group. Proposed open space will help with density.
Q17:	What about practical concerns like pets? Will there be a barrier like gates, a wall, or fencing?
IG:	Written comments can be submitted to the Planning Commission requesting conditions of approval like this.
Q18:	Switzer Village has several accesses, this should too.
IG:	That would be a written suggestion for the Planning Commission.
Q19:	Could there be a turnaround diverted a different way to a different access point?
IG:	Submit suggestions on an emergency turnaround/cul-de sac to the Planning Commission.
Q20:	Are we past the point of rezoning?
IG:	At this point I think so, especially given the current housing shortage.
Q21:	Is there already a lot of competition in the works regarding affordable housing projects?
IG:	Yes, there are several incentive programs right now.
Q22:	Since there are tools for studying traffic impacts, are there any tools for studying density impacts?
IG:	None other than for traffic.
GJ:	We've looked at this extensively regarding the regulations in place for noise, crime, and light.
Q23:	Will there be enough sewer capacity?
IG:	The engineering department has stated that the sewer system would have enough capacity to accommodate the project.
Q24:	When is the traffic analysis required?
IG:	With Phase 1.
Q25:	What about the existing situation with trees on the property falling into the Vista Del Sol subdivision? The previous owner of the property refused to take responsibility and we have had to pay the costs out of our own pocket.
IG:	That would be the responsibility of the owners of the trees.
GJ:	We have heard rumors of this being an issue and we will work with anyone to get any of our trees that are a danger removed.
Q26:	Would tree removal only be for Phase 1?
GJ:	We'll go phase by phase, unless other trees are a danger.
Q27:	How will drainage be handled on the west side? With an easement?
IG:	If drainage will be shared the easement will need to be platted to be recognized.

Q28: IG:	Will any of the project partners be relocating to Juneau? No
Q29: IG: GJ:	Will there be a height limit to the buildings? That will really depend on the number of units vs. density proposed – pre-planning will be important. A 35’ height cap will help keep the open green space.
Q30: IG:	What about wetlands and drainage? The Army Corps of Engineers gave a permit to the previous owner, and will handle permitting for this project to review again.
Q31: IG:	Should we (the neighborhood) get a lawyer and a mediator? As we learned with the Chilkat subdivision, that is an expensive endeavor.

❖ Public Comments:

- Project needs tweaks.
- Push hard to go through the Alaska Mental Health property for access.
- Surprised by the property being zoned D18, expected a smaller subdivision.
- Keep the development separate from the smaller Vista Del Sol subdivision.

❖ Summary of Main Concerns:

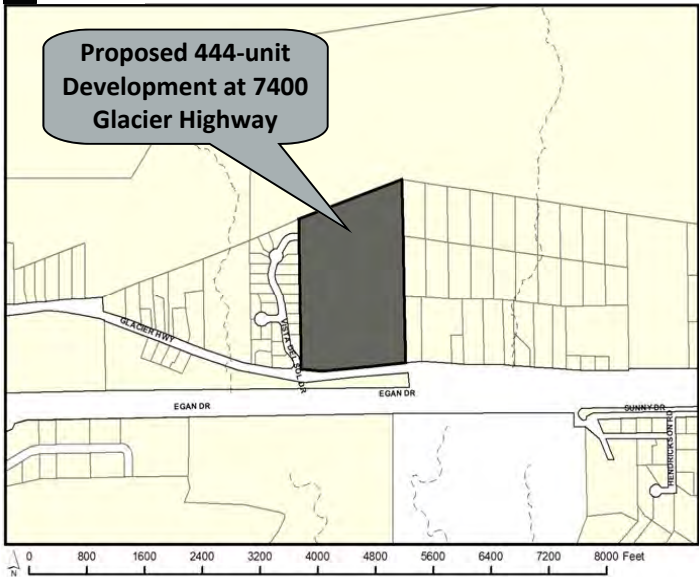
- Fencing, barrier, or buffer on the west between property and Vista Del Sol subdivision.
- Routing traffic access through the Alaska Mental Health Trust land to the east.
- Ending the interior road into a turnaround or cul-de-sac instead of connecting to Vista Del Sol Drive.





# 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 **preliminary plan approval for an Alternative Residential Subdivision, developing up to 444 dwelling units on 19.71 acres at 7400 Glacier Highway in a D18 Zone.**

**PROJECT INFORMATION:**

Project Information can be found at:  
<https://juneau.org/community-development/short-term-projects>

**PLANNING COMMISSION DOCUMENTS:**

Staff Report expected to be posted **Monday, October 3, 2022** at  
<https://juneau.org/community-development/planning-commission>  
Find hearing results, meeting minutes, and more here, as well.

**Now through Sept. 19**      **Sept. 20 — noon, Oct. 7**      **HEARING DATE & TIME: 7:00 pm, October 11, 2022**      **October 12**

Comments received during this period will be sent to the Planner, [planner], to be included as an attachment in the staff report.

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

This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting <https://juneau.zoom.us/j/85809309527> and use the Webinar ID: 858 0930 9527 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above).

The results of the hearing will be posted online.

You may also participate in person in City Hall Assembly Chambers, 155 S. Seward Street, Juneau, Alaska.

**FOR DETAILS OR QUESTIONS,**

Phone: (907)586-0753 ext. 4130 ♦  
Email: [pc\\_comments@juneau.org](mailto:pc_comments@juneau.org)  
Mail: Community Development, 155 S. Seward Street, Juneau AK 99801

**Case No.:** ARP2022 0001  
**Parcel No.:** 5B1401010010  
**CBJ Parcel Viewer:** <http://epv.juneau.org>

Attachment N - Public Notice Sign Photo Attachment A - Application



# PUBLIC NOTICE

## ALTERNATIVE RESIDENTIAL SUBDIVISION

ARP20220001

Preliminary plan approval for an Alternative Residential Subdivision, developing up to 444 dwelling units on 19.71 acres, zoned D18, at 7400 Glacier Highway.

HEARING DATE: 10/11/2022

TO SUBMIT COMMENTS OR OBTAIN ADDITIONAL INFORMATION, CONTACT THE CBJ COMMUNITY DEVELOPMENT DEPARTMENT AT THE MARINE VIEW CENTER BY CALLING 586-0715



Attachment A Application  
Let us know what you think!

EMAILS  
collinmclelland@yahoo.com

NAME: COLLIN L. MCCLELLAND

ADDRESS: 7513 CASA BONITA CT.

\* IS THERE A WAY TO REQUEST A BARRIX FOR PETS/ PEOPLE BETWEEN PROPERTIES TO SERVE TO SEPELATE PEOPLE ~~AND~~ AND PETS FROM CROSSING OVER

\* RECOMMEND INSTALLATION OF CULDESAC FOR EMERGENCY TURN AROUND ON TOP OF ROADWAY:

- LOOSE 10% OF 11800'S " POINT
- ALLOWS TO SATISFY CBS REQUIREMENTS
- CAN LEAVE OPTION FOR OTHER PROJECT BEING MADE
- ENSURES MEETING DEVELOPER'S GOALS OF ENSURING SEPERATION OF TRAFFIC

3 KEY CONCERNS TO ADD TO PLAN:

- 1.) ADD ROUND ABOUT AT TOP OF ROAD
- 2.) BARRIER ALONG PROPERTY
- 3.) ADDRESS TRAFFIC IMPACT

Attachment A - Application



Juneau Commission on Aging

September 17, 2022

Irene Gallion  
Juneau Planning Commission

RE: Conditional Use Permit ARP2022 0001  
Alternative Residential Subdivision - 444 dwelling units at 7400 Glacier Highway

The Juneau Commission on Aging strongly encourages the developers of the proposed Ridgeview Subdivision to take into consideration senior friendly construction choices as well as federal/state/city ADA requirements

29% of the Juneau population is over 55. Seniors have a strong desire to live in a home that would allow them to "age in place", as indicated in the 2020 "Juneau Senior Survey." <https://www.jedc.org/sites/default/files/2020%20Juneau%20Senior%20Survey.pdf>

However, older homes are not usually designed to be age friendly leading seniors to look for new residences that meet their current needs. This proposed subdivision offers smaller townhomes, apartments, and condos that would be very attractive to seniors if they were constructed with this demographic in mind.

Listed below are a few examples of senior friendly construction that are practical for a developer to do in new construction but hard if not impossible to retrofit into an existing home

**Building design needs to take into consideration mobility factors**

1. Install an elevator in at least one of the apartment and condo buildings
2. Design the townhomes to have the master bedroom/bath + laundry on the 1<sup>st</sup> floor
3. Design the apartment & condo units to be single story within a multi-story building
4. All doorways (interior/exterior) should be at least 3 ft. wide, enhanced dimensions
5. One bathroom has a walk-in shower with a built-in bench seat and grab-bars
6. Zero step entrances/ramps into the building and zero step threshold entryways

## Attachment A - Application

7. If any incline into a building, provide a hand railing
8. Install phone jacks in master bedroom and kitchen
9. Raise electrical outlets (18") and lower light switches (below 48")
10. Select slip resistant flooring
11. Choose awning type windows
12. Consider pocket doors for bathrooms

**Choose age friendly hardware & options**

1. Select towel racks & toilet paper holders that serve a dual purpose as grab bars
2. Choose easy grip drawer and doorknobs (lever)
3. Install or paddle style light switches
4. Install lever doorknobs instead of standard ones
5. Utilize raised or high-profile "comfort" toilets
6. Have an adjustable-height showerhead
7. Provide closet rods at two levels
8. Install LED lighting, including dimmers

These accessibility features are not onerous and can be used positively in marketing the subdivision. We would like the developers of this proposed mixed-use complex to appreciate that the time to install age friendly features in a home is when it's being built, regardless of the age of all potential residents today.

A subdivision of this size should also have, at a minimum, at least one exercise park suitable for all ages, as well as a large multi-function community room.

The Juneau Commission on Aging supports increasing all types of housing options suitable for seniors in Juneau - including this proposal for a significant number of units - if they are constructed to be age friendly as described in this letter and meet ADA requirements.

Sincerely,



Kathleen Samalon  
Juneau Commission on Aging, Commissioner

## Attachment A - Application

To Whom It May Concern,

My husband, two young children and I live in the Vista del Sol Drive neighborhood. I strongly oppose the preliminary plan which shows connecting the D5 and D18 neighborhoods with Vista del Sol Drive.

I'd like to offer some personal context around my opposition. I have had my own share of varied experiences living in different types of housing in Juneau. I was raised in a lower middle-class family here. I was even homeless for a short period of time. I lived in apartment housing, with the help of a Section 8 voucher, while completing my elementary education degree at UAS and working at the Boys and Girls Club. Apartment living certainly has its challenges. I lived next to convicted felons, and yes, actual drug dealers. Violence, property damage and theft were just an acceptable part of the apartment lifestyle. The point I am trying to make here is that, perhaps unlike some of my neighbors, I uniquely understand the housing struggle and cycle of poverty issues our community, and many other communities, face. I was one of those statistics mentioned in the Housing Development section of the Comprehensive Plan. I have climbed the "housing ladder," as the Housing Action Plan calls it, so I can see both sides of the equation through a different lens.

That being said, I support the proposed multi-family residential plan with the condition that the two very different density zones, D5 and D18, remain separate so that the Seymour Way and Vista del Sol Drives do not connect. We specifically sought out this neighborhood to build in because of how small and minimal traffic is on this road. Having lived on roads frequently used as a through road, I wanted to get away from that level of street traffic. We chose our lot in May 2019, put in countless hours designing our house from top to bottom, sold our Aspen house and moved into our finished Vista del Sol house in December 2020. As you can imagine, doing all of that in the midst of a pandemic was certainly a wild ride, but we built our dream home, and are very much invested in making it our forever home.

I have worked incredibly hard to get where I am today and raise my children in a neighborhood safer than ones I have known and lived in. I fully support responsible housing development within the framework of the Juneau Comprehensive Plan, but not at the expense of impacting an established single family housing option. Knowing that the Planning Commission did not recommend the 2015 rezone to D18, I think maintaining two separate neighborhoods is a comparable solution. With a few modifications to the proposed plan, I believe the two neighborhoods can coexist while simultaneously providing different housing options.

Sincerely,  
Jen Lium

**From:** Steve Lium <tellu\_lium@hotmail.com>  
**Sent:** Sunday, September 18, 2022 9:42 AM  
**To:** PC\_Comments  
**Subject:** Vista del sol neighboring development

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

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Dear members of the planning commission,

I'm writing you today to express my concerns regarding the proposed development of the lot to the east of Vista Del Sol Drive. As a home owner, living on Visa Del Sol, I am excited at the prospect of another neighborhood in the area. My concerns are related to the size and density of the project. I understand that there may be a housing shortage in Juneau and that development is key to solving this problem. My hope is that we can develop our town responsibly and thoughtfully. A D18 lot filled over capacity using "density bonuses" is a stark contrast to a d5 neighborhood with 24 single family homes. Higher density is proven to increase crime, traffic and pollution as well as lower property value and overall happiness. I am pleading to you to help rein in this project.

Alternatively, if nothing is to be done about the density, please do not allow Seymour way to connect to Vista Del Sol drive. I would welcome a connecting road if the neighborhood were single family homes, but not 444 units with 2,500 cars.

Before having our home built, we lived on Aspen ave. One of our reasons for moving was to escape the through traffic. We've found a lovely place to live and have invested in it. Please help us protect our investment and our neighborhood. Thank you.

Sincerely,  
Steve Lium

Attachment A - Application

September 18, 2022

To Whom It May Concern,

Our adjacent neighborhood community appreciates the effort to provide additional housing, though we have some major concerns regarding the preliminary development plan and we would like the planning commission and developer to take them into consideration in their overall evaluation and decision. As individual property owners, many lifelong Juneau residents contributing and living in this community, we are requesting the following concerns be included in the report and noted by both the developer and the planning commission:

- 1. **Concern #1: Road connection.** Vista del Sol residents strongly oppose the Seymour Way/Vista del Sol connecting road. Part of the appeal of living in this current neighborhood is the small community we've created. Many of us specifically sought out this area to live in because of how secluded and quiet the neighborhood is. A connected road from our D5 development to a D18 development is a drastic change in density. Using Vista del Sol Drive as an access point for 444 family units would cause a significant amount of additional through traffic. *Alternative Residential Subdivision (ARS) Code: 4B, A density bonus may be limited or denied if it will more probable than not: Substantially be out of harmony with property in the neighborhood area. Substantially decrease the value of or be out of harmony with property in the neighboring area.* Vista del Sol residents contend that the proposed density substantially decreases the value of the property by connecting D5 lots to a much denser D18 residential area. The Vista del Sol subdivision includes 24 lots for 24 single family units. 444 additional units, essentially added to our neighborhood if a street is shared, is an increase of 1,850%.

**Vista del Sol residents are requesting the developer revise their plan with alternative exit points that do not include Vista del Sol Drive as a through street.**

- 2. **Concern #2: Buffer. Screening.** *The commission may require construction of fencing or plantings to screen the development or portions thereof from public view.* This proposed plan will significantly impact the property owners sharing a backyard with a parking lot rather than the previously proposed subdivision plan that had backyard space adjacent to the property lines.

**Vista del Sol residents are requesting a buffer and landscaping plan (evergreen trees and privacy shrubs strategically planted for a year-round visual barrier) for the benefit of both the proposed development residents and Vista del Sol residents.**

- 3. **Concern #3: Safety.** A few houses in our neighborhood have had trees fall on them after the previous developer left sporadic trees standing which created a wind tunnel. As you can imagine, a tree falling through your living room is not ideal and is a huge hazard as someone could have been seriously injured or killed. From experience, we know a developer might not put our safety first.



Attachment A - Application

**Vista del Sol residents are requesting a written plan from the developer to prevent avoidable property damage and minimize safety hazards.**

In closing, we would like to mention that we recognize there is a significant need for housing in Juneau. We're sure our concerns aren't new to developers or planning commissions. We are not simply a group of disgruntled neighbors that are anti-development. We are thoughtful, engaged Alaskans contributing daily to the place nearly all of us have lived for our whole lives. We are teachers, state workers, business owners, military families actually *living here in Juneau*, so we are invested in the longevity and economic progress. We sincerely hope you take our statements into thoughtful consideration as this process moves forward.

Respectfully,  
Vista del Sol Drive and Casa Bonita Court residents

- Erica Sjoroos
- Rich Sjoroos
- Kyle Sjoroos
- Hannah Mitchell
- Marciano Duran
- Josette Duran
- Jen Lium
- Steve Lium
- Alyssa Storbeck
- Timothy Storbeck
- Lot Santana
- Collin McClelland
- Brienne McClelland
- Sean Kveum
- Holly Kveum
- Amanda Gornik
- Alden Gornik
- Raquel Solomon-Gross
- Kenny Solomon-Gross



**PLANNING COMMISSION STAFF**

**MAJOR SUBDIVISION SMP2022 0001  
HEARING DATE: DECEMBER 13, 2022**

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

**DATE:** December 7, 2022  
**TO:** Michael LeVine, Chair, Planning Commission  
**BY:** David Matthew Peterson, Planner II *[Signature]*  
**THROUGH:** Jill Maclean, Director, AICP

**PROPOSAL:** Applicant requests Preliminary Plat Approval for a subdivision of one 19.71 acre lot into three parent lots: 7.5 acres, 6.8 acres, and 4 acres. Subdivision includes dedication of right-of-way.

**STAFF RECOMMENDATION:** Approval

**KEY CONSIDERATIONS FOR REVIEW:**

- Alternative Residential Subdivision (ARS) creating three parent lots for future subdivision

**ALTERNATIVE ACTIONS:**

1. **Amend:** require additional conditions, or delete or modify the recommended conditions.
2. **Deny:** deny the permit and adopt new findings for items 1-6 below that support the denial.
3. **Continue:** to a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

**ASSEMBLY ACTION REQUIRED:**

Assembly action is not required for this permit.

**STANDARD OF REVIEW:**

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
  - CBJ 49.15.402
  - CBJ 49.15.411
  - 49.15.900
  - CBJ 49.15.920
  - CBJ 49.15.960(b)
  - CBJ 49.25.400
  - CBJ 49.35.210(a)(1)
  - CBJ 49.35.240
  - CBJ 49.40.300(a)(2)
  - CBJ 49.80

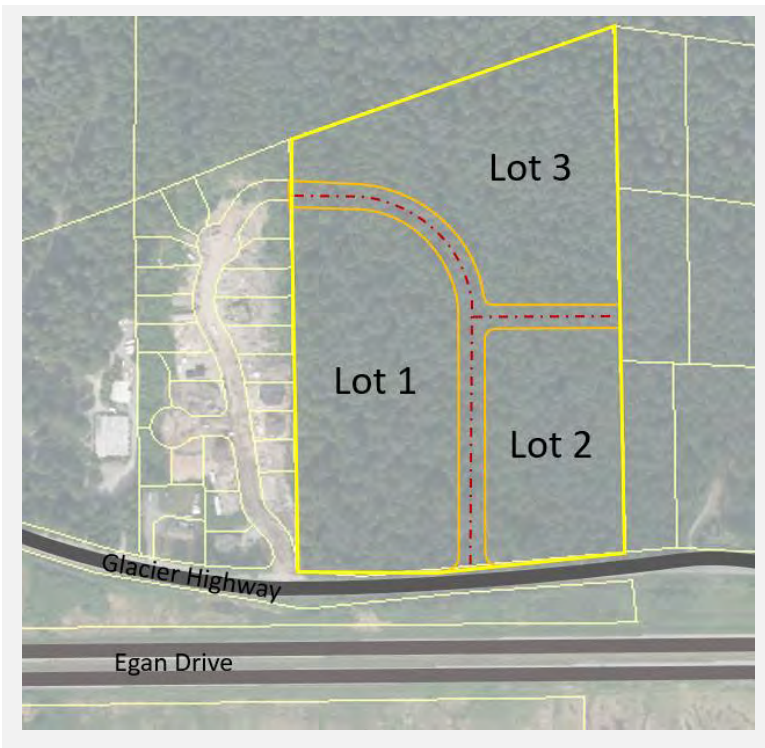
GENERAL INFORMATION	
<b>Property Owner</b>	Rooftop Properties, LLC
<b>Applicant</b>	Rooftop Properties, LLC
<b>Property Address</b>	7400 Glacier Highway
<b>Legal Description</b>	USS 1568 Tract B1
<b>Parcel Number</b>	5B1401010010
<b>Zoning</b>	D18
<b>Lot Size</b>	19.71 acres : 858,568 square feet
<b>Water/Sewer</b>	Yes/Yes
<b>Access</b>	Old Glacier Highway (Collector)
<b>Existing Land Use</b>	Vacant
<b>Associated Applications</b>	Grading Permit; Alternative Residential Development Plan (ARP2022 0001; ARF20220001)

Rooftop Properties, LLC.  
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**The Commission shall hear and decide the case per CBJ 49.15.400(a) – Purpose and applicability.** The purpose of this article is to facilitate the subdivision of land to promote the public health, safety, and general welfare of the citizens of the CBJ in accordance with the Comprehensive Plan of the City and Borough of Juneau, Alaska.

**And per CBJ 49.15.930(a)** - A proposed alternative residential subdivision shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of an application proposing a change in the number or boundaries of unit-lots, section 49.15.402, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of unit-lots, the preliminary and final plat submissions required by section 49.15.402 shall be included with the preliminary and final plan submissions required by this chapter.

**SITE FEATURES AND ZONING**



SURROUNDING ZONING AND LAND USES	
North (D5)	Vacant CBJ
South (D5)	Glacier/Egan
East (D5)	Single Family Residential
West (Zone)	Vacant (AMHT land)

SITE FEATURES	
Anadromous	No
Flood Zone	No
Hazard	No Mapped Hazard
Hillside	Yes
Wetlands	No
Parking District	No
Historic District	No
Overlay Districts	None

Rooftop Properties, LLC.  
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**BACKGROUND INFORMATION**

**Project Description** – Applicant is seeking to subdivide 19.71 acres, USS 1568 Tract B1 (the Grandparent Lot), into three (3) parent Lots for a phased Alternative Residential Subdivision (ARS). The ARS would result in the creation of multifamily dwellings, consisting of 444 units throughout the (3) lots.

Parent Lot	# of Unit Lots
1	10
2	6
3	30

Development plans for the parent lots can be found in the approved Preliminary Plan (ARP2022 0001) updated for Phase 1 in the proposed Final Plan (ARF2022 0001).

**Background** – The applicant purchased the property in May 2022. Owners initially intended to proceed with the approved subdivision of the lot into 24 common wall lots and two larger lots. Subsequent market analysis prompted the modification to the development under this application.

The table below summarizes relevant history for the lot and proposed development.

Item	Summary
ARP2022 0001	ARS Preliminary Plan approved by the Commission, November 8, 2022
SMP2021 0001/SMP2016 0001	A 2016 preliminary plat for 24 common wall lots, the remaining land was to be subdivided into two larger lots. Renewed in 2021.
AME2015 0005	A rezone from D5 to D18. The original request was to rezone to D18. After the public meeting the applicant modified the request to a mix of D18 and LC. The Commission recommended denial of the rezone to the Assembly, opposing a rezone to D18 and LC, and recommended the tract remain D5. The Assembly adopted the rezone of the tract from D5 to D18. (Attachments C and D)
VAR1998-00024	A variance to waive the requirement that subdivision of certain large tracts of land be provided with access by way of a secondary or interior street, to facilitate subdivision of Tract B1, U.S. Survey 1568 into two lots approximately 10 acres each. Variance approved, with a condition that future subdivision provide an interior access road to city standards.

**ANALYSIS**

**Phasing** – Construction of common facilities for each phase (such as roadway, off-street parking, and open space) is required to be approved prior to moving on to the next phase in the project [CBJ 49.15.960(b)]. Refer to ARP2022 0001/ARF2022 0001 for information on phasing.

**Minimum Lot Dimensions** – The proposed parent lots as shown on the preliminary plat meet or exceed the dimensional standards listed in CBJ 49.25.400. Per 49.15.920(c) the parent lot shall be at least 150% of the minimum lot dimensions, lot coverage, and vegetative coverage shall be applied to the parent lot and not the unit-lots. For more information on lot coverages, refer to cases ARP2022 0001/ARF2022 0001.

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The chart below was updated with information provided in the application for Final Plan for Phase 1 (Attachment 1C in the ARF2022 0001 Staff Report).

Standard	Dimension	Parent Lot 1	Parent Lot 2	Parent Lot 3	
Size	7,500 square foot minimum	327,598	173,667	294,101	<input checked="" type="checkbox"/> Meets/Exceeds <input type="checkbox"/> Not met
Width	50 feet minimum	~600	~560	~670	<input checked="" type="checkbox"/> Meets/Exceeds <input type="checkbox"/> Not met

\*Measured at a line tangent to curved front, at middle driveway.

**Density** – Per CBJ 49.15.920(e)(1), *The number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the alternative residential subdivision and rounding to the nearest whole number.* Density was established under the Preliminary Plat approval (ARP2022 0001).

Maximum Dwelling Units Per Acre	Acres	Maximum Number of Dwelling Units	Density, units per acre
<b>Grandparent Lot</b>	19.71	355 (354.78) + 25% = 444 (443.75)	23 (22.5)
<b>Parent Lot 1</b>	9.35	169 (168.3) + 25% = 211 (210.4)	23 (22.5)
<b>Parent Lot 2</b>	2.66	48 (47.9) + 25% = 60 (59.85)	23 (22.5)
<b>Parent Lot 3</b>	7.11	128 (127.9) = 160 (159.9)	23 (22.5)

**Condition:** None recommended.

**Plat Notes:**

1. PER CBJ 49.15.920(m), UNIT LOTS ARE LIMITED TO RESIDENTIAL USES. THE PARENT LOTS ARE LIMITED TO A RECREATIONAL CENTER, COMMUNITY FACILITY OR CHILD CARE CENTER.
2. THIS PLAT CREATES AN ALTERNATIVE RESIDENTIAL SUBDIVISION PURSUANT TO AND GOVERNED BY THE CITY AND BOROUGH OF JUNEAU LAND USE CODE TITLE 49 ARTICLE IX. EACH OWNER OF A UNIT LOT IS REQUIRED TO, AND SHALL BE, THROUGH THEIR OWNERSHIP, A MEMBER OF THE xxxxxx HOA, REQUIRED TO PAY ASSESSMENTS ASSES BY xxxxxxxx HOA.

**Habitat** – The U.S. Army Corps of Engineers issued a jurisdictional determination indicating wetlands on the lot. The jurisdictional determination expired on January 20, 2021. A new determination and permitting will be required for project development. There are no other known habitats regulated by Title 49 on site.

**Conditions:** None Recommended

**Plat Notes:**

3. A FIFTEEN (15) FOOT VEGETATED BUFFER IS REQUIRED ALONG THE WEST LOT LINE. THE BUFFER CAN BE REDUCED TO FIVE (5) FEET WITH A FENCE SUFFICIENT TO PROVIDE A VISUAL AND ACOUSTIC BUFFER.

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**Hazard Zones** – The development is not in a mapped hazard area.

A Hillside Endorsement is required for cuts into or slopes of 18%. Staff anticipates that residential structures will require hillside endorsement. At its most basic level, the hillside endorsement includes items stamped by an engineer, architect, geologist, or surveyor licensed by the State of Alaska:

- A site plan.
- A landscaping plan.
- A geotechnical memo discussing the soils and the thought process of development on those soils.

Determination of the need for a Hillside Endorsement is done during the Building Permit process.

**Condition:** None recommended.

**Plat Note:** None recommended.

**Other Applicable Sections of Title 49** – Density, greenspace, and transportation features are evaluated through the Alternative Residential Subdivision plan process. For further details on these features, ARP2022 0001/ARF2022 0001.

**TRAFFIC**

**Traffic** – A traffic impact analysis has been submitted, and is being reviewed under ARF2022 0001.

**Condition:** None recommended.

**Plat Note:** None recommended.

**ACCESS AND PUBLIC IMPROVEMENTS**

**Access** – Each parent lot proposed has access onto Seymour Drive or Woodland Hills Drive, which will be built for acceptance by CBJ [49.15.920(f)]. For Phase I, a temporary emergency turnaround is required. A condition of approval is to provide the emergency turnaround at the termination of Phase 1 at a minimum (applicant may choose to extend farther). 49.35.240(g)(2) temporary cul-de-sac or (3) hammerhead turnaround to be approved by the Director of Engineering and Public Works.

For the private accesses on the parent lots:

Topic and Code Reference	Summary	Complies	Recommended Condition
<b>CBJ 49.15.920(f)(1)</b> Location	<i>The access shall be located completely on the parent lot.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	None.
<b>CBJ 49.15.920(f)(2)</b> Safety	<i>The access protects public safety or welfare and provides for safe pedestrian and vehicular traffic circulation.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	None.
<b>CBJ 49.15.920(f)(3)</b> Emergency Services	<i>The access complies with the emergency service access</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	None.

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	<i>requirements of CBJ [chapter] 19.10.</i>	<input type="checkbox"/> N/A	
	The subdivision has been reviewed by Capital City Fire and Rescue (CCFR).		
<b>CBJ 49.15.920(f)(4)</b> Pavement	<i>Access to and within the development is paved.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Planned.
<b>CBJ 49.15.920(f)(5)</b> Homeowners Association (HOA)	<i>(5) The developer submits adequate evidence that upon approval of the development, a homeowner's association will be formed, can obtain liability insurance, and is solely responsible for maintaining the private access—including winter maintenance.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Prior to approval of the Final Alternative Residential Subdivision Plan, the applicant shall submit homeowners' association, or similar, documents that comply with the requirements of CBJ 49.15.950(b). These are subject to approval through the Final Plan process (SMF2022 0001).
<b>CBJ 49.15.920(f)(6)</b> Abutting Parcels	<i>Abutting parcels have alternative and practical frontage on a publically maintained Right-of-Way.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	None.
	Note that access to AMHT lands to the east is through their own lot access onto Glacier Highway.		

The subdivision will require a secondary access when 100 units have been constructed. At the public meeting for preliminary plan approval, neighbors proposed to terminate Seymour Way at a *cul de sac* rather than connect to Vista Del Sol Drive.

CBJ 49.35.210(a)(1) and (2), requires connecting streets to adjoining undeveloped land and street systems must be designed to maximize the number of connecting streets in a given area. The requirements of Chapter 35 cannot be varied CBJ 49.20.200.

**Condition:** Prior to final plat approval, the plat will be revised to provide an emergency turnaround at the termination of Phase 1 at a minimum.

**Plat Notes:**

4. NO LOT WILL DIRECTLY ACCESS GLACIER HIGHWAY.
5. ACCESS TO LOTS SHALL BE VIA ACCESS EASEMENTS SHOWN ON THIS PLAT AND IS SUBJECT TO THE REQUIREMENTS IN THE BYLAWS OF xxxxxxxx HOA.
6. Temporary cul-de-sac or hammerhead easement shall be vacated upon extension of Seymour Drive unless the Director determines all or a portion of the cul-de-sac may remain.

Rooftop Properties, LLC.  
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7. PER CBJ 49.15.920(j), NO PARKING AREAS, DWELLING UNITS, UNIT LOTS OR PERMISSIBLE USES MAY BE LOCATED WITHIN THE PERIMETER BUFFER, ACCESS TO THE DEVELOPMENT MAY CROSS A PORTION OF THE BUFFER.

**CBJ 49.35.240 Table of Roadway Construction Standards –**

ADTs	TIA	Sidewalks	Travel Way Width	Street Lights	ROW Width	Paved	Publically Maintained
≥ 500	Yes	Both Sides	26'	At all intersections	60' public ROW	Yes	Yes

**Street Lighting** – Details regarding street lighting will be included on construction plans per each phase, and evaluated with the issuance of a building permit.

**Condition:** None recommended.

**Plat Note:** None recommended.

**Pedestrian Access** – Details regarding pedestrian access will be included on construction plans per each phase. Preliminary pedestrian access planning was approved under ARP2022 0001.

**Condition:** None recommended.

**Plat Note:** None recommended.

**Drainage** – Drainage plan for entire project has been provided. See attachments I.1 & I.2. Note that General Engineering will include their Grading and Drainage review as a part of the final plat process.

**Condition:** None recommended.

**Plat Note:**

8. THE STORMWATER RUNOFF IS ACCEPTABLE PER RIDGEVIEW SUBDIVISION DRAINAGE PLAN IN APPROVED DURING PLAT REVIEW. ALL REQUIRED RIDGEVIEW SUBDIVISION PUBLIC IMPROVEMENTS INCLUDING SURFACE DRAINAGE, DRIVEWAYS AND ROADSIDE DRAINAGE SHALL BE CONSTRUCTED PRIOR TO FINAL ACCEPTANCE FOR MAINTENANCE BY CBJ PUBLIC WORKS. MODIFICATIONS TO THE APPROVED PLANS WILL NOT BE ALLOWED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CBJ19.12.120 BEST MANAGEMENT PRACTICES.

**Fire Code Improvements** – Per CCFR comments, secondary access would be required after 100 units were constructed. Under the current proposal, secondary access is indicated before the 4<sup>th</sup> Temporary Certificate of Occupancy in Phase 2.

Per 49.35.240(g)(3) The Director of Engineering and Public Works has the authority to approve a hammerhead turnaround in lieu of a temporary cul-de-sac. CCFR prefers a 60 foot diameter cul-de-sac. CCFR has agreed that the cul-de-sac will not be required because of the access to an easement on the Parent Lot 3.



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**Condition:** Easement will be vacated once Woodland Hills can be extended.

**Plat Note:** None recommended.

**AGENCY REVIEW**

CDD conducted an agency review comment period between November 14, 2022 and November 23, 2022. Agency review comments were addressed by applicant prior to plat presentation to the Commission.

<b>Agency</b>	<b>Summary</b>
General Engineering	Minor comments addressed by applicant.
Cartography	Minor comments addressed by applicant.
Capitol City Fire and Rescue	Minor comments addressed by applicant.
Planning	Minor comments addressed by applicant.

**PUBLIC COMMENTS**

CDD conducted a public comment period between 11/29/2022 – 12/13/2022. Public notice was mailed to property owners within 500 feet of the subject parcel. A public notice sign was also posted on-site two weeks prior to the scheduled hearing. At the time of publication, no public comment had been received.

**FINDINGS**

**Major Subdivision Preliminary Plat Approval Criteria** - Per CBJ 49.15.402(c)(4), the Director makes the following findings on the proposed development:

**1. Does the preliminary plat comply with CBJ 49.15.411?**

**Analysis:** No additional analysis needed.

**Finding: Yes.** The Preliminary Plat complies with Title 49.

**2. Will applicable subdivision development standards be met, or can reasonably be met with conditions?**

**Analysis:** This subdivision supports the development standards established under the approved preliminary plan (ARP2022 0001) and the proposed final plan for Phase 1 (ARF2022 0001).

**Finding: Yes.** The plat and development standards are met.

**3. Will the proposed subdivision provide suitable building sites for the zoning district?**

**Analysis:** Lots created through this subdivision meet minimum dimensional requirements for the D18 zoning district under the Alternative Residential Subdivision code; these lots can reasonably meet setbacks and other dimensional requirements within CBJ 49.25.400 and 49.15.920.

**Finding: Yes.** The proposed subdivision provides building sites suitable for the D18 zoning district.

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**4. Will the proposed street names be unique or continuations of existing streets?**

**Analysis:** Seymour Way will be the name of the street providing access to the parent lots throughout the project phases. Woodland Hills Drive is the name of the east extension, providing access to the multi-family development on Parent Lot 3. As the project develops and Per CCFR comments, secondary access would be required after 100 units were constructed.

**Finding: Yes.** The proposed street names are unique or continuations of existing streets. .

**5. Has the director of Engineering and Public Works reviewed the application and determined that:**

- (i) The subdivision can be constructed to conform to applicable drainage and water quality requirements;**
- (ii) The streets, pioneer paths, and pedestrian ways as proposed accommodate anticipated traffic, align with, and, where appropriate, connect with streets and pedestrian ways serving adjacent properties;**
- (iii) Any proposed improvements conform to the requirements of this Title 49 and can be feasibly constructed; and,**
- (iv) Where public sewer is not required, the applicant has shown that soils are suitable for individual on-lot wastewater treatments and disposal or has shown the feasibility of alternative methods of wastewater disposal and treatment.**

**Finding: Yes.** Engineering and Public Works has reviewed the proposed subdivision application and supplemental materials, and believes the above criteria can be met.

**RECOMMENDATION**

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE** the requested preliminary plat for the Ridgeview Subdivision. This permit would allow the applicant to submit for the final plat application with the following condition and plat notes:

Conditions:

- 1. Prior to final plat approval, the plat will be revised to provide an emergency turnaround at the termination of Phase 1 at a minimum.

Plat Notes:

- 1. PER CBJ 49.15.920(m), UNIT LOTS ARE LIMITED TO RESIDENTIAL USES. THE PARENT LOTS ARE LIMITED TO A RECREATIONAL CENTER, COMMUNITY FACILITY OR CHILD CARE CENTER.
- 2. THIS PLAT CREATES AN ALTERNATIVE RESIDENTIAL SUBDIVISION PURSUANT TO AND GOVERNED BY THE CITY AND BOROUGH OF JUNEAU LAND USE CODE TITLE 49 ARTICLE IX. EACH OWNER OF A UNIT LOT IS REQUIRED TO, AND SHALL BE, THROUGH THEIR OWNERSHIP, A MEMBER OF THE xxxxxx HOA, REQUIRED TO PAY ASSESSMENTS ASSES BY xxxxxxxx HOA.
- 3. A FIFTEEN (15) FOOT VEGETATED BUFFER IS REQUIRED ALONG THE WEST LOT LINE. THE BUFFER CAN BE REDUCED TO FIVE (5) FEET WITH A FENCE SUFFICIENT TO PROVIDE A VISUAL AND ACOUSTIC BUFFER.
- 4. NO LOT WILL DIRECTLY ACCESS GLACIER HIGHWAY.

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5. ACCESS TO LOTS SHALL BE VIA ACCESS EASEMENTS SHOWN ON THIS PLAT AND IS SUBJECT TO THE REQUIREMENTS IN THE BYLAWS OF xxxxxxxx HOA.
6. TEMPORARY CUL-DE-SAC OR HAMMERHEAD EASEMENT SHALL BE VACATED UPON EXTENSION OF SEYMOUR DRIVE UNLESS THE DIRECTOR DETERMINES ALL OR A PORTION OF THE CUL-DE-SAC MAY REMAIN.
7. PER CBJ 49.15.920(j), NO PARKING AREAS, DWELLING UNITS, UNIT LOTS OR PERMISSIBLE USES MAY BE LOCATED WITHIN THE PERIMETER BUFFER, ACCESS TO THE DEVELOPMENT MAY CROSS A PORTION OF THE BUFFER.
8. THE STORMWATER RUNOFF IS ACCEPTABLE PER RIDGEVIEW SUBDIVISION DRAINAGE PLAN IN APPROVED DURING PLAT REVIEW. ALL REQUIRED RIDGEVIEW SUBDIVISION PUBLIC IMPROVEMENTS INCLUDING SURFACE DRAINAGE, DRIVEWAYS AND ROADSIDE DRAINAGE SHALL BE CONSTRUCTED PRIOR TO FINAL ACCEPTANCE FOR MAINTENANCE BY CBJ PUBLIC WORKS. MODIFICATIONS TO THE APPROVED PLANS WILL NOT BE ALLOWED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CBJ19.12.120 BEST MANAGEMENT PRACTICES.

**STAFF REPORT ATTACHMENTS**

Item	Description
<b>Attachment A</b>	Development Permit Application
<b>Attachment B</b>	Ridgeview Plat (to be reviewed)
<b>Attachment C</b>	Alternative Residential Subdivision Preliminary Plat Approved Staff Report
<b>Attachment D</b>	Title 49 - Article IX. Alternative Residential Subdivisions, Code Section
<b>Attachment E</b>	CBJ Infrastructure Requirement Report by Phase
<b>Attachment F.1</b>	Grading and Drainage Report
<b>Attachment F.2</b>	Grading and Drainage Plan
<b>Attachment G</b>	Public notice signs (posted)
<b>Attachment H</b>	CCFR turnaround requirements

Attachment A - Development Permit  
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**DEVELOPMENT PERMIT APPLICATION**

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

To be completed by Applicant	<b>PROPERTY LOCATION</b>		
	Physical Address <b>7400 Glacier Highway, Juneau, AK 99801</b>		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) <b>USS 1568 Tract B1, Juneau Recording District, First Judicial</b>		
	Parcel Number(s) <b>5B1401010010</b>		
	<input type="checkbox"/> This property is located in the downtown historic district <input type="checkbox"/> This property is located in a mapped hazard area, if so, which _____		
	<b>LANDOWNER/ LESSEE</b>		
	Property Owner	<b>Rooftop Properties, LLC</b>	Contact Person <b>Garrett Johnson</b>
	Mailing Address	<b>445 N 2000 W, Suite 7, Springville, UT 84663</b>	Phone Number(s) <b>(801) 262-9315</b> <b>(801) 712-2631</b>
	E-mail Address	<b>garrett@pci1980.com</b>	
	<b>LANDOWNER/ LESSEE CONSENT</b>		
Required for Planning Permits, not needed on Building/ Engineering Permits. Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name. 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 the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.			
<b>Garrett Johnson</b>		<b>Manager</b>	
Landowner/Lessee (Printed Name)		Title (e.g.: Landowner, Lessee)	
X		<b>11/14/22</b>	
	Landowner/Lessee (Signature)	Date	
Landowner/Lessee (Printed Name)		Title (e.g.: Landowner, Lessee)	
X	Landowner/Lessee (Signature)	Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.			
<b>APPLICANT</b>			
If same as LANDOWNER, write "SAME"			
Applicant (Printed Name)	<b>Same</b>	Contact Person	
Mailing Address		Phone Number(s)	
E-mail Address			
X		<b>11/14/22</b>	
	Applicant's Signature	Date of Application	

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

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

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

Intake Initials	
Case Number	<b>SMP22-001</b>
Date Received	<b>11/14/22</b>

# SUBDIVISION AND DEVELOPMENT PLAN APPLICATION



See subdivision hand-outs 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

Preliminary Plat Application for Ridgeview Subdivision creating 444 units based on the ARS Preliminary Plan approved in the 11/08/22 Planning Commission Meeting.

Number of Existing Parcels 1 Total Land Area 19.71 acres Number of Resulting Parcels 3 parent lots

### HAS THE PARCEL BEEN CREATED BY A MINOR SUBDIVISION IN THE PRECEDING 24 MONTHS

NO  YES Case Number \_\_\_\_\_

### TYPE OF SUBDIVISION OR PLATTING APPROVAL REQUESTED

#### MINOR DEVELOPMENT

(changing or creating 13 or fewer lots)

- Preliminary Plat (MIP)
- Final Plat (MIF)
- Panhandle Subdivision
- Accretion Survey
- Boundary Adjustment
- Lot Consolidation (SLC)
- Bungalow Lot Subdivision
- Common Wall/Zero Lot Subdivision
- Other \_\_\_\_\_

#### MAJOR DEVELOPMENT

(changing or creating 14 or more lots)

- Preliminary Plat (SMP)
- Final Plat (SMF)
- Preliminary Development Plan – PUD (PDP)
- Final Development Plan – PUD (PDF) Preliminary
- Development Plan – ARS (ARP) Final
- Development Plan – ARS (ARF)
- Bungalow Lot Subdivision
- Common Wall/Zero Lot Subdivision
- Other \_\_\_\_\_

### ALL REQUIRED DOCUMENTS ATTACHED

- Pre-application conference notes
- Narrative including:
  - Legal description(s) of property to be subdivided
  - Existing structures on the land
  - Zoning district
  - Density
  - Access
  - Current and proposed use of any structures
  - Utilities available
  - Unique characteristics of the land or structure(s)

Preliminary Plat checklist

To be completed by Applicant

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

SUBDIVISION/PLATTING FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>330<sup>00</sup></u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
<b>Total Fee</b>	\$ <u>330<sup>00</sup></u>			

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

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

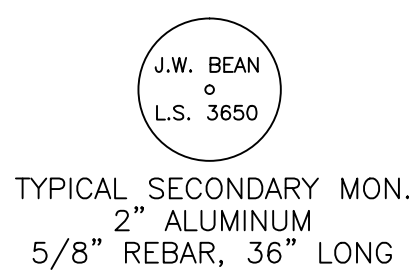
Case Number <u>SMP22-001</u>	Date Received <u>11/14/22</u>
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**LEGEND**

- ⊗ B.L.M. 2" BRASS MONUMENT RECOVERED THIS SURVEY
- ⊕ PRIMARY DOT CENTERLINE MONUMENT IN CASING RECOVERED THIS SURVEY
- ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY
- ⊕ 3" ALUMINUM MONUMENT, T&N ENGINEERING
- REBAR & CAP, SET BY JW BEAN

- SURVEYED
- - - UNSURVEYED
- - - SURVEY TIE
- - - EXISTING DOT EASEMENT
- - - EASEMENT
- - - CENTERLINE
- ⊠ DOT EASEMENT
- ⊠ EASEMENT

(R) = AS PER PLAT NO. 95-56  
 (R1) = AS PER PLAT NO. 90-06  
 (R2) = AS PER PLAT NO. 2012-18



**BASIS OF BEARING**

BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF NORTH FROM A FOUND 3" ALUMINUM MONUMENT BEING THE SOUTHEAST CORNER OF LOT 5, TRACT B, U.S. SURVEY NO. 1568 TO A FOUND 3" ALUMINUM MONUMENT BEING THE NORTHEAST CORNER OF LOT 5, TRACT B, U.S. SURVEY NO. 1568 AS SHOWN ON RECORD PLAT NO. 95-56.

**CORPORATE OWNERSHIP CERTIFICATE:**

I HEREBY CERTIFY THAT ROOFTOP PROPERTIES, LLC. IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I AS MANAGING MEMBER HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED:

Date \_\_\_\_\_, 2022

Owner: \_\_\_\_\_  
 ROOFTOP PROPERTIES, LLC.  
 7400 GLACIER HWY  
 JUNEAU, ALASKA 99801

**NOTARY ACKNOWLEDGMENT:**

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

THIS IS TO CERTIFY THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED GARRETT JOHNSON, MANAGING MEMBER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

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

Notary Public for Alaska \_\_\_\_\_  
 My Commission Expires \_\_\_\_\_

**PLANNING COMMISSION APPROVAL**

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA SAID PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION BY PLAT RESOLUTION NO. \_\_\_\_\_ DATED: \_\_\_\_\_, 2022, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT RECORDING OFFICE, JUNEAU, ALASKA.

ATTEST: \_\_\_\_\_  
 CHAIRMAN  
 CITY & BOROUGH OF JUNEAU  
 PLANNING COMMISSION

CLERK  
 CITY & BOROUGH OF JUNEAU

**CERTIFICATE OF REGISTERED LAND SURVEYOR**

I, J.W. BEAN, 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 AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

Date \_\_\_\_\_



**J.W. BEAN INC.**  
 PROFESSIONAL SURVEYOR

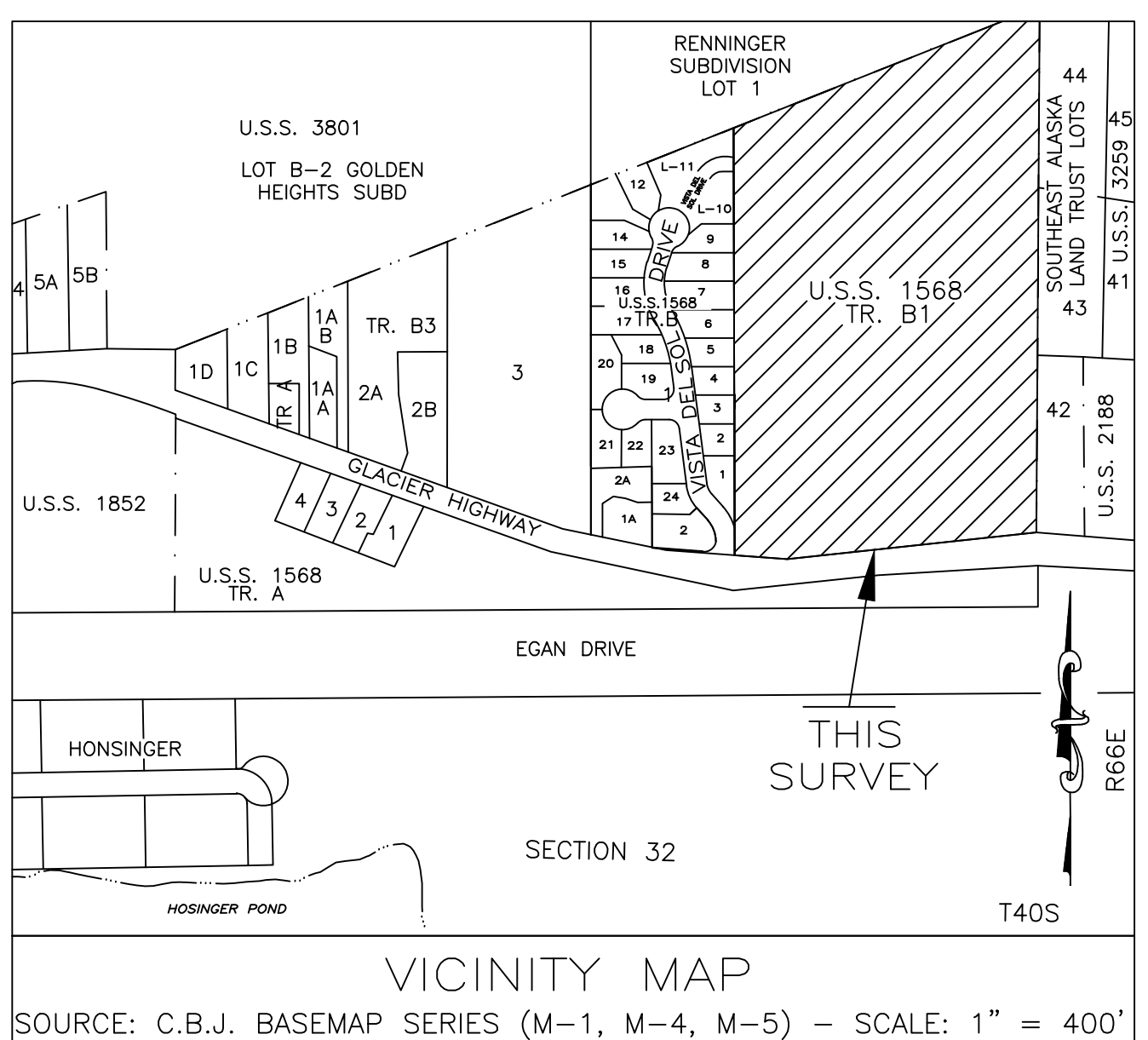
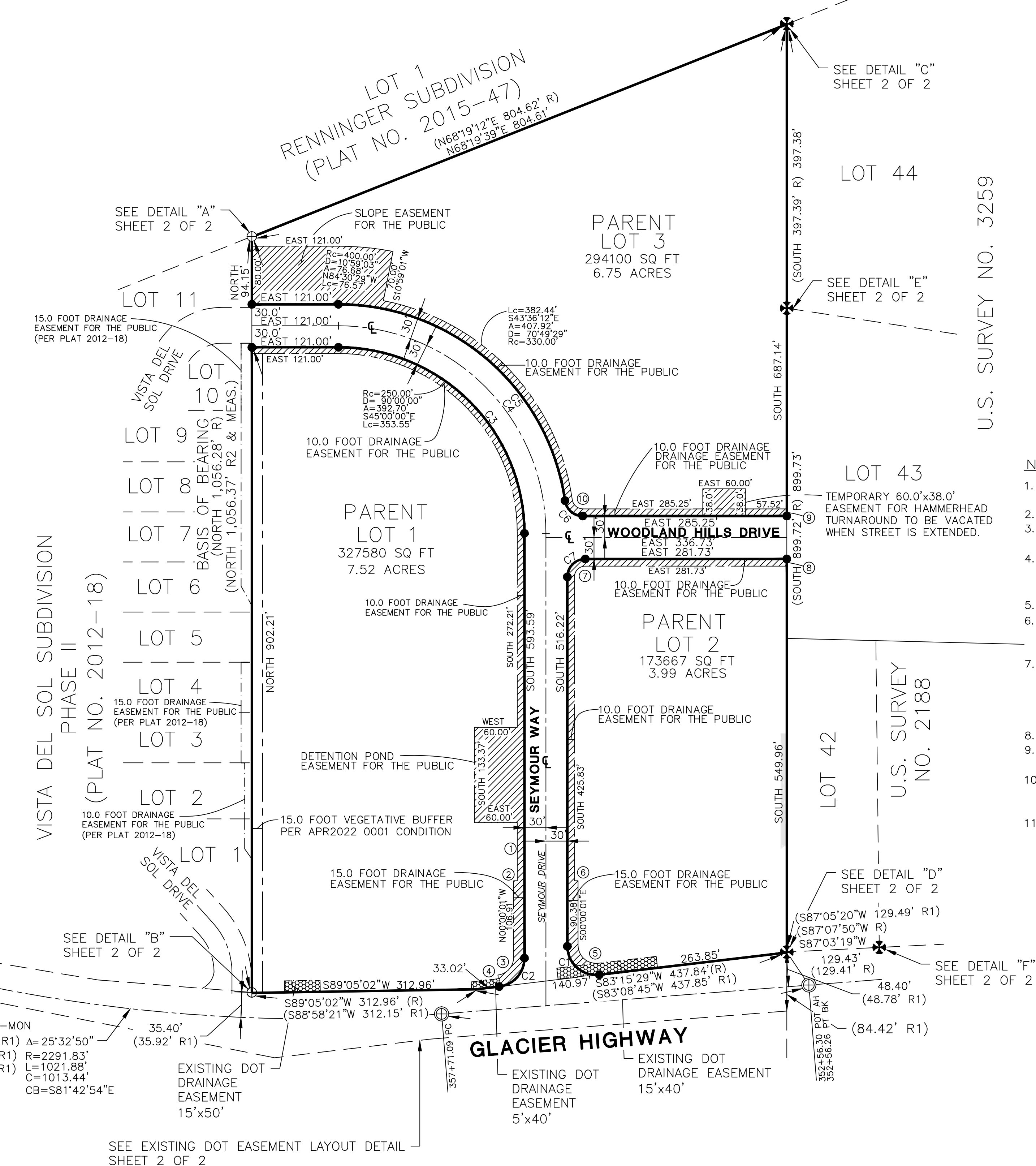
1070 ARCTIC CIRCLE  
 JUNEAU - ALASKA  
 (907) 789-0590  
 SURVEYOR - PLANNER  
 PROJ: RIDGEVIEW FINAL

TABLE FOR RIGHT OF WAY

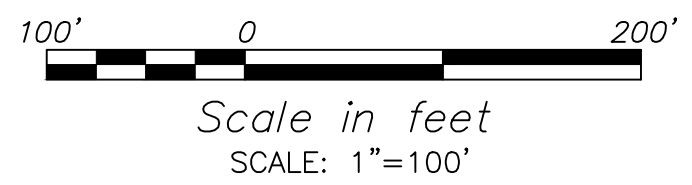
CURVE #	DELTA	RADIUS	ARC LENGTH	CHORD BEARING	DISTANCE
C1	96°44'31"	40.00'	67.54'	S48°22'23"E	59.80'
C2	83°17'09"	40.00'	58.14'	N41°36'34"E	53.15'
C3	90°00'01"	260.00'	408.41'	N45°00'00"E	367.70'
C4	90°00'00"	290.00'	455.53'	N45°00'00"E	410.12'
C5	81°48'32"	320.00'	456.91'	N49°05'44"E	419.07'
C6	81°48'29"	25.00'	35.70'	N49°05'46"E	32.74'
C7	90°00'00"	25.00'	39.27'	N45°00'00"E	35.36'

TABLE OF EASEMENTS LINES

①	N00°00'00"E 81.10'
②	N90°00'00"W 5.00'
③	A=36.34' S41°35'35"W Lc=33.22' D= 83°17'33" Rc=25.00'
④	N06°41'16"W 4.62'
⑤	A=42.21' S48°22'27"E Lc=37.37' D= 96°44'31" Rc=25.00'
⑥	N90°00'00"W 5.00'
⑦	A=23.56' N45°00'00"E Lc=21.21' D= 90°00'00" Rc=15.00'
⑧	S00°00'00"W 10.00'
⑨	S00°00'00"W 10.00'
⑩	A=21.42' N49°05'48"W Lc=19.64' D= 81°48'28" Rc=15.00'



- NOTES:**
- ALL PLAT BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARINGS.
  - ALL DISTANCES SHOWN ARE REDUCED TO HORIZONTAL.
  - DOMESTIC WATER AND SANITARY SEWER DISPOSAL PROVIDED BY THE CITY AND BOROUGH OF JUNEAU PUBLIC UTILITIES
  - WHERE MEASURED BEARING AND/OR DISTANCE DIFFER FROM THE RECORD, THAT OF RECORD IS SHOWN IN PARENTHESES, ALONG WITH THE SOURCE DOCUMENT/REFERENCE (SEE LEGEND).
  - THE ERROR OF CLOSURE DOES NOT EXCEED 1:10,000.
  - PER CBJ 49.15920(m), UNIT LOTS ARE LIMITED TO RESIDENTIAL USED. THE PARENT LOTS ARE LIMITED TO A RECREATIONAL CENTER, COMMUNITY FACILITY OR CHILD CARE CENTER.
  - THIS PLAT CREATES AN ALTERNATIVE RESIDENTIAL SUBDIVISION PURSUANT TO AND GOVERNED BY THE CITY AND BOROUGH OF JUNEAU LAND USE CODE TITLE 49 ARTICLE IX. EACH OWNER OF A UNIT LOT IS REQUIRED TO, AND SHALL BE, THROUGH THEIR OWNERSHIP, A MEMBER OF THE \_\_\_\_\_ HOA, REQUIRED TO PAY ASSESSMENTS ASSES BY \_\_\_\_\_ HOA.
  - NO LOT WILL DIRECTLY ACCESS GLACIER HIGHWAY.
  - ACCESS TO LOTS SHALL BE VIA ACCESS EASEMENTS SHOWN ON THIS PLAT AND IS SUBJECT TO THE REQUIREMENTS IN THE BYLAWS OF \_\_\_\_\_ HOA.
  - PER CBJ 49.15920(j), NO PARKING AREAS, DWELLING UNITS, UNIT LOTS OR PERMISSIBLE USES MAY BE LOCATED WITHIN THE PERIMETER BUFFER, ACCESS TO THE DEVELOPMENT MAY CROSS A PORTION OF THE BUFFER.
  - THE STORMWATER RUNOFF IS ACCEPTABLE PER RIDGEVIEW SUBDIVISION DRAINAGE PLAN IN APPROVED DURING PLAT REVIEW. ALL REQUIRED RIDGEVIEW SUBDIVISION PUBLIC IMPROVEMENTS INCLUDING SURFACE DRAINAGE, DRIVEWAYS AND ROADSIDE DRAINAGE SHALL BE CONSTRUCTED PRIOR TO FINAL ACCEPTANCE FOR MAINTENANCE BY CBJ PUBLIC WORKS. MODIFICATIONS TO THE APPROVED PLANS WILL NOT BE ALLOWED UNLESS PERMITTED BY CBJ ENGINEERING PURSUANT TO CBJ 19.12.120 BEST MANAGEMENT PRACTICE.



PLAT OF  
**RIDGEVIEW SUBDIVISION**  
 A SUBDIVISION OF  
**RECORD DOCUMENT NO. 2022-00111-0**  
**WITHIN U.S. SURVEY NO. 1568**  
 JUNEAU RECORDING DISTRICT  
 CITY & BOROUGH OF JUNEAU, ALASKA

RECORDED AT THE STATE  
 RECORDER'S OFFICE AT ANCHORAGE

OWNER:  
 ROOFTOP PROPERTIES, LLC.  
 956 NORTH 200 EAST  
 SPANISH FORK, UT, 84660

SURVEYOR:  
 JW BEAN, INC.  
 PROFESSIONAL SURVEYOR  
 1070 ARCTIC CIRCLE  
 JUNEAU, ALASKA 99801  
 (907) 789-0590

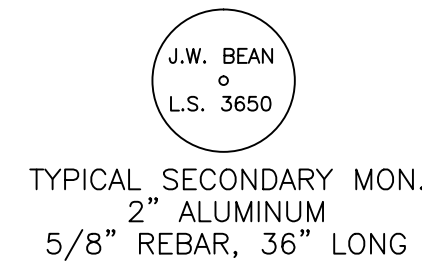
CASE NUMBER: PAC2022-0023      PARCEL NUMBER: 5B1410110010  
 DATE: 12-01-2022      SCALE: 1"=100'      SHEET 1 OF 3

**LEGEND**

- ⊗ B.L.M. 2" BRASS MONUMENT RECOVERED THIS SURVEY
- ⊕ PRIMARY DOT CENTERLINE MONUMENT IN CASING RECOVERED THIS SURVEY
- ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY  
3" ALUMINUM MONUMENT, T&N ENGINEERING
- REBAR & CAP, SET BY JW BEAN

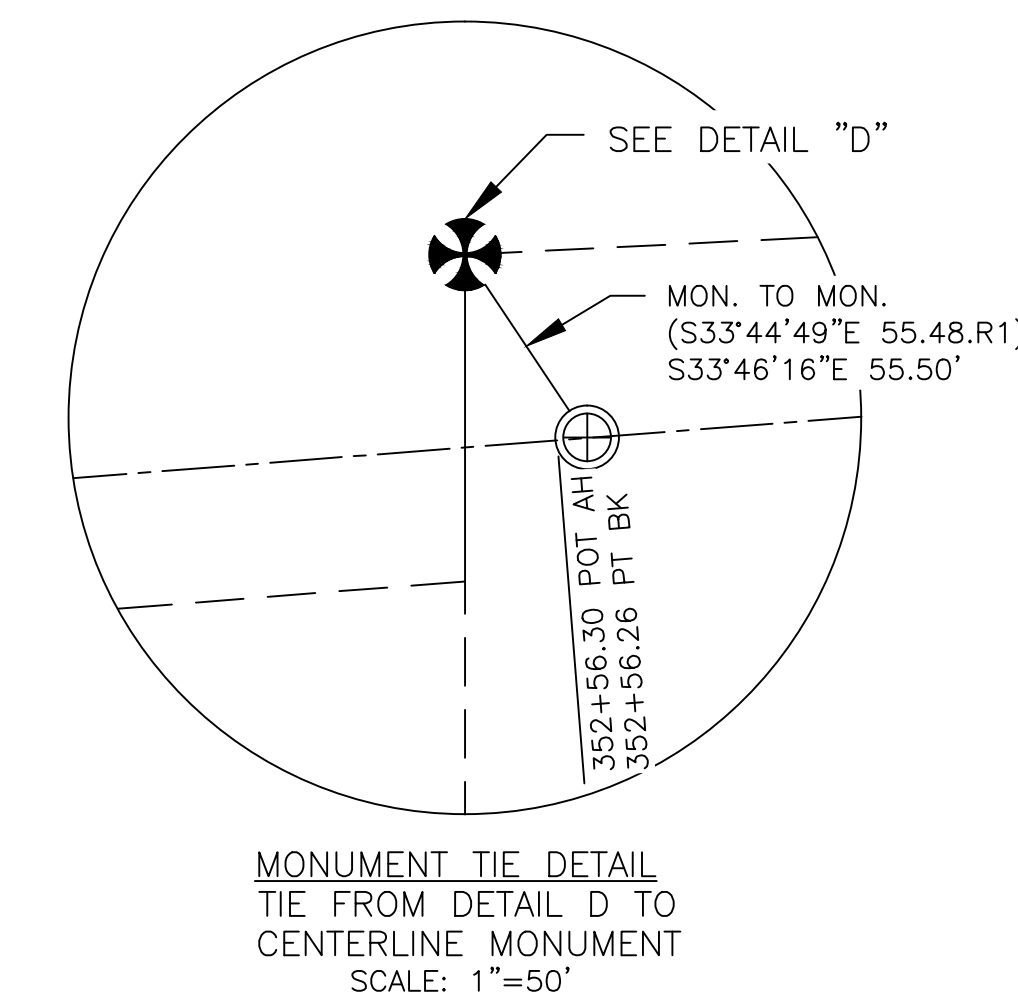
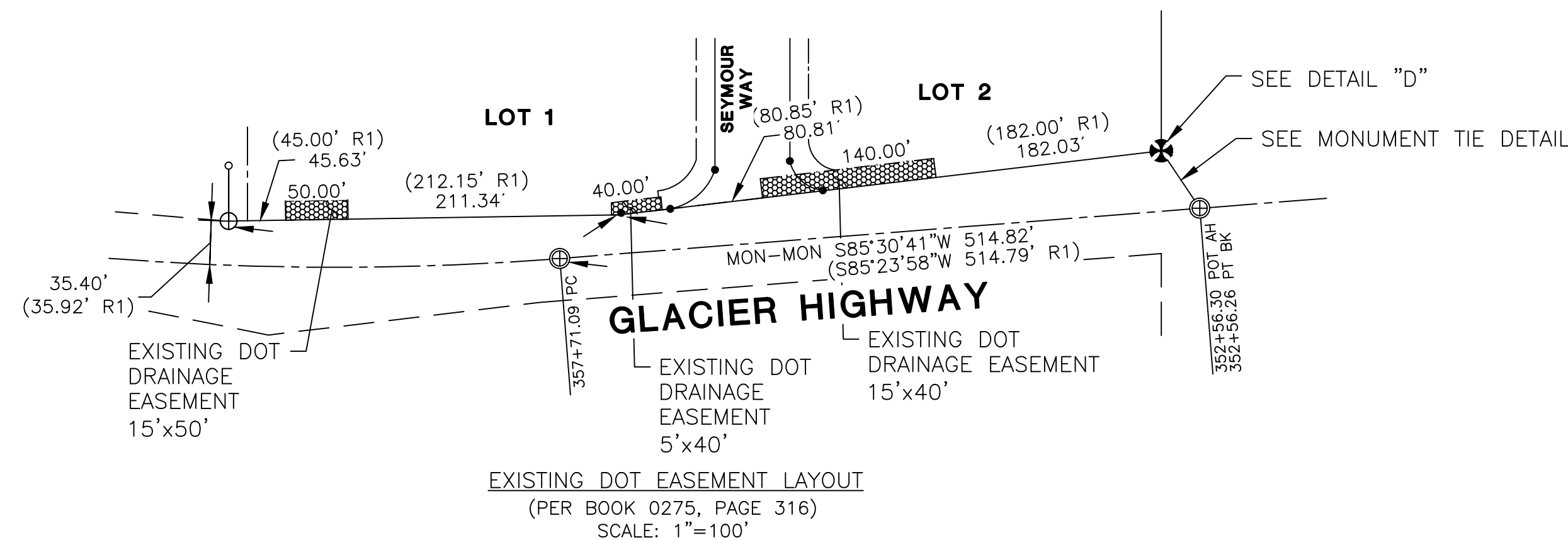
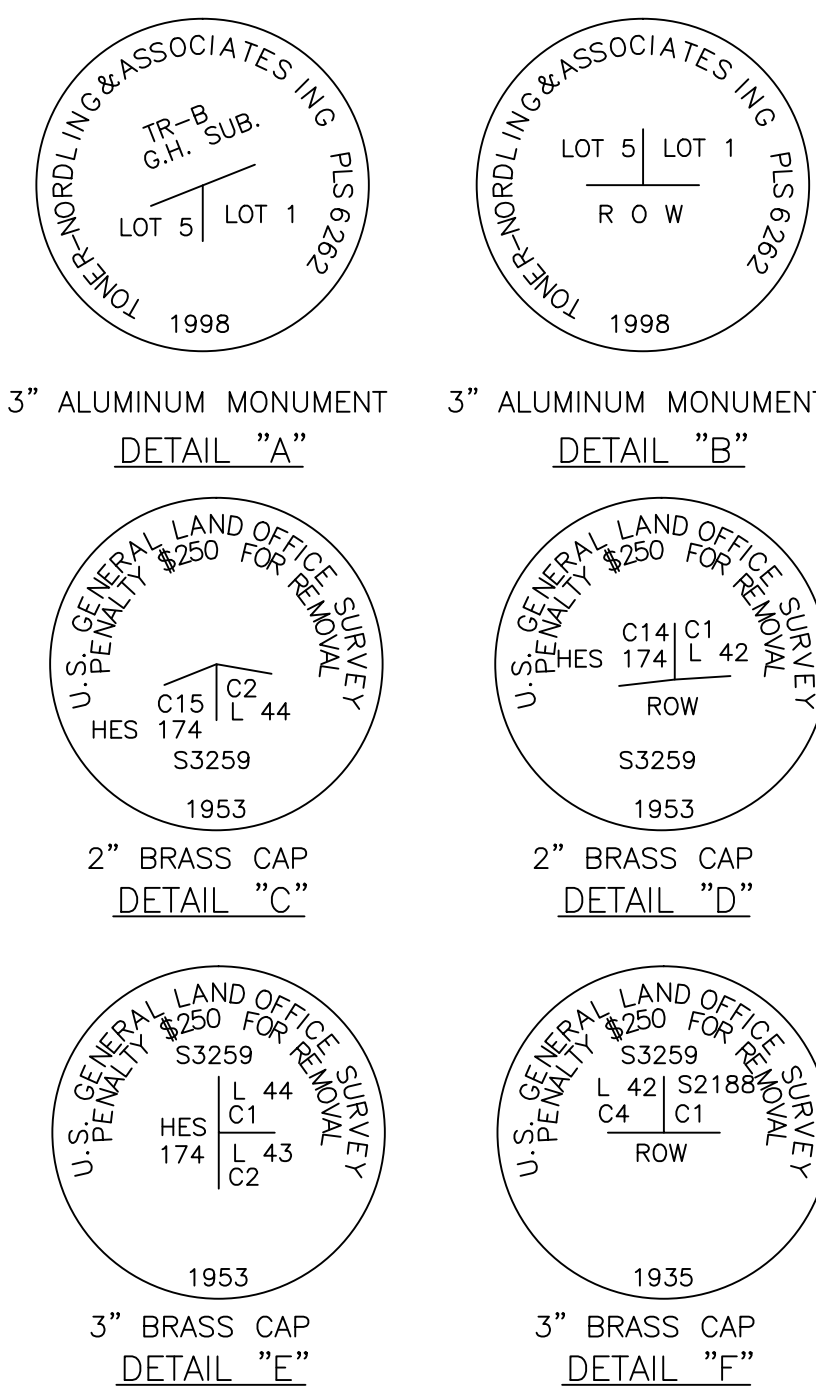
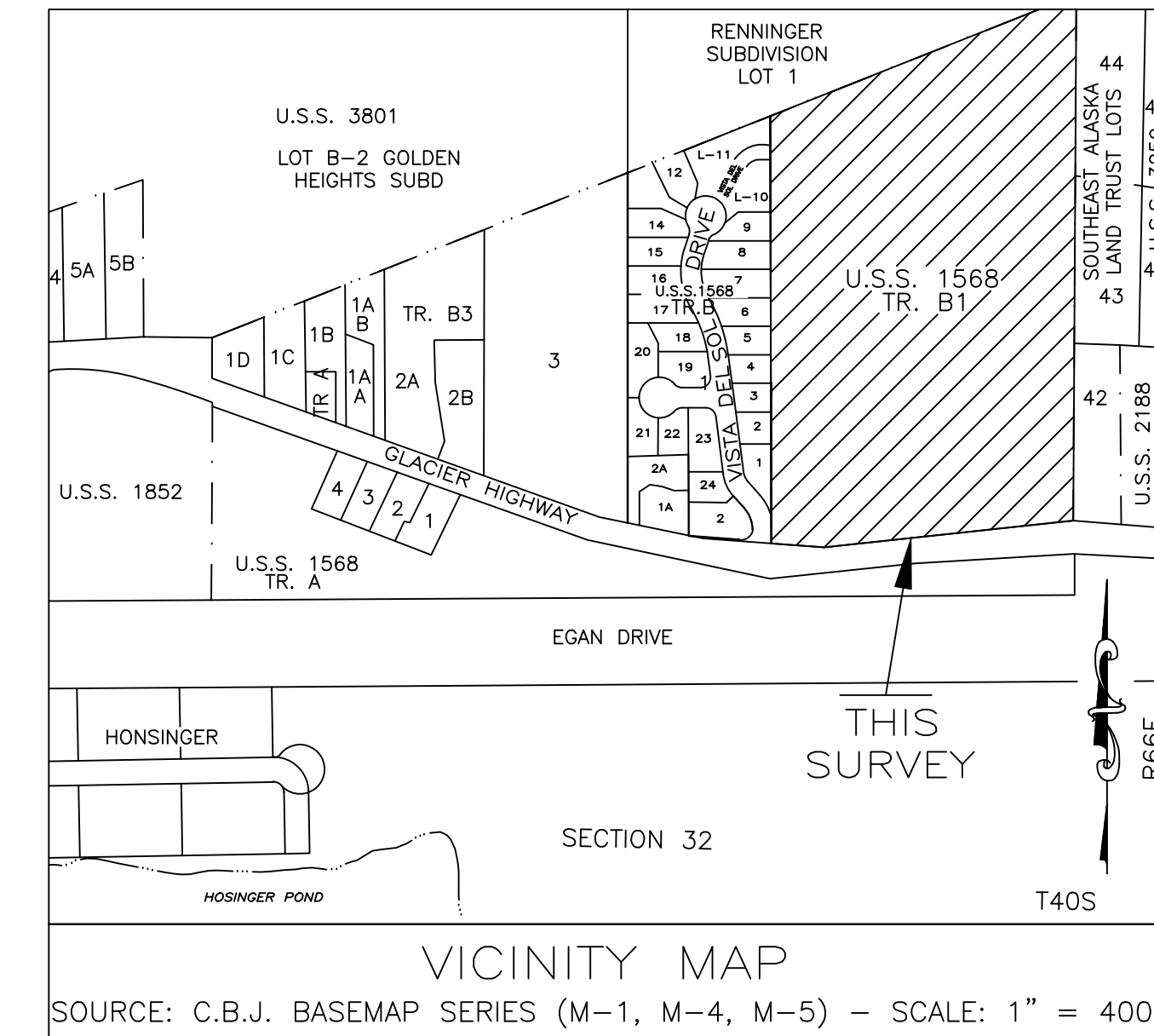
- SURVEYED
- - - UNSURVEYED
- - - SURVEY TIE
- - - EXISTING DOT EASEMENT
- - - EASEMENT
- - - CENTERLINE
- ⊞ DOT EASEMENT
- ▨ EASEMENT

- (R) = AS PER PLAT NO. 95-56
- (R1) = AS PER PLAT NO. 90-06
- (R2) = AS PER PLAT NO. 2012-18



**BASIS OF BEARING**

BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF NORTH FROM A FOUND 3" ALUMINUM MONUMENT BEING THE SOUTHEAST CORNER OF LOT 5, TRACT B, U.S. SURVEY NO. 1568 TO A FOUND 3" ALUMINUM MONUMENT BEING THE NORTHEAST CORNER OF LOT 5, TRACT B, U.S. SURVEY NO. 1568 AS SHOWN ON RECORD PLAT NO. 95-56.



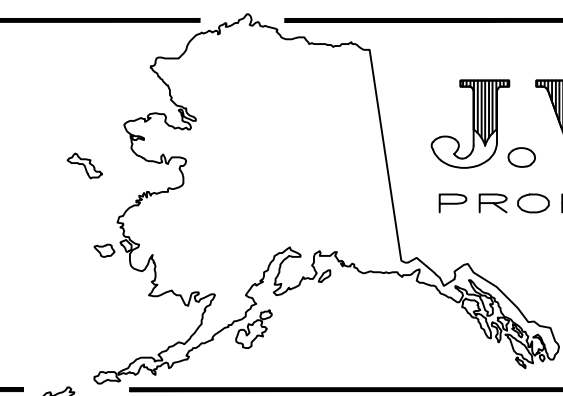
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**CERTIFICATE OF REGISTERED LAND SURVEYOR**

I, J.W. BEAN, 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 AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

Date \_\_\_\_\_



**J.W. BEAN INC.**  
PROFESSIONAL SURVEYOR  
1070 ARCTIC CIRCLE  
JUNEAU - ALASKA  
(907) 789-0590  
SURVEYOR - PLANNER  
PROJ: RIDGEVIEW FINAL

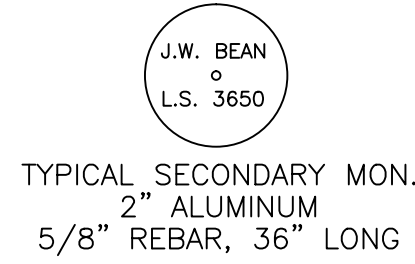
PLAT OF <b>RIDGEVIEW SUBDIVISION</b> A SUBDIVISION OF <b>RECORD DOCUMENT NO. 2022-001111-0</b> <b>WITHIN U.S. SURVEY NO. 1568</b> JUNEAU RECORDING DISTRICT CITY & BOROUGH OF JUNEAU, ALASKA	
RECORDED AT THE STATE RECORDER'S OFFICE AT ANCHORAGE	
OWNER: ROOFTOP PROPERTIES, LLC. 956 NORTH 200 EAST SPANISH FORK, UT, 84660	SURVEYOR: JW BEAN, INC. PROFESSIONAL SURVEYOR 1070 ARCTIC CIRCLE JUNEAU, ALASKA 99801 (907) 789-0590
CASE NUMBER: PAC2022-0023 DATE: 12-01-2022	PARCEL NUMBER: 5B1410110010 SCALE: 1"=100' SHEET 2 OF 3

LEGEND

- ⊗ B.L.M. 2" BRASS MONUMENT RECOVERED THIS SURVEY
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- ⊕ PRIMARY MONUMENT RECOVERED THIS SURVEY
- 3" ALUMINUM MONUMENT, T&N ENGINEERING
- REBAR & CAP, SET BY JW BEAN

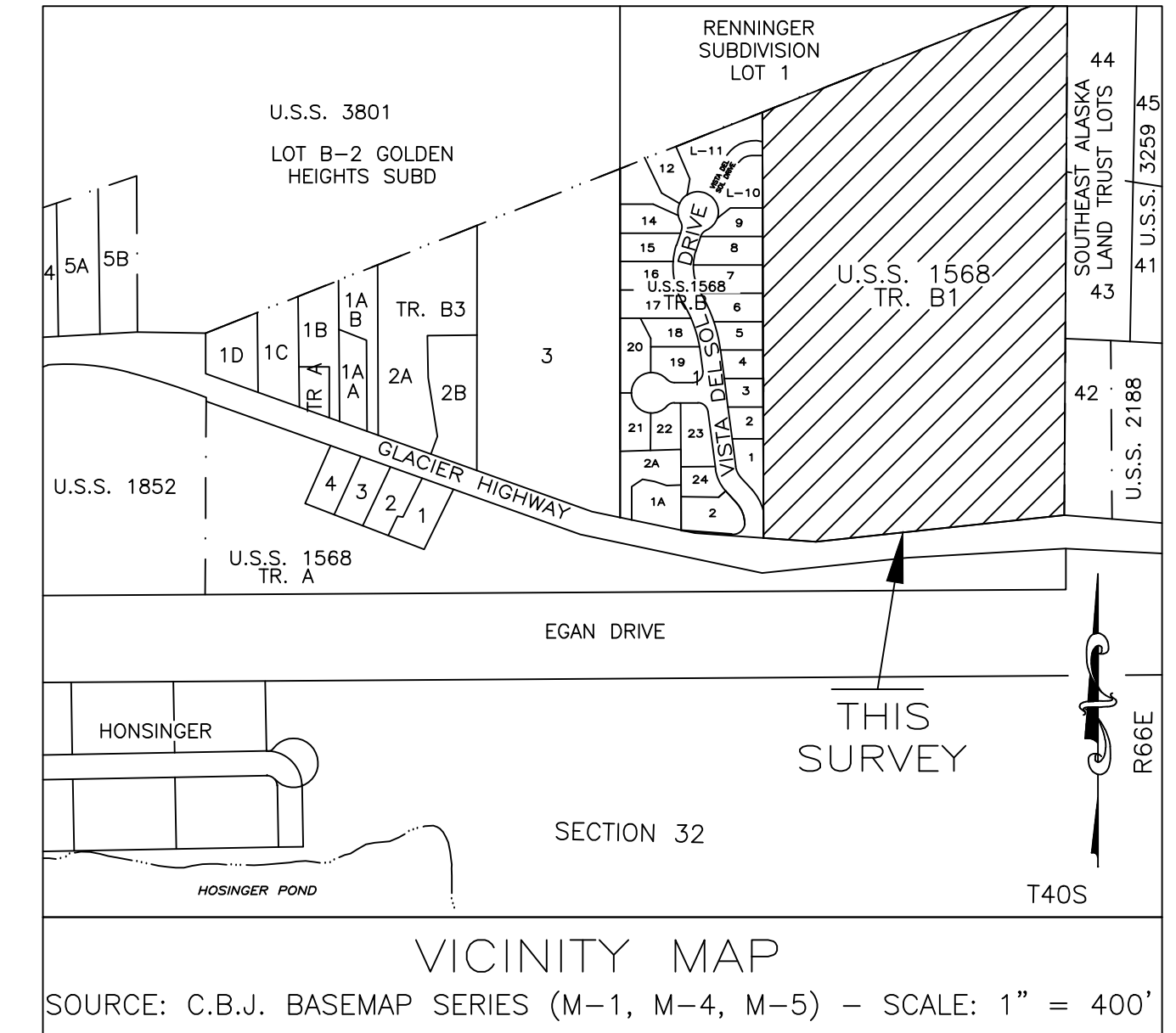
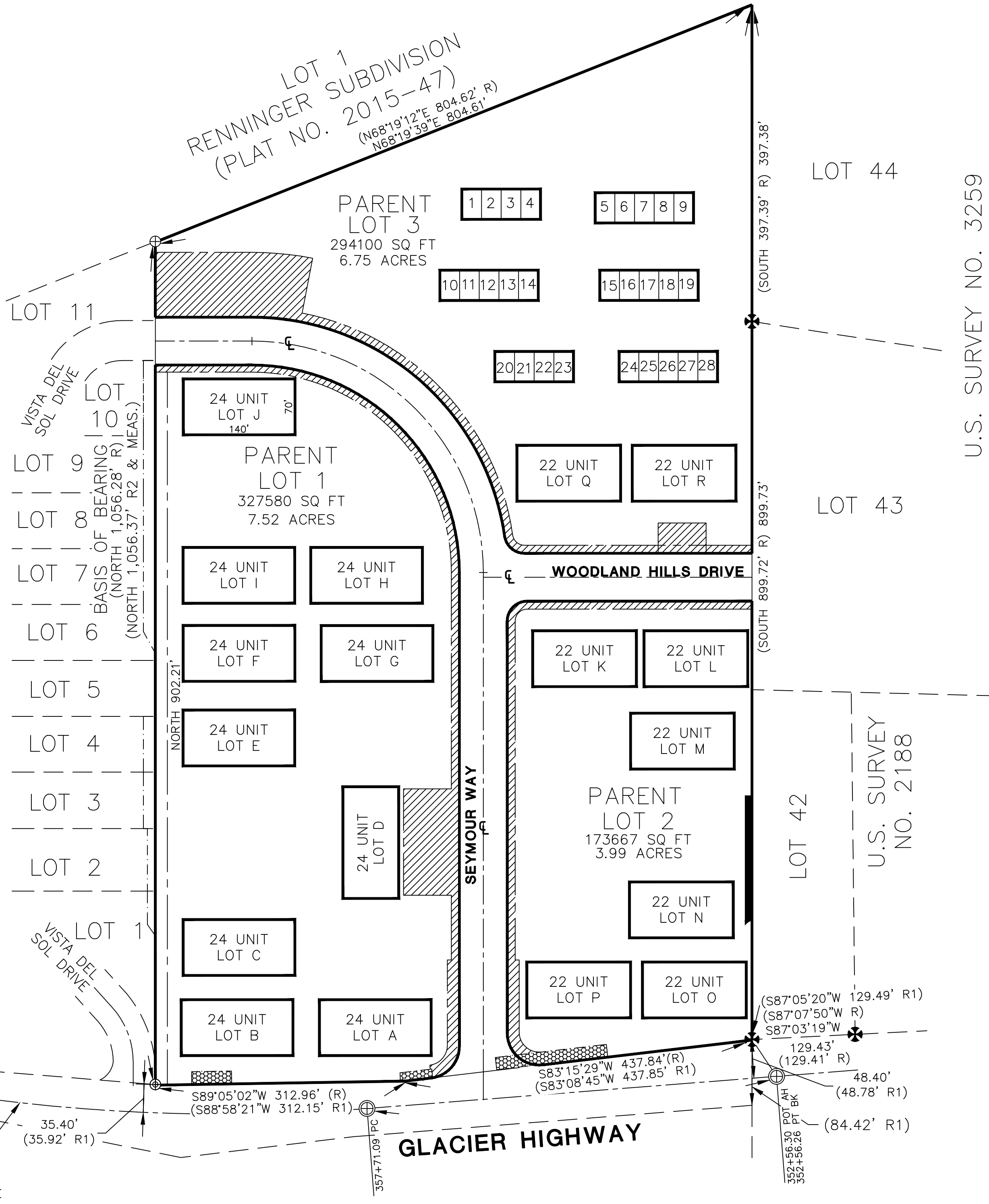
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BASIS OF BEARING

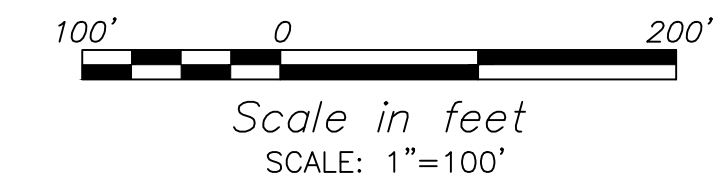
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MON-MON  
 $(\Delta = 25^{\circ}32'50'' \text{ R1}) \quad \Delta = 25^{\circ}32'50''$   
 $(R = 2291.83' \text{ R1}) \quad R = 2291.83'$   
 $(L = 1021.89' \text{ R1}) \quad L = 1021.88'$   
 $C = 1013.44$   
 $CB = S81^{\circ}42'54'' \text{ E}$



CERTIFICATE OF REGISTERED LAND SURVEYOR

I, J.W. BEAN, 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 AND TITLE 49 OF THE CODE OF THE CITY AND BOROUGH OF JUNEAU, THAT ALL DIMENSIONAL AND RELATIVE BEARINGS ARE CORRECT AND THAT MONUMENTS ARE SET IN PLACE IN PLACE AND NOTED UPON THIS PLAT AS PRESENTED.

Date \_\_\_\_\_



**J.W. BEAN INC.**  
 PROFESSIONAL SURVEYOR  
 1070 ARCTIC CIRCLE  
 JUNEAU - ALASKA  
 (907) 789-0590  
 SURVEYOR - PLANNER  
 PROJ: RIDGEVIEW FINAL

PLAT OF  
**RIDGEVIEW SUBDIVISION**  
 A SUBDIVISION OF  
**RECORD DOCUMENT NO. 2022-001111-0**  
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 JUNEAU RECORDING DISTRICT  
 CITY & BOROUGH OF JUNEAU, ALASKA

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RECORDED AT THE STATE  
 RECORDER'S OFFICE AT ANCHORAGE

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<b>OWNER:</b> ROOFTOP PROPERTIES, LLC. 956 NORTH 200 EAST SPANISH FORK, UT, 84660	<b>SURVEYOR:</b> JW BEAN, INC. PROFESSIONAL SURVEYOR 1070 ARCTIC CIRCLE JUNEAU, ALASKA 99801 (907) 789-0590
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CASE NUMBER: PAC2022-0023	PARCEL NUMBER: 5B1410110010
DATE: 12-01-2022	SCALE: 1"=100' SHEET 3 OF 3





PLANNING COMMISSION STAFF REPORT  
ALTERNATIVE RESIDENTIAL SUBDIVISION PLAN  
FILE NO: ARP2022 0001  
HEARING DATE: OCTOBER 11, 2022

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

**DATE:** October 4, 2022  
**TO:** Michael LeVine, Chair, Planning Commission  
**BY:** Irene Gallion, Senior Planner   
**THROUGH:** Jill Maclean, Director, AICP

**PROPOSAL:** Preliminary Plan approval for Ridgeview Subdivision, an Alternative Residential Subdivision, developing up to 444 dwelling units on 19.71 acres.

**STAFF RECOMMENDATION:** Approval with conditions

**KEY CONSIDERATIONS FOR REVIEW:**

- The Assembly considered impacts of higher density housing when the site was rezoned in 2015.
- Phase I of development provides 72 units. If all phases are built out, the development would provide 444 units in apartment- and townhouse-style developments.
- A Traffic Impact Analysis will provide context on impacts to infrastructure, and required improvements.

**ALTERNATIVE ACTIONS:**

1. **Amend:** require additional conditions, or delete or modify the recommended conditions.
2. **Deny:** deny the permit and adopt new findings for items 1-14 below that support the denial.
3. **Continue:** to a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

**ASSEMBLY ACTION REQUIRED:**

Assembly action is not required for this permit.

**STANDARD OF REVIEW:**

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
  - CBJ 49.15.920
  - CBJ 49.15.930
  - CBJ 49.15.940
  - CBJ 49.20.200
  - CBJ 49.35.210
  - CBJ 49.80

GENERAL INFORMATION	
<b>Property Owner</b>	Rooftop Properties, LLC
<b>Applicant</b>	Rooftop Properties, LLC
<b>Property Address</b>	7400 Glacier Highway
<b>Legal Description</b>	USS 1568 Tract B1
<b>Parcel Number</b>	5B1401010010
<b>Zoning</b>	D18
<b>Lot Size</b>	19.7100 acres, 858,568 square feet
<b>Water/Sewer</b>	Yes
<b>Access</b>	Old Glacier Highway (Collector)
<b>Existing Land Use</b>	Vacant
<b>Associated Applications</b>	Grading Permit anticipated

**The Commission shall hear and decide the case per CBJ 49.15.900 - Purpose.** *The general purpose of this article is to provide reasonable minimum standards and procedures for unit-lot residential communities in which all or some of the lots do not substantially conform to the minimum requirements for a traditional subdivided lot. This article provides for housing and development for dwellings on units to be conveyed by long-term leases, less than fee-simple ownership, or fee-simple ownership, including condominium and other common-interest communities*

Attachment C - ARP22-01 Staff  
 Report SMP2022 0001  
 Page (2) of 18

Rooftop Properties, LLC  
 File No: ARP2022 0001  
 October 4, 2022  
 Page 2 of 18

**SITE FEATURES AND ZONING**



SURROUNDING ZONING AND LAND USES	
North (D5)	Vacant CBJ
South (D5)	Glacier/Egan
East (D5)	Single-family residential
West (zone)	Vacant *AMHT

\*Alaska Mental Health Trust Authority (AMHT)

SITE FEATURES	
Anadromous	No
Flood Zone	No
Hazard	No mapped hazard
Hillside	Yes
Wetlands	No
Parking District	No
Historic District	No
Overlay Districts	None

**TIMELINE**

This staff report analysis and conditions are specific to requirements for an Alternative Residential Preliminary Plan. Requirements of subsequent land actions will be considered under those applications. For instance, a construction plan and drainage plan are required for Final Plat Approval.

The Alternative Residential Subdivision (ARS) project can be split between planning elements and land documents.

Target Date	Plan Element	Land Documents
October 11, 2022	Preliminary Plan Approval	
November 22, 2022	Final Plan Approval, Phase 1	Preliminary Plat Approval, Sketch Plat
Estimate January 24, 2022		Final Plat Approval, Phase 1

A sketch plat is required to show the eventual development of the lot.

Each Phase is required to have a Final Plan Approval and a Final Plat Approval. The applicant may request Final Plan Approval for multiple phases, but Phase 1 construction must be completed before Phase 2 may progress [CBJ 49.15.960(b),(c)].

While preliminary design for the entire ARS subdivision is reasonable, final design is impractical unless a Phase is going to be completed. Final design will be required for each Final Plat.

The applicant can receive a Grading Permit, to do work at their own risk, until applicable approvals are received for the remainder of the project.

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**BACKGROUND INFORMATION**

**Project Description** – The applicant requests Preliminary Plan approval for an Alternative Residential Subdivision, developing up to 444 dwelling units on 19.71 acres, zoned D18, at 7400 Glacier Highway (**Attachment A**). The applicant provided an updated site plan, updated open space information, and updated phasing after the neighborhood meeting that more accurately illustrates the phasing of the development (**Attachment B**).

**Density bonuses** [CBJ 49.15.920(e)(3)] are requested for provision of:

- Open space.
- Public Right-of-Way access.
- Shared use pathways.

**Terms used in this report include:**

- *Grandparent Lot*: This is the entire 19.71 acres. Density bonuses are considered across this lot, because the ARS proposes development across the lot. The intent is to consider the development as a whole.
- *Parent Lot*: Each parent lot will meet setbacks. Each parent lot individually may or may not meet density bonus standards. This project creates three parent lots. The proposed Right-of-Way cuts the lot into three main sections. It did not make sense for the homeowners’ association [required under this land use type per CBJ 49.15.920(k)] to cross a City Right-of-Way.

If subsequent modification to a parent lot is requested, modifications must be accommodated on the parent lot or coordinated with the other two parent lots in the subdivision.

**Background** – The applicant purchased the property in May 2022. Owners initially intended to proceed with the approved subdivision of the lot into 24 common wall lots and two larger lots. Subsequent market analysis prompted the modification to the development under this application.

The table below summarizes relevant history for the lot and proposed development.

Item	Summary
SMP2021 0001/SMP2016 0001	A 2016 preliminary plat for 24 common wall lots, the remaining land was to be subdivided into two larger lots. Renewed in 2021.
AME2015 0005	A rezone from D5 to D18. The original request was to rezone to D18. After the public meeting the applicant modified the request to a mix of D18 and LC. The Commission recommended denial of the rezone to the Assembly, opposing a rezone to D18 and LC, and recommended the tract remain D5. The Assembly adopted the rezone of the tract from D5 to D18. (Attachments C and D)
VAR1998-00024	A variance to waive the requirement that subdivision of certain large tracts of land be provided with access by way of a secondary or interior street, to facilitate subdivision of Tract B1, U.S. Survey 1568 into two lots approximately 10 acres each. Variance approved, with a condition that future subdivision provide an interior access road to city standards.

**ANALYSIS**

**Zoning District and Dimensional Standards** – The three parent lots meet or exceed dimensional requirements for an ARS in the D18 zoning district.

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Topic and Code Reference	Summary	Complies
<b>CBJ 49.15.920(b)</b> Zoning Districts	<i>An alternative residential subdivision is only allowed in the following zoning districts: RR, D-1, D-3, D-5, D-10SF, D-10, D-15, D-18, and LC.</i>  The lot is zoned D18.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>CBJ 49.15.920(c)</b> Lot Size	<i>The parent lot shall be at least 150 percent of the minimum lot size for the zoning district in which it is located. There is no minimum size for the unit-lots.</i>  See table below.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>CBJ 49.15.920(d) Other</b> Dimensional Standards	<i>The minimum lot dimensions, lot coverage, and vegetative coverage shall be applied to the parent lot and not the unit-lots.</i>  See table below.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Dimensional Standard Table:

Standard	Dimension	Parent Lot 1	Parent Lot 2	Parent Lot 3
Size	7,500 square feet minimum	407,100	115,840	309,640
Width	50 feet minimum	~600 feet	~560 feet	~670*
Lot coverage	50%	95,000 square feet, or 31%	57,000 square feet, or 33%	44,200 square feet, or 14%
<i>Grandparent Lot</i>		196,200 coverage / 858,568 grandparent lot = 23%		
Vegetative cover	30%	89,620 square feet or 29%	60,200 or 52%	193,110, or 62%
<i>Grandparent Lot</i>		342,930 open space / 858,568 grandparent lot = 40%		

\* Measured at a line tangent to curved front, at middle driveway.

In the applicant’s “Greenspace by Phase” (**Attachment B**), the applicant provided lot sizes and “open area” square footage.

Width and coverage were scaled from the site plan dated August 11, 2022. Each apartment structure footprint is assumed at 9,500 square feet. Each townhouse footprint is assumed at 900 square feet.

Lot coverage includes any structure with a roof (CBJ 49.80).

“Open area” is assumed to be vegetative cover for the purpose of this early analysis of the plan. Note that Parent Lot 1 does not meet vegetative cover requirements when considered in isolation, but the development as a whole (shown as the Grandparent Lot) meets the requirement.

Parent Lot 2 has 50% open space with what seems to be the densest development.

**Condition 1:** Reevaluate figures provided in “Greenspace by Phase.”

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**Density** – Per CBJ 49.15.920(e)(1), *The number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the alternative residential subdivision and rounding to the nearest whole number.*

Maximum Dwelling Units Per Acre	Parent Lot Size	Maximum Density	Number of Dwelling Units Proposed with bonuses
18	19.7100 acres	355 (354.78)	<b>444</b>

**Density Bonus** – The applicant is requesting a 25% density bonus, the most allowed for D18 zoning, resulting in 444 units, or 23 units per acre.

The Commission may award a density bonus up to 25% for the following improvements in a D18 zoning district:

Topic and Code Reference	Bonus Allowance	Discussion
<b>Open Space [CBJ 49.15.920(e)(3)(A)]</b>	<i>Five percent for each ten percent increment of open space in excess of that required in the zoning district to a maximum bonus of 15 percent for open space in excess of that required.</i>  <i>If open space is not required, this bonus may still be applied beginning at 10 percent.</i>	Open space is not required in D18 [CBJ 49.15.920(i)]. Each 10% open space provided garners a 5% density bonus, up to 15%. The applicant is proposing 267,250 square feet of open space, or 31%.  <b>Possible 15% bonus (recommended).</b>
<b>Habitat [CBJ 49.15.920(e)(3)(B)]</b>	<i>Five percent for a continuous setback greater than 50 feet or ten percent for a continuous setback greater than 50 feet on both sides of a stream, if applicable, designated in the plan as undisturbed open space along important natural water bodies, including anadromous fish streams, lakes, and wetlands.</i>	Not applicable.
<b>Housing Types [CBJ 49.15.920(e)(3)(C)]</b>	<i>Fifteen percent for a mixture of housing units restricted by a recorded document for a period of 30 years from the first sale:</i>  <i>(i) In which ten percent of the dwelling units are set aside for lower income households earning no more than 80 percent of the area median income; or</i>  <i>(ii) In which 20 percent of the dwelling units are set aside for</i>	Not applicable.

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	<i>workforce households earning no more than 120 percent of the area median income.</i>	
<b>Common Facilities and Amenities</b> [CBJ 49.15.920(e)(3)(D)]	<i>Up to ten percent for provision of common facilities and additional amenities that provide an unusual enhancement to the general area, such as siting, landscaped buffers, or the creation or preservation of view corridors.</i>	
<b>Public Right-of-Way</b> [CBJ 49.15.920(e)(3)(E)]	<i>Ten percent for dedication of a public Right-of-Way accessible to all unit-lots consistent with CBJ chapter 49.35.</i>	<p>CBJ 49.35.240 bases improvements on Average Annual Daily Traffic (ADT). The project is estimated to create 2,577 ADT. A 60-foot Right-of-Way is required, with a 26-foot paved width, and sidewalks on both sides. The applicant is proposing Seymour Way and an as-yet unnamed spur to the east. A 60-foot Right-of-Way is proposed, and sidewalks on both sides of Seymour Way are proposed.</p> <p>Overhead streetlights will be required at all intersections.</p> <p><b>Possible 10% bonus (recommended).</b></p>
<b>Non-motorized Transportation</b> [CBJ 49.15.920(e)(3)(F)]	<i>Five percent in the RR, D-1, D-3, D-5, and D-10SF zoning districts, and ten percent in the D-10, D-15, D-18 and LC zoning districts for providing shared use pathways to facilitate safe pedestrian and bicycle movement within the development and to ensure non-vehicular access to open space, common facilities and to public services.</i>	<p>The applicant is proposing shared use pathways on both sides of Seymour Way, extending into the apartment and townhouse development area.</p> <p><b>Possible 10% bonus (recommended).</b></p>
<b>Energy Efficiency</b> [CBJ 49.15.920(e)(3)(G)]	<i>Up to ten percent for using high-efficiency primary heating methods, such as heat pumps, in all dwelling structures.</i>	Not applicable – each unit lot owner will determine energy efficiency practices during development of their facilities.
<b>High-efficiency Heating</b> [CBJ 49.15.920(e)(3)(H)]	<i>Up to ten percent for using high-efficiency primary heating methods, such as heat pumps, in all dwelling structures.</i>	Not applicable – each unit lot owner will determine heating practices during development of their facilities.

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Parent lots will not be able to exceed the density established in this Preliminary Plan without further review and approval by the Commission through a modification of the permit.

	Parent Lot 1	Parent Lot 2	Parent Lot 3
Size, acres	9.35	2.66	7.11
Number of units proposed	236	136	72
Density, units per acre	25	51	10

Per CBJ 49.15.920(4), the Director makes the following findings on the requested density bonus:

**(1) Will the requested density bonus materially endanger public health or safety?**

**Analysis:** The 60-foot Right-of-Way and multi-use paths on both sides facilitate safe use by vehicles and pedestrians. Seymour Way provides secondary emergency access to Vista del Sol Drive.

**Finding: No.** The requested density bonus will not materially endanger the public health or safety.

**(2) Will the requested density bonus substantially be out of harmony with property in the neighboring area?**

**Analysis:** The property in the neighboring area has less dense zoning and development. The AMHT, who owns properties to the east, would be interested in comparable density development of their property. The Right-of-Way width and multi-use paths accommodate and channel transportation in the development. Multi-family housing is not anticipated to create noise or other impacts in excess of those anticipated in a residential setting.

**Finding: No.** The requested density bonus will not be out of harmony with property in the neighboring area.

**(3) Is the requested density conforming to the Comprehensive Plan or other adopted plans?**

**Analysis:** The 2013 Comprehensive Plan Map G designates this area Medium Density Residential (MDR), characterized with densities of five to 20 units per acre. The Assembly has set a precedent that up to 30 units per acre conforms to the Comprehensive Plan Land Use Map Designation of MDR [Ordinances 2021-26(am) and 2022-30]. The 19.71 acre site with 444 units is a density of 23 units per acre, or three units higher than identified in the Comprehensive Plan.

**Finding: Yes.** The requested density bonus conforms to the Comprehensive Plan and other adopted plans.

**(4) Will the requested density bonus create an excessive burden on roads, sewer, water, schools, or other existing or proposed public facilities?**

**Analysis:** CBJ and Alaska Department of Transportation and Public Facilities (ADOT&PF) reviewed the plan. The applicant will build improvements required to accommodate the development.

**Finding: No.** The requested density bonus will not create an excessive burden on roads, sewer, water, schools, or other existing or proposed public facilities.

**Condition 2:** Revise site plan to show pedestrian paths or multi-use paths in Phase 3.

**Frontage and Access** – Each parent lot proposed has access onto Seymour Way, which will be built for acceptance by CBJ [49.15.920(f)]. For the private accesses on the parent lots:

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Topic and Code Reference	Summary	Complies	Recommended Condition
<b>CBJ 49.15.920(f)(1)</b> Location	<i>The access shall be located completely on the parent lot.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	None.
<b>CBJ 49.15.920(f)(2)</b> Safety	<i>The access protects public safety or welfare and provides for safe pedestrian and vehicular traffic circulation.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	None.
<b>CBJ 49.15.920(f)(3)</b> Emergency Services	<i>The access complies with the emergency service access requirements of CBJ [chapter] 19.10.</i>  The subdivision has been reviewed by Capital City Fire and Rescue (CCFR).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	None.
<b>CBJ 49.15.920(f)(4)</b> Pavement	<i>Access to and within the development is paved.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Planned.
<b>CBJ 49.15.920(f)(5)</b> Homeowners Association (HOA)	<i>(5) The developer submits adequate evidence that upon approval of the development, a homeowners' association will be formed, can obtain liability insurance, and is solely responsible for maintaining the private access—including winter maintenance.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Prior to approval of the Final Alternative Residential Subdivision Plan, the applicant shall submit homeowners' association, or similar, documents that comply with the requirements of CBJ 49.15.950(b).
<b>CBJ 49.15.920(f)(6)</b> Abutting Parcels	<i>Abutting parcels have alternative and practical frontage on a publically maintained Right-of-Way.</i>  Note that access to AMHT lands to the east is through their own lot access onto Glacier Highway.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	None.

Two access-related proposals were raised at the neighborhood meeting. One was to terminate Seymour Way at a *cul de sac* rather than connect to Vista Del Sol Drive.

Per CCFR comments, secondary access would be required after 100 units were constructed. Under the current proposal, secondary access is indicated before the 28<sup>th</sup> Temporary Certificate of Occupancy in Phase 2. The public suggested developing secondary access on AMHT lands to the east, rather than connecting to Vista del Sol Drive. The Commission cannot mandate using neighboring non-CBJ land for improvements.



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At the public meeting, Mr. Duran, developer of the adjacent Vista Del Sol subdivision, mentioned plans to re-plat Vista del Sol Drive to access City lands above the subdivision for development. No revised plat has been submitted for this project. No Land Use applications or Pre-Application Conferences are indexed to the City land that indicate a plan for development above Vista del Sol subdivision. The Lands Manager does not currently have an application for use of the lands above Vista del Sol subdivision. Re-platting of Vista del Sol Drive to access City land could be in addition to the connection with Ridgeview Subdivision rather than instead of it.

The Commission approved the Vista del Sol subdivision intentionally connecting to the adjacent property (Ridgeview). Vista del Sol was platted with the purpose of serving as a public Right-of-Way, and was accepted by CBJ. Vista Del Sol Drive is a City street with a 50-foot wide Right-of-Way. Construction of the extension from the *cul de sac* was waived (**Attachment E**). Note that Mr. Duran had requested that the extension be vacated if development on the adjoining lot had not been completed in two years. The Planning Commission denied the request (SMF2011 0001).

CBJ 49.35.210(a)(1) and (2), requires connecting streets to adjoining undeveloped land and street systems must be designed to maximize the number of connecting streets in a given area. The requirements of Chapter 35 cannot be varied CBJ 49.20.200. When Seymour Way connects to Vista del Sol Drive, the road will need to have one name. Since the Vista del Sol neighborhood is developed and addresses assigned, the new road through the Ridgeview development would be named Vista del Sol Drive.

**Condition 3:** When the connection to Vista del Sol Drive is constructed, change the name of Seymour Way to Vista del Sol Drive.

**Utilities, Drainage, and Stormwater Management –**

Topic and Code Reference	Summary	Complies	Recommended Condition
<b>CBJ 49.15.920(g)</b> Public Utilities	<i>An alternative subdivision is required to connect each dwelling unit to public sewer and water. A master meter for water shall be installed by the developer.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	None – requirement accommodated in the Building Permit process.
<b>CBJ 49.15.920(l)</b> Stormwater Management	<i>Stormwater management. Facilities for the control and disposal of stormwater must be adequate to serve the development and areas draining through the development. Management shall be in accordance with the Stormwater Best Management Practices manual.</i>  Drainage plan approval is part of the Final Plat process.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	None – requirement accommodated in code review of final plat.

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According to the preliminary plat for the previous proposed development (SMP2016 0001), a five-foot private drainage, slope, access, and maintenance easement is centered along the west property line (in common with the Vista del Sol subdivision).

**Design Requirements** – The table below discusses design requirements applied to an ARS. The proposed ARS meets these requirements.

Topic and Code Reference	Summary	Complies	Recommended Condition
<b>CBJ 49.15.920(i)</b> Open Space	<i>Open space is required as follows: 25 percent in the RR and D-1 zoning districts; 20 percent in the D-3, D-5 and D-10 zoning districts; 15 percent in the D-10SF district. Open space is not required in the D-15, D-18, or LC zoning districts.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
<b>CBJ 49.15.920(j)</b> Perimeter Buffer	<p><i>According to CBJ 49.15.920(j), there are no setback requirements on the unit-lots. A perimeter buffer on the parent lot is required in lieu of the setback requirements for unit lot.</i></p> <p>Note that Parent Lots 1 and 2 have rights-of-way on three sides, so are not required to provide a rear yard setback [CBJ 49.25.430(3)]. As proposed, Parent Lot 1 has a 36 foot setback between Vista del Sol lots (west) to the proposed unit lots. Parent Lot 2 exceeds the five foot setback required from undeveloped lots to the east. Parent Lot 3 has a rear yard setback of 20 feet from undeveloped land to the east.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
<b>CBJ 49.15.920(m)</b> Permitted Uses	<i>No primary uses are permitted on the parent lot except a recreational center, community facility, or a child care center. Consistent with the table of permissible uses, CBJ 49.25.300, only residential uses and</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

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Topic and Code Reference	Summary	Complies	Recommended Condition
	<i>associated accessory structures are allowed on the unit-lots.</i>		
<b>CBJ 49.15.920(n)</b> Street Sign	<i>The developer shall install a street sign provided by the City and Borough of Juneau at the developer's expense.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Addressed in Construction Plan – part of Final Plat.
<b>CBJ 49.15.920(o)</b> Mailboxes	<i>Upon consultation with the United States Postal Service, the director shall determine the placement location of mailboxes.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	The final mailbox location shall be reviewed and approved by the CDD Director for the Final Plan.

**Parking** – Off-street parking may be located on the parent lot or unit lots [CBJ 49.15.920(h)].

For multi-family units, off-street parking required is based on the number of bedrooms in each unit.

Infrastructure, including off-street parking, is required to be constructed during each phase of development.

The phasing plan (**Attachment B**) shows off-street parking. **Attachment F** shows parking required for each phase, and provides cumulative totals.

**Condition 4:** For each Final Plan, provide updated off-street parking plans that show required ADA spaces, or denote if they are included in garage parking.

**Traffic** – According to CBJ 49.40.300(a)(2) a Traffic Impact Analysis is required; the development is anticipated to generate more than 250 ADT.

Parent Lot #	Use	Metric	Units	Trips Generated
1	Low-rise apartment	6.59 per occupied dwelling unit	236	1,555
2	Low-rise apartment	6.59 per occupied dwelling unit	134	883
3	Residential Townhouse	5.81 per dwelling unit	74	139
			<b>TOTAL:</b>	2,577

**Condition 5:** For the Final ARS Plan for the first phase, a Traffic Impact Analysis for the entire development must be approved by CBJ. ADOT&PF will be consulted regarding impacts from the development.

**Habitat** – The U.S. Army Corps of Engineers issued a jurisdictional determination indicating wetlands on the lot. The jurisdictional determination expired on January 20, 2021. A new determination and permitting will be required for project development. There are no other known habitats regulated by Title 49 on site.

**Condition:** None recommended.

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**Hazard Zones** – The development is not in a mapped hazard area.

A Hillside Endorsement is required for cuts into or slopes of 18%. Staff anticipates that residential structures will require hillside endorsement. At its most basic level, the hillside endorsement includes items stamped by an engineer, architect, geologist, or surveyor licensed by the State of Alaska:

- A site plan.
- A landscaping plan.
- A geotechnical memo discussing the soils and the thought process of development on those soils.

Determination of the need for a Hillside Endorsement is done during the Building Permit process.

In the image to the right, the slopes over 18%, derived from 2013 LiDAR, are shown in light purple. Slopes over 37% are darker.



**Public Health, Safety, and Welfare** – The creation of housing is the Assembly’s number one goal for 2022. Housing is believed to constrain economic development.

The applicant participated in a CBJ survey of interest for the Juneau Affordable Housing Fund, stating that they would aim the first two apartment structures at people with incomes of 80% to 120% Average Mean Income (AMI) (**Attachment G**). Housing targeting this group was previously referred to as “workforce housing,” and is currently called “middle income housing.” Under the CBJ program, rents for people at 80% AMI for a one-bedroom unit would be capped at \$1,934, and a two-bedroom unit would be capped at \$2,176.

During the public meeting (details below) members of the public voiced concerns that low-income housing would bring crime and drug use to the area. Public housing built with access to employment, commerce, schools, and other institutions has crime rates similar to those of other neighborhoods (**Attachment H**).

**What Does 80% AMI Mean?**

For context, 80% AMI is \$67,680 for a single person in Juneau, or \$2,820 every two weeks. A State of Alaska Employee Range 20 at Step A could qualify for this housing. Among the State jobs posted with qualifying salary ranges include Accountant 3 & 4, Analyst Programmer 5, Assistant Attorneys General and District Attorneys, the Executive Administrator for the Board of Pharmacy, Grant Administrators, and payroll supervisors. For a CBJ perspective, a Senior Planner at Community Development can’t qualify at 80% AMI until reaching Step D (**Attachment I**).

**Property Value and Neighborhood Harmony** – The Assessor’s Office did not respond to staff’s query about property value. Assembly action rezoning the property from D5 to D18 indicates Assembly understanding and acceptance of impacts to the neighborhood.

Neighbors have expressed an interest in a fence or other barrier between the Ridgeview development and Vista del Sol, to better differentiate project open space from private property next door. After consulting with a fencing company, the applicant would prefer a vegetative barrier due to poorly drained soils.

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Vista del Sol neighbors expressed concerns about clearing conducted by the previous owner resulting in trees falling or about to fall on their property. Neighbors were encouraged to contact the applicant directly to address tree concerns, because the applicant will have a contractor available this fall season to remove offending trees.

**Condition 6:** Plan and install a continuous vegetated barrier along the entire length of the development from the platted connection with Vista del Sol Drive along the shared property line to the development’s property line at Glacier Highway. The vegetated barrier will be depicted on the preliminary and final plats of each Phase located in this area with an associated plat note.

**Phasing** – The phasing plan is in **Attachment B**. Construction of common facilities for a phase (such as roadway, off-street parking, and open space) is required to be completed before moving on to the next Phase [CBJ 49.15.960(b)]. **Attachment J** provides the requirements for each phase based on the materials provided in **Attachment B**.

The off-street parking and phasing plan provided omits ADA spaces. ADA spaces would be required to be shown for the Final Plan for each phase. Provision of ADA parking is a Federal regulatory requirement that can be examined during the Final Plan for each phase, and does not require a condition.

Road construction is proposed to be phased as shown. The secondary access must be developed by the ninth (9<sup>th</sup>) Temporary Certificate of Occupancy in Phase 2.

Standard conditions for ADA signage and parking lot striping can be included on conditions for the Final Plan for each phase.

**Condition 7:** Prior to approval of the Final Alternative Residential Subdivision Plan for each phase, the applicant shall submit homeowners’ association, or similar, documents that comply with the requirements of CBJ 49.15.950(b).

**Condition 8:** Per CBJ 49.15.920(o), prior to approval of the Final Alternative Residential Subdivision Plan, the CDD Director will approve the final mailbox location.

**AGENCY REVIEW**

CDD conducted an agency review comment period between August 3, 2022 and September 15, 2022. Agency review comments can be found in **Attachment K**.

Agency	Summary
U.S. Army Corp of Engineers	Lot has wetlands that fall within their jurisdiction.
ADOT&PF	Traffic Impact Analysis required, build to ADOT&PF standards.
CCFR	Sprinkler, fire alarm, hydrant, and equipment turn-around provisions. Secondary access required after 100 units. Updated with acceptance of <i>cul de sac</i> proposal.
CBJ General Engineering	No comments at this time.
CBJ GIS Specialist	Change name of Seymour Way to Vista del Sol Drive, for continuity.

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**PUBLIC COMMENTS**

CDD conducted a neighborhood meeting on September 8, 2022, attended by 16 members of the public (**Attachment L**). Notice was sent to property owners within 500 feet of the proposed development.

The group proposed three modifications.

- (A) Use AMHT land to provide secondary access. This will depend on negotiations with AMHT.
- (B) End Seymour Way in a *cul de sac*. Do not connect to Vista del Sol Drive.
- (C) Provide a fence or other barrier between the development and neighbors in Vista Del Sol Subdivision.

CDD conducted a public comment period between September 9, 2022 and September 19, 2022. Public notice was mailed to property owners within 500 feet of the development (**Attachment M**). A public notice sign was also posted on site two weeks prior to the scheduled hearing (**Attachment N**). Public comments submitted at time of writing this staff report can be found in **Attachment O**.

Name	Summary
Collin McClelland	From Neighborhood Meeting: installation of barrier between developments, <i>cul de sac</i> instead of connection to Vista del Sol, address traffic impact.

**CONFORMITY WITH ADOPTED PLANS**

The proposed development conforms to the 2013 Comprehensive Plan, 2016 Housing Action Plan, and the 2015 Juneau Economic Development Plan. Plans call for the development of housing, particularly in a flexible format that fits the character of existing neighborhoods and provides housing for a variety of CBJ residents and economic groups.

PLAN	Chapter	Page No.	Item	Summary
2013 Comprehensive Plan	4	36-37	Policy 4.1/4.2	Policies promote providing an adequate supply of various types of housing for all CBJ residents and economic groups.
	10	130	Policy 10.2	Policy promotes flexibility and creativity in residential development within the urban service boundary.
	11	157	Land Use Designation	Complies with the <i>Medium Density Residential</i> Land Use Designation which allows for residential development between 5-20 units per acre.
2016 Housing Action Plan	Part 2	35	Production Target	The Housing Action Plan sets an annual goal of 66 new dwelling units. Proposal creates 444 new housing units.
2015 Juneau Economic Development Plan	5	103	Initiative	Plan calls for promoting housing affordability and availability.

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**FINDINGS**

**Alternative Residential Subdivision Preliminary Plan Approval** – Per CBJ 49.15.940(d), the Director makes the following findings on the proposed Alternative Residential Subdivision Preliminary Plan:

**1. Does the proposed development protect natural features and avoid natural hazards by reserving them as open space?**

**Analysis:** No additional analysis needed.

**Finding:** Not applicable. There are no natural features or natural hazards on the lot to reserve as open space.

**2. Is the proposed development consistent with Title 49, the Land Use Code?**

**Analysis:** No additional analysis needed.

**Finding: Yes.** With recommended conditions, the proposed development complies with CBJ 49.15 Article 9, CBJ 49.35, and CBJ 49.40.

**3. Does the development incorporate perimeter buffers sufficient to minimize off-site impacts of the subdivision and to maximize harmony with the neighborhood?**

**Analysis:** No additional analysis needed.

**Finding: Yes.** With recommended conditions, the proposed development incorporates perimeter buffers sufficient to minimize off-site impacts and maximize neighborhood harmony.

**4. Do utilities proposed for connection to the City and Borough system meet City and Borough standards, and are all others consistent with sound engineering practices, as determined by the City and Borough Engineering and Public Works Department?**

**Analysis:** The details of utilities will be finalized with each phase at Final Plat. CBJ Engineering and Public Works reviewed the proposal and said that existing infrastructure in Glacier Highway is sufficient to meet the increased use.

**Finding: Yes.** The CBJ Engineering and Public Works Department has reviewed preliminary plans. The development can reasonably connect to CBJ services and meet CBJ standards.

**5. Does the configuration of the development provide for economy and efficiency in utilities, housing construction, access, parking, and circulation?**

**Analysis:** No additional analysis needed

**Finding: Yes.** The proposed development provides economy and efficiency in utilities, housing construction, access, parking, and circulation.

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**6. If the approval is for a phased development, is each phase consistent with the preliminary development plan and design of the entire Alternative Residential Subdivision?**

**Analysis:** Each phase will have a Final Plan approval and Final Plat approval. Those final documents are required to be consistent with this preliminary plan.

**Finding: Yes.** This phase of development is consistent with the preliminary development plan requirements.

**7. Does the proposed development adequately address the cumulative impacts of the phased development on the neighborhood and the natural environment?**

**Analysis:** The Traffic Impact Analysis will determine improvements required to address traffic impacts from the development.

**Finding: Yes.** With recommended conditions, the proposed development plan adequately addresses the cumulative impacts of the phased development on the neighborhood and the natural environment.

**8. If the approval includes an allotment of a density bonus, the density bonus complies with section CBJ 49.15.920(e)(4).**

**Analysis:** No additional analysis required.

**Finding: Yes.** As discussed above, the proposed density bonus complies with section CBJ 49.15.920(e)(4).

Additionally, in accordance with CBJ 49.15.930 and CBJ 49.15.330 (e) & (f), the Director makes the following findings on the proposed Alternative Residential Subdivision Preliminary Plan:

**9. Is the application for the requested Alternative Residential Subdivision Preliminary Plan complete?**

**Analysis:** A Traffic Impact Analysis for the development is recommended before approval of the Final Plan for Phase 1.

**Finding: Yes.** The application contains the information necessary to conduct full review of the proposed operations. The application, including the appropriate fees, substantially conforms to the requirements of CBJ Chapter 49.15.

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

**Analysis:** The application is for multi-family housing. The use is listed at CBJ 49.25.300, Section 1.300 for the D18 zoning district.

**Finding: Yes.** The requested permit is appropriate according to the Table of Permissible Uses.



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

**Analysis:** The proposed site design complies with code requirements of this stage. Future elements – the Preliminary Plat, Final Plan, and Final Plat will be reviewed for completion at the time.

**Finding: Yes.** With the recommended conditions, the proposed development will comply with Title 49, including bonus provisions.

**12. Will the proposed development materially endanger the public health, safety, or welfare?**

**Analysis:** A Traffic Impact Analysis will outline improvements needed for traffic safety.

**Finding: Yes.** With recommended conditions, the requested development, in a D18 zoning district, will not materially endanger the public health or safety.

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

**Analysis:** The Assessor’s Office did not respond to staff’s query about property value. Assembly action rezoning the property from D5 to D18 indicates Assembly understanding and acceptance of impacts to the neighborhood. The Assembly rezoned the property from D5 to D18 in 2015, with discussion of impacts.

**Finding: No.** With recommended conditions, the requested development, in a D18 zoning district will not substantially decrease the value or be out of harmony with the property in the neighboring area.

**14. Will the proposed development conform with the Land Use Plan, Thoroughfare Plan, or other officially adopted plans?**

**Analysis:** In addition to conforming to current plans, the proposal addresses current Assembly’s number one Goal of housing.

**Finding: Yes.** The proposed development, with the recommended conditions, will conform to the 2013 Comprehensive Plan, 2014 Economic Development Plan, and the 2015 Housing Action Plan.

**RECOMMENDATION**

Staff recommends the Planning Commission adopt the Director's analysis and findings and **APPROVE WITH CONDITIONS** the Preliminary Plan for the Ridgeview Subdivision, an Alternative Residential Subdivision creating 90 unit-lots and three (3) parent lots. This permit would allow the applicant to submit for the Final Plan.

This approval is subject to the following conditions:

1. Reevaluate figures provided in “Greenspace by Phase.”
2. Revise site plan to show pedestrian paths or multi-use paths in Phase 3.
3. When the connection to Vista del Sol Drive is constructed, change the name of Seymour Way to Vista del Sol Drive.
4. For each Final Plan, provide updated off-street parking plans that show required ADA spaces, or denote if they are included in garage parking.

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- 5. For the Final ARS Plan for the first phase, a Traffic Impact Analysis for the entire development must be approved by CBJ. ADOT&PF will be consulted regarding impacts from the development.
- 6. Plan and install a continuous vegetated barrier along the entire length of the development from the platted connection with Vista del Sol Drive along the shared property line to the development’s property line at Glacier Highway. The vegetated barrier will be depicted on the preliminary and final plats of each Phase located in this area with an associated plat note.
- 7. Prior to approval of the Final Alternative Residential Subdivision Plan for each phase, the applicant shall submit homeowners’ association, or similar, documents that comply with the requirements of CBJ 49.15.950(b).
- 8. Per CBJ 49.15.920(o), prior to approval of the Final Alternative Residential Subdivision Plan, the CDD Director will approve the final mailbox location.

**STAFF REPORT ATTACHMENTS**

Item	Description
<b>Attachment A</b>	Application
<b>Attachment B</b>	Revised Plan Documents, September 16, 2022
<b>Attachment C</b>	April 14, 2015 Planning Commission Regular Meeting Minutes
<b>Attachment D</b>	June 6, 2015 Committee of the Whole, and July 7, 2015 Regular Meeting Minutes for the Assembly.
<b>Attachment E</b>	Plat 2012-18, Vista del Sol, Phase II
<b>Attachment F</b>	Phased Parking Analysis
<b>Attachment G</b>	Juneau Affordable Housing Fund Program Guidelines, Appendix B
<b>Attachment H</b>	National Low Income Housing Coalition, “Myths and Realities About Public Housing” (2019)
<b>Attachment I</b>	AFL-CIO GGU Contract, Current
<b>Attachment J</b>	Infrastructure Requirements by Phase
<b>Attachment K</b>	Agency Comments
<b>Attachment L</b>	Public Meeting Materials
<b>Attachment M</b>	Abutters Notice
<b>Attachment N</b>	Public Notice Sign Photo
<b>Attachment O</b>	Public Comment

**ARTICLE IX. ALTERNATIVE RESIDENTIAL SUBDIVISIONS**

**49.15.900 Purpose.**

The general purpose of this article is to provide reasonable minimum standards and procedures for unit-lot residential communities in which all or some of the lots do not substantially conform to the minimum requirements for a traditional subdivided lot. This article provides a housing option to allow dwellings on unit-lots to be conveyed by long-term leases, less than fee-simple ownership, or fee-simple ownership, including condominium and other common-interest communities. The specific purpose of this article is to permit flexibility in the regulation and use of land in order to promote its most appropriate use for unit-lot residential communities; to encourage residential developments that are planned, designed and developed to function as integral units with common facilities; to encourage developments that provide different types of housing options; to encourage development of quality affordable housing; to facilitate the adequate and economical provisions of access and utilities; and to encourage developments that are in harmony with the surrounding area.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.910 Application.**

The provisions of this article apply when a parent lot is subdivided into developable unit-lots and where a portion of the parent lot remains.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.920 General provisions.**

- (a) *General.* The requirements of this title apply except as provided in this article.
- (b) *Zoning districts.* An alternative residential subdivision is only allowed in the following zoning districts: RR, D-1, D-3, D-5, D-10SF, D-10, D-15, D-18, and LC.
- (c) *Lot size.* The parent lot shall be at least 150 percent of the minimum lot size for the zoning district in which it is located. There is no minimum size for the unit-lots.
- (d) *Other dimensional standards.* The minimum lot dimensions, lot coverage, and vegetative coverage shall be applied to the parent lot and not the unit-lots.
- (e) *Density.*
  - (1) The number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the alternative residential subdivision and rounding to the nearest whole number.
  - (2) Land and water bodies used in calculating the number of dwelling units permitted shall be delineated on the preliminary and final plans in a manner allowing confirmation of acreage and density computations.

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- (3) The commission may award a density bonus as an incentive for enhancements to the development. The total bonus shall not exceed 50 percent in the RR, D1, D3, D5, D10 zoning districts, and 25 percent in the D-10SF, D15, D18 and LC zoning districts of the density provided in subsection (e)(1) of this section and rounded to the nearest whole number and shall be the sum of individual density bonuses as follows:
  - (A) Five percent for each ten percent increment of open space in excess of that required in the zoning district to a maximum bonus of 15 percent for open space in excess of that required;
  - (B) Five percent for a continuous setback greater than 50 feet or ten percent for a continuous setback greater than 50 feet on both sides of a stream, if applicable, designated in the plan as undisturbed open space along important natural water bodies, including anadromous fish streams, lakes, and wetlands;
  - (C) Fifteen percent for a mixture of housing units restricted by a recorded document for a period of 30 years from the first sale:
    - (i) In which ten percent of the dwelling units are set aside for lower income households earning no more than 80 percent of the area median income; or
    - (ii) In which 20 percent of the dwelling units are set aside for workforce households earning no more than 120 percent of the area median income.
  - (D) Up to ten percent for provision of common facilities and additional amenities that provide an unusual enhancement to the general area, such as siting, landscaped buffers, or the creation or preservation of view corridors;
  - (E) Ten percent for dedication of a public right-of-way accessible to all unit-lots consistent with chapter 49.35;
  - (F) Five percent in the RR, D-1, D-3, D-5, and D-10SF zoning districts, and ten percent in the D-10, D-15, D-18 and LC zoning districts for providing shared use pathways to facilitate safe pedestrian and bicycle movement within the development and to ensure non-vehicular access to open space, common facilities and to public services;
  - (G) Five percent for designing all dwelling structures to a five-star plus energy efficiency rating; ten percent for designing all dwelling structures to a six-star energy efficiency rating; and
  - (H) Up to ten percent for using high-efficiency primary heating methods, such as heat pumps, in all dwelling structures.
- (4) A density bonus may be limited or denied if it will more probably than not:
  - (A) Materially endanger public health or safety;
  - (B) Substantially be out of harmony with property in the neighboring area;
  - (C) Lack general conformity with the comprehensive plan or another adopted plan; or
  - (D) Create an excessive burden on roads, sewer, water, schools, or other existing or proposed public facilities.
- (f) *Frontage and access.* The parent lot shall front on and be accessed by a publically maintained right-of-way. Access within the development may be exempted from [chapter] 49.35 and be privately owned and maintained if it complies with the following requirements:
  - (1) The access shall be located completely on the parent lot;
  - (2) The access does not endanger public safety or welfare and provides for safe pedestrian and vehicular traffic circulation;

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- (3) The access complies with the emergency service access requirements of CBJ [chapter] 19.10;
  - (4) Access to and within the development is paved;
  - (5) The developer submits adequate evidence that upon approval of the development, a homeowners' association will be formed, can obtain liability insurance, and is solely responsible for maintaining the private access—including winter maintenance; and
  - (6) The alternative residential subdivision does not abut a developable parcel that lacks alternative and practical frontage on a publically maintained right-of-way.
- (g) *Utilities.* An alternative subdivision is required to connect each dwelling unit to public sewer and water. A master meter for water shall be installed by the developer.
- (h) *Parking.* Parking required for each dwelling unit may be located on either the parent lot or the unit-lot.
- (i) *Open space.* Open space is required as follows: 25 percent in the RR and D-1 zoning districts; 20 percent in the D-3, D-5 and D-10 zoning districts; 15 percent in the D-10SF district. Open space is not required in the D-15, D-18, or LC zoning districts.
- (j) *Buffer.* There are no setback requirements on the unit-lots. A perimeter buffer is required in lieu of the setback requirements of this title on the parent lot. The presumptive buffer width shall not be less than the setback set by the underlying zoning district to ensure neighborhood harmony and minimize off-site impacts. The commission may enlarge a buffer or a portion of a buffer up to 25 feet in total width, and the commission may reduce a buffer or a portion of a buffer by 75 percent of the setback for the underlying zoning district. The commission may only enlarge or reduce the buffer width upon considering, but not limited to: type of buffer, location of the subdivision structures and uses therein; the location and type of surrounding uses or development; topography; and the presence of existing visual and sound buffers. A buffer shall be vegetated unless the commission requires non-vegetated screening. A buffer may include fencing, natural berm, or other similar features. No parking areas, dwelling units, unit-lots, or permissible uses may be located within the perimeter buffer. Access to the development may cross a portion of the buffer.
- (k) *Parent lot.* Portions of the parent lot not subdivided into unit-lots shall be owned in common by a homeowners' association, or similar entity, comprised of the owners of the unit-lots located within the parent lot.
- (l) *Stormwater management.* Facilities for the control and disposal of stormwater must be adequate to serve the development and areas draining through the development. Management shall be in accordance with the Stormwater Best Management Practices manual. Where appropriate, natural drainage channels, swales, or other similar areas within the open space may be used for stormwater management at the development. The developer shall provide the CBJ Engineering and Public Works Department with an evaluation of offsite drainage outfalls for the additional runoff contributed by the alternative residential subdivision. The commission may require construction of offsite drainage improvements necessary to accommodate additional runoff from the development.
- (m) *Permitted uses.* No primary uses are permitted on the parent lot except a recreational center, community facility, or a child care center. Consistent with the table of permissible uses, 49.25.300, only residential uses and associated accessory structures are allowed on the unit-lots. Accessory dwelling units are prohibited on the parent lot and on any unit-lots. A home occupation or a child care home is permissible on the unit-lots. If an alternative residential subdivision creates a lot that complies with the table of dimensional standards, 49.25.400, for the underlying zoning district, the accessory dwelling unit prohibition of this subsection does not apply.
- (n) *Street sign.* Street signage is required. The developer shall install a street sign provided by the City and Borough of Juneau at the developer's expense. The director shall determine the type of street sign—

addresses or street name—upon considering public health, safety, and welfare given the size of the subdivision.

- (o) *Mailboxes.* Upon consultation with the United States Postal Service, the director shall determine the placement location of mailboxes. The director may require additional improvements and design changes to enable efficient mail delivery and to minimize traffic interferences and compliance with CBJ standard details.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.930 Alternative residential subdivision review process.**

- (a) *General procedure.* A proposed alternative residential subdivision shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of an application proposing a change in the number or boundaries of unit-lots, section 49.15.402, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of unit-lots, the preliminary and final plat submissions required by section 49.15.402 shall be included with the preliminary and final plan submissions required by this chapter.
- (b) *Preapplication conference.* Prior to submission of an application, the director shall conduct an informal preapplication conference with the developer to discuss the proposed alternative residential subdivision. The purpose of the preapplication conference shall be to exchange general and preliminary information and to identify potential issues and bonuses. The developer may discuss project plans and the director may provide an informal assessment of project permit eligibility, but no statement made by either party shall be regarded as binding, and the result of the conference shall not constitute preliminary approval by the department. The conference shall include a discussion of the zoning, size, topography, accessibility, and adjacent uses of the development site; the uses, density and layout of buildings, parking areas, the open space and landscaping proposed for the development; the common facilities; provision of utilities, including solid waste and recycling collection; the access, the vehicle and pedestrian circulation, and winter maintenance including snow removal locations; the development schedule and the alternative residential subdivision permit procedures. The developer shall provide a sketch of the proposed alternative residential subdivision.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.940 Preliminary alternative residential subdivision plan approval.**

- (a) *Application.* The developer shall submit to the department one copy of a complete alternative residential subdivision application, which shall include an application form, the required fee, any information required in subsection 49.15.402, the information required by this section, and any other information specified by the director.
- (b) *Required submissions.* The application shall include the following material:
  - (1) *Ownership.* The application shall identify, and shall be signed by or upon, the included written authorization of, all owners, lessees, and optionees of land within the boundaries of all phases of the alternative residential subdivision.
  - (2) *Preliminary development plan.* The application shall include a preliminary development plan, explaining how the proposed alternative residential subdivision will achieve the purposes set forth in section 49.15.900. The preliminary development plan shall summarize the different land uses proposed, including the amount of land for housing, open space, buffer, access, parking and pedestrian circulation; the number and types of housing units and proposed density; the natural features to be protected and hazards to be avoided; and the public, if any, and private services to be provided.

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- (3) *Design.* The application shall describe the design of the alternative residential subdivision, with particular attention to building siting, massing, access, parking, and architectural features; provision of utilities including drainage and trash collection; provision of winter maintenance for access and parking areas; and the circulation of traffic and pedestrians.
- (4) *Open space, common facilities, and general landscaping.* The preliminary plat shall show and describe common facilities, pedestrian circulation to common facilities and amenities, open space, buffers, landscaping, and similar features.
- (5) *Request for density bonuses.* If a density bonus is being applied for, the application shall include a narrative describing the justification for the requested bonus, and the application shall show the nature and extent of the requested bonus.
- (6) *Description of phased development.* The preliminary development plan for a phased alternative residential subdivision shall include:
  - (A) A drawing and development schedule for each phase and for the entire alternative residential subdivision;
  - (B) The size and general location of proposed land uses for each phase at the maximum level of density, including maximum allotment of density bonuses;
  - (C) A description of the access (pedestrian and vehicular) connecting all the phases and where they will connect at the alternative residential subdivision boundaries;
  - (D) A description of how the developer will address the cumulative impacts of the phased development on the neighborhood and the natural environment;
  - (E) A description of the overall design theme unifying the phases;
  - (F) An analysis of how each phase in the project will meet the requirements of subsection 49.15.960(b); and
  - (G) A sketch plat consistent with section 49.15.410.
- (c) *Department review.* The director shall advise the developer whether the alternative residential subdivision application is complete, and, if not, what the developer must do to make it complete. Within 45 days after determining an application is complete, the director shall schedule the preliminary plan for a public hearing before the commission. The director shall give notice to the developer and the public according to section 49.15.230.
- (d) *Commission action.* The commission may approve an alternative residential subdivision preliminary plan if it meets the following requirements:
  - (1) The development protects natural features and avoids natural hazards by reserving them as open space;
  - (2) The development is consistent with the land use code;
  - (3) The development incorporates perimeter buffers sufficient to minimize off-site impacts of the subdivision and to maximize harmony with the neighborhood;
  - (4) Utilities proposed for connection to the City and Borough system meet City and Borough standards, and all others are consistent with sound engineering practices, as determined by the City and Borough Engineering and Public Works Department;
  - (5) The configuration of the development provides for economy and efficiency in utilities, housing construction, access, parking and circulation;

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- (6) If the approval is for a phased development, that each phase is consistent with the preliminary development plan and design of the entire alternative residential subdivision;
  - (7) Adequately addresses the cumulative impacts of the phased development on the neighborhood and the natural environment; and
  - (8) If the approval includes an allotment of a density bonus, the density bonus complies with section 49.15.920(e)(4).
- (e) *Expiration.* Approval of a preliminary plan shall expire 18 months after the commission notice of decision unless a final plan for the entire project or, in the case of a phased development, the first phase thereof, is submitted to the department for commission action. An application for extension of a preliminary plan shall be according to section 49.15.250, development permit extension.
- ( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.950 Final alternative residential subdivision plan approval.**

- (a) *Application.* Upon completion of all conditions of the preliminary plan, the developer shall submit an application, fee, and a final plan for commission approval.
  - (b) *Homeowners' association.* The formation of a homeowners' association, or similar entity, is required.
    - (1) The articles of incorporation and bylaws of the homeowners' association, required under A.S. 34.08 or this chapter, shall be prepared by a lawyer licensed to practice in the state.
    - (2) The homeowners' association shall be responsible for the maintenance of open space, water and sewer utilities, and stormwater control features and drainages. The association documents shall specify how any other common facilities shall be operated and maintained. The association documents shall require homeowners to pay periodic assessments for the operation, maintenance and repair of common facilities. The documents shall require that the governing body of the association adequately maintain common facilities.
    - (3) If the alternative residential subdivision is phased, the association documents shall specify how the cost to build, operate, and maintain improved open space and common facilities shall be apportioned among homeowners of the initial phase and homeowners of later phases.
    - (4) The homeowners' association documents shall be recorded with the approved final plat.
  - (c) *Commission action.* The commission may approve the final plan if it substantially conforms to the approved preliminary plan and all requirements of this article.
  - (d) *Expiration.* An approved final plan shall expire 18 months after recording if the applicant fails to obtain an associated building permit and make substantial construction progress. An application for extension of a final plan shall be according to section 49.15.250, development permit extension.
- ( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.960 Phased development.**

- (a) *Phasing allowed.* An applicant may develop an alternative residential subdivision in phases, provided the initial application includes a preliminary development plan sufficient to assess the cumulative effects of the entire alternative residential subdivision on the neighborhood and the environment according to the standards in subsection 49.15.940.



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- (b) *Completion of an individual phase.* Each phase shall be so designed and implemented that, when considered with reference to any previously constructed phases but without reference to any subsequent phases, it meets the design and density standards applicable to the entire alternative residential subdivision. Construction and completion of open space and common facilities serving each phase in an alternative residential subdivision shall proceed at a rate no slower than that of other structures in that phase. No phase shall be eligible for final plan approval until all components of all preceding phases are substantially complete and homeowners' association documents have been approved.
- (c) *Standards for phases.* Each phase of an alternative residential subdivision shall be reviewed according to the provisions of this chapter then current. Each phase of an alternative residential subdivision shall maintain design continuity with earlier phases. At no point during a phased development shall the cumulative density exceed that established in the approved preliminary plan.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.970 Amendments to approved alternative residential subdivision plan.**

- (a) *Request for amendment.* The developer of an alternative residential subdivision may request an amendment to an approved preliminary or final alternative residential subdivision plan. The request shall state the reasons for the amendment and shall be submitted in writing to the director, who shall inform the developer within 15 days whether the request shall be processed as a minor amendment or major amendment.
- (b) *Minor amendment.* A minor amendment may be submitted without a filing fee and may be approved by the director. For purposes of this section, a minor amendment is a change consistent with the conditions of the original plan approval, and would result in:
  - (1) Insignificant change in the outward appearance of the development;
  - (2) Insignificant impacts on surrounding properties;
  - (3) Insignificant modification in the location or siting of buildings or open space;
  - (4) No reduction in the number of parking spaces below that required;
  - (5) A delay of no more than one year in the construction or completion schedule for the project or, in the case of a phased project, the phase for which the amendment is requested.
- (c) *Major amendment.* All other amendments shall be reviewed by the commission upon payment of a filing fee and in accordance with the requirements of the original plan approval.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

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	Units proposed	Square Feet Provided Parent Lot			Open Space Required Parent Lot			Parking Required <sup>B</sup> Parent Lot			ADA Required Parent Lot		
		1	2	3	1	2	3	1	2	3	1	2	3
Phase 1	72	115,840			35,060			86			4		
Phase 2	164	291,260			54,560			190			6		
Phase 3	136		115,840			60,200			156			6	
Phase 4	44			84,390			20,020			50			2
Phase 5	28			225,250			173,090			56			0
TOTALS		407,100	115,840	309,640	89,620	60,200	193,110	276	156	106	10	6	2
Acres		9.35	2.66	7.11	2.06	1.38	4.43						

A: See "Density Bonus" section for density discussion

B: See Attachment B for parking figures

# DRAINAGE REPORT & EROSION CONTROL

**To:** Garret Johnson, Owner, PCI  
**From:** Toby Lockhart, PE  
**Date:** November 14, 2022  
**Re:** Ridgeview Subdivision



## 1.0 Site Overview

The site is on the uphill (north) side of Glacier Highway (7400) and is located at the base of Heintzleman Ridge just above the Mendenhall Wetlands and the Gastineau Channel receiving water. Most of the roughly 20-acre site remains densely forested, with approximately 3-acres in the lower southwest corner having been cleared, but not grubbed.

There are five (5) 24-inch corrugated metal pipe (CMP) cross-culverts along the ~750-ft Glacier Highway frontage to which the property discharges stormwater runoff. There are five (5) associated drainages that cross the site from north to south, only one of which (drainage #1) originates from the top of Heintzleman Ridge. This drainage crosses the northwest corner of the proposed development and runs down the shared boundary with the Vista Del Sol Subdivision to the west. There is one other significant drainage (#6) that passes just to the east of the proposed development and was not considered in this evaluation. All other drainages (#2 - #5) originate within the 20-acre site and carry far less flow.

The proposed grading and drainage scheme minimizes the amount of runoff directed to drainage #1 and CMP-1, and divides and directs the remaining runoff to CMP-2, 3, 4 and 5.

## 2.0 Increase in stormwater runoff

Drainage basins shown on the attached Exhibits A & B were evaluated for pre- and post-development flows in accordance with the 2010 CBJ Manual of Stormwater Management Practices. The resulting increase in runoff flows in cubic feet per second (CFS) are summarized in Table 1 below:

Table 1 – Stormwater Runoff Summary			
Discharge Point	Increase in Runoff (CFS)*	Post-Development Total Flow (CFS)	Discharge Culvert Capacity (CFS)
CMP-1	-0.4	N/A	N/A
CMP-2	5.5	6.7	32.1
CMP-3	8.3	10.8	24.2
CMP-4	8.3	10.3	27.9
CMP-5	4.4	8.5	23.5

\*Results are based on an assumed precipitation intensity(i) = 3.04 inches/hour for a 5-min duration and a 25-year storm event. See attached calculations for more detail.

### **3.0 Connections to established channels**

The rough grading and drainage plan shown on plan sheets G-001, C-301, C-302, and C-303 depicts the overall surface grading and piping systems. Ultimately, each system will outfall to one of the five (5) 24-inch CMP cross-culverts along Glacier Highway.

### **4.0 Evaluation of downstream drainage ways**

Each Glacier Highway cross-culvert that will see an increase in flow has been evaluated and found to have ample capacity for the additional demand (see Table 1 above).

### **5.0 Summary of Required Improvements (CBJ 49.35, Article V)**

Following is a summary of the approach to CBJ code requirements for the drainage plan:

- a) Plan Requirements
  - 1) Increase in Runoff: See Table-1 above
  - 2) Evaluation of Existing Drainage Ways: See section 4.0 and Table-1 above
  - 3) Public and any required drainage facilities: See the plan and profile sheets (C-201, C-202, and C-203) for the drainage improvements within the Seymour Way Right of Way (ROW). See Sheet C-301 for two detention ponds at ~STA "S" 13+00 LT, and the drainage #1 outfall system along the west boundary of the property. See Sheets C-302 and C-303 for the east/west ROW connection to the Alaska Mental Health Trust property to the east of the proposed development.
  - 4) Outlet to Established Drainage: See section 4.0 above
- b) Easements: See the preliminary plat for proposed maintenance easements for:
  - (1) Existing drainage outfall along the common boundary between the proposed Ridgeview Subdivision and the Vista Del Sol Subdivision.
  - (2) Detention ponds (within Parent Lot 1) for Seymour Way roadway runoff.
  - (3) Slope easements along all proposed CBJ right of way for ditch and backslope maintenance.
- c) Drainage Systems Required: See plan sheets C-301, C-302, and C-303.
- d) Construction timing: See project narrative and phasing plan.

### **6.0 Erosion Control**

In accordance with the requirements of the Alternate Residential Subdivision (ARS) plan, the proposed development contains a minimum of 30% open space (mostly green space) within each parent lot. The inclusion of green space will reduce the volume of runoff and help treat contaminants at their source. In addition to meeting this green space requirement, several Best Management Practices (BMP's) have been incorporated into the drainage plan to treat contaminants at their source and reduce contaminants discharged to the environment.

Curb Inlet Outfalls to Vegetated Ditchlines

Rather than employ a traditional enclosed stormwater collection system with structures and piping along Seymour Way, the grading and drainage plan calls for roadway runoff to be captured in curb inlets and discharged to a flat-bottom vegetated ditchline (see figure 1 below).

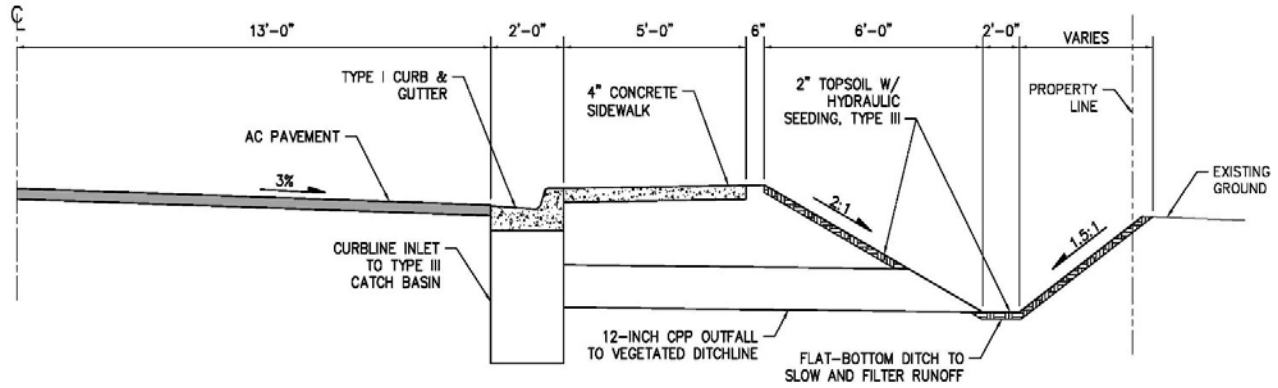


Figure 1 – Vegetated Ditchline BMP

Detention Ponds

Two detention ponds of approximately 500 cubic yards each at approximate STA “S” 13+00, 60’ LT will be constructed to treat runoff from the two largest drainage basins (II and FF), as well as snow melt from the snow storage area at approximate STA “S” 14+00, 50’ LT.

Oil-Water Separators

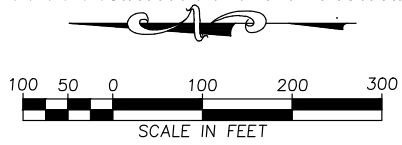
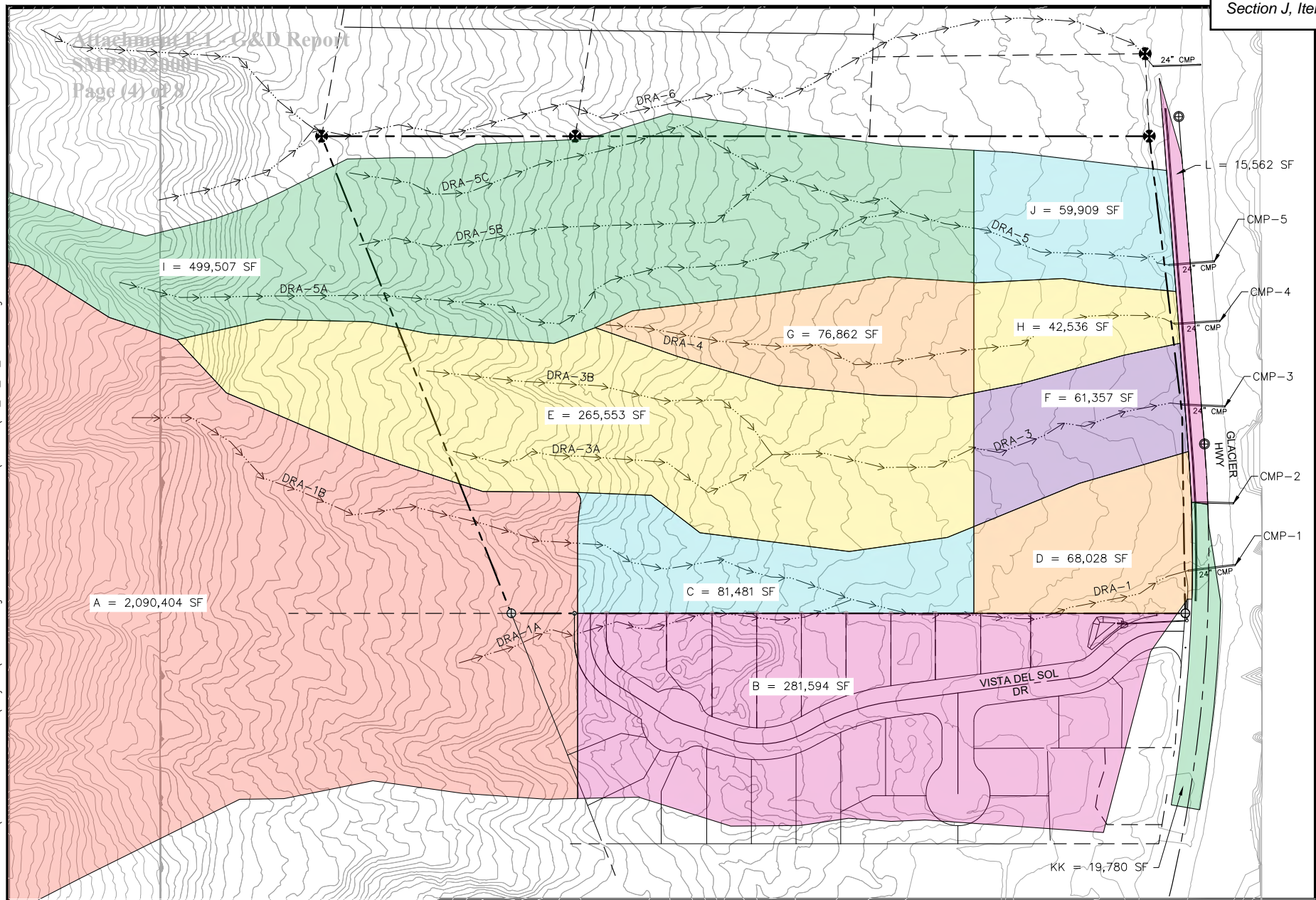
An oil-water separator will also be installed at the outfall of each of the four post-development drainage basins prior to discharge to the Glacier Highway cross-culverts.

7.0 Drainage Summary

The downstream drainage ways have been evaluated for the impact of the proposed improvements, and found to be adequate to handle the increase in runoff, and several BMP’s have been incorporated to manage and mitigate the increased runoff and treat contaminants prior to discharge to the environment.

Attachment E-1 - C&D Report  
SMP22-001  
Page (4) of 8

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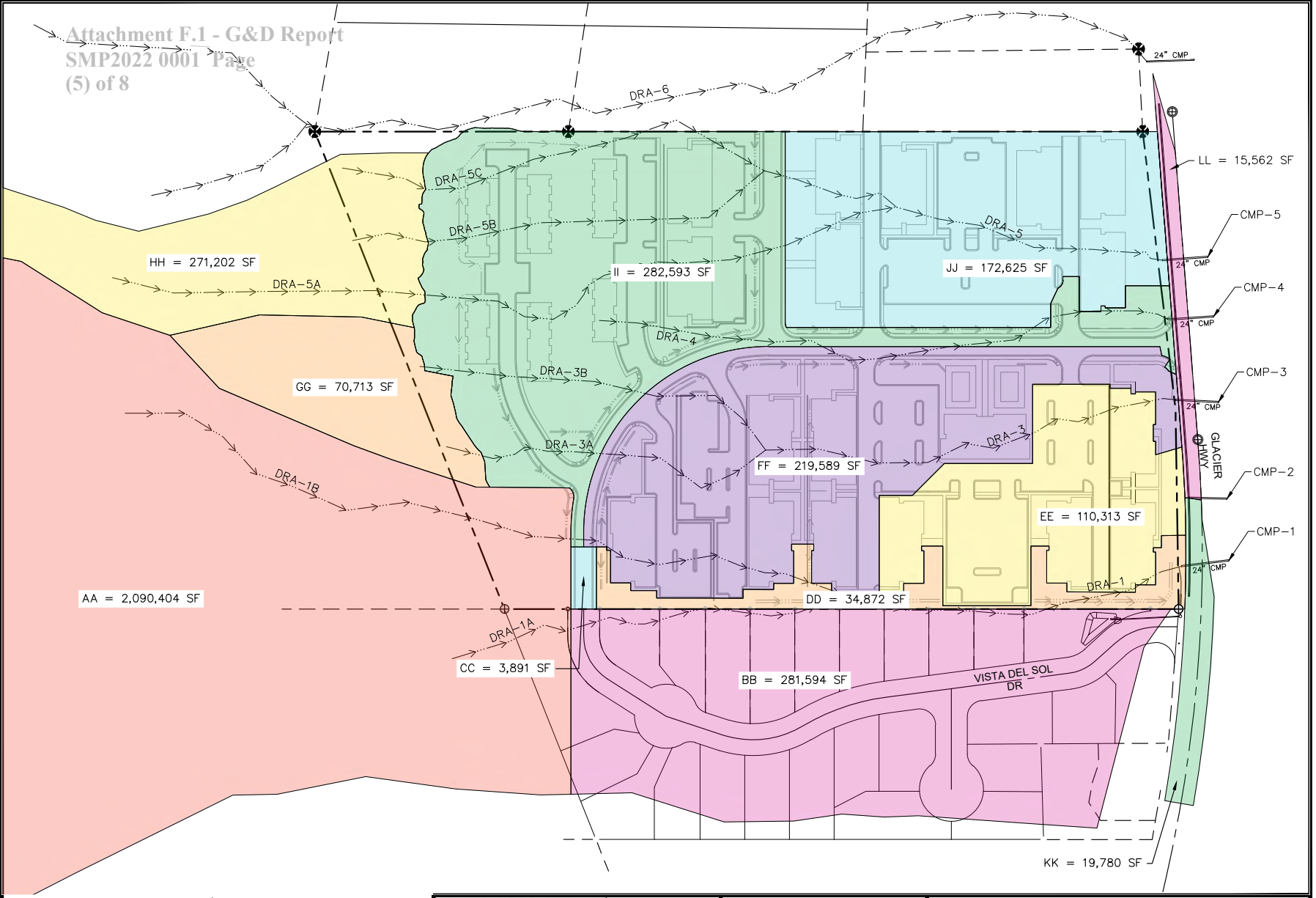
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Juneau, Alaska 99801  
907-463-5395

Toby Lockhart  
toby@homeshore11c.com  
Candy Sims  
candy@homeshore11c.com

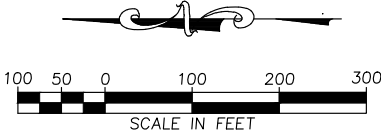


RIDGEVIEW SUBDIVISION  
**EXHIBIT A**  
EXISTING DRAINAGE BASINS

Attachment F.1 - G&D Report  
 SMP2022 0001 Page  
 (5) of 8



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6035 Sunset Street  
 Juneau, Alaska 99801  
 907-463-5395

Toby Lockhart  
 toby@homeshorellc.com  
 Candy Sims  
 candy@homeshorellc.com



RIDGEVIEW SUBDIVISION  
 EXHIBIT B  
 POST-DEVELOPMENT  
 DRAINAGE BASINS

Attachment F.1 - G&D  
Report SMP2022 0001

Drainage Area Name	C	Area (SF)	Acres	Discharge	Description
<u>Existing Basins</u>					
A	0.1	2,090,404	48.0	CMP-1	Upper reaches (above 20 acres) - dense forest
B	0.42	281,593	6.5	CMP-1	Vista Del Sol - Single family residential - 3.0 DU/GA
C	0.1	81,481	1.9	CMP-1	Lower reaches - Ridgeview - dense forest
D	0.15	68,028	1.6	CMP-1	Lower reaches - Ridgeview partially cleared - light forest
E	0.1	265,553	6.1	CMP-3	Above partially cleared Ridgeview - dense forest
F	0.15	61,357	1.4	CMP-3	Partially cleared Ridgeview - light forest
G	0.1	76,862	1.8	CMP-4	Above partially cleared Ridgeview - dense forest
H	0.15	42,536	1.0	CMP-4	Partially cleared Ridgeview - light forest
I	0.1	499,507	11.5	CMP-5	Above partially cleared Ridgeview - dense forest
J	0.15	59,909	1.4	CMP-5	Partially cleared Ridgeview - light forest
K	0.9	19,780	0.5	CMP-2	Glacier Highway runoff
L	0.9	15,562	0.4	CMP-4	Glacier Highway runoff
<u>Proposed Basins</u>					
AA	0.1	2,090,404	48.0	CMP-1	Upper reaches (above 20 acres) - dense forest - Same as A
BB	0.42	281,593	6.5	CMP-1	Vista Del Sol - Single family residential - 3.0 DU/GA - Same as B
CC	0.9	3,891	0.1	CMP-1	Upper Ridgeview Hardscape - Seymour Way
DD	0.25	34,872	0.8	CMP-1	Lawns and greenspace along west boundary of improvements
EE	0.71	110,313	2.5	CMP-2	Total area of lower portion of parent lot 1
	0.25	33,094			30% Greenspace
	0.9	77,219			70% Hardscape
FF	0.71	219,589	5.0	CMP-3	Total area of upper portion of parent lot 1
	0.25	65,877			30% Greenspace
	0.9	153,712			70% Hardscape
GG	0.1	70,713	1.6		Upper reaches (above 20 acres) - dense forest
HH	0.1	271,202	6.2		Upper reaches (above 20 acres) - dense forest
II	0.35	282,593	6.5	CMP-4	Mostly parent lot 3 + the east side of Seymour Way
	0.25	141,297			50% Greenspace
	0.9	70,648			50% Hardscape
JJ	0.71	172,625	4.0	CMP-5	Mostly parent lot 2
	0.25	51,788			30% Greenspace
	0.9	120,838			70% Hardscape
KK	0.9	19,780	0.5	CMP-2	Glacier Highway runoff - Same as K
LL	0.9	15,562	0.4	CMP-4	Glacier Highway runoff - Same as L



**Stormwater Hydrologic Calculations**

Based on the August 2010 CBJ Manual of Stormwater Best Management Practices

**PIPE CAPACITY CALCULATIONS**

Mannings Equation from 19-4 of the Civil Engineering Reference Manual for the PE

$$Q = V * A = (1.49/n) A (R^{2/3}) (S^{1/2})$$

Where,

- Q = Flow rate in CFS
- V = Velocity in feet per second
- n = Manning coefficient (see Table 5-5)
- R = Hydraulic radius (A/P or D/4 for full pipe conditions)
- A = Cross-section area of the flow ( $\pi * (D^2) / 4$  for full pipe)
- P = Wetted perimeter of the flow ( $\pi * D$  for full pipe)
- D = Diameter (FT)
- S = Slope expressed as a decimal (rise over run)

Culvert	Q (CFS)	n	D (FT)	R	(Pipe Full Cond.)			Description
					A	P	S	
CMP-1	15.26	0.028	2	0.5	3.142	6.283	0.021	Major drainage to the west
CMP-2	32.11	0.028	2	0.5	3.142	6.283	0.093	Curb Inlet - slope from DOT plans - outfall not found
CMP-3	24.24	0.028	2	0.5	3.142	6.283	0.053	
CMP-4	27.86	0.028	2	0.5	3.142	6.283	0.070	Curb inlet at approach
CMP-5	23.54	0.028	2	0.5	3.142	6.283	0.050	

Attachment F.1 - G&D  
Report SMP2022 0001

Page (8) of 8  
Stormwater Hydrologic Calculations

Based on the August 2010 CBJ Manual of Stormwater Best Management Practices

**PEAK FLOW CALCULATIONS FOR CONVEYANCE**

Peak Flow Determination via the Rational Method (Appendix D)

$$Q_r = (C)(I)(A)$$

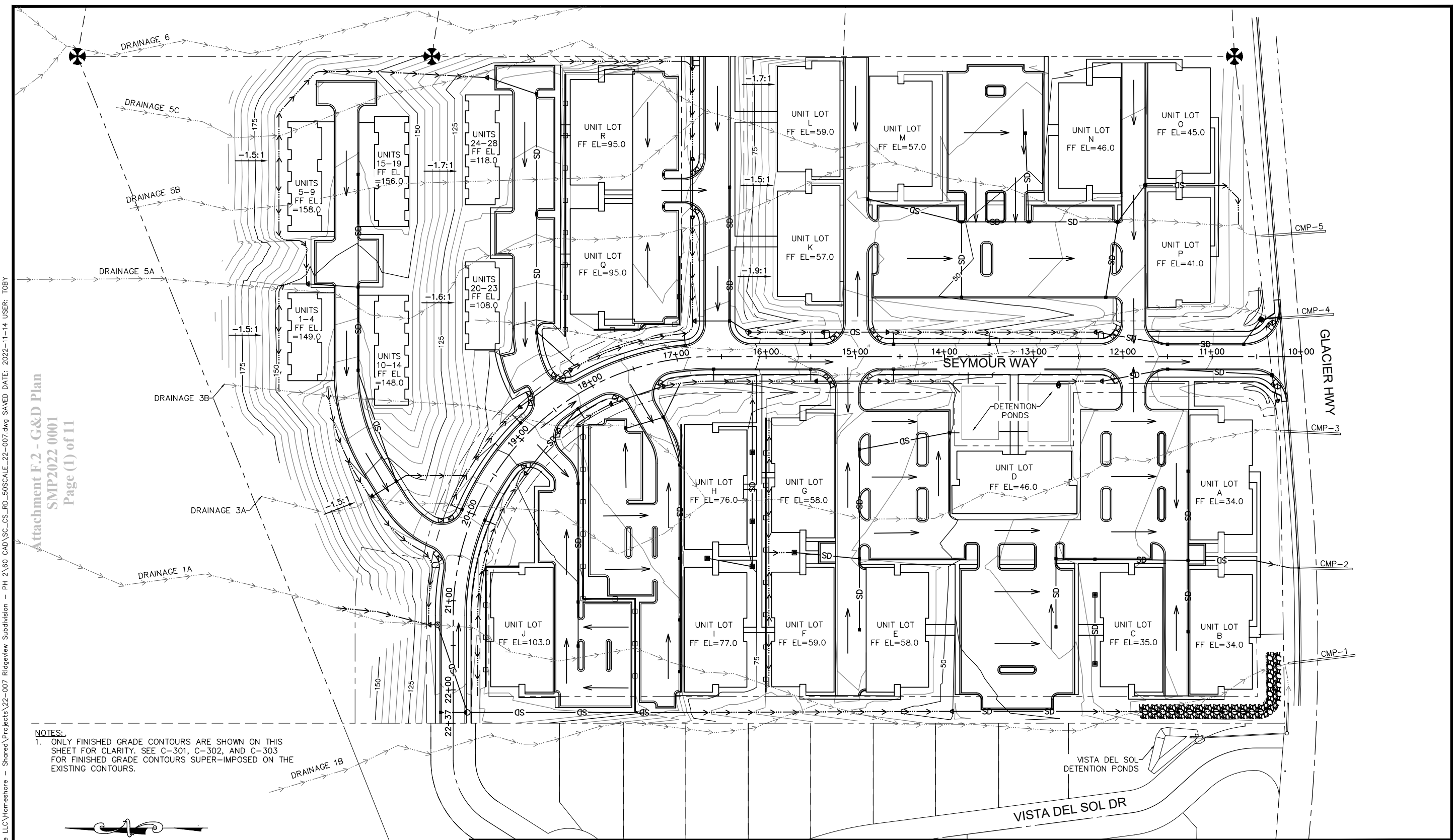
Where,

- Q = Peak flow in cfs for a storm of return frequency R
- C = Estimated runoff coefficient (portion that becomes runoff) - from Table D-4 on page D-9  
With several land cover types, Cc = Composite C = (C1Area1 + C2Area2...+CnAn) / Total Area
- i = Water quality peak rainfall intensity (in/hour) - From NOAA\*
- A = Drainage subbasin area (acres)

\*For conveyance sizing, a Tc = 5 min with a 25-year return period yields i=3.04 per the online NOAA Precip Table.

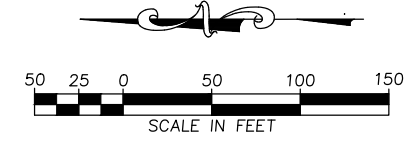
Peak Flows for Conveyance

Capacity(CFS)	Discharge Point	Q(cfs)	i	Cc	C	Area (SF)	Drainage Basin	
15.26	<b>CMP-1</b>							
	Existing	1.3	3.04	0.12	0.1	81,481	C	*Note: drainage areas A and B excluded for the net increase/decrease calculation because those basins are not changing.
					0.15	68,028	D	
						149,509	Total	
Proposed	0.9	3.04	0.32	0.9	3,891	CC		
					0.25	34,872	DD	
						38,763	Total	
32.11	<b>CMP-2</b>							
	Existing	1.2	3.04	0.9	0.9	19,780	K	
						19,780	Total	
	Proposed	6.7	3.04	0.73	0.71	110,313	EE	
				0.9	19,780	KK		
						130,093	Total	
24.24	<b>CMP-3</b>							
	Existing	2.5	3.04	0.11	0.1	265,553	E	
					0.15	61,357	F	
						326,910	Total	
Proposed	10.8	3.04	0.705	0.71	219,589	FF		
						219,589	Total	
27.86	<b>CMP-4</b>							
	Existing	2.0	3.04	0.21	0.1	76,862	G	
					0.15	42,536	H	
					0.9	15,562	L	
						134,960	Total	
	Proposed	10.3	3.04	0.23	0.1	70,713	GG	
					0.1	271,202	HH	
					0.35	282,593	II	
				0.9	15,562	LL		
					640,070	Total		
23.54	<b>CMP-5</b>							
	Existing	4.1	3.04	0.11	0.1	499,507	I	
					0.15	59,909	J	
						559,416	Total	
Proposed	8.5	3.04	0.705	0.71	172,625	JJ		
						172,625	Total	



Attachment F.2 - G&D Plan  
SMP2022 0001  
Page (1) of 11

NOTES:  
1. ONLY FINISHED GRADE CONTOURS ARE SHOWN ON THIS SHEET FOR CLARITY. SEE C-301, C-302, AND C-303 FOR FINISHED GRADE CONTOURS SUPER-IMPOSED ON THE EXISTING CONTOURS.



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6035 Sunset Street  
Juneau, Alaska 99801  
907-463-5395

Toby Lockhart  
toby@homeshorellc.com  
Candy Sims  
candy@homeshorellc.com

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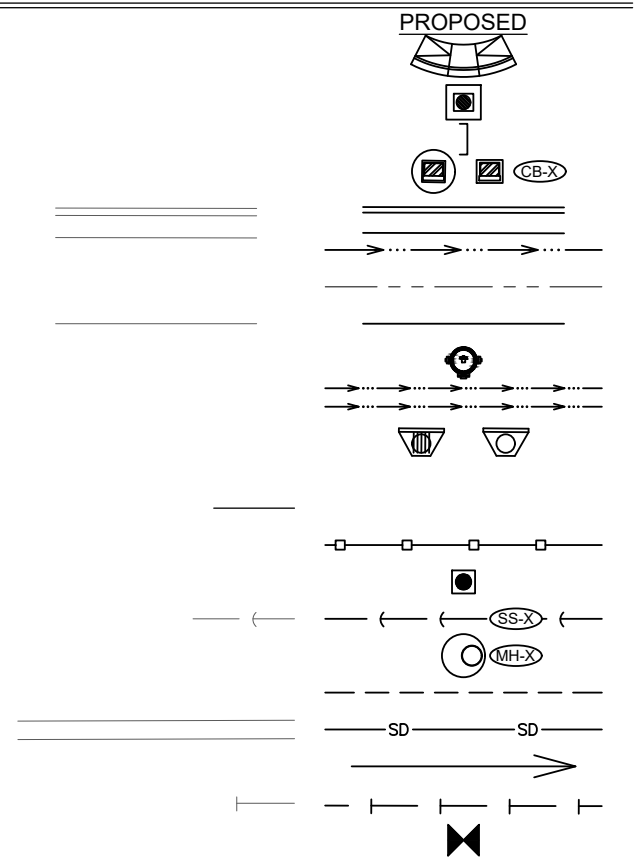
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OVERALL GRADING AND DRAINAGE PLAN

PROJECT 22-007  
DATE 11/7/2022

SHEET  
**G-001**

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Attachment F.2 - G&D Plan  
 SMP2022 0001  
 Page (2) of 11



### ABBREVIATIONS

- BVCE BEGIN VERTICAL CURVE ELEVATION
- BVCS BEGIN VERTICAL CURVE STATION
- CB CATCH BASIN
- CL CENTERLINE
- CMP CORRUGATED METAL PIPE
- CPP CORRUGATED POLYETHYLENE PIPE
- ELEV ELEVATION
- GV GATE VALVE
- HDPE HIGH DENSITY POLYETHYLENE PIPE
- INV INVERT
- LT LEFT
- LVC LENGTH OF VERTICAL CURVE
- MH MANHOLE
- PVC POLYVINYL CHLORIDE
- PVI POINT OF VERTICAL CURVE
- ROW RIGHT-OF-WAY
- RT RIGHT
- SD STORM DRAIN
- SS SANITARY SEWER
- STA STATION

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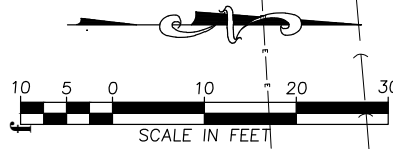
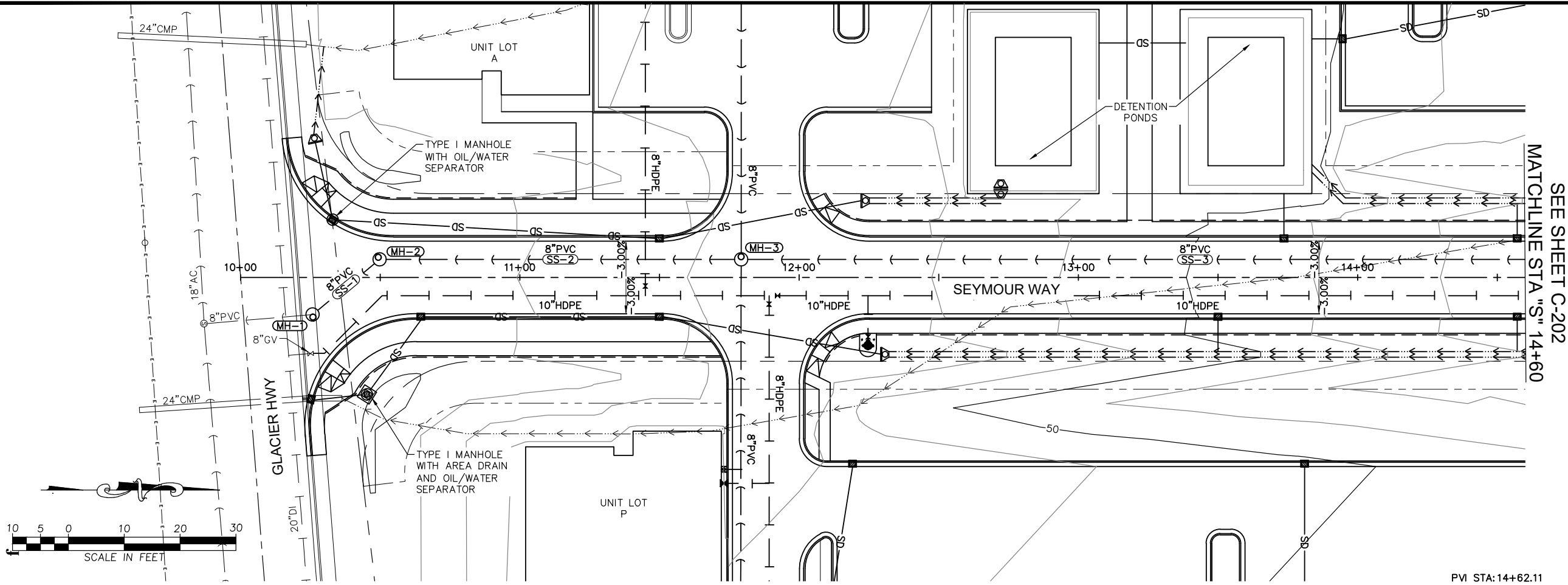
6035 Sunset Street  
 Juneau, Alaska 99801  
 907-463-5395

Toby Lockhart  
 toby@homeshorellc.com  
 Candy Sias  
 candy@homeshorellc.com

RIDGEVIEW SUBDIVISION  
 LEGEND, AND ABBREVIATIONS

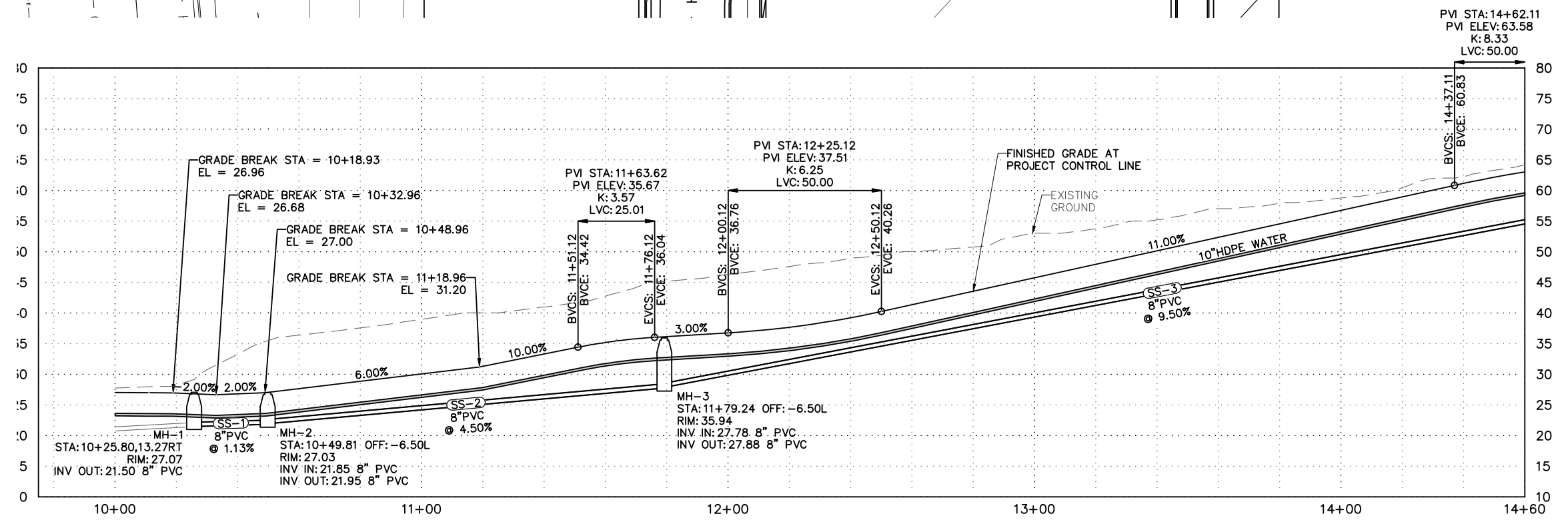
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SEE SHEET C-202  
MATCHLINE STA "S" 14+60

Attachment F.2 - G&D Plan  
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Page (3) of 11



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1. STORM DRAIN NOT SHOWN IN PROFILE FOR CLARITY.

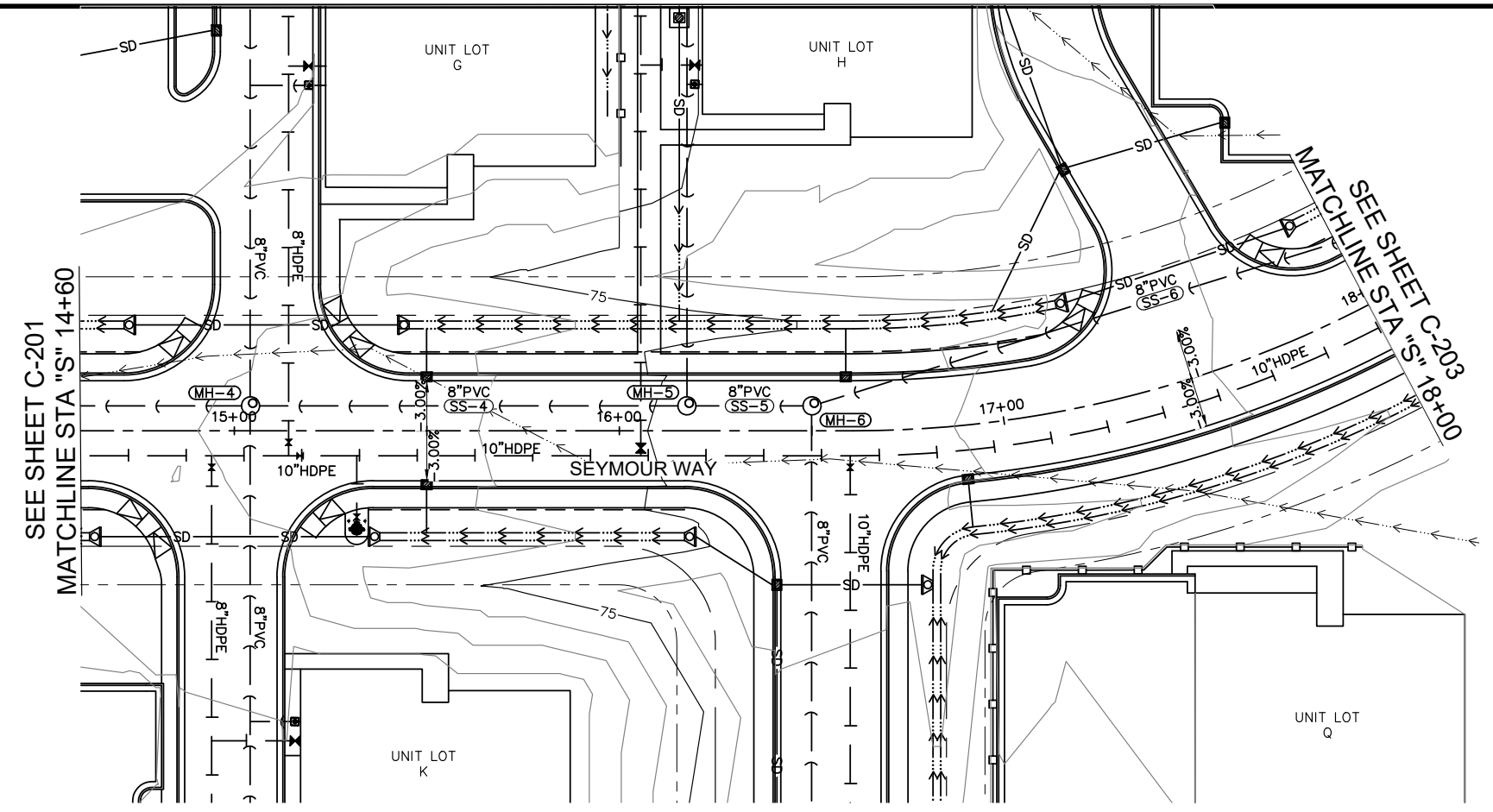
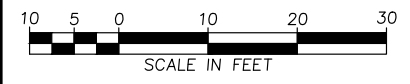
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**HOMESHORE ENGINEERING, LLC**  
 6035 Sunset Street  
 Juneau, Alaska 99801  
 907-463-5395  
 Toby Lockhart  
 toby@homeshorellc.com  
 Candy Sims  
 candy@homeshorellc.com

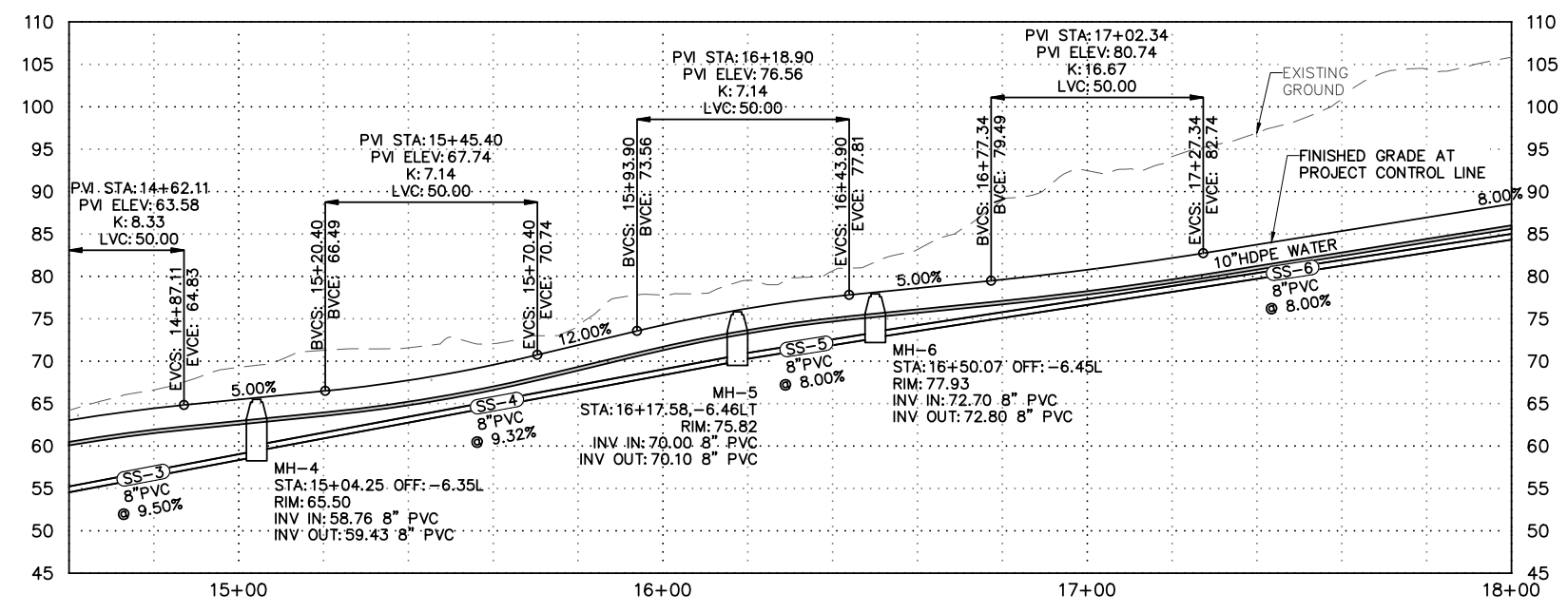


RIDGEVIEW SUBDIVISION  
 PLAN AND PROFILE  
 GLACIER HIGHWAY TO STA "S" 14+60

PROJECT 22-007  
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 SHEET  
**C-201**



Attachment F.2 - G&D Plan  
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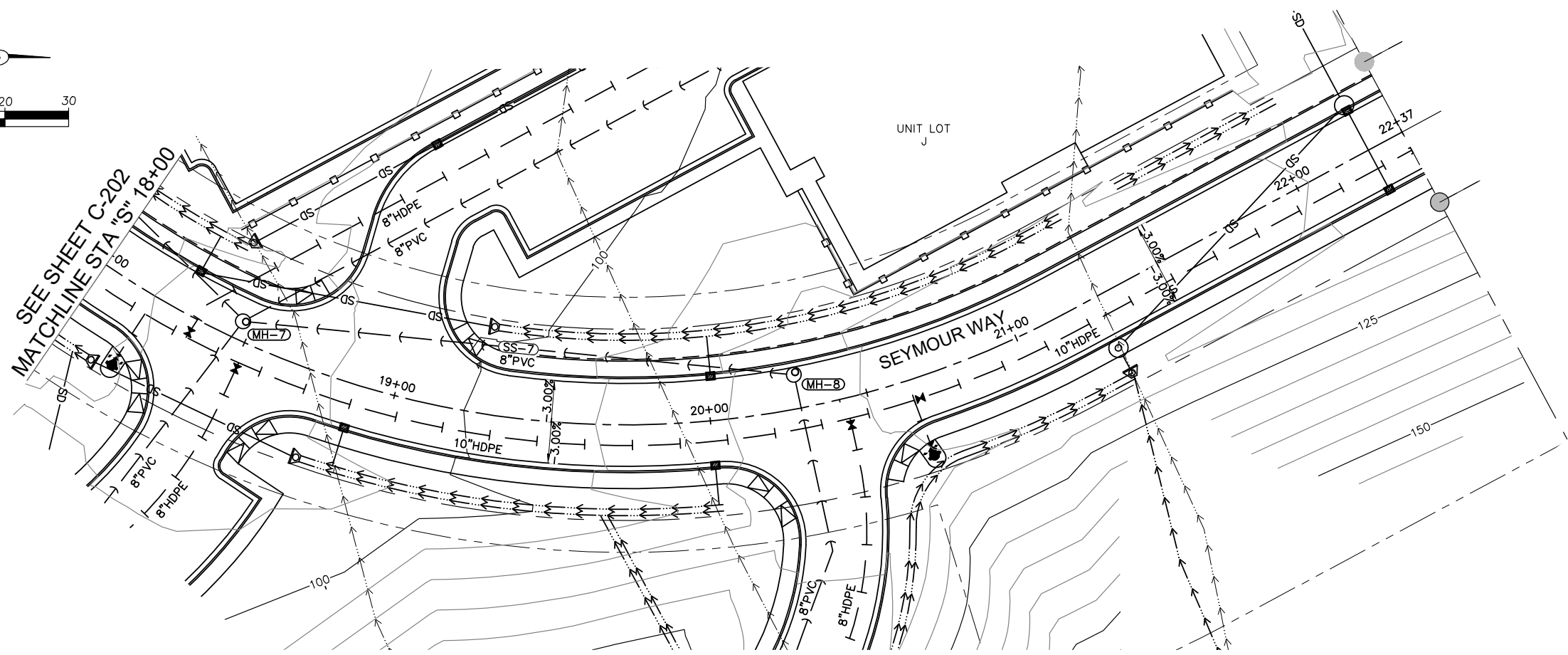
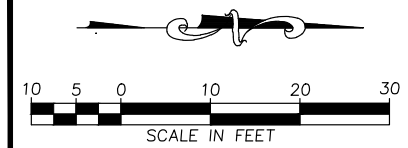
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Juneau, Alaska 99801  
907-463-5395

Toby Lockhart  
toby@homeshorellc.com  
Candy Sias  
candy@homeshorellc.com

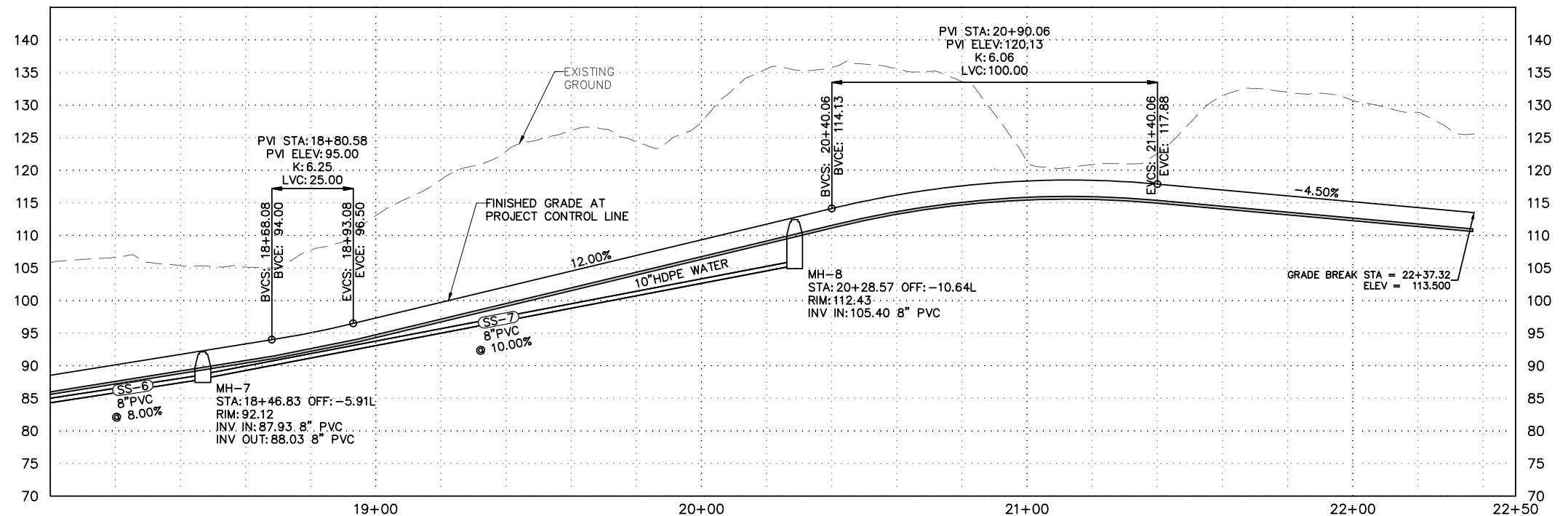
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STA "S" 14+60 TO STA "S" 18+00

PROJECT 22-007  
DATE 11/7/2022  
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**C-202**



Attachment F.2 - G&D Plan  
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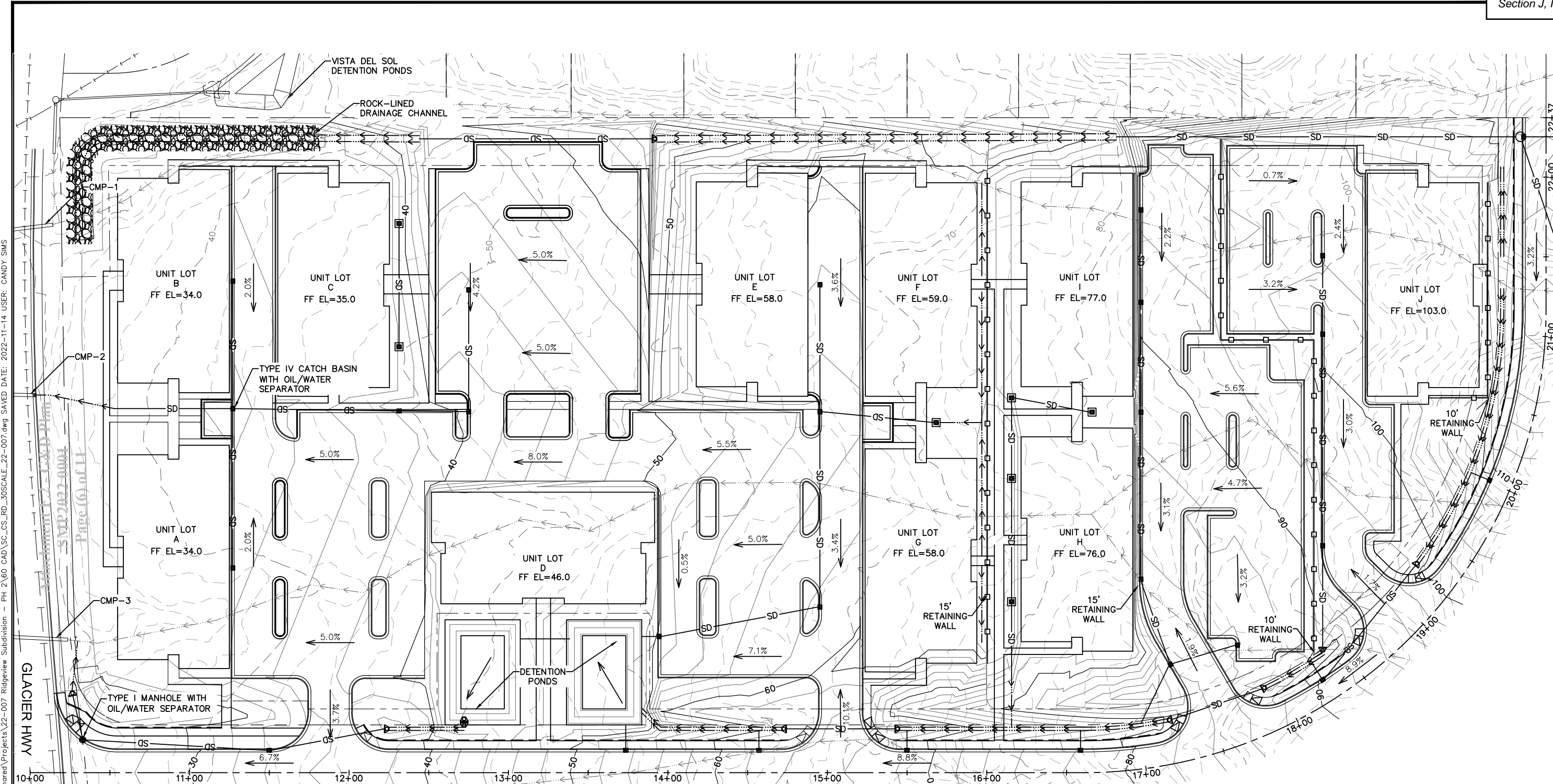
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 toby@homeshore11c.com  
 Candy Sims  
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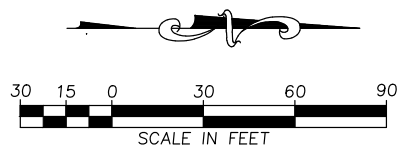
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**C-203**

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6035 Sunset Street  
Juneau, Alaska 99801  
907-463-5395  
Toby Lockhart  
toby@homeshorellc.com  
Candy Sims  
candy@homeshorellc.com

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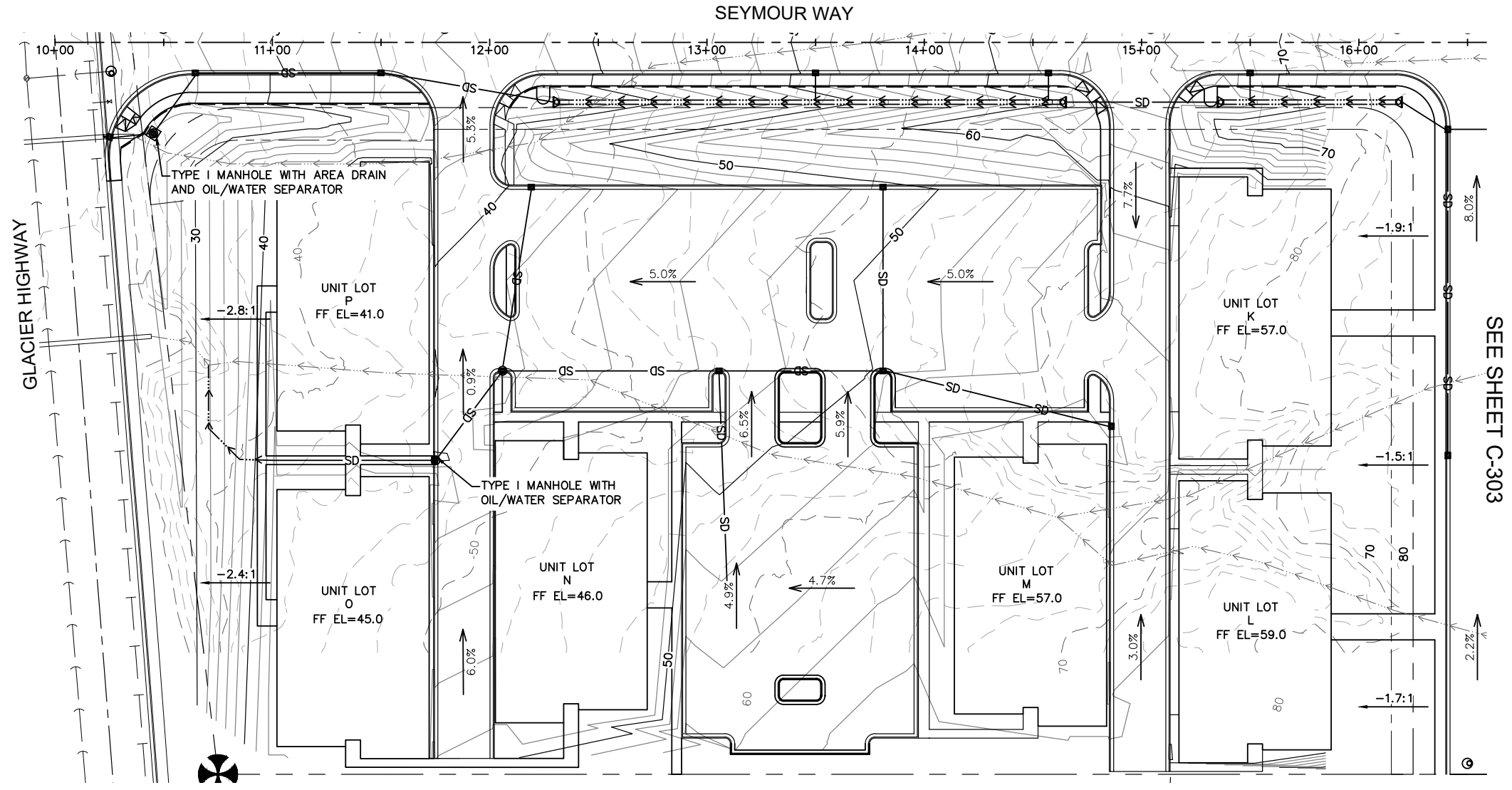
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PARENT LOT 1  
TOPOGRAPHIC INFORMATION  
AND DRAINAGE SCHEME

PROJECT 22-007  
DATE 11/7/2022  
SHEET  
**C-301**

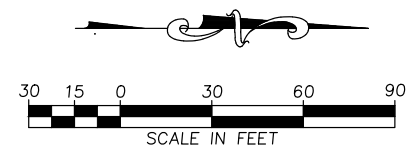


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6035 Sunset Street  
 Juneau, Alaska 99801  
 907-463-5395

Toby Lockhart  
 toby@homeshorellc.com  
 Candy Sims  
 candy@homeshorellc.com

RIDGEVIEW SUBDIVISION  
 PARENT LOT 2  
 TOPOGRAPHIC INFORMATION  
 AND DRAINAGE SCHEME

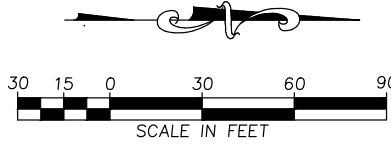
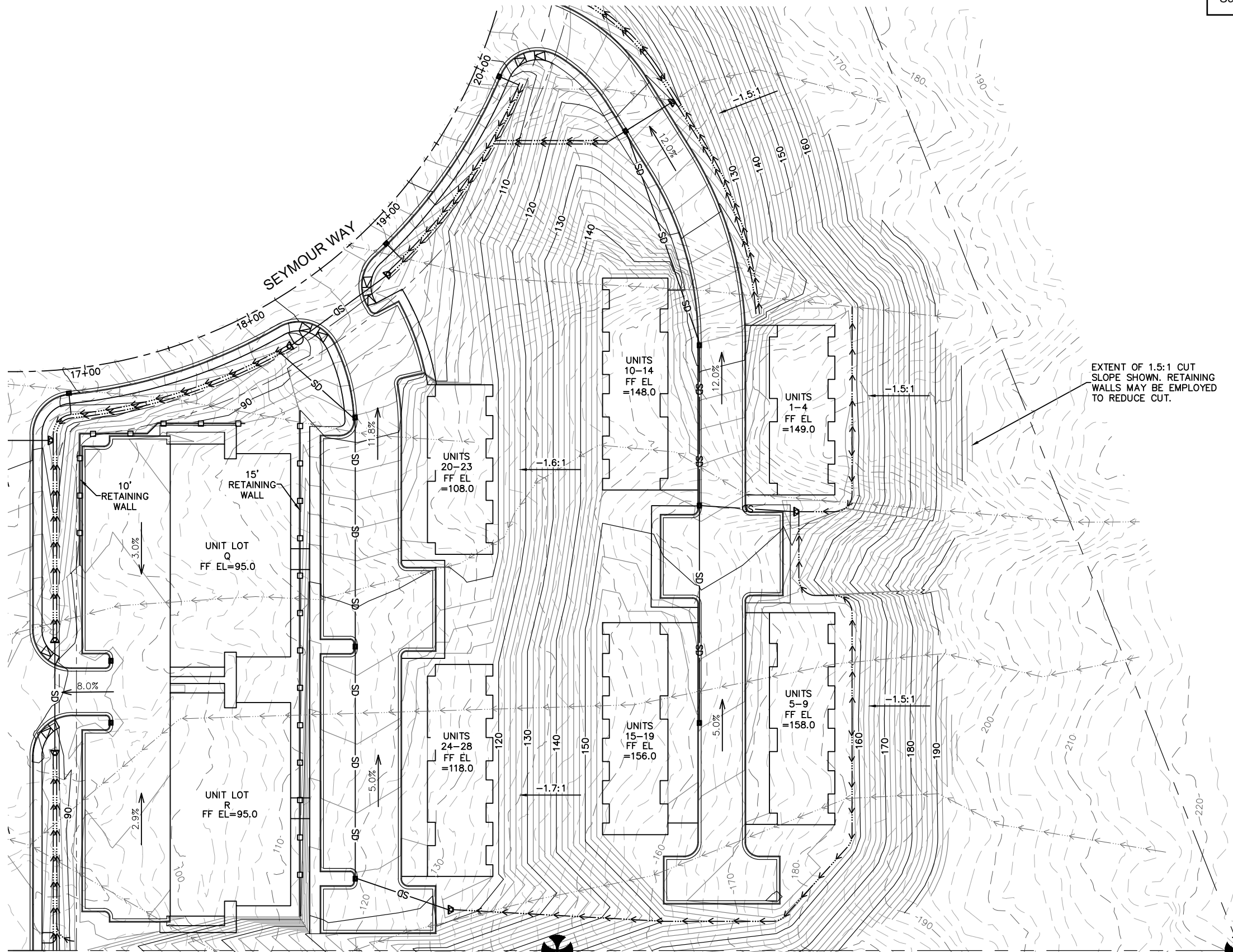
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**C-302**

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Attachment F.2 - G&D Plan  
SMP2022 0001  
Page (8) of 11

SEE SHEET C-302



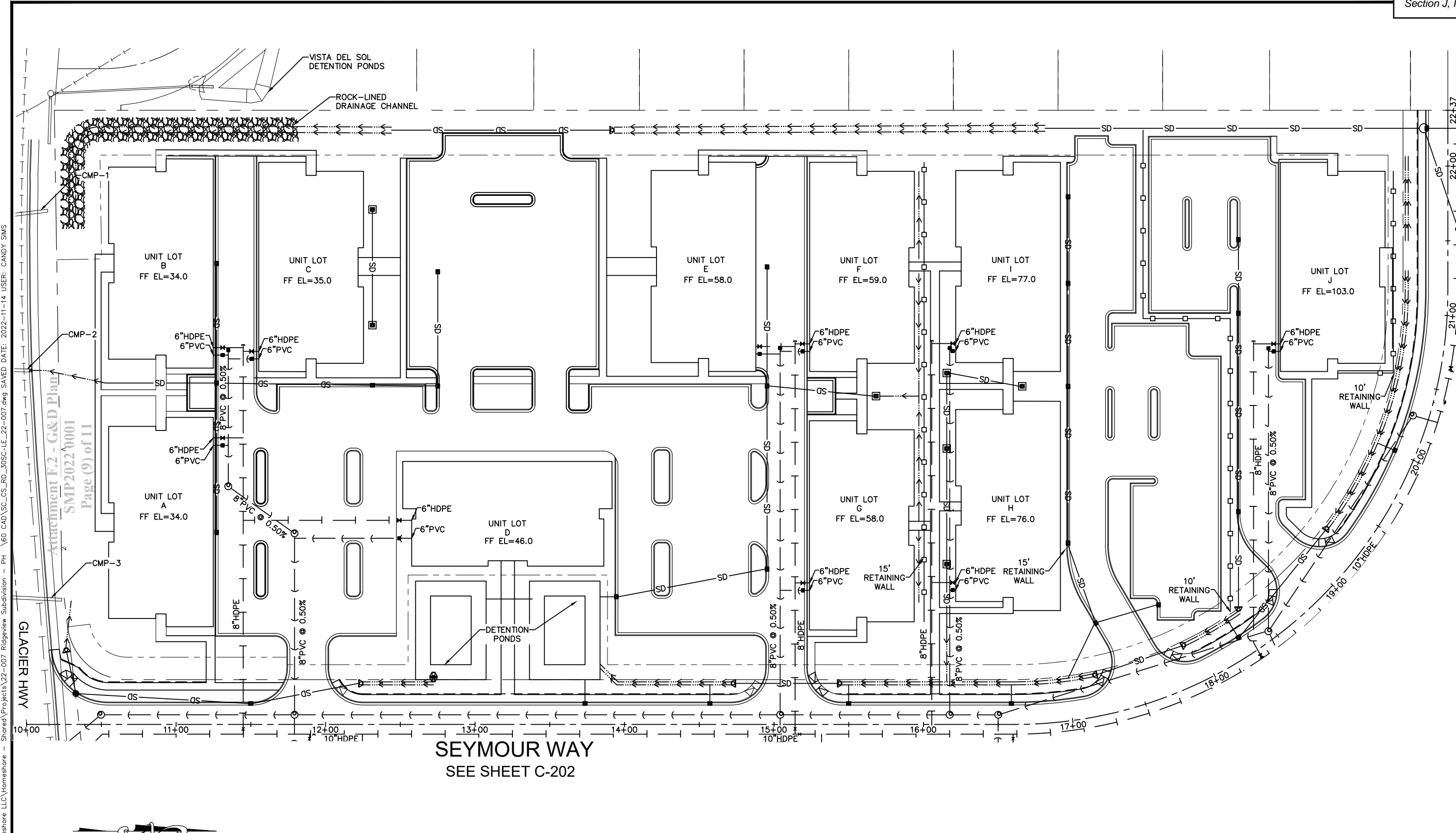
REVISION			
No.	DATE	DESCRIPTION	BY

**HOMESHORE ENGINEERING, LLC**  
6035 Sunset Street  
Juneau, Alaska 99801  
907-463-5395  
Toby Lockhart  
toby@homeshorellc.com  
Candy Sims  
candy@homeshorellc.com

**EPCCI**  
PLAN • CREATE • INNOVATE

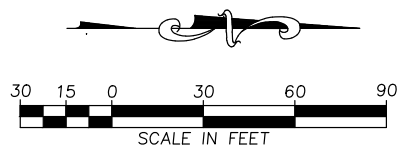
RIDGEVIEW SUBDIVISION  
PARENT LOT 3  
TOPOGRAPHIC INFORMATION  
AND DRAINAGE SCHEME

PROJECT 22-007  
DATE 11/7/2022  
SHEET  
**C-303**



C:\Users\Candy Sims\Homeshore LLC\Homeshore - Shared\Projects\22-007 Ridgeview Subdivision - PH\_60 CAD\SC\_CS\_RD\_30SS-LE\_22-007.dwg SAVED DATE: 2022-11-14 USER: CANDY SIMS

Attachment F.2 - G&D Plan  
SMP2022-0001  
Page (9) of 11



REVISION			
No.	DATE	DESCRIPTION	BY

**HOMESHORE ENGINEERING, LLC**  
6035 Sunset Street  
Juneau, Alaska 99801  
907-463-5395  
Toby Lockhart  
toby@homeshorellc.com  
Candy Sims  
candy@homeshorellc.com

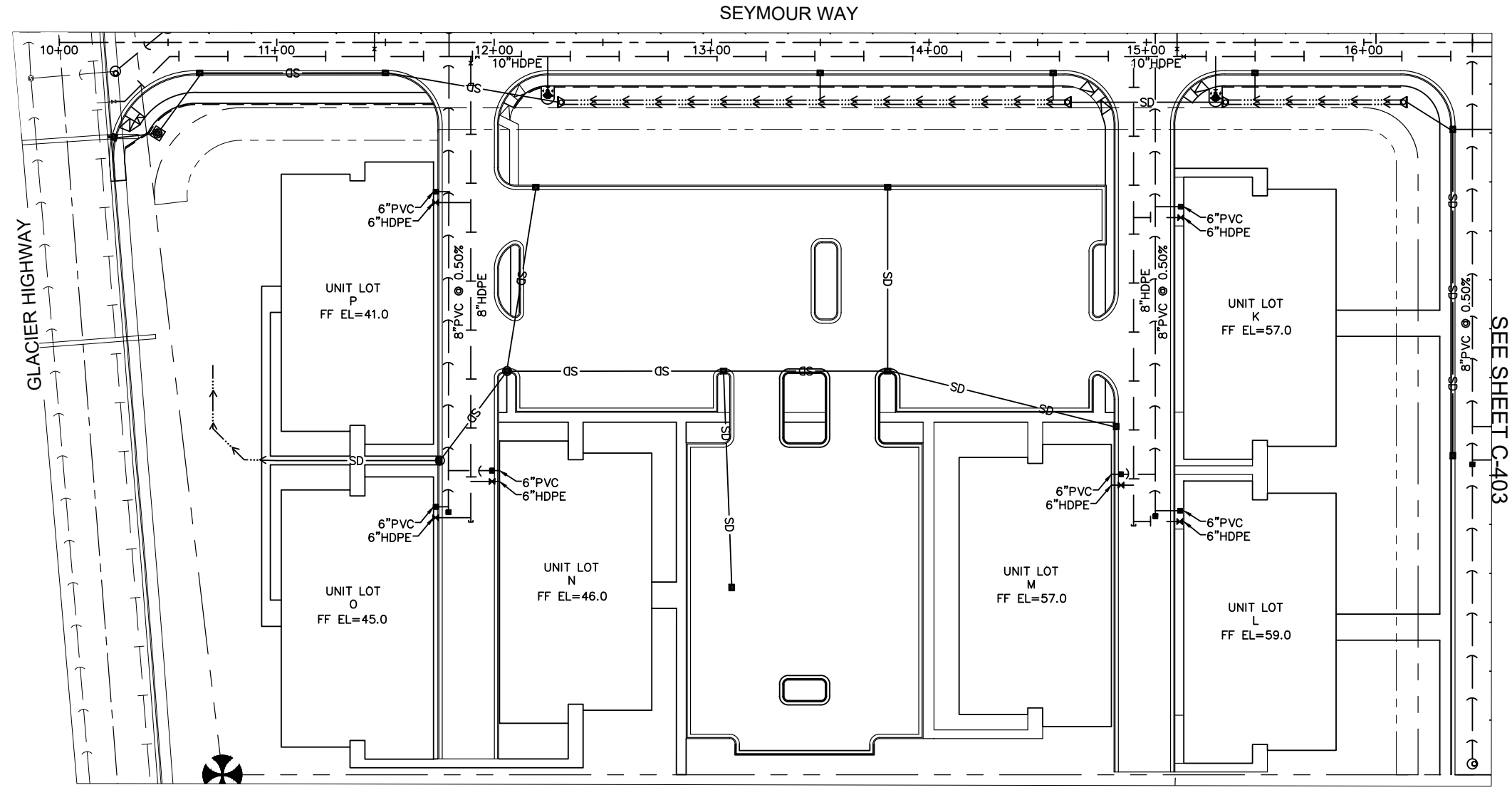
**EPCI**  
PLAN • CREATE • INNOVATE

RIDGEVIEW SUBDIVISION  
PARENT LOT 1  
WATER AND SANITARY SEWER

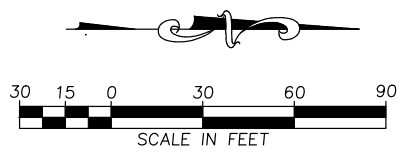
PROJECT 22-007  
DATE 11/7/2022  
SHEET  
**C-401**

C:\Users\Candy Sims\Homeshore LLC\Homeshore - Shared\Projects\22-007 Ridgeview Subdivision - PH \60 CAD\SC\_CS\_RD\_30SC-LE\_22-007.dwg SAVED DATE: 2022-11-14 USER: CANDY SIMS

Attachment F.2 - G&D Plan  
 SMP2022\0001  
 Page (10) of 11



SEE SHEET C403



REVISION			
No.	DATE	DESCRIPTION	BY

**HOMESHORE ENGINEERING, LLC**  
 6035 Sunset Street  
 Juneau, Alaska 99801  
 907-463-5395  
 Toby Lockhart  
 toby@homeshorellc.com  
 Candy Sims  
 candy@homeshorellc.com

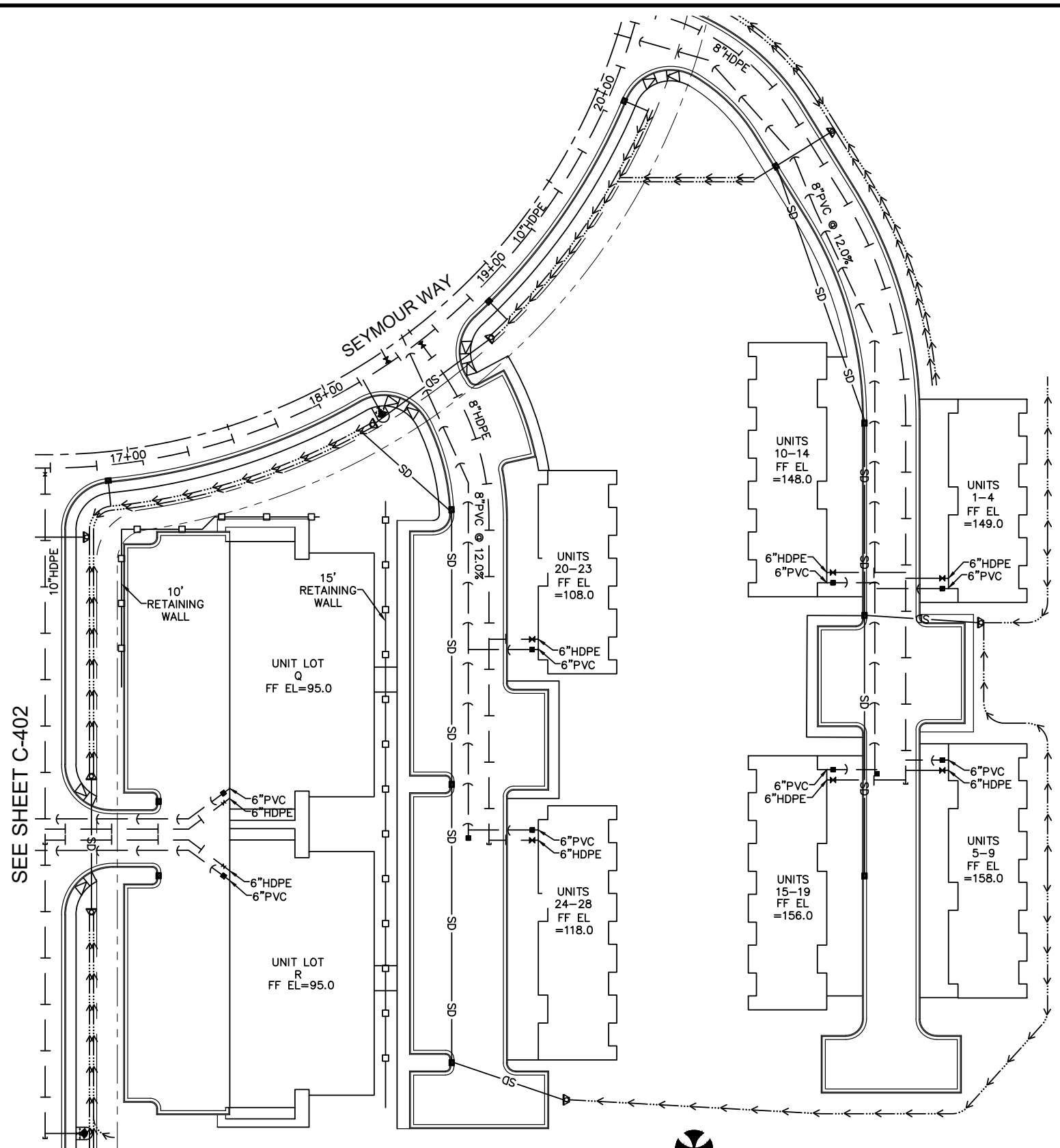
**EP** **PCI**  
 PLAN • CREATE • INNOVATE

RIDGEVIEW SUBDIVISION  
 PARENT LOT 2  
 WATER AND SANITARY SEWER

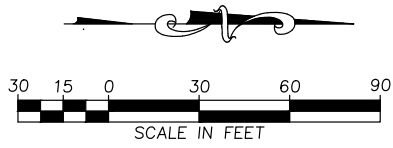
PROJECT 22-007  
 DATE 11/7/2022  
 SHEET  
**C-402**

C:\Users\Candy Sims\Homeshore LLC\Homeshore - Shared\Projects\22-007 Ridgeview Subdivision - PH \60 CAD\SC\_CS\_RD\_305C-LE\_22-007.dwg SAVED DATE: 2022-11-14 USER: CANDY SIMS

Attachment F.2 - G&D Plan  
 SMP2022-0001  
 Page (11) of 11



SEE SHEET C-402



REVISION			
No.	DATE	DESCRIPTION.	BY

6035 Sunset Street  
Juneau, Alaska 99801  
907-463-5395

Toby Lockhart  
toby@homeshorellc.com  
Candy Sims  
candy@homeshorellc.com

PLAN • CREATE • INNOVATE

RIDGEVIEW SUBDIVISION

PARENT LOT 3  
WATER AND SANITARY SEWER

PROJECT 22-007  
DATE 11/7/2022

SHEET  
**C-403**



Attachment G - Posted Public Notice  
SMP2022-0001  
Page 11 of 1

Attachment D - SMP22-01 With Attachments

# Attachment H - CCFR Turn Around SMP2022 0001 Page (1) of 2

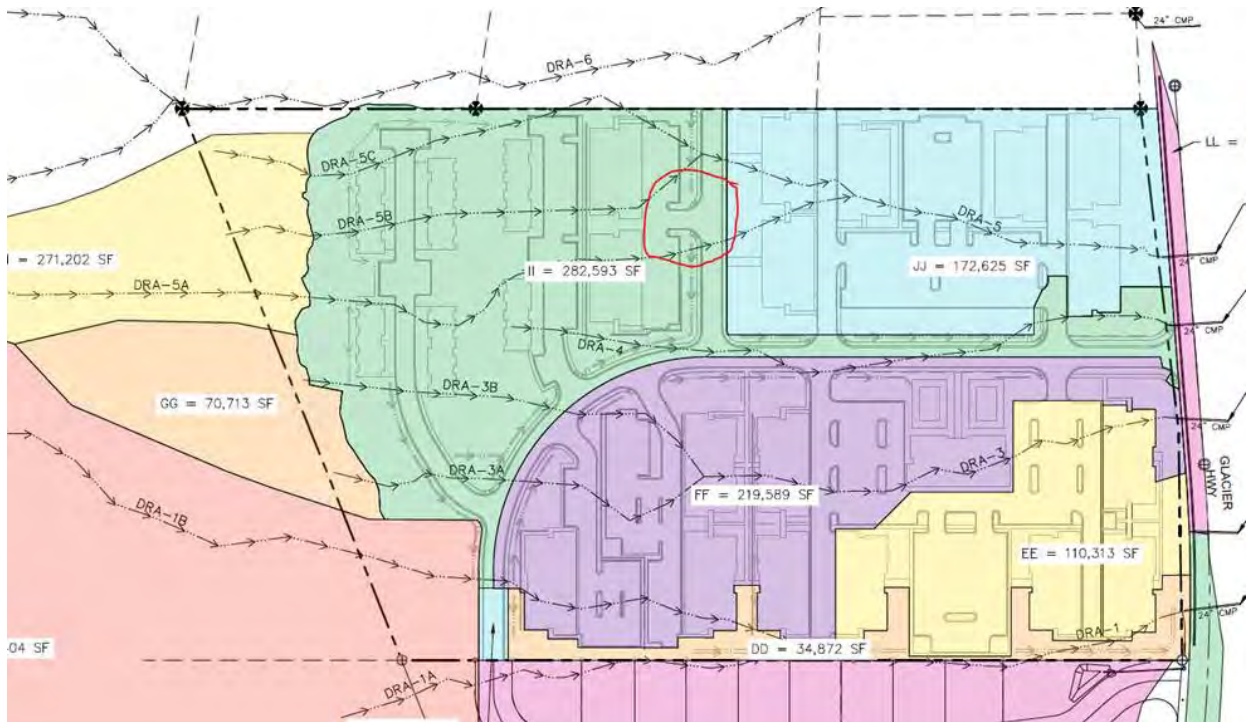
**From:** [Dan Jager](mailto:Dan.Jager@juneau.org)  
**To:** [Alec Venechuk](mailto:Alec.Venechuk@juneau.org); [David Peterson](mailto:David.Peterson@juneau.org)  
**Subject:** RE: SMP22-01 - Hammerhead v Cul-de-sac  
**Date:** Tuesday, November 22, 2022 3:21:10 PM

It looks like a hammerhead turn around might be best for this.  
Dan

**From:** Alec Venechuk <[Alec.Venechuk@juneau.org](mailto:Alec.Venechuk@juneau.org)>  
**Sent:** Tuesday, November 22, 2022 2:58 PM  
**To:** David Peterson <[David.Peterson@juneau.org](mailto:David.Peterson@juneau.org)>; Dan Jager <[Dan.Jager@juneau.org](mailto:Dan.Jager@juneau.org)>  
**Subject:** RE: SMP22-01 - Hammerhead v Cul-de-sac

Dan and David, Here is the designed configuration of the medians, and parking entrances. It appears there is nothing at the end of the side street, but there is one entrance to a parking lot. Dan, please advise on what you would like to see here for fire/EMS turnaround. Personally, I think it is lacking and a culdesac or hammerhead at the end of the street should be utilized.

-Alec



**From:** David Peterson <[David.Peterson@juneau.org](mailto:David.Peterson@juneau.org)>  
**Sent:** Monday, November 21, 2022 3:24 PM  
**To:** Dan Jager <[Dan.Jager@juneau.org](mailto:Dan.Jager@juneau.org)>; Alec Venechuk <[Alec.Venechuk@juneau.org](mailto:Alec.Venechuk@juneau.org)>  
**Subject:** RE: SMP22-01 - Hammerhead v Cul-de-sac

Copy. Thank you.

DP

**From:** Dan Jager <[Dan.Jager@juneau.org](mailto:Dan.Jager@juneau.org)>  
**Sent:** Monday, November 21, 2022 2:29 PM  
**To:** David Peterson <[David.Peterson@juneau.org](mailto:David.Peterson@juneau.org)>; Alec Venechuk <[Alec.Venechuk@juneau.org](mailto:Alec.Venechuk@juneau.org)>  
**Subject:** RE: SMP22-01 - Hammerhead v Cul-de-sac

Ok. Any road (public or private) that serves three or more structures shall provide a turn around if it exceeds 150 feet in length.  
Dan

**From:** David Peterson <[David.Peterson@juneau.org](mailto:David.Peterson@juneau.org)>  
**Sent:** Monday, November 21, 2022 2:19 PM  
**To:** Alec Venechuk <[Alec.Venechuk@juneau.org](mailto:Alec.Venechuk@juneau.org)>; Dan Jager <[Dan.Jager@juneau.org](mailto:Dan.Jager@juneau.org)>

### Attachment H - CCFR Turn Around SMP2022 0001

Page (2) of 2

**Subject:** RE: SMP22-01 - Hammerhead v Cul-de-sac

A lot of the details regarding the phases/parking/etc. will be addressed in the ARP/ARF. I think for the Plat's sake, we treat it as though it were only going to be just this plat. Does this situation require a hammerhead/cul-de-sac?

DP

---

**From:** Alec Venechuk <[Alec.Venechuk@juneau.org](mailto:Alec.Venechuk@juneau.org)>  
**Sent:** Monday, November 21, 2022 1:46 PM  
**To:** David Peterson <[David.Peterson@juneau.org](mailto:David.Peterson@juneau.org)>; Dan Jager <[Dan.Jager@juneau.org](mailto:Dan.Jager@juneau.org)>  
**Subject:** RE: SMP22-01 - Hammerhead v Cul-de-sac

It may help to know what the next stage of development will be for these Lots – will there be parking lot entrances at that end of the street? Have you seen a sketch of the next phase? Maybe a temporary culdesac for now would be the way to go if a permanent turn around can be addressed in the next phase.

Alec

---

**From:** David Peterson <[David.Peterson@juneau.org](mailto:David.Peterson@juneau.org)>  
**Sent:** Monday, November 21, 2022 1:34 PM  
**To:** Alec Venechuk <[Alec.Venechuk@juneau.org](mailto:Alec.Venechuk@juneau.org)>; Dan Jager <[Dan.Jager@juneau.org](mailto:Dan.Jager@juneau.org)>  
**Subject:** SMP22-01 - Hammerhead v Cul-de-sac

Alec/Dan,

Do you have any preferences on providing either a Hammerhead or a Cul-de-sac at the end of the stub street here?



**David Matthew Peterson | Planner II – Plat Reviewer**  
[Community Development Department](#) | City & Borough of Juneau, AK  
Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building  
**Office: 907.586.0753 ext. 4132**



*Fostering excellence in development for this generation and the next.*







# BUILDING PERMIT

Permit No. BLD20230376

Section J, Item 2.

\* NOTE: "Building Permit" is a generic term which includes Building Safety Inspection, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

**Your special attention is called to the following:**

This permit is granted on the express conditions that the construction shall, in all respects, conform to the ordinances of the City and Borough of Juneau. It may be revoked at any time upon violation of any of said ordinances.

The granting of this permit does not authorize the violation of any federal, state or local law regulating construction for the violation of the terms of any deed or covenant or any zoning or other regulation.

If plan review was required, this permit must be attached to the approved drawings. The permit, plans and record of inspections must be available on site at all times while the construction is in progress and before final inspection.

The yellow posting notice must be prominently displayed to show a permit has been issued and to assist the inspectors in location of the project. This permit becomes null and void if work or construction authorized is not commenced within one year or if work or construction is suspended or abandoned for a period of one year at any time after work has commenced.

Note: City Ordinances REQUIRE a Final Inspection be approved for every Building Permit.

**Inspections**

Inspections can be arranged by telephoning 586-1703 or by written or by online form or Email.

The Online Building Inspection Request Form is at: [www.juneau.org/community-development/cdd-inspection-request](http://www.juneau.org/community-development/cdd-inspection-request).

Work shall not proceed until the inspector has approved the various stages of construction. An approved Final Inspection is required.

All inspections must be requested before noon the business day prior. Same day inspections must be requested by calling 586-0770

Please provide the following information: 1 Permit Number, 2 Address, 3 Type of Inspection, 4 Date and Time and 5 Contact Name and Phone Number.

Job Address: <b>7400 GLACIER HWY</b>	Issued Date : <b>07/31/2023</b>
Permit Number: <b>BLD20230376</b>	Parcel No: <b>5B1401010010</b>
Project Description: <b>New 24-plex development - Modified 7/7/2023 for foundation only, no building at this time - Modified 7/28/23 to include full building.</b>	

Parcel Information : <b>USS 1568 TR B1</b>
--

Setbacks:	Zone: D18:			
	Front: 20.00 Ft. E	Side 1: 5.00 Ft. NA		13.00 Ft. N
	Rear: 10.00 Ft. W	Side 2: 5.00 Ft. NA		
	Street Side: 13.00 Ft. S			
Comments: <b>SETBACKS FOR PARENT LOT 1</b>				

Owner :	<b>ROOFTOP PROPERTIES LLC 956 NORTH 200 EAST SPANISH FORK UT 84660</b>
---------	--

Applicant :	<b>GLACIER HEIGHTS LLC PROJECT CONTROL INC 445 N 2000 W, #7 SPRINGVILLE UT 84663-3337</b>
-------------	---

Fee Type	Date	Receipt	Amount Paid
BLD- Bldg Permit Fee	05/04/2023	11332	\$9,666.90
BLD- Comm Plan Review	05/04/2023	11332	\$6,283.49
Total Fees Paid:			<b>\$15,950.39</b>

Valuation for Permit Fee Calculations:			
S.F.	Type	Rate	Amount
25,025	Residential-Multifamily Apa	106.64	2,668,665.98
1,826	Utl & Misc-Private Garage	63.64	116,206.64
319	Business-Offices	139.32	44,443.08
600	Utl & Misc-Decks	9.91	5,946.00
905	Storage-Mini Warehouse	47.45	42,942.25
Total Valuation:			<b>\$2,878,204.00</b>

Project Conditions and Holds:

**Approved Plans On Site** - CBJ approved plans must be on site and available to the inspector. Inspections will not be performed and additional fees may apply if approved plans are not available to the inspectors.

**Backflow Assemblies** - Testable backflow prevention devices and assemblies must pass a test performed by a CBJ certified backflow prevention tester and a copy must be turned into the building department before a certificate of occupancy or final inspection is approved. Access and clearances for backflow assemblies shall conform to the current edition of the Uniform Plumbing Code.

**Crawl Space Vapor Barrier** - Under floor spaces and crawlspaces shall have a vapor retarder that is a minimum of 6 mil thick (0.15 mm) polyethylene film installed such that all edges are lapped a minimum of 6 inches (152 mm) and sealed with a permanent compatible sealing compound or adhesive. Such vapor retarder shall extend vertically up the foundation wall a minimum of 6 inches (152 mm) and be attached and sealed with a permanent compatible sealing compound or adhesive to the foundation wall. Vapor retarder shall not be attached to wood other than pressure preservative treated wood.

**Dwelling Separation** - The required fire and sound separation must be approved by the building department and installed per approved design.

**EGRESS WINDOWS** - Verify egress windows.

**JUNEAU PERMIT CENTER - 230 S. Franklin Street - 4th Floor, Marine View Center - Mail: 155 S. Seward Street, Juneau, AK 99801**  
**Phone: 586-0770 - FAX: 586-4529 - Inspection Requests: 586-1703, Inspections@Juneau.org - Questions, Email: permits@juneau.org**  
**Web Site: www.juneau.org/community-development**



# BUILDING PERMIT\*

Permit No. Section J, Item 2.  
BLD20230376  
Page No. 2

\* NOTE: "Building Permit" is a generic term which includes Building Safety Inspection, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

**Garage Floor Drains** - Garage floor drains must have approved separator device or daylight to a location approved by CBJ Gen Eng department. Maintenance schedule required for these devices prior to TCO or CO.

**Commercial Handrails** - Grippable handrail both sides of stairs. Handrail extensions level at top for 12"; minimum bottom extension is to continue at handrail's slope minimum one tread beyond bottom riser per IBC section 1012.6.

**Intersystem Bonding** - For building final provide an Intersystem Bonding Termination Device at new and replaced electrical services as required by NEC article 250.94

**Shower Anti-scald Valve** - Showers and tub-shower combinations shall be provided with a control valve installed at the point of use that conforms to ASSE 1016/ ASME A112.1016/CSAB125.16 or ASME A112.18.1/CSA B125.1.

**Smoke and CO Detectors** - Smoke and Carbon Monoxide detectors as required by applicable code must be operational prior to temporary occupancy and/ or final inspection approval, whichever is requested first.

**Special Inspection** - Special inspection by \_\_\_ for \_\_\_\_\_. Provide final letter of approval before \_\_\_\_ (TCO) (CO)\_\_\_.

**Seismic Strap Wtr Heater** - Water heaters shall be anchored in an approved manner or strapped within the upper 1/3 and lower 1/3 of its vertical dimensions.

**STAMPED TRUSS DRAWINGS** - Provide stamped truss details on site at time of framing inspection.

**UFER Ground** - An approved UFER ground conductor must be installed and inspected per NEC article 250.52(A)(3).

**Verify Water Meter Installation** - Meter installation must be in accordance with CBJ STD 420 prior to issuance of TCO. Installation must include three 22 gauge multicolored conductors in 1/2" electrical conduit from main entrance of building to within 12" of meter register (not to exceed 100'). Allow an extra 2' of wire for meter connections. Meter must be installed with the following clearances: minimum 18" clearance above meter and minimum 12" clearance each side and below meter. Contact CBJ Utility Business Unit for meter issuance and remote readout installation, 586-0997, a minimum of 48 hours prior to meter issuance or remote readout installation.

**Water Hammer** - Building water supply systems where quick-acting valves are installed shall be provided with water hammer arrester(s) to absorb high pressures resulting from the quick closing of these valves. Water hammer arresters shall be approved mechanical devices that comply with ASSE 1010 or PWI-WH 201 and shall be installed as close as possible to quick-acting valves.

**Asbuilt Survey May Be Req'd** - Asbuilt Survey may be required before final inspection if CBJ inspector is unable to verify setbacks.

**Foundation Setback Verification** - Foundation Setback Verification (yellow form) must be on site when pour inspection or placement of other foundation systems occurs.

Inspections Required: Call for inspection before covering or concealing any of the work described below. Inspections may be combined.

B-Electrical Final	B-Foundation, Forms and Reinforcing Steel	B-Temporary Power
B-Framing	B-Rough Electrical	B-Service/Panel
B-Yellow Tag Electrical	B-Rough Plumbing	B-Fire Dampers/Sprinklers
B-Fire Separation/Rated Assemblies	B-Insulation/Vapor Barrier	B-Building Final

JUNEAU PERMIT CENTER - 230 S. Franklin Street - 4th Floor, Marine View Center - Mail: 155 S. Seward Street, Juneau, AK 99801  
 Phone: 586-0770 - FAX: 586-4529 - Inspection Requests: 586-1703, Inspections@Juneau.org - Questions, Email: permits@juneau.org  
 Web Site: www.juneau.org/community-development



# BUILDING PERMIT

Permit No. BLD20230376

Section J, Item 2.

\* NOTE: "Building Permit" is a generic term which includes Building Safety Inspection, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

**Your special attention is called to the following:**

This permit is granted on the express conditions that the construction shall, in all respects, conform to the ordinances of the City and Borough of Juneau. It may be revoked at any time upon violation of any of said ordinances.

The granting of this permit does not authorize the violation of any federal, state or local law regulating construction for the violation of the terms of any deed or covenant or any zoning or other regulation.

If plan review was required, this permit must be attached to the approved drawings. The permit, plans and record of inspections must be available on site at all times while the construction is in progress and before final inspection.

The yellow posting notice must be prominently displayed to show a permit has been issued and to assist the inspectors in location of the project. This permit becomes null and void if work or construction authorized is not commenced within one year or if work or construction is suspended or abandoned for a period of one year at any time after work has commenced.

Note: City Ordinances REQUIRE a Final Inspection be approved for every Building Permit.

**Inspections**

Inspections can be arranged by telephoning 586-1703 or by written or by online form or Email.

The Online Building Inspection Request Form is at: [www.juneau.org/community-development/cdd-inspection-request](http://www.juneau.org/community-development/cdd-inspection-request).

Work shall not proceed until the inspector has approved the various stages of construction. An approved Final Inspection is required.

All inspections must be requested before noon the business day prior. Same day inspections must be requested by calling 586-0770

Please provide the following information: 1 Permit Number, 2 Address, 3 Type of Inspection, 4 Date and Time and 5 Contact Name and Phone Number.

Job Address: <b>7400 GLACIER HWY</b>	Issued Date : <b>07/10/2023</b>
Permit Number: <b>BLD20230376</b>	Parcel No: <b>5B1401010010</b>
Project Description: <b>New 24-plex development - Modified 7/7/2023 for foundation only, no building at this time</b>	

Parcel Information : **USS 1568 TR B1**

Setbacks:	Zone: D18:		
Front: 20.00 Ft. E	Side 1: 5.00 Ft. NA		13.00 Ft. N
Rear: 10.00 Ft. W	Side 2: 5.00 Ft. NA		
Street Side: 13.00 Ft. S			
Comments: <b>SETBACKS FOR PARENT LOT 1</b>			

Owner :	<b>ROOFTOP PROPERTIES LLC 956 NORTH 200 EAST SPANISH FORK UT 84660</b>
---------	--

Applicant :	<b>GLACIER HEIGHTS LLC PROJECT CONTROL INC 445 N 2000 W, #7 SPRINGVILLE UT 84663-3337</b>
-------------	---

Fee Type	Date	Receipt	Amount Paid
BLD- Bldg Permit Fee	05/04/2023	11332	\$9,666.90
BLD- Comm Plan Review	05/04/2023	11332	\$6,283.49
Total Fees Paid:			<b>\$15,950.39</b>

Valuation for Permit Fee Calculations:			
S.F.	Type	Rate	Amount
25,025	Residential-Multifamily Apa	106.64	2,668,665.98
1,826	Utl & Misc-Private Garage	63.64	116,206.64
319	Business-Offices	139.32	44,443.08
600	Utl & Misc-Decks	9.91	5,946.00
905	Storage-Mini Warehouse	47.45	42,942.25
Total Valuation:			<b>\$2,878,204.00</b>

Project Conditions and Holds:

**Approved Plans On Site** - CBJ approved plans must be on site and available to the inspector. Inspections will not be performed and additional fees may apply if approved plans are not available to the inspectors.

**Backflow Assemblies** - Testable backflow prevention devices and assemblies must pass a test performed by a CBJ certified backflow prevention tester and a copy must be turned into the building department before a certificate of occupancy or final inspection is approved. Access and clearances for backflow assemblies shall conform to the current edition of the Uniform Plumbing Code.

**Crawl Space Vapor Barrier** - Under floor spaces and crawlspaces shall have a vapor retarder that is a minimum of 6 mil thick (0.15 mm) polyethylene film installed such that all edges are lapped a minimum of 6 inches (152 mm) and sealed with a permanent compatible sealing compound or adhesive. Such vapor retarder shall extend vertically up the foundation wall a minimum of 6 inches (152 mm) and be attached and sealed with a permanent compatible sealing compound or adhesive to the foundation wall. Vapor retarder shall not be attached to wood other than pressure preservative treated wood.

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**EGRESS WINDOWS** - Verify egress windows.

**JUNEAU PERMIT CENTER - 230 S. Franklin Street - 4th Floor, Marine View Center - Mail: 155 S. Seward Street, Juneau, AK 99801**  
**Phone: 586-0770 - FAX: 586-4529 - Inspection Requests: 586-1703, Inspections@Juneau.org - Questions, Email: permits@juneau.org**  
**Web Site: [www.juneau.org/community-development](http://www.juneau.org/community-development)**

\* NOTE: "Building Permit" is a generic term which includes Building Safety Inspection, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

**Garage Floor Drains** - Garage floor drains must have approved separator device or daylight to a location approved by CBJ Gen Eng department. Maintenance schedule required for these devices prior to TCO or CO.

**Commercial Handrails** - Grippable handrail both sides of stairs. Handrail extensions level at top for 12"; minimum bottom extension is to continue at handrail's slope minimum one tread beyond bottom riser per IBC section 1012.6.

**Intersystem Bonding** - For building final provide an Intersystem Bonding Termination Device at new and replaced electrical services as required by NEC article 250.94

**Shower Anti-scald Valve** - Showers and tub-shower combinations shall be provided with a control valve installed at the point of use that conforms to ASSE 1016/ ASME A112.1016/CSAB125.16 or ASME A112.18.1/CSA B125.1.

**Smoke and CO Detectors** - Smoke and Carbon Monoxide detectors as required by applicable code must be operational prior to temporary occupancy and/ or final inspection approval, whichever is requested first.

**Special Inspection** - Special inspection by \_\_\_ for \_\_\_\_\_. Provide final letter of approval before \_\_\_\_ (TCO) (CO)\_\_\_.

**Seismic Strap Wtr Heater** - Water heaters shall be anchored in an approved manner or strapped within the upper 1/3 and lower 1/3 of its vertical dimensions.

**STAMPED TRUSS DRAWINGS** - Provide stamped truss details on site at time of framing inspection.

**UFER Ground** - An approved UFER ground conductor must be installed and inspected per NEC article 250.52(A)(3).

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**Water Hammer** - Building water supply systems where quick-acting valves are installed shall be provided with water hammer arrester(s) to absorb high pressures resulting from the quick closing of these valves. Water hammer arresters shall be approved mechanical devices that comply with ASSE 1010 or PWI-WH 201 and shall be installed as close as possible to quick-acting valves.

**Custom** - Building permit for foundation only - no further construction without Directors approval.

**Asbuilt Survey May Be Req'd** - Asbuilt Survey may be required before final inspection if CBJ inspector is unable to verify setbacks.

**Foundation Setback Verification** - Foundation Setback Verification (yellow form) must be on site when pour inspection or placement of other foundation systems occurs.

Inspections Required: Call for inspection before covering or concealing any of the work described below. Inspections may be combined.

B-Electrical Final	B-Foundation, Forms and Reinforcing Steel	B-Temporary Power
B-Framing	B-Rough Electrical	B-Service/Panel
B-Yellow Tag Electrical	B-Fire Dampers/Sprinklers	B-Fire Separation/Rated Assemblies
B-Insulation/Vapor Barrier	B-Building Final	



# BUILDING PERMIT APPLICATION

NOTE: THIS IS NOT A BUILDING PERMIT

\* NOTE: "Building Permit" is a generic term which includes Building Safety Inspections, Grading Permits, and permits for Electrical, Plumbing and Mechanical work.

Case No: **BLD20240094**

Case Description: <b>New 24 unit comdo complex</b>	
Site Address: <b>7400 SEYMOUR</b>	Check No. of Existing Dwelling Units: <span style="border: 1px solid black; padding: 2px;">0</span>
Parcel No: <b>5B1401010010</b>	No. of New Dwelling Units: <span style="border: 1px solid black; padding: 2px;">24</span>
Legal Description: <b>USS 1568 TR B1</b>	No. of Removed Dwelling Units: <span style="border: 1px solid black; padding: 2px;">0</span>

<b>Applicant :</b> <b>GLACIER HEIGHTS LLC</b> <b>PROJECT CONTROL INC</b> <b>445 N 2000 W, #7</b> <b>SPRINGVILLE UT 84663-3337</b>	e-mail: <b>accounts@pci1980.com</b>  PRI <span style="float: right;">801-262-9315</span>
--	--

<b>Owner:</b> <b>GLACIER HEIGHTS JUNEAU LLC</b> <b>445 N 2000 W STE 7</b> <b>SPRINGVILLE UT 84663</b>  PH: _____ FAX _____	<b>Contractor:</b> <b>GLACIER HEIGHTS LLC</b> <b>PROJECT CONTROL INC</b> <b>445 N 2000 W, #7</b> <b>SPRINGVILLE UT 84663-3337</b>
--	--

**Valuation for Permit Fee Calculations:**

S.F.	Type	Rate	Amount
28,105	Residential-Multifamily Apartm	106.64	2,997,117.18
536	Utl & Misc-Decks	9.91	5,311.76
366	Utl & Misc-Porch	43.28	15,840.48
113	Storage-Mini Warehouse	47.45	5,361.85
Total Valuation:			<b>\$3,023,631.25</b>

**Associated Cases:**  
None.

**Parcel Tags:**  
 Proposed man camp permissible under 49.25.300 paragraph 22.100 "Temporary Structures Associated with Onsite Construction" per the Director. IMG 12.16.2022  
  
 Open space approved under ARP22-01 can be reduced by 20% total grandparent lot area and still maintain density bonus of 25%. Open space planned may be impacted by mail box accomodations and trash accomodations. IMG 12.16.2022

**Notes and Conditions:**

<b>Applicant's Signature</b> (Owner, Contractor or Authorized Agent)	<b>Date</b>	<b>Staff Acceptance</b>
---	-------------	-------------------------

I hereby certify that I have read and examined this application and know the same to be true and correct. I further certify that all provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. I understand that the granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state or local law regulating construction or the performance of construction.

**From:** [Irene Gallion](#)  
**To:** [Permits](#)  
**Subject:** RE: Online Permit Application #103302 - Ridgeview  
**Date:** Friday, February 16, 2024 2:49:12 PM

Intake is not, approval is.

IMG

---

**From:** Permits <Permits@juneau.gov>  
**Sent:** Friday, February 16, 2024 2:41 PM  
**To:** Irene Gallion <Irene.Gallion@juneau.gov>  
**Subject:** FW: Online Permit Application #103302 - Ridgeview

Is intake ability impacted by ARF23-002?

Thanks!

**Sydney Hawkins | Permit Technician III**  
[Community Development Department](#) | City & Borough of Juneau, AK  
Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building  
**Office: 907.586.0770 ext. 4124**



**Fostering excellence in development for this generation and the next.**  
<https://juneau.org/community-development/how-are-we-doing>

---

**From:** [domadmin@juneau.org](mailto:domadmin@juneau.org) <[domadmin@juneau.org](mailto:domadmin@juneau.org)>  
**Sent:** Friday, February 16, 2024 1:33 PM  
**To:** Permits <[Permits@juneau.gov](mailto:Permits@juneau.gov)>  
**Subject:** Online Permit Application #103302

<b>Project Description</b>
<b>Permit Type</b>
Building Permit
<b>Project Address or Lot/Legal Description as Shown on Plat</b>
7400 Glacier Hwy, Juneau, AK 99801
<b>Describe Proposed Project in Detail</b>

A 24 unit condo complex. Just over 28 thousand sq feet. Unit sizes range. There are 1 bedroom, 2 bedroom, and 3 bedrooms units

**Value of Work (Materials + Labor)**

\$6,550,000

**Applicant Information**

**Applicant Name**

Project Control, Inc

**Applicant Address**

445 n 2000 w #7, Springville, Ut 84663

**Primary Phone**

(801) 262-9315

**Email**

[isaac@pci1980.com](mailto:isaac@pci1980.com)

**Owner Information**

**Owner's Name**

Glacier Heights LLC Glacier Heights LLC

**Owner's Address**

445 n 2000 w #7, Springville, Ut 84663

**Owner Phone**

(801) 262-9315

**Contractor Information**

**Contractor Name (or Owner/Builder)**

Same

**ID# 103302**





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

**February 16, 2023**

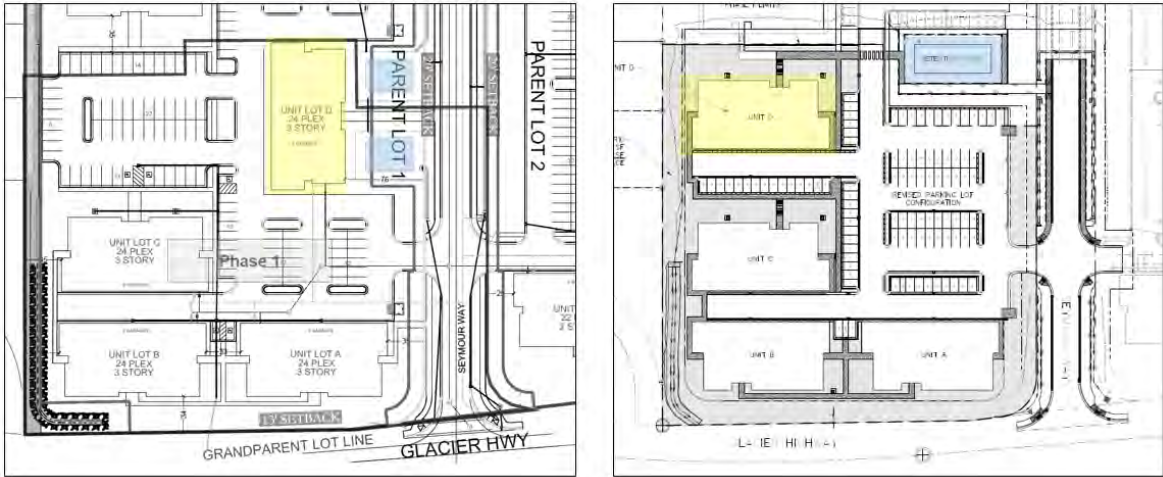
**MEMO**

**To:** Michael Levine, Chair, Planning Commission  
**From:** Irene Gallion, Senior Planner  
**Through:** Jill Maclean, AICP, Director  
**Parcel No.:** 5B1401010010  
**Legal Description:** USS 1568 TR B1  
**Case Number:** ARF2023 0001

**RE: Final plan modification for the Phase 1, to develop 96 dwelling units on approximately three acres at 7400 Glacier Highway in a D18 Zone**

***Proposal:***

In the attached application (Attachment A, B and C), the Applicant explains that geotechnical investigation has resulted in reorientation of Unit Lot B and modification of drainage retention. To summarize, the image below left shows the original orientation, and below right shows the revised orientation:



The original orientation is shown in Attachment D. The proposed orientation is shown in Attachment C.

**Planning Commission Authority**

Because the Planning Commission approved the original plan, the Commission must approve modifications unless otherwise conditioned to provide the Director the authority.

A reminder that there are two elements to an Alternative Residential Subdivision – the plan and the plat. If the Commission approves amending the plan to relocate Unit Lot D, the final plat (number not yet assigned) will reflect the change.

**Background**

The preliminary plan (ARP2022 0001) was approved at the November 8, 2022 meeting.

The final plan (ARF2022 0001) and the preliminary plat (SMP2022 0001) were approved at the December 12, 2022 meeting.

Agendas, support materials and meeting minutes from those meetings can be found at:

<https://juneau-ak.municodemeetings.com/>

**Findings:**

This modification does not change the findings from ARF2022 0001:

**1. *Has the applicant complied with any conditions required in the notice of decision approving the preliminary plan?***

**Analysis:** Yes. The Applicant is proposing unique names for the subdivision roads, in accordance with revised guidance.

**Finding:** **Yes.** All conditions of preliminary plan approval have been met, modified or are operational/on-going.

**2. *Has the applicant submitted homeowners’ association (HOA), or similar, documents to be recorded with the final plat?***

**Analysis:** No additional analysis needed.

**Finding:** **Yes.** The applicant has submitted HOA documents to be recorded with the Alternative Residential Subdivision final plat.

**3. *Does the final plan substantially conform to the approved preliminary plan and requirements of CBJ Title 49.15 Article 900?***

**Analysis:** The Final Plan for Phase 1 substantially conforms to the preliminary plan. In addition, snow storage, trash and open space details have been updated for the preliminary plan.

**Finding:** **Yes.** The final plan substantially conforms to the approved preliminary plan.

**Recommendation:**

Staff recommends the Planning Commission adopt the director's analysis and findings and **APPROVE WITH CONDITIONS** the final plan modification for the Phase 1, to develop 96 dwelling units on approximately three acres at 7400 Glacier Highway in a D18 Zone.

The approval remains subject to the conditions of ARF2022 0001:

1. Establish unique names for the roadways in the subdivision.
2. Install signage where Vista del Sol Drive and the proposed subdivision road meet, with directional arrows depicting the split.
3. The developer will submit documentation of approval of the mail box location by the United States Post Office.

**Proposed motion (only needed if pulled from Consent):**

*If the Commissioner would like to discuss proposed changes:* I move AME2021 0001 for discussion.

*If the Commissioner would like to approve per the Director's recommendation:* I move the Commission adopt the Director's analysis and findings, and approve AME2023 0001, Final Plan Modification for Phase 1, developing 96 dwelling units on approximately three acres at 7400 Glacier Highway in a D18 zone. Conditions approved under ARF2022 0001 remain in place. I ask for unanimous consent.

*If the Commissioner would like to modify the Director's recommendation:* I move approval of AME2021 0001, Final Plan Modification for Phase 1, and adopt the Director's analysis and findings with the following modifications: ...(List changes to scope, findings and conditions).

ATTACHMENTS

Item	Description
<b>Attachment A</b>	Application
<b>Attachment B</b>	Project Narrative
<b>Attachment C</b>	Revised project plan
<b>Attachment D</b>	Site plan from ARF2022 0001
<b>Attachment E</b>	Abutters Notice
<b>Attachment F</b>	Public Notice Sign
	Agency comments - none
	Public Comments - none





# ALTERNATIVE RESIDENTIAL SUBDIVISION 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**  
Ridgeview Subdivision Phase 1 - Four unit lots with ninety-six apartments/condos.

---

**TYPE OF ALTERNATIVE RESIDENTIAL SUBDIVISION APPROVAL REQUESTED** (please see submittal requirements on reverse)

Alternative Residential Subdivision (ARP) Preliminary Plan Approval

Alternative Residential Subdivision (ARF) Final Plan Approval (or Extension)

Amendment to Approved (ARP) Preliminary Plan\*

Amendment to Approved (ARF) Final Plan\*

\* Minor amendments will be reviewed by the Director; Major amendments will be reviewed by the Planning Commission.

---

**LEGAL DESCRIPTION(S) OF PROPERTY INVOLVED**  
Preliminary Plan Approval for an Alternative Residential Subdivision

Number of Existing Parcels 1 Total Land Area 3.06 a Number of Resulting Parcels 1

---

**PROPOSED USE OF LAND AND BUILDING(S)**

Zoning District(s) D18 Percent Open Space 31.8%

Right-of-Way Frontage Proposed \_\_\_\_\_ Percent Buffer \_\_\_\_\_

Number of Dwelling Units Proposed 96 Density Proposed \_\_\_\_\_

Parking Proposed 115 Density Bonus  YES  NO

---

**ALL REQUIRED MATERIALS ATTACHED**

Complete application per CBJ 49.15.940 (preliminary) or CBJ 49.15.950 (final)

Pre-Application Conference notes

Narrative including:

- Current use of land or building(s)
- Unique characteristics of land or building(s)
- How the proposed project conforms to the Comprehensive Plan and CBJ Title 49
- How the proposed project effects public health, safety, and welfare
- How the proposed project is in harmony with the surrounding neighborhood

Preliminary development plan (detailed on page 2)

Density Bonus

- .. en Sa ce
- Stream Setback
- o er n o e ouseo lds o rko re ouseo lds
- nu sual Enhane ents
- Public Righto a A es s
- Sa red s e Pat as
- 5-Star Plus ner iien
- 6-Star ner i i en
- iei i en Pri ar eatin etods

To be completed by Applicant

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

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

## Alternative Residential Subdivision Application Instructions

Alternative Residential Subdivision outlined in CBJ 49.15.. 00

Each application for an Alternative Residential Subdivision is reviewed by the Planning Commission at a public hearing. The permit procedure is intended to provide the Commission the flexibility necessary to make decisions tailored to individual applications. The Commission may stipulate conditions to mitigate external adverse impacts from the proposed use. If it is determined that these impacts cannot be satisfactorily overcome, the permit shall be denied.

**Pre-Application Conference:** A pre-application conference is required prior to submitting an application. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure, and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via email at [Permits@juneau.org](mailto:Permits@juneau.org).

**Application:** An application for an Alternative Residential Subdivision will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Alternative Residential Subdivision Application and a Development Permit Application forms.
2. **Fees:** The fee is dependent upon the number of residential structures involved. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** outlined in CBJ 49.15.940(b)(2). (Surveyed Plans Required)
  - a. Amount of land or outlying area and pedestrian circulation
  - b. The number and types of housing units and proposed density
  - c. The natural features to be protected and roads to be avoided
  - d. The utility, irrigation and private services to be provided

**Document Format:** All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies;
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

### Preliminary Plan Approval

#### Application Review & Hearing Procedure:

**Review:** The Community Development Department shall determine when the Alternative Residential Subdivision Application is complete and advise the developer. Within 60 days of determining that an application is complete, the Director shall schedule the preliminary plan for a public hearing.

**Hearing:** All Alternative Residential Subdivision applications must be reviewed by the Planning Commission. The Commission shall review the preliminary plan and approve, approve with conditions, or deny pursuant to 49.15.940.

**Public Notice Responsibilities:** As part of the Preliminary Plan Approval, proper public notice must be given as outlined in CBJ 49.15.230 which consists of the following:

**The Community Development Department** will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, the department will mail abutters notices to all property owners within 500-feet of the project site.

**The Applicant** will post a sign on the site at least 14 days prior to the meeting. The sign shall be visible from a public right-of-way or where determined appropriate by CDD. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing \$50 may be refunded. The Applicant may make and erect their own sign. Please speak with the Community Development Department for more information.

### Final Plan Approval

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

1. An application fee and a final plan must be submitted or processed on review
2. Foration of a co-owners association or similar organization is required outlined in b
3. The commission approved the final plan if it substantially conforms to the approved regulations and all requirements of this article

**Phased Development:** An applicant may develop an Alternative Residential Subdivision in phases, provided:

- 1. The initial application includes a reliable development plan submitted to assess the utility needs of the entire Alternative Residential Subdivision on the neighborhood and the environment according to the standards in subsection 49.15.940.
- 2. A phase shall be so designed and implemented that is considered in the future to an eventually constructed phases but is not required to an subsequent phases if the design standards are able to be the entire Alternative Residential Subdivision construction and operation of open space and open air facilities serving each phase in an Alternative Residential Subdivision shall proceed at a rate no slower than that of other structures in the phase or phase shall be eligible for final plan approval until all elements of all required phases are substantially complete and owners association documents have been approved.
- 3. A phase of an Alternative Residential Subdivision shall be reviewed according to the provisions of this section after ten years after the commencement of an Alternative Residential Subdivision shall maintain design continuity with the earlier phases. At no point during a phased development shall the utility service density exceed that established in the approved preliminary plan.

**Amendments**

When developing or an Alternative Residential Subdivision a request for amendment to an approved preliminary plan or original Alternative Residential Subdivision plan a request shall state the reasons for the amendment and shall be submitted in writing to the director of sales and marketing in the developer's office as to the request shall be processed as a minor amendment or major amendment.

- 1. A minor amendment is a change in the conditions of the original plan approval and would result in:
  - a. A significant change in the outward appearance of the development
  - b. A significant change in the surrounding properties
  - c. A significant change in the location or siting of buildings or open space
  - d. A reduction in the number of units or a decrease in the density of the development
  - e. A delay of more than one year in the construction or completion of the development or the completion of the development or the completion of the development.
- 2. All other amendments shall be reviewed by the commission upon receipt of a preliminary plan and in accordance with the requirements of the original plan approval.

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

# Project Narrative

## Ridgeview Subdivision 7400 Glacier Highway

**Legal description of property to be subdivided:**  
USS 1568, Tract B1, Juneau Recording District, First Judicial District

**Existing structures on the land:**  
There are no existing structures.

**Zoning district:**  
D18 Multi Family

**Density:**  
18-units/acre with density bonuses awarded in ARS Preliminary Plan.

**Access:**  
Glacier Highway

**Current and proposed use of any structures:**  
There are no current structures on the property. The proposed use of the structures to be built on the subdivision is multi-family housing with condominiums/apartments and townhomes.

**Utilities available:**  
Yes, utilities are available along Glacier Highway.

**Unique characteristics of the land or structure(s):**  
There are steep grades on portions of the property.

The Planning Commission approved Rooftop Properties, LLC Final Plan application on December 15, 2022, File No. ARF2022 0001.

**Reason for this amendment:**  
This amendment to ARF2022 0001, Final Alternative Residential Subdivision Plan for Phase 1, is necessary due to issues between the Civil Design and the existing grades and soil conditions. As the Civil Design progressed and a Geotechnical Study performed following the December 15, 2022 ARF approval, the engineers determined that the orientation of Unit Lot D was not constructable and needed to be rotated counterclockwise ninety (90) degrees and moved to the West to align with Unit Lots B and C.

The open space, minimum parking and other requirements established in ARF2022 0001 have been maintained with this change; and there are no changes to the conditions of approval. The following tables summarize the Parking and Open Space Analyses.



**Table 1 – Phase 1 Parking Analysis**

	Units	One Bedroom	Two Bedroom	Total Parking Required	Garage Parking	Surface Parking Needed	Surface Parking Provided	Total Parking Provided	ADA Required	ADA Provided
Unit Lot A	24	16	8	28	8	20				
Unit Lot B	24	16	8	28	8	20				
Unit Lot C	24	16	8	28	8	20				
Unit Lot D	24	16	8	28	8	20				
<b>Total</b>	<b>96</b>	<b>64</b>	<b>32</b>	<b>112</b>	<b>32</b>	<b>80</b>	<b>83</b>	<b>115</b>	<b>5</b>	<b>6</b>

**Table 2 – Phase 1 Open Space**

	Total Area	Open Space Area	% Open
Phase 1	133,492 SF	42,492 SF	31.8%

These changes maintain the required buffer with the Vista Del Sol neighbors; and, as a benefit to the project due to this change is consolidating the detention pond and increasing the separation from Unit Lot D.

The changes are illustrated in the following graphic. See also the attached Sheet PH1, prepared by the civil engineer, Homeshore Engineering.

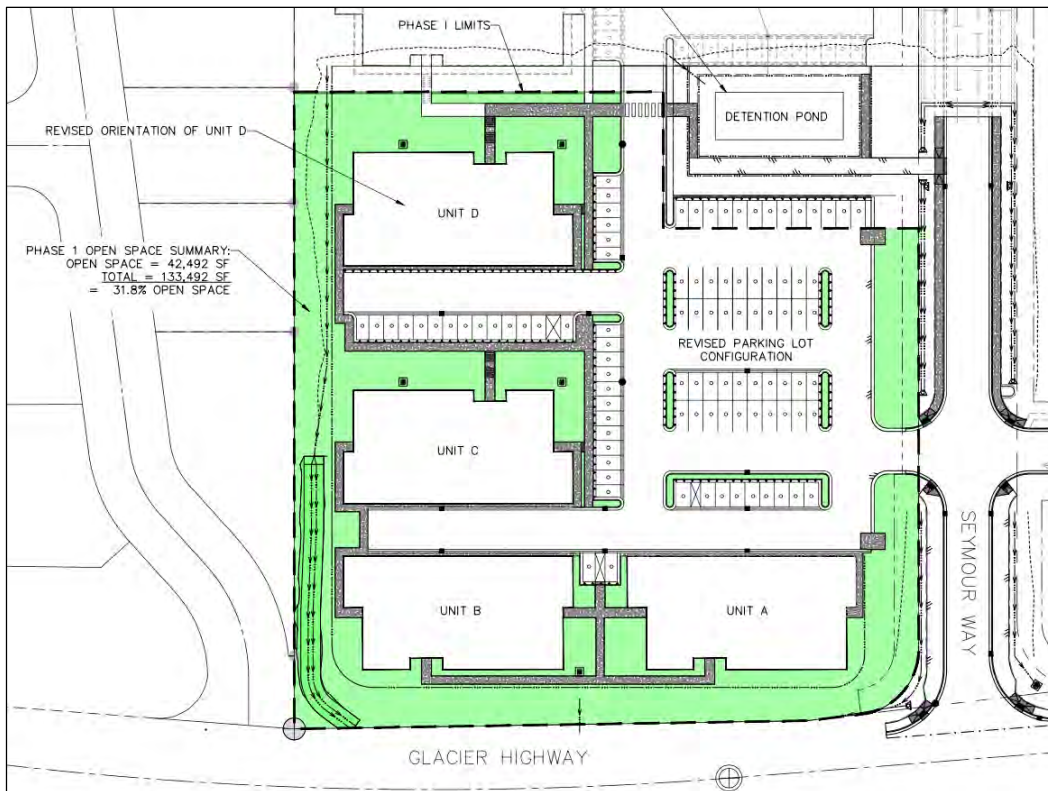
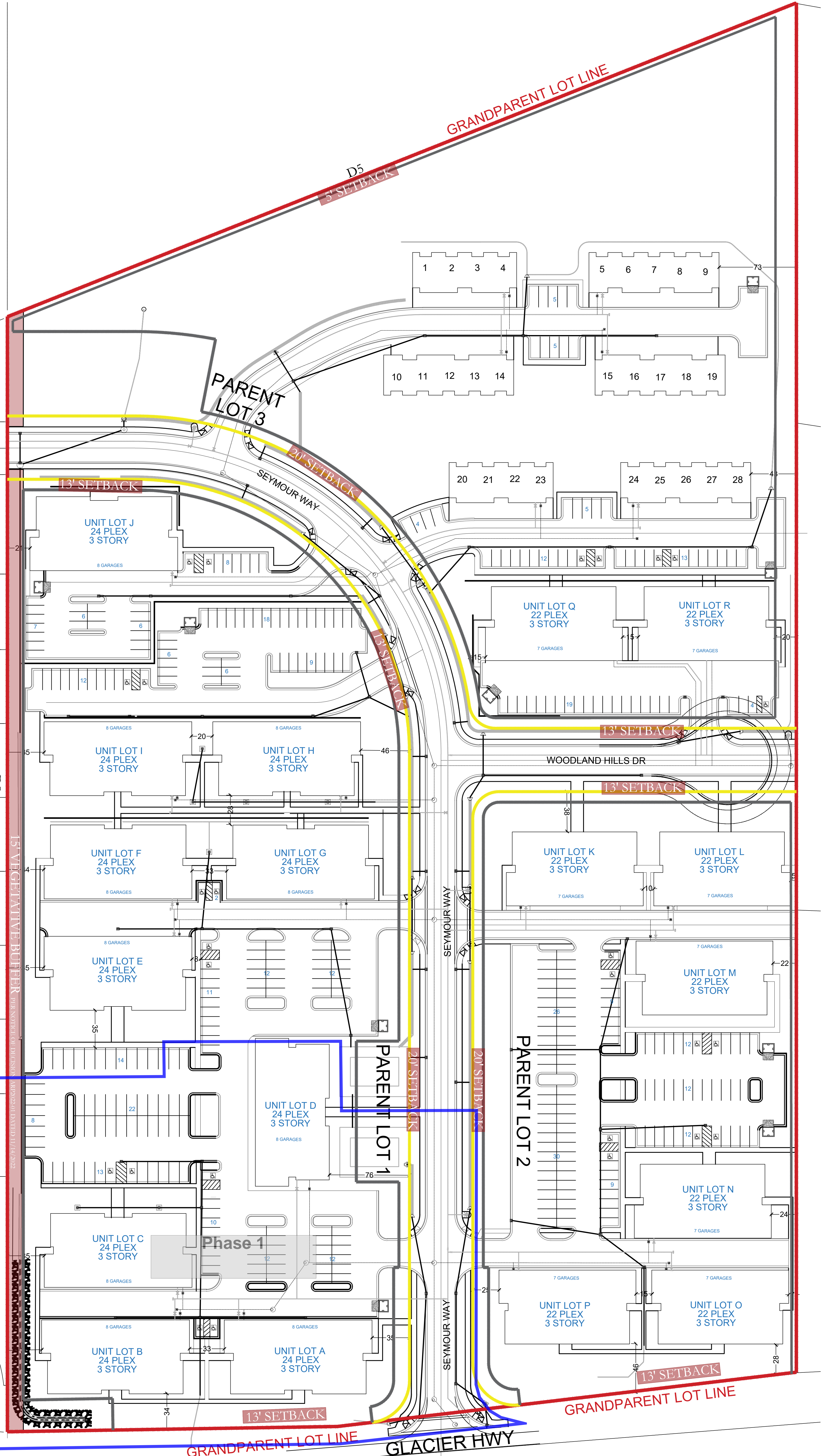


Figure 1 - Phase 1 Final Plan





NO.	REVISION	DATE
1	XXXX	XX-XX-XX
2		
3		
4		
5		
6		
7		

ISSUE DATE: 12/6/2022  
 PROJECT NUMBER: AK21001  
 PLAN INFORMATION

811 BLUE STAKES OF UTAH  
 1.500.562.4111  
 www.bluestakes.org

ALASKA 20 ACRE  
 JUNEAU, ALASKA

DEVELOPER / PROPERTY OWNER / CLIENT  
 PC1  
 ATT: BRANDON GRAY  
 801-358-5381  
 BRANDON@PC11980.COM

LANDSCAPE ARCHITECT / PLANNER  
 LICENSE STAMP

DESIGN GROUP  
 Landscape Architecture, Planning & Visualization  
 3450 N. TRIUMPH BLVD, SUITE 102  
 LEHI, UTAH 84043 (801) 753-5644  
 www.pkdsgngrp.com

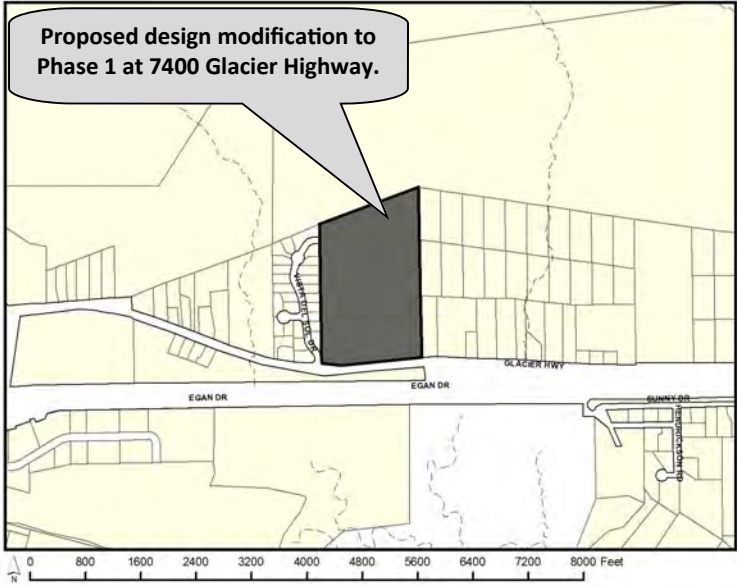
LANDSCAPE PLAN COLOR  
 PRELIMINARY PLANS NOT  
 FOR CONSTRUCTION  
 LP-COLOR

DRAWING INFO  
 DATE: JTA  
 DRAWN: ACP  
 CHECKED: JMA  
 PLOT DATE: 12/6/2022

# Invita. on to Comment

On a proposal to be heard by the CBJ Planning Commission

## Your Community, Your Voice



TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a design modification to Phase 1, **including structure reorientation and drainage modifications** at **7400 Glacier Highway** in a **D18 Zone**.

**PROJECT INFORMATION:**

Project Information can be found at:  
<https://juneau.org/community-development/short-term-projects>

**PLANNING COMMISSION DOCUMENTS:**

Staff Report expected to be posted **February 21, 2023** at  
<https://juneau.org/community-development/planning-commission>  
Find hearing results, meeting minutes, and more here, as well.

<b>Now through Feb. 10</b>	<b>Feb. 10— noon, Feb. 24</b>	<b>HEARING DATE &amp; TIME: 7:00 pm, Feb. 28 2023</b>	<b>March 1</b>
Comments received during this period will be sent to the Planner, <b>Irene Gallion</b> , to be included as an attachment in the staff report.	Comments received during this period will be sent to Commissioners to read in preparation for the hearing.	This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting <a href="https://juneau.zoom.us/j/85332637622">https://juneau.zoom.us/j/85332637622</a> and use the Webinar ID: 853 3263 7622 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above).  You may also participate in person in City Hall Assembly Chambers, 155 S. Seward Street, Juneau, Alaska.	The results of the hearing will be posted online.

**FOR DETAILS OR QUESTIONS,**

Phone: (907)586-0753 ext. 4130 ♦  
Email: [pc\\_comments@juneau.gov](mailto:pc_comments@juneau.gov)  
Mail: **Community Development, 155 S. Seward Street, Juneau AK 99801**

**Case No.: ARF20230001**  
**Parcel No.: 5B1401010010**  
**CBJ Parcel Viewer:** <http://epv.juneau.org>

Printed February 6, 2023

**Irene Gallion**

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**From:** Garrett Johnson <garrett@pci1980.com>  
**Sent:** Thursday, February 9, 2023 3:18 PM  
**To:** Irene Gallion  
**Subject:** Ridgeview Public Notice Sign  
**Attachments:** Screenshot 2023-02-09 at 10.13.03 AM.jpg

**EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS**

---

Irene,

Here's the photo with the sign installed. Do you need anything else from us? Thanks,

Garrett Johnson  
(801) 712-2631





PLANNING COMMISSION STAFF

ALTERNATIVE RESIDENTIAL  
SUBDIVISION PLAN: ARF2023 0002  
HEARING DATE: FEBRUARY 27, 2024

(907) 586-0715  
CDD\_Admin@juneau.gov  
www.juneau.org/community-development  
155 Heritage Way • Juneau, AK 99801

**DATE:** February 20, 2024  
**TO:** Mandy Cole, Chair, Planning Commission  
**BY:** Irene Gallion, Senior Planner  
**THROUGH:** Jill Lawhorne, Director, AICP

**PROPOSAL:** Alternative Residential Subdivision Modification to increase surface parking and modify open space.

**STAFF RECOMMENDATION:** Approval with conditions.

**KEY CONSIDERATIONS FOR REVIEW:**

- The Commission must approve plan changes unless authority is passed on to the Director in a condition.
- Garage parking is eliminated in Buildings B, C and D to provide 3-bedroom units, in addition to the 1- and 2-bedroom units previously proposed.
  - Surface parking is increased to account for the garage spaces lost.
  - The number of units remains the same.
- Building B is moved north for more favorable soil conditions.
- Proposal maintains minimum open space required for the density bonus.

**ALTERNATIVE ACTIONS:**

1. **Amend:** amend the approval to require conditions.
2. **Deny:** deny the permit and adopt new findings for items 1-3 below that support the denial.
3. **Continue:** to a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

**ASSEMBLY ACTION REQUIRED:**

Assembly action is not required for this permit.

**STANDARD OF REVIEW:**

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
  - CBJ 49.15.900
  - CBJ 49.15.920
  - CBJ 49.15.950
  - CBJ 49.80

GENERAL INFORMATION	
Property Owner	Glacier Heights LLC
Applicant	Glacier Heights LLC
Property Address	7400 Glacier Highway
Legal Description	USS 1568 TR B1
Parcel Number	5B1401010010
Zoning	D18
Lot Size	858,568 square feet, 19.71 acres
Water/Sewer	CBJ
Access	Old Glacier Highway
Existing Land Use	Residential
Associated Applications	BLD20230376: First structure of 24 units ARF2023 0001: Plan modification ARF2022 0001: Original plan approval SMP2021 0001: Preliminary plat approval

Glacier Heights LLC  
 File No: ARF2023 0002  
 February 20, 2024  
 Page 2 of 9

**The Commission shall hear and decide the case per CBJ 49.15.900 - Purpose.** *The general purpose of this article is to provide reasonable minimum standards and procedures for unit-lot residential communities in which all or some of the lots do not substantially conform to the minimum requirements for a traditional subdivided lot. This article provides a housing option to allow dwellings on unit-lots to be conveyed by long-term leases, less than fee-simple ownership, or fee-simple ownership, including condominium and other common-interest communities*

**And per CBJ 49.15.930(a)** - *A proposed alternative residential subdivision shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of an application proposing a change in the number or boundaries of unit-lots, section 49.15.402, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of unit-lots, the preliminary and final plat submissions required by section 49.15.402 shall be included with the preliminary and final plan submissions required by this chapter.*

**SITE FEATURES AND ZONING**



SURROUNDING ZONING AND LAND USES	
North (D5)	Vacant
South (D15)	Old Glacier Highway
East (D5)	Vacant
West (D5)	Residential

SITE FEATURES	
Anadromous	No
Flood Zone	No
Hazard	None mapped
Hillside	Yes
Wetlands	Yes
Parking District	No
Historic District	No
Overlay Districts	Mining Exclusion



Glacier Heights LLC  
File No: ARF2023 0002  
February 20, 2024  
Page 3 of 9

**BACKGROUND INFORMATION**

**Project Description** – The Applicant requests Alternative Residential Subdivision Modification to increase surface parking and modify open space (**Attachment A**).

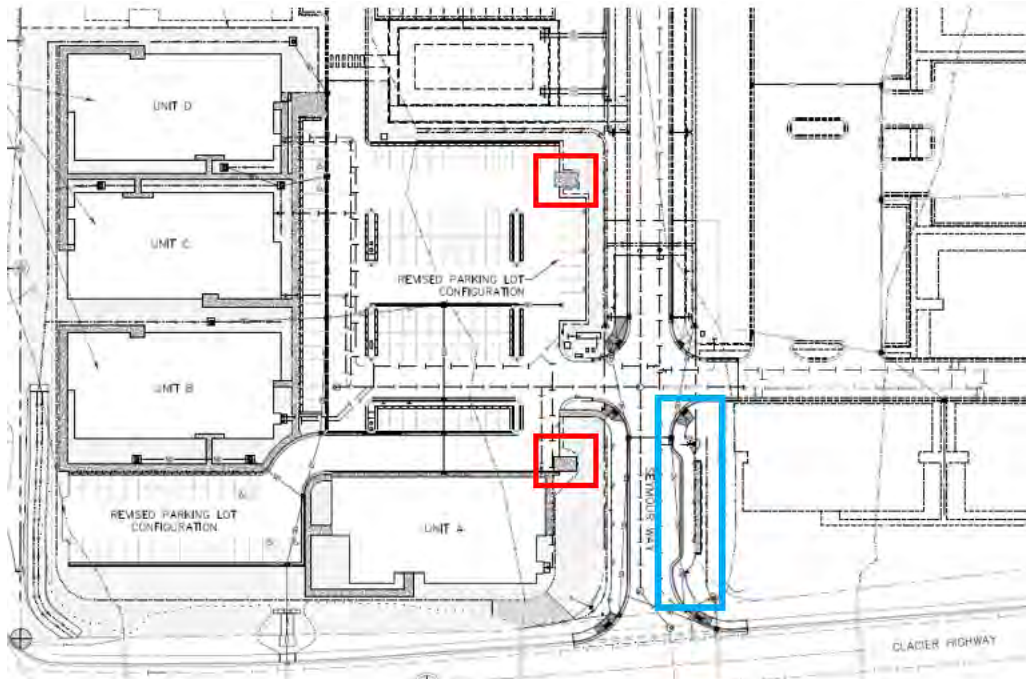
- The original submission under this application (pages 1 through 64) included surface parking increases.
- The revised submission under this application (pages 65 and 66) included relocation of Building B, and a new parking plan.
- Revised homeowners association documents are included (pages 67 through 120).

Changes include:

- Elimination of underground parking in Buildings B, C and D, increasing surface parking.
- Relocation of Building B northward (away from Glacier Highway).
- Use of Building B’s previous footprint for parking.
- Updated Homeowner Association documents.

The United States Postal Service (USPS) and garbage accommodation have been key issues in previous Commission approvals.

- The current mailbox location is next to a pullout on Seymour Way (blue box, below). The USPS has given verbal approval. Written approval is pending.
- The garbage location has been approved (red boxes, below).



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The final plat associated with this development will include a Commission-conditioned note:

A FIFTEEN (15) FOOT VEGETATED BUFFER IS REQUIRED ALONG THE WEST LOT LINE. THE BUFFER CAN BE REDUCED TO FIVE (5) FEET WITH A FENCE SUFFICIENT TO PROVIDE A VISUAL AND ACOUSTIC BUFFER (SMP2022 0001, proposed Plat Note 3).

A reminder that the ownership style (whether apartments or condominiums) is outside the purview of the Commission. Affordability bonuses [CBJ 49.15.920(e)(3)(c)] were not used for the original approval.

**Background -**

An Alternative Residential Subdivision consists of two tracts:

- The Plan considers layout, density, lot coverage, open space, access provision, drainage, and density bonuses. The Plan is the subject of this permit.
- The Plat documents legal land ownership and use. The preliminary plat was approved under SMP2021 0001. The final plat is anticipated before the Commission in March or April of 2024.

Project development yielded geotechnical details required modification of the original plan (ARF2022 0001). Further modification is anticipated as development continues.

- The first modification (ARF2023 0001) relocated Building D from the east to the west of the lot, and changed the orientation (red arrows below). Drainage was modified.
- This second modification (this application) proposes moving Buildings B, C and D northward. Parking is relocated parking to the southwest of the lot. Soils in the southwest corner are unsuitable for a multi-family apartment-style structure.



Market conditions have resulted in modification to the structures, foregoing underground parking in favor of a unit mix that includes three-bedroom units in addition to the one- and two-bedroom units originally proposed.

The table below summarizes history for the proposed development.

Item	Summary
ARF2022 0001	Approval of the development plan – includes five phases and an eventual 444 units. Approved December 12, 2022.

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Item	Summary
SMP2022 0001	Preliminary plat submitted with the proposal above. The preliminary plat has been approved. A final plat is anticipated before the Commission in March or April.
ARF2023 0001	Relocation of Building D toward the west lot line. Approved February 28, 2023.
BLD2023 0333	Grading permit for entire development.
BLD2023 0376	New 24-plex.
Juneau Affordable Housing Fund (2022)	\$1,200,000 loan for 24 market rate units.

**ANALYSIS**

**Compliance with Title 49** - The original approval included analysis of access and density [CBJ 49.15.920].

The design change impacts parking, and therefore open space. Mail and trash provision are reviewed due to possible layout impacts.

**Parking.** Multi-family parking requirements are based on the number of bedrooms in the units.

- The addition of three-bedroom units has increased the number of *off-street* parking spaces required.
- The elimination of parking garages has increased the number of *surface* parking spaces required.

The applicant has provided a parking analysis in their narrative (**Attachment A**, page 62), which staff has verified. In Phase 1, the modifications made require 122 off-street parking spaces, with 5 ADA spaces. The revised parking plan provided (**Attachment A**, page 65) conforms.

**Lot coverage.** When considering an Alternative Residential Subdivision, lot coverage is considered across the entire development. On large lots this facilitates denser development on more appropriate land.

The Applicant used open space toward a 25 percent density bonus. The new configuration provides 45 percent lot coverage, maintaining the minimum 30% open space used to determine density bonuses (**Attachment B**).

**Ongoing Conditions of Approval -**

**Attachment C** shows the evolution of conditions through the preliminary plan, final plan, and first modification to the final plan. Ongoing conditions that are recommended in this report include:

Condition	Status	Summary
For each Final Plan, provide updated off-street parking plans that show required ADA spaces, or denote if they are included in garage parking.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> On-going	Attachment A, page 65.
Plan and install a continuous vegetated barrier along the entire length of the development from the platted connection with Vista del Sol Drive along the shared property line to the development’s property line at Glacier Highway. The vegetated barrier will be	<input type="checkbox"/> Met <input type="checkbox"/> Unmet <input checked="" type="checkbox"/> On-going	<p>The modification considered under ARF2023 0003 includes this buffer. The following plat note will be included in the final plat:</p> <p>A FIFTEEN (15) FOOT VEGETATED BUFFER IS REQUIRED ALONG THE WEST LOT LINE. THE</p>

Glacier Heights LLC  
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Condition	Status	Summary
depicted on the preliminary and final plats of each Phase located in this area with an associated plat note. The vegetative buffer will be completed by phase, and required before the Temporary Certificate of Occupancy is issued.		BUFFER CAN BE REDUCED TO FIVE (5) FEET WITH A FENCE SUFFICIENT TO PROVIDE A VISUAL AND ACOUSTIC BUFFER (SMP2022 0001, proposed Plat Note 3).
The vegetative buffer on the west lot line shall be 15 feet wide, and can be reduced to five (5) feet with fence sufficient to provide a visual and acoustic buffer.	<input type="checkbox"/> Met <input type="checkbox"/> Unmet <input checked="" type="checkbox"/> On-going	See above.
Establish unique names for the roadways in the subdivision.	<input type="checkbox"/> Met <input type="checkbox"/> Unmet <input checked="" type="checkbox"/> On-going	The final plat will show the roadway name Seymour Way, per USPS's request.
Install signage where Vista del Sol Drive and the proposed subdivision road meet, with directional arrows depicting the split.	<input type="checkbox"/> Met <input type="checkbox"/> Unmet <input checked="" type="checkbox"/> On-going	During construction of the connection between Seymour Way and Vista del Sol Drive, anticipated after 100 units are constructed (fire code requirement for second access).
The developer will submit documentation of approval of the mailbox location by the United States Post Office.	<input type="checkbox"/> Met <input type="checkbox"/> Unmet <input checked="" type="checkbox"/> On-going	The USPS has been involved in discussions regarding the location of the mail boxes along Seymour Way. Documented approval pending.
Snow storage may be modified and approved by the Director if the area of snow storage provided per lot remains the same.	<input type="checkbox"/> Met <input type="checkbox"/> Unmet <input checked="" type="checkbox"/> On-going	As parking is modified, the Director will consider snow storage locations, which may change as parking is further developed. The orange circles in the graphic below show snow disposal locations under consideration. Snow removal companies are providing input.



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**Homeowners’ Association** – Per CBJ 49.15.950(b) the formation of a homeowners’ association (HOA), or similar entity is required. An updated HOA analysis is in **Attachment D**.

Topic and Code Reference	Summary	Complies
<b>CBJ 49.15.950(b)(1)</b> Preparation	<i>The articles of incorporation and bylaws of the homeowners' association, required under A.S. 34.08 or this chapter, shall be prepared by a lawyer licensed to practice in the state.</i>  <b>J. Taylor Rounds, Bar # 1111087, McCollum &amp; Rounds, LLC.</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>CBJ 49.15.950(b)(2)</b> Responsibilities	<i>The homeowners' association shall be responsible for the maintenance of open space, water and sewer utilities, and stormwater control features and drainages. The association documents shall specify how any other common facilities shall be operated and maintained. The association documents shall require homeowners to pay periodic assessments for the operation, maintenance and repair of common facilities. The documents shall require that the governing body of the association adequately maintain common facilities.</i>  <b>Attachment D outlines where each requirement is addressed in the document.</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>CBJ 49.15.950(b)(3)</b> Phased Development	<i>If the alternative residential subdivision is phased, the association documents shall specify how the cost to build, operate, and maintain improved open space and common facilities shall be apportioned among homeowners of the initial phase and homeowners of later phases.</i>  <b>Article VIII (when Exhibit A-2 is created for the bylaws).</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>CBJ 49.15.950(b)(4)</b> Recording	<i>The homeowners' association documents shall be recorded with the approved final plat.</i>  <b>CBJ requires executed documents for recording the final plat. The Declaration acknowledges the ongoing responsibility to record amendments in Section 15.4.</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**AGENCY REVIEW**

CDD conducted an agency review comment period between January 12, 2024 and February 5, 2024 (**Attachment E**). No comments were received.

The Applicant is engaged in ongoing discussions with the Alaska Department of Transportation and Public Facilities (ADOT&PF) regarding a driveway permit from Glacier Highway. ADOT&PF did not comment on this application. ADOT&PF will permit the driveway when their standards are met.

**PUBLIC COMMENTS**

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CDD conducted a public comment period between January 16, 2024 and February 5<sup>th</sup>, 2024. Public notice was mailed to property owners within 500 feet of the lot (**Attachment F**). A public notice sign was also posted on-site two weeks prior to the scheduled hearing (**Attachment G**). One public comment was received (**Attachment H**).

Name	Summary
Southeast Alaska Land Trust	Consider downstream impacts on wetlands mitigation.

**FINDINGS**

**Final plan approval criteria** - Per CBJ 49.15.950 the director makes the following findings:

- 1. *Has the applicant complied with any conditions required in the notice of decision approving the preliminary plan?***

**Analysis:** No additional analysis required.

**Finding: Yes.** All conditions of preliminary plan approval have been met or are operational/on-going.

- 2. *Has the applicant submitted homeowners’ association (HOA), or similar, documents to be recorded with the final plat?***

**Analysis:** A new HOA has been submitted with this proposed modification, and analyzed for compliance with code.

**Finding: Yes.** The applicant has submitted HOA documents to be recorded with the Alternative Residential Subdivision final plat.

- 3. *Does the final plan substantially conform to the approved preliminary plan and requirements of CBJ Title 49.15 Article 900?***

**Analysis:** No further analysis required.

**Finding: Yes.** The final plan substantially conforms to the approved preliminary plan.

**RECOMMENDATION**

Staff recommends the Planning Commission adopt the director's analysis and findings and **APPROVE WITH CONDITIONS** the Alternative Residential Subdivision modification to increase surface parking and modify open space for the Ridgeview Subdivision Phase 1, developing 96 dwelling units on approximately three acres at 7400 Glacier Highway in a D18 zone. Final proposed project: 444 units on 19.71 acres.

The approval is subject to the following ongoing conditions:

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1. Plan and install a continuous vegetated barrier along the entire length of the development from the platted connection with Vista del Sol Drive along the shared property line to the development’s property line at Glacier Highway. The vegetated barrier will be depicted on the preliminary and final plats of each Phase located in this area with an associated plat note. The vegetative buffer will be completed by phase, and required before the Temporary Certificate of Occupancy is issued.
2. The vegetative buffer on the west lot line shall be 15 feet wide, and can be reduced to five (5) feet with fence sufficient to provide a visual and acoustic buffer.
3. Establish unique names for the roadways in the subdivision.
4. Install signage where Vista del Sol Drive and the proposed subdivision road meet, with directional arrows depicting the split.
5. The developer will submit documentation of approval of the mailbox location by the United States Post Office.
6. Snow storage may be modified and approved by the Director if the area of snow storage provided per lot remains the same.

**STAFF REPORT ATTACHMENTS**

<b>Item</b>	<b>Description</b>
<b>Attachment A</b>	Application Packet
<b>Attachment B</b>	Open Space Verification
<b>Attachment C</b>	Conditions Review
<b>Attachment D</b>	HOA Analysis
<b>Attachment E</b>	Comments requests
<b>Attachment F</b>	Public Notice
<b>Attachment G</b>	Public Notice Sign
<b>Attachment H</b>	Public comments

Ridgeview Subdivision, Phase 1  
7400 Glacier Highway

ARF Amendment 2 Application


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Alternative Residential Subdivision Application	3
Pre-Application Conference Notes	6
Narrative	62
Preliminary Development Plan	64





# DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	<b>PROPERTY LOCATION</b>	
	Physical Address 7400 Glacier Highway	
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) USS 1568, Tract B1	
	Parcel Number(s) 5B1401010010	
	<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 _____	
	<b>LANDOWNER/ LESSEE</b>	
	Property Owner Glacier Heights Juneau, LLC	Contact Person Garrett Johnson
	Mailing Address 445 N 2000 W, Suite 7, Springville, UT 84663	Phone Number(s) (801) 262-9315
	E-mail Address garrett@pci1980.com	
	<b>LANDOWNER/ LESSEE CONSENT</b> Required for Planning Permits, not needed on Building/ Engineering Permits	
<p>I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:</p> <p>A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.</p> <p>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.</p>		
X	 Landowner/Lessee Signature	12/01/23 Date
X	_____ Landowner/Lessee Signature	_____ Date
<p>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.</p>		
<b>APPLICANT</b> If the same as OWNER, write "SAME"		
Applicant Same	Contact Person	
Mailing Address	Phone Number(s)	
E-mail Address		
X	_____ Applicant's Signature	_____ Date of Application


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

*No fee - See ARP22-01, ARF22-01*

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.

Intake Initials 
Case Number ARF23-002
Date Received 12/1/23

Attachment A - Application Packet



# ALTERNATIVE RESIDENTIAL SUBDIVISION 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

Ridgeview Phase 1 creates a public right of way called Seymour Way along with 4 Unit Lots with 96 dwelling units and the required parking and open space on approximately 3.2 acres.

## TYPE OF ALTERNATIVE RESIDENTIAL SUBDIVISION APPROVAL REQUESTED (please see submittal requirements on reverse)

- Alternative Residential Subdivision (ARP) Preliminary Plan Approval
- Alternative Residential Subdivision (ARF) Final Plan Approval (or Extension)
- Amendment to Approved (ARP) Preliminary Plan\*
- Amendment to Approved (ARF) Final Plan\*

\* Minor amendments will be reviewed by the Director; Major amendments will be reviewed by the Planning Commission.

## LEGAL DESCRIPTION(S) OF PROPERTY INVOLVED

Number of Existing Parcels 1 Total Land Area 3.2 acres Number of Resulting Parcels 1

## PROPOSED USE OF LAND AND BUILDING(S)

Zoning District(s) D18 Percent Open Space 31.2%  
 Right-of-Way Frontage Proposed \_\_\_\_\_ Percent Buffer \_\_\_\_\_  
 Number of Dwelling Units Proposed 96 Density Proposed \_\_\_\_\_  
 Parking Proposed 135 Density Bonus  YES  NO

## ALL REQUIRED MATERIALS ATTACHED

- Complete application per CBJ 49.15.940 (preliminary) or CBJ 49.15.950 (final)
- Pre-Application Conference notes
- Narrative including:
  - Current use of land or building(s)
  - Unique characteristics of land or building(s)
  - How the proposed project conforms to the Comprehensive Plan and CBJ Title 49
  - How the proposed project effects public health, safety, and welfare
  - How the proposed project is in harmony with the surrounding neighborhood
- Preliminary development plan (detailed on page 2)
- Density Bonus
  - Open Space
  - Stream Setback
  - Lower Income Households / Workforce Households
  - Unusual Enhancements
  - Public Right-of-Way Access
  - Shared Use Pathways
  - 5-Star Plus Energy Efficiency
  - 6-Star Energy Efficiency
  - High-efficiency Primary Heating Methods

To be completed by Applicant

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

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 <u>ARF23-002</u>	Date Received <u>12/1/23</u>
---------------------------------	---------------------------------

Attachment A - Application Packet

## Alternative Residential Subdivision Application Instructions

Alternative Residential Subdivision outlined in CBJ 49.15.900

Each application for an Alternative Residential Subdivision is reviewed by the Planning Commission at a public hearing. The permit procedure is intended to provide the Commission the flexibility necessary to make decisions tailored to individual applications. The Commission may stipulate conditions to mitigate external adverse impacts from the proposed use. If it is determined that these impacts cannot be satisfactorily overcome, the permit shall be denied.

**Pre-Application Conference:** A pre-application conference is required prior to submitting an application. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure, and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via email at [Permits@juneau.org](mailto:Permits@juneau.org).

**Application:** An application for an Alternative Residential Subdivision will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Alternative Residential Subdivision Application and a Development Permit Application forms.
2. **Fees:** The fee is dependent upon the number of residential structures involved. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** outlined in CBJ 49.15.940(b)(2). (Surveyed Plans Required)
  - a. The amount of land for housing, open space, buffer, access, parking, and pedestrian circulation
  - b. The number and types of housing units and proposed density
  - c. The natural features to be protected and hazards to be avoided
  - d. The public, if any, and private services to be provided

**Document Format:** All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies;
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

### Preliminary Plan Approval

#### **Application Review & Hearing Procedure:**

**Review:** The Community Development Department shall determine when the Alternative Residential Subdivision Application is complete and advise the developer. Within 60 days of determining that an application is complete, the Director shall schedule the preliminary plan for a public hearing.

**Hearing:** All Alternative Residential Subdivision applications must be reviewed by the Planning Commission. The Commission shall review the preliminary plan and approve, approve with conditions, or deny pursuant to 49.15.940.

**Public Notice Responsibilities:** As part of the Preliminary Plan Approval, proper public notice must be given as outlined in CBJ 49.15.230 which consists of the following:

**The Community Development Department** will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, the department will mail abutters notices to all property owners within 500-feet of the project site.

**The Applicant** will post a sign on the site at least 14 days prior to the meeting. The sign shall be visible from a public right-of-way or where determined appropriate by CDD. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing \$50 may be refunded. The Applicant may make and erect their own sign. Please speak with the Community Development Department for more information.

### Final Plan Approval

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

1. An application, fee, and a final plan must be submitted for Commission review.
2. Formation of a homeowners' association, or similar entity, is required, outlined in CBJ 49.15.950(b)(1)-(4).
3. The Commission may approve the final plan if it substantially conforms to the approved preliminary plan and all requirements of this article.

**Phased Development:** An applicant may develop an Alternative Residential Subdivision in phases, provided:

1. The initial application includes a preliminary development plan sufficient to assess the cumulative effects of the entire Alternative Residential Subdivision on the neighborhood and the environment according to the standards in subsection 49.15.940.
2. Each phase shall be so designed and implemented that, when considered with reference to any previously constructed phases but without reference to any subsequent phases, it meets the design standards applicable to the entire Alternative Residential Subdivision. Construction and completion of open space and common facilities serving each phase in an Alternative Residential Subdivision shall proceed at a rate no slower than that of other structures in the phase. No phase shall be eligible for final plan approval until all components of all preceding phases are substantially complete and homeowners' association documents have been approved.
3. Each phase of an Alternative Residential Subdivision shall be reviewed according to the provisions of this chapter then current. Each phase of an Alternative Residential Subdivision shall maintain design continuity with earlier phases. At no point during a phased development shall the cumulative density exceed that established in the approved preliminary plan.

**Amendments**

The developer of an Alternative Residential Subdivision may request an amendment to an approved preliminary or final Alternative Residential Subdivision plan. The request shall state the reasons for the amendment and shall be submitted in writing to the director, who shall inform the developer within 15 days whether the request shall be processed as a minor amendment or major amendment.

1. A minor amendment is a change consistent with the conditions of the original plan approval and would result in:
  - a. Insignificant change in the outward appearance of the development;
  - b. Insignificant impacts on surrounding properties;
  - c. Insignificant modification in the location or siting of buildings or open space;
  - d. No reduction in the number of parking spaces below that required;
  - e. A delay of no more than one year in the construction or completion schedule for the project or, in the case of a phased project, the phase for which the amendment is requested.
2. All other amendments shall be reviewed by the Commission upon payment of a filing fee and in accordance with the requirements of the original plan approval.

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**



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

### Ridgeview Subdivision - reorientation and first phase

Case Number: PAC2022 0023  
Applicant: Brandon Gray  
Property Owner: Rooftop Properties LLC  
Property Address: 7400 Glacier Highway  
Parcel Code Number: 5B1401010010  
Site Size: 858,568 Square Feet, 19.71 acres  
Legal Description: USS 1568 Tract B1  
Zoning: D18  
Existing Land Use: Vacant

Conference Date: May 4, 2022  
Report Issued: May 17, 2022  
**DISCLAIMER: Pre-application conferences are conducted for purposes of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application, and are not a guarantee of final project approval.**

### List of Attendees

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

Name	Title	Email address
Brandon Gray	Applicant	<a href="mailto:Brandon@pci1980.com">Brandon@pci1980.com</a>
Garrett Johnson	Partner	<a href="mailto:Garrett@pci1980.com">Garrett@pci1980.com</a>
Toby Lockhart	Homeshore Engineering LLC	<a href="mailto:Toby@homeshorellc.com">Toby@homeshorellc.com</a>
John Bean	Surveyor	<a href="mailto:JwBean@gci.net">JwBean@gci.net</a>
Irene Gallion David Peterson	Planning	<a href="mailto:Irene.Gallion@juneau.org">Irene.Gallion@juneau.org</a> <a href="mailto:David.Peterson@juneau.org">David.Peterson@juneau.org</a>
Jill Maclean	Community Development Director	<a href="mailto:Jill.Maclean@juneau.org">Jill.Maclean@juneau.org</a>
Scott Ciambor	Planning Manager	<a href="mailto:Scott.Ciambor@juneau.org">Scott.Ciambor@juneau.org</a>
Dan Jager	CCFR Fire Marshall	<a href="mailto:Dan.Jager@juneau.org">Dan.Jager@juneau.org</a>
Ken Hoganson	General Engineering	<a href="mailto:Ken.Hoganson@juneau.org">Ken.Hoganson@juneau.org</a>
Sydney Hawkins	Permit Technician II	<a href="mailto:Sydney.Hawkins@juneau.org">Sydney.Hawkins@juneau.org</a>

### Conference Summary

#### Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

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

In your narrative you say 12-16-plex, on the site plan it is a 24-plex. Have you decided? How many 1, 2, and 3 bedroom units in the 24-plex?

What density provisions are you hoping to take advantage of?  
Is Seymour Way intended to be a ROW at some point?  
Take me through your math on the density bonus, I get 443 units available.  
For the entire development, you come up with 515 parking spaces required, I come up with 612. Difference?

#### Project Overview

(Provide a brief description of the proposed project. *Note to Planners: be aware if there have been any previous PACs for this applicant or site.*)

The Applicant would like to:

- Develop a 12-24 unit structure on the lot. The applicant estimates 1/3 each of studios, one-bedroom and two-bedroom units.
- Stage for further development of the lot.

Note that Seymour Way does not exist. The preliminary plat that proposed Seymour Way was not finalized. Before that, there were two other subdivision proposals, both of which were withdrawn.

A multi-family development is a permissible stand-alone use for this lot [19.25.300 Paragraph 1.300] that would require a conditional use permit.

The size of the lot will beg the question of subsequent development. The applicant proposes an Alternative Residential Subdivision. This process will be time-consuming and will push development to late in the summer at the earliest, and more likely next construction season.

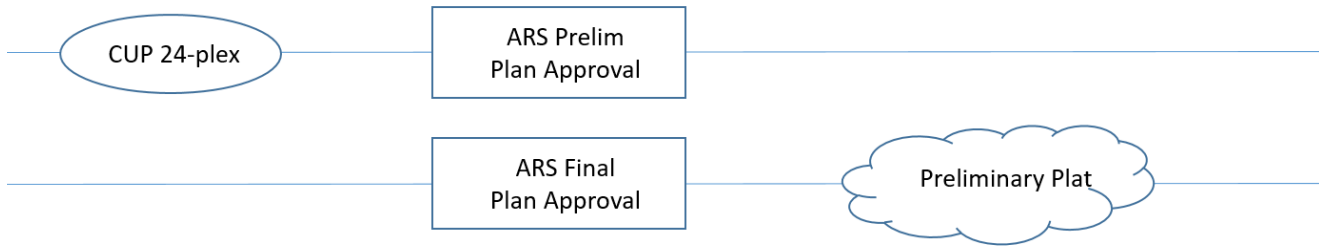
The applicant's goals will determine the best way forward. CBJ 49.15.960 will be key to this strategy:

*An applicant may develop an alternative residential subdivision in phases, provided the initial application includes a preliminary development plan sufficient to assess the cumulative effects of the entire alternative residential subdivision on the neighborhood and the environment according to the standards in subsection 49.15.940.*

If the applicant would like to:

- Construct a 24-plex this season, AND
- Use features of the 24-plex in density bonus (for instance, if the 24-plex has workforce housing provisions),

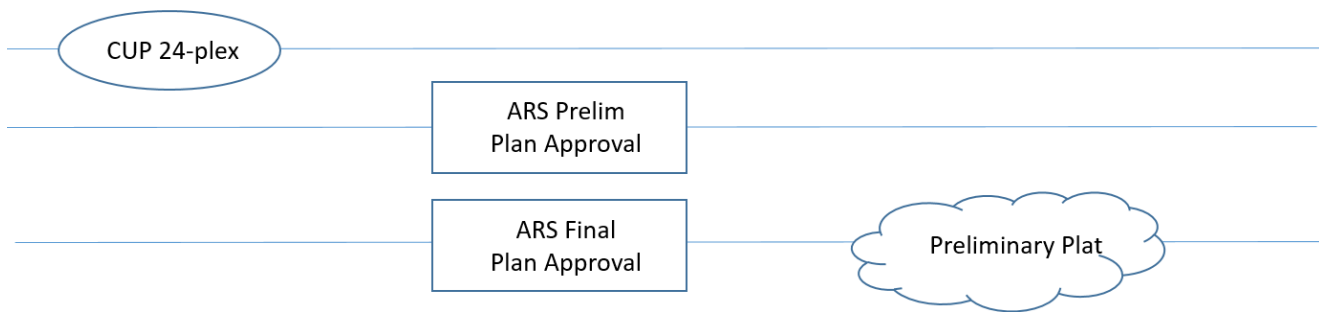
THEN the applicant should apply for a Conditional Use Permit and for an ARS Preliminary Plan Approval at the same time.



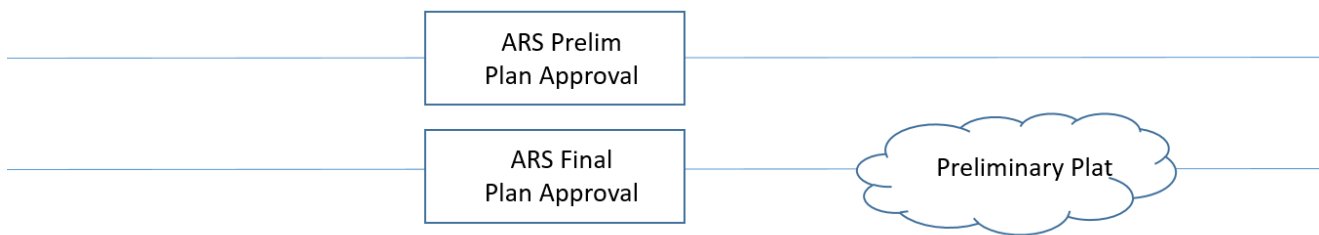
If the applicant would like to:

- Construct a 24-plex this season, BUT
- DOES NOT require features of the 24-plex to meet density bonuses,

THEN a stand-alone Conditional Use Permit for the development can be applied for. An ARS Preliminary Plan Approval can be applied for concurrently or later.



If the applicant can wait to construct until next season, the ARS process can be pursued without a Conditional Use Permit for the 24-plex. The goal would be to complete the process before next construction season.



**Planning Division**

1. **Zoning** – D18.  
An ARS is allowed in D18 [CBJ 49.15.920(b)]
2. **Subdivision** – Minimum lot size is 5,000 square feet. To develop an ARS, the lot must be at least 150 percent minimum lot size [CBJ 49.15.920(c)]. USS 1568 Tract B1 meets this requirement.

3. **Setbacks** – The lot is a D18 island that abuts D5 land on all sides except the frontage. Where one district abuts another, the greater of the two setbacks is required.
- Front:** 20 feet
  - Rear: 20 feet (D5 setback)
  - Side: 5 feet (same for D5 and D18)
  - Street side: 13 feet (same for D5 and D18)
  - Under an ARS, dimensional standards are applied to the parent lot rather than to unit lots [CBJ 49.15.920(D)].

4. **Density** – The lot is 19.71 acres, and can accommodate 355 units. The applicant suggests they could get a 25 percent density bonus under ARS code [CBJ 49.15.520(e)(3)] for a total of 444 units. Applicant is proposing 454 units.

$$19.71 \text{ acres} \times 18 \text{ units/acre} = 355 \text{ units}$$

$$355 \text{ units} \times 0.25 = 89 \text{ units}$$

$$355 \text{ units} + 89 \text{ units} = 444 \text{ units}$$

*Open space* means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or in the same neighborhood as such open space.

ARS code says there is a bonus of five percent for each ten percent increment of open space in excess of that required in the zoning district to a maximum bonus of 15 percent for open space in excess of that required.

858,568 square feet total

**5%** density bonus for **85,857 square feet, or 1.97 acres**, of open space

**10%** density bonus for **171,714 square feet, or 3.94 acres**, of open space

**15%** density bonus for **257,571 square feet, or 5.91 acres**, of open space

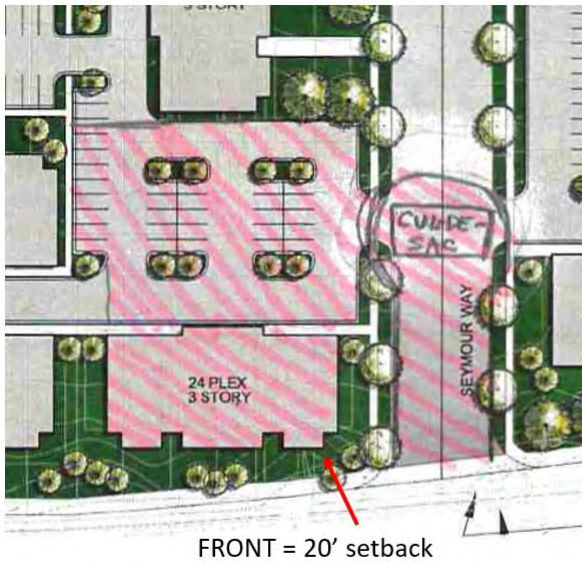
5. **Height** – 35 feet for permissible uses, 25 feet for accessory uses.
6. **Access** – Access is proposed from Glacier Highway, classified as a Collector under Ordinance 2013-9.

Under subsequent ARS subdivision, the access can be either a driveway managed by the homeowners association, or a right-of-way given to the CBJ [CBJ 49.15.920(f)].

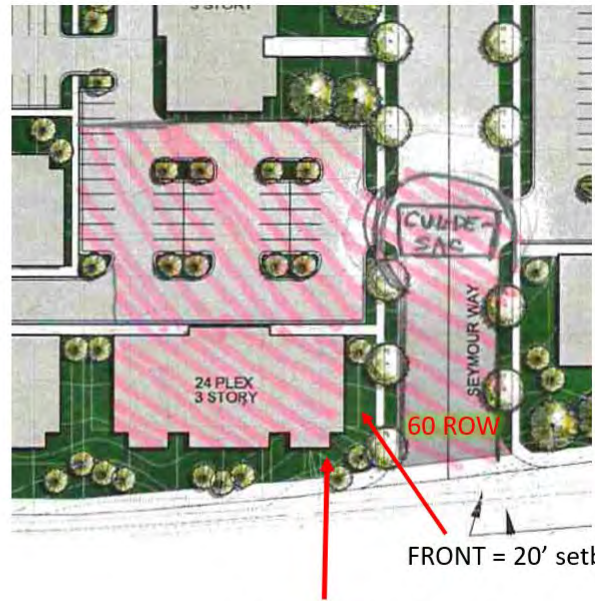
Keep in mind that if the intent is to subdivide and create a right-of-way, the proposed multi-family structure will need to meet front yard setbacks from both the Glacier Highway and the eventual right-of-way.

Below, the image on the left shows structure setbacks for the multi-family structure that will be built before subdivision. The image on the right shows the setbacks that the structure will need to have in order to create and dedicate a right-of-way access to the ARS.





FRONT = 20' setback



FRONT = 20' setback

STREET SIDE YARD = 13'

A secondary emergency access may be required, depending on CCFR evaluation. Consider that other subdivisions have provided an emergency access that was not built to right-of-way standards, which may be an option.

7. **Parking & Circulation** – Revisions to the parking code will go into effect on May 25, 2022.

For a 24-plex, 28 parking spaces will be required:

Unit Bedrooms	# of Units	Per Bedroom	Total
<b>12 UNITS</b>			<b>14</b>
Studio	4	1	4
One	4	1	4
Two	4	1.5	6
<b>16 UNITS</b>			<b>19</b>
Studio	6	1	6
One	5	1	5
Two	5	1.5	8
<b>24 UNITS</b>			<b>28</b>
Studio	8	1	8
One	8	1	8
Two	8	1.5	12

For the subdivision as proposed, 612 parking spaces will be required:

Unit Bedrooms	# of Units	Per Bedroom	Total
<b>TOWNHOMES</b>			<b>148</b>
One		1	0
Two		1.5	0
Three or more	74	2	148
<b>APARTMENTS</b>			<b>227</b>
One	90	1	90
Two	91	1.5	137
Three or more		2	0
<b>CONDOMINIUMS</b>			<b>238</b>
One	95	1	95
Two	95	1.5	143
Three or more		2	0
<b>TOTAL PARKING REQUIRED</b>			<b>612</b>

Total parking proposed is 515.

On the parking summary provided on the site plan differs from staff calculations:

- For townhomes, 111 parking spaces are estimated for the development – 148 are required.
- For 2-bedroom apartments, 100 parking spaces are estimated for the development – 137 are required.
- For the 2-bedroom condominiums, 104 parking spaces are estimated for the development – 143 are required.

Accessible parking spaces (ADA spaces) will be required for residential uses with ten or more spaces, OR if designated visitor parking spaces are provided. Each parking lot for each multi-family development would be evaluated for provision of ADA spaces. See the attached code, 49.40.210(c) for ADA parking requirements. Note that dimensions will need to meet CBJ 49.40.225:

- 8.5x17 feet for pull-in space
- 6.5x22 feet for parallel parking
- 13x17 feet for an accessible space, including the five foot access aisle. Note that one aisle can be shared between two spaces. ADA spaces must be marked and signed appropriately.

The development could apply for a Parking Waiver [49.40.220(a) in the attached code]. The effect of the waiver will have more benefits than detriments for the development, and will not materially endanger public health, safety or welfare.

ADA spaces are based on the number required before reductions, such as waivers, are considered. For instance, you may have nine required ADA spaces for 464 total required apartment and condo spaces. The Commission could waive the required parking spaces to, say, 350, but the developer would still need to provide nine ADA spaces.

8. **Lot Coverage** – Lot coverage is 50% for permissible and conditional uses. Lot coverage considers structures with roofs.

- 9. **Vegetative Coverage** – Required vegetative cover in D18 is 30 percent.
- 10. **Lighting** – A lighting plan should demonstrate full cut-off fixtures and should not illuminate neighboring property.
- 11. **Noise** – Noise is not anticipated to be in excess of that usually occurring in this zoning district
- 12. **Flood** – The lot is NOT located in a flood zone (Panel 02110C 1531D).
- 13. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – The lot is not in a mapped hazard zone.

Excavation of, or creation of, slopes of 18% or more will require a hillside endorsement from a qualified engineer. In general terms, this will require an engineered site plan, a vegetation plan, and a geotechnical memo, in addition to the construction and drainage plans usually required.

The Commission must sign off on the Hillside Endorsement for the CUP and for the ARS. Staff suggests that the Applicant either provide the information for hillside endorsement, or explain why the hillside endorsement is not needed. Refer to 49.70 Article II, attached to this report.

- 14. **Wetlands** – Wetlands are mapped on the lot. A United States Army Corps of Engineers permit will be required for fill. You can contact them at (907) 753-2689.
- 15. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.
- 16. **Plat Restrictions** – On the preliminary plat (never finalized) for the previous subdivision, there was a plat note that said:

“6. A THROUGH CONNECTION TO VISTA DEL SOL DRIVE IS REQUIRED FOR THE DEVELOPMENT OF LOT 14.”

It appears the intent was a connection if Tract B1A was developed. It is not known if the Planning Commission would require a connection for the development proposed in this application. The requirement is not included on the 1975 survey on record.

17. **Traffic** –

A Traffic Impact Analysis (TIA) will not be required for the apartment complex constructed alone:

Use	Units	Trips Generated per Unit	Total Trips
Apartment	24	6.65	159.6

A TIA will be required for the ARS development:

Use	Units	Trips Generated per Unit	Total Trips
Residential Townhouse	74	5.81	430
Residential Condominium	190	5.81	1,104
Apartment	181	6.65	1,204
<b>Total ADTs:</b>			<b>2,738</b>

Anticipate that the Alaska Department of Transportation and Public Facilities will be reviewing the TIA.

### Building Division

18. **Building** – Building permits required will be reviewed during the submittal process.
19. **Outstanding Permits** – None.

### General Engineering/Public Works

20. **Engineering – Grading:** Slopes and retaining structures shall be shown on the Grading Plan. The heights and slope ratios shall be quantified.
  1. Easements: Site plan (plat) shall include all existing (and proposed) easements for drainage, utility lines, plumbing lines, access, snow storage, trash (dumpster) storage, or any other shared use that requires crossing the property line.
  2. Roadway Slopes are shown as 11% on Phase 1. This is to be verified acceptable with the Fire Chief.
  3. Seismic structural design criteria: IBC: Use ICC referenced CD-ROM *Seismic Design 3.01* or figure 1613.5(12) with the listed explanation and references. IRC: Seismic Design Category: D1
21. **Drainage** – Drainage must be directed to pre-approved drainage ways and cannot be directed at neighbors or otherwise cause a nuisance. Drainage shall be shown in the Grading Plan with arrows. Any drainage structure(s) shall be identified and sizes called out.
22. **Utilities** – (water, power, sewer, etc.): Water service shall be provided. A CBJ ROW Permit and Utility Permit will be required. The plans shall include a Utility Plan that shows location of buried sewer and water utilities including valves, unions, cleanouts, and system components. Sizes and materials shall be called out. Power by others.
  1. **CBJ right-of-way (ROW) permit** – Once the construction plan for the utilities is approved, CBJ will create the ROW permit. The permit will cover the tapping of the water main and road restoration within the right-of-way (if required). Inspection fees, refundable bond amount, and conditions will be determined after review of the proposed construction plan. The extension of the utilities within the property will require further permitting and fee assessments. This process is done separately from the subdivision and typically in conjunction with the building permit application. Utility as-builts shall be submitted to GE prior to return of Bond and closure of permits.
  2. **Water Utility permit** – For the water/fire line to be installed to the new structure:
    - i. The line sizing shall be determined by the engineer. The meter is required to be installed prior to any branches in the plumbing line. The meter location and sizing shall be shown on the mechanical plans. The meter installation and conduit installation is the responsibility of the applicant. A water assessment will need to be paid and will be determined after sizing of meter and domestic line are identified.
    - ii. The requirement for providing adequate water pressure will require a booster station and/or water storage at higher elevation.
  3. **Sewer Utility permit** – For the sewer line to be installed to the new structure, the line sizing shall be determined by the engineer. The mechanical plans shall include a drainage fixture unit (DFU) count. The sewer assessment and inspection fees are to be paid and will be determined after review of the DFU's and the configuration of the underground sewer line.

**Fire Marshal**

**23. Fire Items/Access –**

- All buildings will need to be sprinklered and have fire alarms.
- Hydrants – no more than 500 feet between them.
- Apparatus turn-around capability
- Slopes – get as close as possible to 10%, if you must exceed please coordinate with CCFR.
- May be access issues with one-way-in, one-way-out. May require secondary access.

**Other Applicable Agency Review**

**24. Alaska Department of Transportation and Public Facilities:**

- a. Driveway permitting  
Michael K. Schuler, Property Management Officer  
(907) 465-4499 Desk  
(907) 419-4510  
michael.schuler@alaska.gov
- b. Traffic Analysis  
Nathan Purves, Traffic and Safety Engineer  
(907) 465-4521  
nathan.purves@alaska.gov

25. United States Army Corps of Engineers: (907) 753-2689

26. United States Fish and Wildlife Service: (907) 780-1160

**List of required applications**

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

1. Development Permit Application (required with all applications)
2. Conditional Use Permit
3. Alternative Residential Subdivision Application
4. Parking Waiver Application

**Additional Submittal Requirements**

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

1. A copy of this pre-application conference report.

**Exceptions to Submittal Requirements**

Submittal requirements staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. N/A

### Fee Estimates

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

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

1. Conditional Use Permit: Class III, \$750
2. Alternative Residential Subdivision preliminary plan: Assuming 454 total units, \$36,720; \$400 plus \$80 per residential unit.
3. Alternative Residential Subdivision final plan: Assuming 454 total units, \$27,540; \$300 plus \$60 per residential unit.

NOTE: ARS fees cited include the preliminary and final plat process.

4. Public Notice Sign – for each occurrence. \$150, with \$100 refundable if the sign is returned by the Monday following the Planning Commission meeting.
5. Parking Waiver: \$320 if applied for with a major development permit (ARS or CUP)

For informational handouts with submittal requirements for development applications, please visit our website at [www.juneau.org/community-development](http://www.juneau.org/community-development).

### Submit your Completed Application

You may submit your application(s) online via email to [permits@juneau.org](mailto:permits@juneau.org)

OR in person with payment made to:

City & Borough of Juneau, Permit Center  
230 South Franklin Street  
Fourth Floor Marine View Center  
Juneau, AK 99801

Phone: (907) 586-0715

Web: [www.juneau.org/community-development](http://www.juneau.org/community-development)

### Attachments:

- 49.15.330 –Conditional Use Permit
- 49.15 Article IX – Alternative Residential Subdivisions
- 49.70 Article II – Hillside Endorsement
- REVISED PARKING CODE EFFECTIVE MAY 25, 2022
- Development Permit Application
- Conditional Use Permit Application
- Alternative Residential Subdivision Application
- Parking Waiver Application

**49.15.330 Conditional use permit.**

- (a) *Purpose.* A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.
- (b) *Preapplication conference.* Prior to submission of an application, the developer shall meet with the director for the purpose of discussing the site, the proposed development activity, and the conditional use permit procedure. The director shall discuss with the developer, regulation which may limit the proposed development as well as standards or bonus regulations which may create opportunities for the developer. It is the intent of this section to provide for an exchange of general and preliminary information only and no statement by either the developer or the director shall be regarded as binding or authoritative for purposes of this code. A copy of this subsection shall be provided to the developer at the conference.
- (c) *Submission.* The developer shall submit to the director one copy of the completed permit application together with all supporting materials and the permit fee.
- (d) *Director's review procedure.*
  - (1) The director shall endeavor to determine whether the application accurately reflects the developer intentions, shall advise the applicant whether or not the application is acceptable and, if it is not, what corrective action may be taken.
  - (2) After accepting the application, the director shall schedule it for a hearing before the commission and shall give notice to the developer and the public in accordance with section 49.15.230.
  - (3) The director shall forward the application to the planning commission together with a report setting forth the director's recommendation for approval or denial, with or without conditions together with the reasons therefor. The director shall make those determinations specified in subsections (1)(A)—(1)(C) of subsection (e) of this section.
  - (4) Copies of the application or the relevant portions thereof shall be transmitted to interested agencies as specified on a list maintained by the director for that purpose. Referral agencies shall be invited to respond within 15 days unless an extension is requested and granted in writing for good cause by the director.
  - (5) Even if the proposed development complies with all the requirements of this title and all recommended conditions of approval, the director may nonetheless recommend denial of the application if it is found that the development:
    - (A) Will materially endanger the public health or safety;
    - (B) Will substantially decrease the value of or be out of harmony with property in the neighboring area; or
    - (C) Will not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans.
- (e) *Review of director's determinations.*
  - (1) At the hearing on the conditional use permit, the planning commission shall review the director's report to consider:
    - (A) Whether the proposed use is appropriate according to the table of permissible uses;
    - (B) Whether the application is complete; and
    - (C) Whether the development as proposed will comply with the other requirements of this title.
  - (2) The commission shall adopt the director's determination on each item set forth in paragraph (1) of this subsection (e) 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.

- (f) *Commission determinations; standards.* Even if the commission adopts the director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the 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) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.
- (g) *Specific conditions.* The commission may alter the director's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:
  - (1) *Development schedule.* A reasonable time limit may be imposed on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighborhood, to ensure that development is not used or occupied prior to substantial completion of required public or quasi-public improvements, or to implement other requirements.
  - (2) *Use.* Use of the development may be restricted to that indicated in the application.
  - (3) *Owners' association.* The formation of an association or other agreement among developers, homeowners or merchants, or the creation of a special district may be required for the purpose of holding or maintaining common property.
  - (4) *Dedications.* Conveyance of title, easements, licenses, or other property interests to government entities, private or public utilities, owners' associations, or other common entities may be required.
  - (5) *Performance bonds.* The commission may require the posting of a bond or other surety or collateral approved as to form by the city attorney to guarantee the satisfactory completion of all improvements required by the commission. The instrument posted may provide for partial releases.
  - (6) *Commitment letter.* The commission may require a letter from a public utility or public agency legally committing it to serve the development if such service is required by the commission.
  - (7) *Covenants.* The commission may require the execution and recording of covenants, servitudes, or other instruments satisfactory in form to the city attorney as necessary to ensure permit compliance by future owners or occupants.
  - (8) *Revocation of permits.* The permit may be automatically revoked upon the occurrence of specified events. In such case, it shall be the sole responsibility of the owner to apply for a new permit. In other cases, any order revoking a permit shall state with particularity the grounds therefor and the requirements for reissuance. Compliance with such requirements shall be the sole criterion for reissuance.
  - (9) *Landslide and avalanche areas.* Development in landslide and avalanche areas, designated on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by assembly ordinance, shall minimize the risk to life and property.
  - (10) *Habitat.* Development in the following areas may be required to minimize environmental impact:
    - (A) Developments in wetlands and intertidal areas.
  - (11) *Sound.* Conditions may be imposed to discourage production of more than 65 dBa at the property line during the day or 55 dBa at night.
  - (12) *Traffic mitigation.* Conditions may be imposed on development to mitigate existing or potential traffic problems on arterial or collector streets.
  - (13) *Water access.* Conditions may be imposed to require dedication of public access easements to streams, lake shores and tidewater.
  - (14) *Screening.* The commission may require construction of fencing or plantings to screen the development or portions thereof from public view.



- (15) *Lot size or development size.* Conditions may be imposed to limit lot size, the acreage to be developed or the total size of the development.
- (16) *Drainage.* Conditions may be imposed to improve on and off-site drainage over and above the minimum requirements of this title.
- (17) *Lighting.* Conditions may be imposed to control the type and extent of illumination.
- (18) *Other conditions.* Such other conditions as may be reasonably necessary pursuant to the standards listed in subsection (f) of this section.

(Serial No. 87-49, § 2, 1987; Serial No. 2006-15, § 2, 6-5-2006; Serial No. 2015-03(c)(am), § 9, 8-31-2015 ; Serial No. 2017-29, § 3, 1-8-2018, eff. 2-8-2018 )

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## ARTICLE IX. ALTERNATIVE RESIDENTIAL SUBDIVISIONS

### 49.15.900 Purpose.

The general purpose of this article is to provide reasonable minimum standards and procedures for unit-lot residential communities in which all or some of the lots do not substantially conform to the minimum requirements for a traditional subdivided lot. This article provides a housing option to allow dwellings on unit-lots to be conveyed by long-term leases, less than fee-simple ownership, or fee-simple ownership, including condominium and other common-interest communities. The specific purpose of this article is to permit flexibility in the regulation and use of land in order to promote its most appropriate use for unit-lot residential communities; to encourage residential developments that are planned, designed and developed to function as integral units with common facilities; to encourage developments that provide different types of housing options; to encourage development of quality affordable housing; to facilitate the adequate and economical provisions of access and utilities; and to encourage developments that are in harmony with the surrounding area.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

### 49.15.910 Application.

The provisions of this article apply when a parent lot is subdivided into developable unit-lots and where a portion of the parent lot remains.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

### 49.15.920 General provisions.

- (a) *General.* The requirements of this title apply except as provided in this article.
- (b) *Zoning districts.* An alternative residential subdivision is only allowed in the following zoning districts: RR, D-1, D-3, D-5, D-10SF, D-10, D-15, D-18, and LC.
- (c) *Lot size.* The parent lot shall be at least 150 percent of the minimum lot size for the zoning district in which it is located. There is no minimum size for the unit-lots.
- (d) *Other dimensional standards.* The minimum lot dimensions, lot coverage, and vegetative coverage shall be applied to the parent lot and not the unit-lots.
- (e) *Density.*
  - (1) The number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the alternative residential subdivision and rounding to the nearest whole number.
  - (2) Land and water bodies used in calculating the number of dwelling units permitted shall be delineated on the preliminary and final plans in a manner allowing confirmation of acreage and density computations.
  - (3) The commission may award a density bonus as an incentive for enhancements to the development. The total bonus shall not exceed 50 percent in the RR, D1, D3, D5, D10 zoning districts, and 25 percent

in the D-10SF, D15, D18 and LC zoning districts of the density provided in subsection (e)(1) of this section and rounded to the nearest whole number and shall be the sum of individual density bonuses as follows:

- (A) Five percent for each ten percent increment of open space in excess of that required in the zoning district to a maximum bonus of 15 percent for open space in excess of that required;
  - (B) Five percent for a continuous setback greater than 50 feet or ten percent for a continuous setback greater than 50 feet on both sides of a stream, if applicable, designated in the plan as undisturbed open space along important natural water bodies, including anadromous fish streams, lakes, and wetlands;
  - (C) Fifteen percent for a mixture of housing units restricted by a recorded document for a period of 30 years from the first sale:
    - (i) In which ten percent of the dwelling units are set aside for lower income households earning no more than 80 percent of the area median income; or
    - (ii) In which 20 percent of the dwelling units are set aside for workforce households earning no more than 120 percent of the area median income.
  - (D) Up to ten percent for provision of common facilities and additional amenities that provide an unusual enhancement to the general area, such as siting, landscaped buffers, or the creation or preservation of view corridors;
  - (E) Ten percent for dedication of a public right-of-way accessible to all unit-lots consistent with chapter 49.35;
  - (F) Five percent in the RR, D-1, D-3, D-5, and D-10SF zoning districts, and ten percent in the D-10, D-15, D-18 and LC zoning districts for providing shared use pathways to facilitate safe pedestrian and bicycle movement within the development and to ensure non-vehicular access to open space, common facilities and to public services;
  - (G) Five percent for designing all dwelling structures to a five-star plus energy efficiency rating; ten percent for designing all dwelling structures to a six-star energy efficiency rating; and
  - (H) Up to ten percent for using high-efficiency primary heating methods, such as heat pumps, in all dwelling structures.
- (4) A density bonus may be limited or denied if it will more probably than not:
- (A) Materially endanger public health or safety;
  - (B) Substantially be out of harmony with property in the neighboring area;
  - (C) Lack general conformity with the comprehensive plan or another adopted plan; or
  - (D) Create an excessive burden on roads, sewer, water, schools, or other existing or proposed public facilities.
- (f) *Frontage and access.* The parent lot shall front on and be accessed by a publically maintained right-of-way. Access within the development may be exempted from [chapter] 49.35 and be privately owned and maintained if it complies with the following requirements:
- (1) The access shall be located completely on the parent lot;
  - (2) The access does not endanger public safety or welfare and provides for safe pedestrian and vehicular traffic circulation;
  - (3) The access complies with the emergency service access requirements of CBJ [chapter] 19.10;

- (4) Access to and within the development is paved;
  - (5) The developer submits adequate evidence that upon approval of the development, a homeowners' association will be formed, can obtain liability insurance, and is solely responsible for maintaining the private access—including winter maintenance; and
  - (6) The alternative residential subdivision does not abut a developable parcel that lacks alternative and practical frontage on a publically maintained right-of-way.
- (g) *Utilities.* An alternative subdivision is required to connect each dwelling unit to public sewer and water. A master meter for water shall be installed by the developer.
- (h) *Parking.* Parking required for each dwelling unit may be located on either the parent lot or the unit-lot.
- (i) *Open space.* Open space is required as follows: 25 percent in the RR and D-1 zoning districts; 20 percent in the D-3, D-5 and D-10 zoning districts; 15 percent in the D-10SF district. Open space is not required in the D-15, D-18, or LC zoning districts.
- (j) *Buffer.* There are no setback requirements on the unit-lots. A perimeter buffer is required in lieu of the setback requirements of this title on the parent lot. The presumptive buffer width shall not be less than the setback set by the underlying zoning district to ensure neighborhood harmony and minimize off-site impacts. The commission may enlarge a buffer or a portion of a buffer up to 25 feet in total width, and the commission may reduce a buffer or a portion of a buffer by 75 percent of the setback for the underlying zoning district. The commission may only enlarge or reduce the buffer width upon considering, but not limited to: type of buffer, location of the subdivision structures and uses therein; the location and type of surrounding uses or development; topography; and the presence of existing visual and sound buffers. A buffer shall be vegetated unless the commission requires non-vegetated screening. A buffer may include fencing, natural berm, or other similar features. No parking areas, dwelling units, unit-lots, or permissible uses may be located within the perimeter buffer. Access to the development may cross a portion of the buffer.
- (k) *Parent lot.* Portions of the parent lot not subdivided into unit-lots shall be owned in common by a homeowners' association, or similar entity, comprised of the owners of the unit-lots located within the parent lot.
- (l) *Stormwater management.* Facilities for the control and disposal of stormwater must be adequate to serve the development and areas draining through the development. Management shall be in accordance with the Stormwater Best Management Practices manual. Where appropriate, natural drainage channels, swales, or other similar areas within the open space may be used for stormwater management at the development. The developer shall provide the CBJ Engineering and Public Works Department with an evaluation of offsite drainage outfalls for the additional runoff contributed by the alternative residential subdivision. The commission may require construction of offsite drainage improvements necessary to accommodate additional runoff from the development.
- (m) *Permitted uses.* No primary uses are permitted on the parent lot except a recreational center, community facility, or a child care center. Consistent with the table of permissible uses, 49.25.300, only residential uses and associated accessory structures are allowed on the unit-lots. Accessory dwelling units are prohibited on the parent lot and on any unit-lots. A home occupation or a child care home is permissible on the unit-lots. If an alternative residential subdivision creates a lot that complies with the table of dimensional standards, 49.25.400, for the underlying zoning district, the accessory dwelling unit prohibition of this subsection does not apply.
- (n) *Street sign.* Street signage is required. The developer shall install a street sign provided by the City and Borough of Juneau at the developer's expense. The director shall determine the type of street sign—addresses or street name—upon considering public health, safety, and welfare given the size of the subdivision.

- (o) *Mailboxes.* Upon consultation with the United States Postal Service, the director shall determine the placement location of mailboxes. The director may require additional improvements and design changes to enable efficient mail delivery and to minimize traffic interferences and compliance with CBJ standard details.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.930 Alternative residential subdivision review process.**

- (a) *General procedure.* A proposed alternative residential subdivision shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of an application proposing a change in the number or boundaries of unit-lots, section 49.15.402, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of unit-lots, the preliminary and final plat submissions required by section 49.15.402 shall be included with the preliminary and final plan submissions required by this chapter.
- (b) *Preapplication conference.* Prior to submission of an application, the director shall conduct an informal preapplication conference with the developer to discuss the proposed alternative residential subdivision. The purpose of the preapplication conference shall be to exchange general and preliminary information and to identify potential issues and bonuses. The developer may discuss project plans and the director may provide an informal assessment of project permit eligibility, but no statement made by either party shall be regarded as binding, and the result of the conference shall not constitute preliminary approval by the department. The conference shall include a discussion of the zoning, size, topography, accessibility, and adjacent uses of the development site; the uses, density and layout of buildings, parking areas, the open space and landscaping proposed for the development; the common facilities; provision of utilities, including solid waste and recycling collection; the access, the vehicle and pedestrian circulation, and winter maintenance including snow removal locations; the development schedule and the alternative residential subdivision permit procedures. The developer shall provide a sketch of the proposed alternative residential subdivision.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.940 Preliminary alternative residential subdivision plan approval.**

- (a) *Application.* The developer shall submit to the department one copy of a complete alternative residential subdivision application, which shall include an application form, the required fee, any information required in subsection 49.15.402, the information required by this section, and any other information specified by the director.
- (b) *Required submissions.* The application shall include the following material:
  - (1) *Ownership.* The application shall identify, and shall be signed by or upon, the included written authorization of, all owners, lessees, and optionees of land within the boundaries of all phases of the alternative residential subdivision.
  - (2) *Preliminary development plan.* The application shall include a preliminary development plan, explaining how the proposed alternative residential subdivision will achieve the purposes set forth in section 49.15.900. The preliminary development plan shall summarize the different land uses proposed, including the amount of land for housing, open space, buffer, access, parking and pedestrian circulation; the number and types of housing units and proposed density; the natural features to be protected and hazards to be avoided; and the public, if any, and private services to be provided.
  - (3) *Design.* The application shall describe the design of the alternative residential subdivision, with particular attention to building siting, massing, access, parking, and architectural features; provision of

utilities including drainage and trash collection; provision of winter maintenance for access and parking areas; and the circulation of traffic and pedestrians.

- (4) *Open space, common facilities, and general landscaping.* The preliminary plat shall show and describe common facilities, pedestrian circulation to common facilities and amenities, open space, buffers, landscaping, and similar features.
- (5) *Request for density bonuses.* If a density bonus is being applied for, the application shall include a narrative describing the justification for the requested bonus, and the application shall show the nature and extent of the requested bonus.
- (6) *Description of phased development.* The preliminary development plan for a phased alternative residential subdivision shall include:
  - (A) A drawing and development schedule for each phase and for the entire alternative residential subdivision;
  - (B) The size and general location of proposed land uses for each phase at the maximum level of density, including maximum allotment of density bonuses;
  - (C) A description of the access (pedestrian and vehicular) connecting all the phases and where they will connect at the alternative residential subdivision boundaries;
  - (D) A description of how the developer will address the cumulative impacts of the phased development on the neighborhood and the natural environment;
  - (E) A description of the overall design theme unifying the phases;
  - (F) An analysis of how each phase in the project will meet the requirements of subsection 49.15.960(b); and
  - (G) A sketch plat consistent with section 49.15.410.
- (c) *Department review.* The director shall advise the developer whether the alternative residential subdivision application is complete, and, if not, what the developer must do to make it complete. Within 45 days after determining an application is complete, the director shall schedule the preliminary plan for a public hearing before the commission. The director shall give notice to the developer and the public according to section 49.15.230.
- (d) *Commission action.* The commission may approve an alternative residential subdivision preliminary plan if it meets the following requirements:
  - (1) The development protects natural features and avoids natural hazards by reserving them as open space;
  - (2) The development is consistent with the land use code;
  - (3) The development incorporates perimeter buffers sufficient to minimize off-site impacts of the subdivision and to maximize harmony with the neighborhood;
  - (4) Utilities proposed for connection to the City and Borough system meet City and Borough standards, and all others are consistent with sound engineering practices, as determined by the City and Borough Engineering and Public Works Department;
  - (5) The configuration of the development provides for economy and efficiency in utilities, housing construction, access, parking and circulation;
  - (6) If the approval is for a phased development, that each phase is consistent with the preliminary development plan and design of the entire alternative residential subdivision;

- (7) Adequately addresses the cumulative impacts of the phased development on the neighborhood and the natural environment; and
  - (8) If the approval includes an allotment of a density bonus, the density bonus complies with section 49.15.920(e)(4).
- (e) *Expiration.* Approval of a preliminary plan shall expire 18 months after the commission notice of decision unless a final plan for the entire project or, in the case of a phased development, the first phase thereof, is submitted to the department for commission action. An application for extension of a preliminary plan shall be according to section 49.15.250, development permit extension.
- ( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.950 Final alternative residential subdivision plan approval.**

- (a) *Application.* Upon completion of all conditions of the preliminary plan, the developer shall submit an application, fee, and a final plan for commission approval.
  - (b) *Homeowners' association.* The formation of a homeowners' association, or similar entity, is required.
    - (1) The articles of incorporation and bylaws of the homeowners' association, required under A.S. 34.08 or this chapter, shall be prepared by a lawyer licensed to practice in the state.
    - (2) The homeowners' association shall be responsible for the maintenance of open space, water and sewer utilities, and stormwater control features and drainages. The association documents shall specify how any other common facilities shall be operated and maintained. The association documents shall require homeowners to pay periodic assessments for the operation, maintenance and repair of common facilities. The documents shall require that the governing body of the association adequately maintain common facilities.
    - (3) If the alternative residential subdivision is phased, the association documents shall specify how the cost to build, operate, and maintain improved open space and common facilities shall be apportioned among homeowners of the initial phase and homeowners of later phases.
    - (4) The homeowners' association documents shall be recorded with the approved final plat.
  - (c) *Commission action.* The commission may approve the final plan if it substantially conforms to the approved preliminary plan and all requirements of this article.
  - (d) *Expiration.* An approved final plan shall expire 18 months after recording if the applicant fails to obtain an associated building permit and make substantial construction progress. An application for extension of a final plan shall be according to section 49.15.250, development permit extension.
- ( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**49.15.960 Phased development.**

- (a) *Phasing allowed.* An applicant may develop an alternative residential subdivision in phases, provided the initial application includes a preliminary development plan sufficient to assess the cumulative effects of the entire alternative residential subdivision on the neighborhood and the environment according to the standards in subsection 49.15.940.
- (b) *Completion of an individual phase.* Each phase shall be so designed and implemented that, when considered with reference to any previously constructed phases but without reference to any subsequent phases, it meets the design and density standards applicable to the entire alternative residential subdivision.

Construction and completion of open space and common facilities serving each phase in an alternative residential subdivision shall proceed at a rate no slower than that of other structures in that phase. No phase shall be eligible for final plan approval until all components of all preceding phases are substantially complete and homeowners' association documents have been approved.

- (c) *Standards for phases.* Each phase of an alternative residential subdivision shall be reviewed according to the provisions of this chapter then current. Each phase of an alternative residential subdivision shall maintain design continuity with earlier phases. At no point during a phased development shall the cumulative density exceed that established in the approved preliminary plan.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )



PART II - CODE OF ORDINANCES  
TITLE 49 - LAND USE  
Chapter 49.70 - SPECIFIED AREA PROVISIONS  
ARTICLE II. HILLSIDE DEVELOPMENT

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**49.15.970 Amendments to approved alternative residential subdivision plan.**

- (a) *Request for amendment.* The developer of an alternative residential subdivision may request an amendment to an approved preliminary or final alternative residential subdivision plan. The request shall state the reasons for the amendment and shall be submitted in writing to the director, who shall inform the developer within 15 days whether the request shall be processed as a minor amendment or major amendment.
  - (b) *Minor amendment.* A minor amendment may be submitted without a filing fee and may be approved by the director. For purposes of this section, a minor amendment is a change consistent with the conditions of the original plan approval, and would result in:
    - (1) Insignificant change in the outward appearance of the development;
    - (2) Insignificant impacts on surrounding properties;
    - (3) Insignificant modification in the location or siting of buildings or open space;
    - (4) No reduction in the number of parking spaces below that required;
    - (5) A delay of no more than one year in the construction or completion schedule for the project or, in the case of a phased project, the phase for which the amendment is requested.
  - (c) *Major amendment.* All other amendments shall be reviewed by the commission upon payment of a filing fee and in accordance with the requirements of the original plan approval.
- ( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

PART II - CODE OF ORDINANCES  
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Chapter 49.70 - SPECIFIED AREA PROVISIONS  
ARTICLE II. HILLSIDE DEVELOPMENT

**ARTICLE II. HILLSIDE DEVELOPMENT**

**49.70.200 Purposes.**

The purposes of this article are to:

- (1) Ensure that hillside development provides erosion and drainage control to protect adjoining parcels;
- (2) Protect waterways from sedimentation and pollution;
- (3) Minimize injury or damage to people or property from natural or artificial hazards in hillside development; and
- (4) Minimize any adverse aesthetic impact of hillside development.

(Serial No. 87-49, § 2, 1987)

**49.70.210 Applicability and scope.**

- (a) This article applies to all development on hillsides in the City and Borough that involves the following:
  - (1) Removal of vegetative cover;
  - (2) Excavation of any slope in excess of 18 percent;
  - (3) Creation of a new slope in excess of 18 percent for a vertical distance of at least five feet; or
  - (4) Any hazard area identified on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by the assembly by ordinance or any other areas determined to be susceptible to geophysical hazards.
- (b) All hillside development endorsement applications shall be reviewed by the planning commission, except the following may be reviewed by the director:
  - (1) An excavation below finished grade for basements and footings of a building, a retaining wall or other structure authorized by a building permit, provided that this shall not exempt any fill made with the material from such excavation nor any excavation having an unsupported height greater than two feet after the completion of the associated structure.
  - (2) Graves.
  - (3) Mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate or clay provided such operations do not affect the location or peak volume of runoff, the location or amount of standing water, or the lateral support for, the stresses in, or the pressure upon, any adjacent or contiguous property.
  - (4) Exploratory excavations less than 200 square feet in area and under the direction of a civil engineer with knowledge and experience in the application of geology in the design of civil work.
  - (5) An excavation which:
    - (A) Is less than two feet in depth and covers less than 200 square feet; or

- (B) Does not create a cut slope greater than five feet in height or steeper than one and one-half horizontal to one vertical.
- (6) A fill less than one foot in depth and intended to support structures which fill is placed on natural terrain with a slope flatter than five horizontal to one vertical, which does not exceed 20 cubic yards on any one lot and which does not obstruct a drainage course.
- (7) A fill less than three feet in depth and not intended to support structures which fill is placed on natural terrain on a slope flatter than five horizontal to one vertical, which does not exceed 50 cubic yards on any one lot and which does not obstruct a drainage course.
- (8) Minor development.

(Serial No. 87-49, § 2, 1987; Serial No. 2006-15, § 22, 6-5-2006; Serial No. 2015-03(c)(am), § 51, 8-31-2015 )

**49.70.220 Hillside development endorsement application.**

- (a) All development on hillsides shall be pursuant to a hillside development endorsement.
- (b) The developer shall apply for and obtain a hillside development endorsement prior to any site work other than land and engineering surveys and soils exploration.

(Serial No. 87-49, § 2, 1987; Serial No. 2015-03(c)(am), § 52, 8-31-2015 )

**49.70.230 Fees.**

The City and Borough shall charge the developer the gross hourly rate for professional review of the application and for inspection. The developer shall deposit one percent of the value of the site development, excluding that portion of the site determined by the engineer to be subject to a public transmission facility permit, in a specially designated reserve account, against which the City and Borough may bill its documented time and expenses. The developer shall promptly replenish this amount when requested, and no endorsement may be issued if there is any deficiency in the developer's reserve account. All unexpended funds in the reserve account shall be returned to the developer upon final approval of development or when the engineer is satisfied that the work under the hillside development endorsement has been completed and the requirements of this chapter have been met.

(Serial No. 87-49, § 2, 1987)

**49.70.240 Application.**

The application shall be accompanied by the following materials, which shall be signed and stamped by a civil engineer, architect, geologist or land surveyor licensed in the State of Alaska:

- (1) A vicinity map, at a clear and legible scale, showing roads, place and street names and natural waterbodies.
- (2) Site maps, showing the present condition of the site at a clear and legible scale compatible with the size of the development and including:
  - (A) Two-foot contours for flat terrain or five-foot contours for steep terrain and extending 50 feet in all directions beyond the development site; 12 percent line, 30 percent line;
  - (B) Water bodies, tidelands and drainage ways from the development site to accepting natural waterbody;

- (C) Lot boundaries and easements for the site and adjacent lots; and
  - (D) Existing improvements on the site and adjacent lots, including structures, roads, driveways and utility lines.
  - (3) The application shall include a finished proposed site plan at a clear and legible scale that includes the following information:
    - (A) Finished grade at two-foot contours for flat terrain or five-foot contours for steep terrain and extending 50 feet in all directions beyond the development site; 12 percent line, 30 percent line.
    - (B) Water bodies, tidelands and drainage ways, and temporary and permanent drainage systems from the development site to the accepting natural waterbody.
    - (C) Lot boundaries, easements and setback lines.
    - (D) The location of improvements including structures, roads, driveways, utility lines, culverts, walls and cribbing.
    - (E) Clearing limits of existing vegetative cover.
    - (F) A cross section of the development site.
  - (4) The application shall include detailed engineering drawings of roads, driveways, parking areas, structural improvements for foundations, off-site stormwater runoff systems; cross sections and road elevations.
  - (5) A description of the source and type of any off-site fill, and the site for depositing excess fill.
  - (6) A landscaping plan, including all trees to be retained in excavation areas, all plant species and locations; temporary slope protection measures; erosion and siltation control measures; seeding or sodding materials, a planting and maintenance program; and methods of stabilization and protection of bare slopes.
  - (7) An engineering geologic report, including a summary of the relevant surface and bedrock geology of the site, a discussion of active geologic processes with conclusions and recommendations regarding the effect of geologic factors on the proposed development; data regarding the nature, distribution and relevant parameters of existing soils, recommendations for grading procedures; design criteria for corrective measures as necessary, and recommendations covering the suitability of the site for the proposed development.
  - (8) A work schedule, by phase.
  - (9) Such other different or more detailed submissions as may be required.
- (Serial No. 87-49, § 2, 1987; Serial No. 2015-03(c)(am), § 54, 8-31-2015 )

**49.70.250 Standards for approval.**

Hillside development shall meet the following minimum standards:

- (1) *Roads.* The City and Borough road standards shall apply to hillside development, except that:
  - (A) *Modification of standards.* The engineer or planning commission may modify road standards as identified in subsections (1)(B) and (C) of this section, if:
    - (i) The developer's traffic analysis and circulation, land ownership, and development patterns indicate future use of the roadway at less than collector street levels;

- (ii) The modification would enable the development to meet, or more closely approximate, the criteria set forth in section 49.70.260; and either
  - (iii) The proposed road or access in question would result in a permanent cul-de-sac; or
  - (iv) A secondary access to the proposed development exists or will be developed as a part of the project.
- (B) *Road width.* The width of a section of residential roadway may be narrowed to 20 feet, with a single four-foot pedestrian way and underground storm drain system, if:
- (i) The section is not more than 200 feet in length, and is separated from other such sections by at least 100 feet of standard roadway;
  - (ii) No entrances, intersections or parking are allowed in the section;
  - (iii) Guard rails, if any, are designed to permit the passage of plowed snow;
  - (iv) There is at least a 200-foot line of sight along the centerline of the section;
  - (v) The section enables the development to meet, or more closely approximate, the criteria set forth in section 49.70.260;
  - (vi) Grouped off-street parking spaces are provided at the entry to the section; and
  - (vii) Adequate provision is made for storage of snow.
- (C) *Road grade.* The grade of a section of residential roadway may be increased to a maximum of 15 percent if:
- (i) The section is not more than 200 feet in length and separated from other such sections by at least 100 feet of roadway;
  - (ii) No entrances or intersections are allowed in the section;
  - (iii) Through intersections at the end of the section have approaches at least 50 feet long measured from the edge of the traveled way of the crossroad and are at a grade of eight percent or less; intersections requiring a full stop have approaches no less than 20 feet long at a grade of two percent or less, or no less than 50 feet long at a grade between two and six percent;
  - (iv) Any guard rails are designed to permit the passage of plowed snow;
  - (v) All sight distances conform to standards of the American Association of State Highway and Transportation Officials; and
  - (vi) The section enables the development to meet, or more closely approximate, the criteria set forth in section 49.70.260.
- (2) *Weather.* The engineer may prohibit a developer from earthmoving during periods of very wet soil conditions, in which case the permit shall be extended by a like period.
- (3) *Sediment.* The developer shall not allow any increase in sediment to flow off-site during or after construction if such would be likely to cause an adverse impact on a down slope lot or waterbody.
- (4) *Peak discharge.* The developer shall ensure that during and after construction of major development, the peak discharge of all streams and natural drainage ways at the down slope boundary shall be no greater than that occurring prior to excavation.

(Serial No. 87-49, § 2, 1987)

**49.70.260 Criteria.**

The commission or director shall consider the extent to which the development meets the following criteria:

- (1) *Soil erosion.* Soil disturbance and soil erosion shall be minimized and the effects thereof mitigated.
- (2) *Existing vegetation.* Depletion of existing vegetation shall be minimized.
- (3) *Contours.* The developer shall recontour the finished grade to natural-appearing contours which are at or below 30 percent or the natural angle of repose for the soil type, whichever is lower, and which will hold vegetation.
- (4) *Time of exposure and soil retention.* The developer shall minimize the period of time that soil is exposed and shall employ mats, silt blocks or other retention features to maximize soil retention.
- (5) *Replanting.* The developer shall mat, where necessary, and plant all exposed soil in grass or other soil-retaining vegetation and shall maintain the vegetation for one full growing season after planting.
- (6) *Drainage.* The developer shall minimize disturbance to the natural course of streams and drainage ways. Where disturbance is unavoidable, the developer shall provide a drainage system or structures which will minimize the possibility of sedimentation and soil erosion on-site and downstream and which will maintain or enhance the general stream characteristics, spawning quality, and other habitat features of the stream and its receiving waters. Where possible, development shall be designed so lot lines follow natural drainage ways.
- (7) *Foundations.* The developer shall ensure that buildings will be constructed on geologically safe terrain.
- (8) *Very steep slopes.* The developer shall minimize excavation on slopes over 30 percent.
- (9) *Soil retention features.* The developer shall minimize the use of constructed retention features. Where used, their visual impact shall be minimized through the use of natural aggregate or wood, variation of facade, replanted terraces, and the like.
- (10) *Wet weather periods.* The developer shall minimize exposure of soil during the periods of September 1—November 30 and March 1—May 1.

(Serial No. 87-49, § 2, 1987; Serial No. 2015-03(c)(am), § 54, 8-31-2015 )

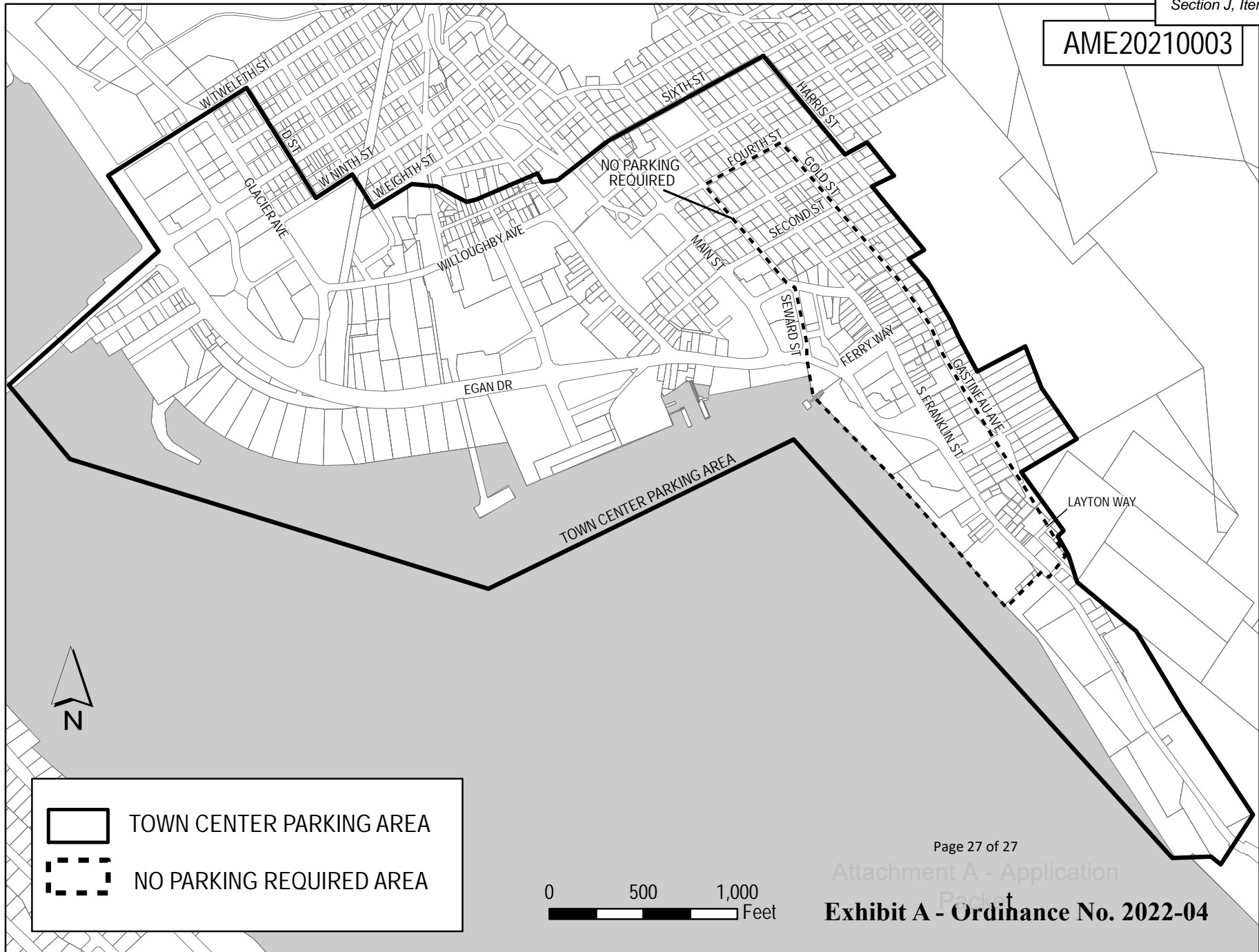
**49.70.270 Conditions on approval.**

The commission or director may place conditions upon a hillside development endorsement as necessary or desirable to ensure that the spirit of this chapter will be implemented in the manner indicated in the application. Fulfillment of conditions shall be certified by the engineer. The conditions may consist of one or more of the following:

- (1) *Development schedule.* The commission or director may place a reasonable time limit on or require phasing of construction activity associated with the development or any portion thereof, in order to minimize construction-related disruption to traffic and neighbors or to ensure that the development is not used or occupied prior to substantial completion of required improvements.
- (2) *Dedications.* The commission or director may require conveyances of title or other legal or equitable interests to public entities, public utilities, a homeowner's association, or other common entities. The developer may be required to construct any public facilities, such as drainage retention areas, to City and Borough standards prior to dedication.

- (3) *Construction guarantees.* The commission or director may require the posting of a bond or other surety or collateral providing for whole or partial releases, in order to ensure that all required improvements are constructed as specified in the approved plans.
- (4) *Lot size.* If justified by site topography, the commission or director may require larger lot areas than prescribed by zoning requirements.

(Serial No. 87-49, § 2, 1987; Serial No. 2015-03(c)(am), § 55, 8-31-2015 )





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Presented by: The Manager  
Presented: 02/07/2022  
Drafted by: R. Palmer III

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2022-04(b)**

**An Ordinance Amending the Parking Requirements of the Land Use Code.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

**Section 2. Amendment of Section.** CBJ 49.40 Parking and Traffic, Article II Parking and Loading, is repealed and reenacted to read:

**ARTICLE II: PARKING AND LOADING**

**49.40.200 General applicability.**

Developers must provide off-street parking spaces for automobiles in accordance with the requirements set forth in this chapter at the time any structure is erected, expanded, or when there is a change in the principal use.

(a) Special Parking Areas.

- (1) *Town Center Parking Area.* The Town Center Parking Area, as depicted in Ordinance 2022-04 is adopted. The Town Center Parking Area consists of the lots within the area bound by West Tenth Street, Egan Drive, West Twelfth Street, D Street, West Ninth Street, C Street and its projection, West Eighth Street and its

Attachment A - Application Packet

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projection, the rear lot lines of property between 370 through Distin Avenue, Sixth Street and its projection, Harris Street, projection of Third Street, projection of East Street, projection of Second Street, projection of Harris Street, the rear lot lines of property between 143 and 400 Gastineau Avenue, the rear lot lines of property between 511 and 889 South Franklin Street, and Gastineau Channel.

(2) *No Parking Required Area.* The No Parking Required Area, as depicted in Ordinance 2022-04 is adopted. The lots within the area bound by Gastineau Avenue, Fourth Street, Seward Street, Gastineau Channel, 490 South Franklin Street, and Layton Way are excluded from the parking requirements of this chapter. No additional parking is required for development in this area.

(b) *Conforming parking.* The requirements, alternatives and reductions of this chapter can be combined to meet parking requirements of a development.

(c) *Developer responsibility.* Developer must submit documentation to demonstrate that applicable parking code requirements have been met, in conformance with this chapter.

(d) *Owner/occupant responsibility.* The provision and maintenance of off-street parking and loading spaces required in this chapter is a continuing obligation and joint responsibility of the owner and occupants.

(e) *Determination.* The determination of whether the parking requirements of this chapter are satisfied, with or without conditions, and deemed necessary for consistency with this title, must be made by:

- (1) The director for minor development;
- (2) The commission for major development; or

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(3) The commission if the development application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the director.

(f) *Expansion.* In cases of expansion of a structure on or after the effective date of Ordinance 2022-04,

(1) The number of additional off-street parking spaces required must be based on the gross floor area added.

(2) No additional parking spaces are required if the additional spaces would amount to less than ten percent of the total required for the development and amount to two or less spaces.

(3) For phased expansion, the required off-street parking spaces is the amount required for the completed development, as determined by the director.

(g) *Change in use.* In cases of a change in use on or after the effective date of Ordinance 2022-04, the number of spaces required will be based on this chapter.

(h) *Replacement and reconstruction of certain nonconforming structures.* Off-street parking requirements for the replacement and reconstruction of certain nonconforming structures in residential districts must be governed by chapter 49.30.

(i) *Mixed occupancy.* Mixed occupancy is when two or more of the parking uses in 49.40.210 share the same lot(s). For mixed occupancy, the total requirement for off-street parking facilities is the sum of the requirements for the uses computed separately.

(j) *Uses not specified.* The requirements for off-street parking in 49.20.320 are based on the requirements for the most comparable use specified, as determined by the director for minor development or by the commission for major development.

(k) *Location.* Off-street parking facilities must be located as provided in this chapter. If a distance is specified, such distance is the walking distance measured from the building being served to the parking provision. Off-street parking facilities for:

- (1) Single-family dwellings and duplexes must be on the same lot as the building served;
- (2) Multifamily dwellings may not be more than 100 feet distant, unless compliant with section 49.40.215; and
- (3) Uses other than those specified above, may be not more than 500 feet distant, unless compliant with section 49.40.215.

(l) *Off-street parking requirements for a lot accessible by air or water only.* Off-street parking requirements do not apply to a lot if it is accessible only by air or water. If the director determines that public access by automobile to the lot later becomes available, the owner of the property must be given notice and within one year must provide the required off-street parking.

**49.40.210 Number of off-street parking spaces required.**

(a) *General.* The minimum number of off-street parking spaces required must be as set forth in the following table. The number of spaces must be calculated and rounded down to the nearest whole number:

Use	Spaces Required in All Other Areas	Spaces Required in Town Center Parking Area
Single-family and duplex	2 per each dwelling unit	1 per each dwelling unit
Multifamily units	1 per one bedroom unit	0.4 per one bedroom unit
	1.5 per two bedroom unit	0.6 per two bedroom unit
	2.0 per three or more bedroom unit	0.8 per three or more bedroom unit
Roominghouse, boardinghouse, single-room occupancies with	1 per 2 bedrooms	1 per 5 bedrooms

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Use	Spaces Required in All Other Areas	Spaces Required in Town Center Parking Area
shared facilities, bed and breakfast, halfway house, and group home		
Single-room occupancies with private facilities	1 per each single-room occupancy plus 1 additional per each increment of four single-room occupancies with private facilities	1 per 5 single-room occupancies, plus 1 per each increment of ten single-room occupancies with private facilities.
Accessory apartment	1 per each unit	0 per each unit
Motel	1 per each unit in the motel	1 per each 12 units in the motel
Hotel	1 per each four units	1 per each 12 units
Hospital and nursing home	2 per bed OR one per 400 square feet of gross floor area	2 per bed OR one per 400 square feet of gross floor area
Senior housing	0.6 parking spaces per dwelling unit	0.3 spaces per dwelling unit
Assisted living facility	0.4 parking spaces per maximum number of residents	0.4 parking spaces per maximum number of residents
Sobering center	1 parking space per 12 beds	2 parking spaces
Theater	1 for each four seats	1 for each 10 seats
Church, auditorium, and similar enclosed places of assembly	1 for each four seats in the auditorium	1 for each 10 seats in the auditorium
Bowling alley	3 per alley	1.2 per alley
Bank, office, retail commercial, salon and spa	1 per 300 square feet of gross floor area	1 per 750 square feet of gross floor area
Medical or dental clinic	1 per 200 square feet of gross floor area	1 per 400 square feet of gross floor area
Funeral Home	1 per six seats based on maximum seating capacity in main auditorium	1 per 15 seats based on maximum seating capacity in main auditorium
Warehouse, storage, and wholesale businesses	1 per 1,000 square feet of gross floor area	1 per 2,500 square feet of gross floor area
Restaurant and alcoholic beverage dispensary	1 per 200 square feet of gross floor area	1 per 750 square feet of gross floor area
Swimming pool serving general public	1 per four persons based on pool capacity	1 per 10 persons based on pool capacity
Shopping center and mall	1 per 300 square feet of gross leasable floor area	1 per 750 square feet of gross floor area
Convenience store	49.65 Article V	1 per 750 square feet of gross floor area
Watercraft moorage	1 per three moorage stalls	2 per 15 moorage stalls
Manufacturing uses; research, testing and processing, assembling, industry	1 per 1,000 square feet gross floor area except that office space must provide parking as required for offices	1 per 2,500 square feet gross floor area except that office space must provide parking as provided for offices.
Library and museum	1 per 600 square feet gross floor area	1 per 1,500 square feet of gross floor area

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Use	Spaces Required in All Other Areas	Spaces Required in Town Center Parking Area
School, elementary	2 per classroom	2 per classroom
Middle school or junior high	1.5 per classroom	1.5 per classroom
High school	A minimum of 15 spaces per school; where auditorium or general assembly area is available, one per four seats; one additional space per classroom	A minimum of 15 spaces per school; where auditorium or general assembly area is available, one per four seats; one additional space per classroom
College, main campus	1 per 500 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater	1 per 500 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater
College, satellite facilities	1 per 300 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater	1 per 300 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater
Repair/service station	5 spaces per bay. For facilities with two or more bays, up to 60% of the required non-accessible parking spaces may be in a stacked parking configuration.	3 spaces per bay. All but two of the required non-accessible parking spaces may be in a stacked configuration.
Post office	1 per 200 square feet gross floor area	1 per 500 square feet of floor area.
Childcare Home	49.65 Article X, cannot be varied or FIL	49.65 Article X, cannot be varied or FIL
Childcare Center	49.65 Article X, cannot be varied or FIL	49.65 Article X, cannot be varied or FIL
Indoor sports facilities, gyms	1 per 300 square feet gross floor area	1 per 750 square feet gross floor area
Mobile Food Vendors	No parking requirement	No parking requirement.
Open air food service (TPU 8.3)	1 per 400 square feet of gross floor area.	Zero

(b) *Accessible parking spaces.* Accessible parking spaces must be provided as part of the required off-street parking spaces, according to the following table (Table 49.40.210(b)). Except, Accessible parking spaces are not required for residential uses that require fewer than ten parking spaces and there are no visitor parking spaces.

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Table 49.40.210(b)	
Total Parking Spaces in Lot	Required Minimum Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total spaces
1,001 and over	20 plus 1 space for each 100 spaces over 1100 total spaces in lot

(c) *Facility loading spaces.* In addition to the required off-street parking requirements, a development must provide loading spaces as set forth in the following table:

Use	Gross Floor Area in Square Feet		Loading Space Required
	All other areas	Town Center Parking District	
Motels and hotels	5,000—29,999	6,000-60,000	1
	30,000—60,000		2
	Each additional 30,000	Each additional 30,000	1

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Attachment A - Application Packet

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Use	Gross Floor Area in Square Feet		Loading Space Required
	All other areas	Town Center Parking District	
Commercial	5,000—24,999	6,000-50,000	1
	25,000—50,000		2
	Each additional 30,000	Each additional 30,000	1
Industrial, manufacturing, warehousing, storage, and processing	5,000—24,999	6,000-50,000	1
	25,000—50,000		2
	Each additional 30,000	Each additional 30,000	1
Hospital	5,000—40,000	6,000-40,000	1
	Each additional 40,000	Each additional 40,000	1
School	For every two school buses		1
Home for the aged, convalescent home, correctional institution	More than 25 beds		1

**49.40.215 Parking alternatives.**

Parking alternatives are methods of accommodating required parking without building parking on site. A developer may apply for one or more parking alternatives. Parking alternatives may be combined with approved reductions.



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(a) *Joint use.* Joint use occurs when the same off-street parking space is used to meet the parking requirement of different uses at different times. Joint use of off-street parking spaces may be authorized when the developer demonstrates there is no substantial conflict in the principal operating hours of the structures and uses involved and subject to the following requirements:

- (1) Any structure or use sharing the off-street parking facilities of another structure or use must be located within 500 feet of such parking facilities, unless a lesser radius is identified in this chapter. A developer may apply to provide off-street parking in an area greater than 500 feet distant, if approved by the commission.
- (2) The developer demonstrates with appropriate analysis or data that there is no substantial conflict in the principal operating hours of the structures or users for which joint use of off-street parking facilities is proposed.

The developer must present to the director a written instrument, proposed by the parties concerned, providing for joint use of off-street parking facilities. Upon approval by the director, such instrument must be recorded by the developer and documentation of recording provided to the director.

(b) *Loading spaces off-site.* The required loading space(s) may be met by an alternative private off-site loading parking space, if the alternate space is determined by the director of adequate capacity and proximity. In no case will the distance exceed standards established in 49.40.200(k).

**49.40.220 Parking reductions.**

A parking reduction reduces the required off-street parking spaces for a development. A developer may apply for one or more parking reductions. Accessible parking spaces must not be

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2 reduced and must be provided in accordance with subsection 49.40.210(b). Loading spaces must  
3 not be reduced and must be provided in accordance with subsection 49.40.210(c).

4 (a) *Parking waivers.* The required number of parking spaces required by this chapter may be  
5 reduced if the requirements of this section are met.

6 (1) *Standards.* Any waiver granted under this section must be in writing and must  
7 include the following required findings and any conditions, such as public  
8 amenities, imposed by the director or commission that are consistent with the  
9 purpose of this title:

10 (A) The effect of granting a waiver would result in more benefits than  
11 detriments to the neighboring area and community as a whole as identified  
12 by the comprehensive plan; and

13 (B) The effect of granting a waiver will not materially endanger public health,  
14 safety, or welfare.

15 (2) *Relevant information.* The following information may be relevant for the director or  
16 commission's review:

17 (A) Analysis or data relevant to the intended use and related parking demands.

18 (B) Provision for alternative transportation.

19 (C) Traffic mitigation measures supported by industry standards.

20 (D) Bicycle and pedestrian amenities.

21 (3) *Applications.* Applications for parking waivers must be on a form specified by the  
22 director and must be accompanied by a one-time fee as provided in 49.85.

23 (4) *Public notice.* The director must mail notice of any complete parking waiver  
24 application to the owners of record of property located within a 250-foot radius of

Attachment A - Application  
Packet

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the site seeking the waiver. If the parking waiver application is filed in conjunction with a major development permit, notice of both applications should be made concurrently in accordance with CBJ 49.15.230.

(5) *Expiration.* An approved parking waiver expires upon a change in use.

(b) *Town Center Parking Area, Fee-In-Lieu of off-street parking spaces.* In the Town Center Parking Area, a developer may pay a one-time fee in lieu of providing off-street parking spaces to satisfy the minimum parking requirements of this chapter. Fee in lieu can be used in any combination with other parking provisions of this chapter. Any fee in lieu due must be paid in full prior to the issuance of a temporary certificate of occupancy.

**49.40.225 Dimensions and signage for Required Off-Street Parking Spaces.**

(a) *Standard spaces.*

(1) Except as provided in this section, each standard parking space must consist of a generally rectangular area at least 8½ feet by 17 feet. Lines demarcating parking spaces may be drawn at any angle to curbs or aisles so long as the parking spaces so created contain within them the rectangular area required by this section.

(2) Spaces parallel to the curb must be no less than 22 feet by 6½ feet.

(b) *Accessible spaces.*

(1) Each accessible parking space must consist of a generally rectangular area at least 13 feet by 17 feet, including an access aisle of at least 5 feet by 17 feet. Two accessible parking spaces may share a common access aisle.

(2) One in every eight accessible parking spaces, but not less than one, must be served by an access aisle with a width of at least eight feet and must be designated “van-accessible.”

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(3) Accessible parking spaces must be designated as reserved by a sign showing the symbol of accessibility. "Van-accessible" parking spaces must have an additional sign designating the parking space as "van-accessible" mounted below the symbol of accessibility. A sign must be located so it cannot be obscured by a vehicle parked in the space.

(4) Access aisles for accessible parking spaces must be located on the shortest accessible route of travel from parking area to an accessible entrance.

(c) *Facility loading spaces.*

(1) Each off-street loading space must be not less than 30 feet by 12 feet, must have an unobstructed height of 14 feet 6 inches, and must be permanently available for loading.

**49.40.230 Parking area and site circulation review procedures.**

(a) *Purpose.* The purpose of these review procedures is to ensure that proposed parking and related site access areas provide for adequate vehicular and pedestrian access and circulation; that parking spaces are usable, safe, and conveniently arranged; that sufficient consideration has been given to off-street loading and unloading; and that the parking area will be properly drained, lighted, and landscaped.

(b) *Plan submittal.* Development applications must include plans for parking and loading spaces. Major development applications must include plans prepared by a professional engineer or architect. These plans may be part of a plan submission prepared in conjunction with the required review of another aspect of the proposed development.

(1) *Contents.* The plans must contain the following information:

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- (A) Parking and loading space plans drawn to scale and adequate to show clearly the circulation pattern and parking area function;
- (B) Existing and proposed parking and loading spaces with dimensions, traffic patterns, access aisles, and curb radii;
- (C) Improvements including roads, curbs, bumpers and sidewalks indicated with cross sections, designs, details, and dimensions;
- (D) A parking schedule indicating the number of parking spaces required, the number provided, and how such calculations were determined;
- (E) Topography showing existing and proposed contour intervals; and
- (F) Landscaping, lighting and sign details, if not provided in conjunction with the required review of another aspect of the proposed development.

(2) *Waiver of information.* The director may waive submission of any required exhibits.

(c) *Review procedure.* Plans must be reviewed and approved according to the procedures of this chapter and chapter 49.15.

(d) *Public improvements required.* As a condition of plan approval, the department may require a bond approved as to form by the municipal attorney for the purpose of ensuring the installation of off-site public improvements. As a condition of plan approval, the applicant is required to pay the cost of providing reasonable and necessary public improvements located outside the property limits of the development but necessitated by construction or improvements within such development.

**49.40.230 Parking and circulation standards.**

(a) *Purpose.* Provisions for pedestrian and vehicular traffic movement within and adjacent to the site must address layout of parking areas, off-street loading and unloading needs, and the

1  
2 movement of people, goods, and vehicles from access roads, within the site, and between  
3 buildings and vehicles. Parking areas must be landscaped and must feature safely-arranged  
4 parking spaces.

5 (b) *Off-street parking and loading spaces; design standards.*

6 (1) Access. There must be adequate ingress and egress from parking spaces. The  
7 required width of access drives for driveways must be determined as part of plan  
8 review depending on use, topography and similar considerations.

9 (2) Size of aisles. The width of aisles providing direct access to individual parking stalls  
10 must be in accordance with the following table. Other angles may be approved by  
11 the director that satisfy the needs of this chapter.

Parking Angle	0°	30°	45°	60°	90°
One-way traffic aisle width	13'	11'	13'	18'	24'
Two-way traffic aisle width	19'	20'	21'	23'	24'

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18 (3) Location in different zones. No access drive, driveway or other means of ingress or  
19 egress may be located in any residential zone if it provides access to uses other than  
20 those permitted in such residential zone.

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22 (4) Sidewalks and curbing. Sidewalks must be provided with a minimum width of four  
23 feet of passable area and must be raised six inches or more above the parking area  
24 except when crossing streets or driveways. Guardrails and wheel stops permanently  
25 anchored to the ground must be provided in appropriate locations. Parked vehicles  
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must not overhang or extend over sidewalk areas, unless an additional sidewalk width of two feet is provided to accommodate such overhang.

(5) Stacked parking. Stacked parking spaces may only be counted as required parking spaces for single-family residences, duplexes, and as otherwise specified for specific uses. In the case of single-family residences and duplexes with or without accessory uses and child care homes in a residential district, only a single parking space per dwelling unit may be a stacked parking space.

(6) Back-out parking. Parking space aisles must provide adequate space for turning and maneuvering on-site to prevent back-out parking onto a right-of-way. If the director or the commission, when the commission has authority, determines back-out parking would not unreasonably interfere with the public health and safety of the parking space aisles and adjacent right-of-way traffic, back-out parking is allowed in the following circumstance:

- (A) In the case of single-family dwellings and duplexes with or without accessory uses located in residential and rural reserve zoning districts;
- (B) Where the right-of-way is an alley; or
- (C) In the case of a child care home in a residential district.

(c) *Drainage.*

- (1) Parking areas must be suitably drained.
- (2) Off-site drainage facilities and structures requiring expansion, modification, or reconstruction in part or in whole as the result of the proposed development must be subject to off-site improvement requirements and standards as established by the city.

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(d) *Lighting.* Parking areas must be suitably lighted. Lighting fixtures must be “full cutoff” styles that direct light only onto the subject parcel.

(e) *Markings and access.* Parking stalls, driveways, aisles and emergency access areas and routes must be clearly marked.

(f) *General circulation and parking design.*

(1) Parking space allocations must be oriented to specific buildings. Parking areas must be linked by walkways to the buildings they serve.

(2) Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks must be clearly designated by pavement markings or signs. Crosswalk surfaces must be raised slightly to designate them to drivers, unless drainage problems would result.

**Section 3. Amendment of Section.** CBJ 49.65.530 Standards, is amended to read:  
**49.65.530 Standards.**

(a) Stores may be approved in each of the areas shown on the convenience store use area maps A—B.

(b) Video rentals, a laundromat, and an automatic teller machine may be permitted as accessory uses. Automobile fuel sales may be permitted as an accessory use in locations with adequate space for queuing. The retail area for liquor sales may occupy no more than 50 percent of the gross floor area. Automotive service and exterior merchandising shall not be permitted. Drive-up window service may be permitted only if vehicle queues will not extend into adjacent streets.



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(c) Except as authorized by the bonus provisions of this article, gross floor area shall be limited to 3,000 square feet.

(d) Vehicle access must be directly from an arterial or collector, and not from a local street.

(e) Height shall be limited to one story except that a second story may be allowed for residential use and for accessory office and storage uses, provided that any storage use must relate directly to the primary permitted use.

(f) The site perimeter and parking area shall be landscaped and screened with live material installed within ten months of the date of final construction permit approval or issuance of a certificate of occupancy, whichever is the later. The commission may authorize a bond or other security or collateral required pursuant to CBJ 49.15.330(g)(5) a provision specifying that the bond shall be forfeited if landscaping is not complete by the time required or if any plants dying within one year of installation are not replaced. Development abutting a lot zoned for residential use shall include landscaped strips or landscape boxes at least five feet wide unless the applicant demonstrates that a narrower landscape strip meets the intent of this section. The strips shall be covered with ground cover and shall be maintained throughout the year such that:

(1) On a property line shared with the residential lot the strip shall include a continuous shrub screen, fence, or both, six feet high and 95% opaque. The screen shall include one tree at least six feet high at installation per 30 lineal feet;

(2) On a property line adjacent to a street the strip shall include a continuous low shrub screen on a berm or other raised facility which is at least five feet wide, landscaped at a slope not greater than the natural angle of repose, and consistent with sight distance requirements for vehicle egress. The strip width may be reduced

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to not less than 18 inches to accommodate planter boxes and sight obscuring fences.

The screen shall include one tree per 30 lineal feet;

(3) On all other property lines except those along driveways the strip shall include a continuous low shrub screen with one tree per 30 lineal feet at least six feet high at installation.

(g) Outside of the Town Center Parking Area, the minimum off-street parking requirement shall be one space per 250 square feet of gross floor area.

(h) Exterior bear-resistant public litter cans shall be provided.

(i) The exterior building appearance, including siding, roofline, windows, paint colors, and building massing shall be compatible on all sides with surrounding uses.

(j) Exterior lighting may not shed light or glare above the roofline of the building or beyond the property line of the site.

(k) The building shall be set back from any property line shared with a residentially zoned parcel by a distance of 20 feet or the distance required by the underlying zoning district, whichever is greater.

(l) No more than 80 percent of the lot shall be covered by an impervious surface.

(m) The layout of the store shall provide for views from the cash register of bicycle racks, telephones, seating areas, and other exterior public amenities.

(n) The parking lot shall be paved and striped with spaces and a circulation pattern.

(o) Headlight glare shall not be permitted onto residentially-zoned lots adjacent to the site.

(p) Liquor sales shall not be permitted from drive-in window(s).

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**Section 4. Amendment of Section.** CBJ 49.80.120 Definitions, is amended to include the following new definitions in alphabetical order, to read:

**49.80.120 Definitions.**

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

Mobile food vendor means a type of food service that is located in a vehicle, trailer or cart, and is capable of moving easily daily. Unless a push cart, these units must be capable of being licensed by the state as a motor vehicle, and can be moved without special conditions (such as a pilot car, flagging, or restricted hours of movement). Mobile units must completely retain their mobility at all times.

...

Open air food service means a food service located in a structure or area that does not have a permanent means of heat. (Note that woodstoves are not considered a permanent means of heat by the building code official). The director can extend the operation period for cause, such as extended tourist season, community event, or emergency provisions.

...

Walking distance is the distance measured by the shortest route, using pedestrian facilities, from the public entrance of the building in which a use occurs to the outer boundaries of another use.

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**Section 5. Amendment of Section.** Section 49.85.100 is amended to read:

**49.85.100 Generally.**

Processing fees are established for each development, platting and other land use action in accordance with the following schedule. If a public notice sign is required by the director, the fee is \$150 for the first sign, and \$25 for each additional sign. One hundred dollars of the sign fee can be refunded if the sign is returned within two (2) weeks of the decision being issued.

...

(21) Parking waiver, \$400. If the application is filed in conjunction with a major development permit the fee shall be reduced by 20 percent.

(22) Fee in lieu, \$10,000 per off-street parking space required.

**Section 6. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Beth A. Weldon, Mayor

Attest:

\_\_\_\_\_  
Elizabeth J. McEwen, Municipal Clerk



# DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	<b>PROPERTY LOCATION</b>		
	Physical Address		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot)		
	Parcel Number(s)		
	This property located in the downtown historic district This property located in a mapped hazard area, if so, which _____		
	<b>LANDOWNER/ LESSEE</b>		
	Property Owner	Contact Person	
	Mailing Address	Phone Number(s)	
	E-mail Address		
	<b>LANDOWNER/ LESSEE CONSENT</b> <span style="float: right;">Required for Planning Permits, not needed on Building/ Engineering Permits</span>		
<p>I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:</p> <p>A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.</p> <p>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.</p>			
<p><b>X</b> _____ Landowner/Lessee Signature <span style="float: right;">Date</span></p> <p><b>X</b> _____ Landowner/Lessee Signature <span style="float: right;">Date</span></p> <p>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.</p>			
<b>APPLICANT</b> <span style="float: right;">If the same as OWNER, write "SAME"</span>			
Applicant	Contact Person		
Mailing Address	Phone Number(s)		
E-mail Address			
<p><b>X</b> _____ Applicant's Signature <span style="float: right;">Date of Application</span></p>			

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

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

Attachment A - Application Packet

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

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

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# 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	<b>PROJECT SUMMARY</b>				
	<b>TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED</b> Accessory Apartment – Accessory Apartment Application (AAP) Use Listed in 49.25.300 – Table of Permissible Uses (USE) Table of Permissible Uses Category: _____				
	<b>IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?</b> YES – Case # _____      NO				
	<b>UTILITIES PROPOSED</b>	<b>WATER:</b> Public    On Site <b>SEWER:</b> Public    On Site			
	<b>SITE AND BUILDING SPECIFICS</b> Total Area of Lot _____ square feet      Total Area of Existing Structure(s) _____ square feet Total Area of Proposed Structure(s) _____ square feet				
	<b>EXTERNAL LIGHTING</b> 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				
	<b>ALL REQUIRED DOCUMENTS ATTACHED</b>				
	<table style="width:100%; border: none;"> <tr> <td style="width: 60%; border: none;"><b>Narrative including:</b>                              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</td> <td style="width: 40%; border: none; vertical-align: top;"><i>If this is a modification or extension include:</i>                              Notice of Decision and case number                              Justification for the modification or extension                              Application submitted at least 30 days before expiration date</td> </tr> <tr> <td colspan="2" style="border: none;"><b>Plans including:</b>                              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)</td> </tr> </table>		<b>Narrative including:</b> 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	<i>If this is a modification or extension include:</i> Notice of Decision and case number Justification for the modification or extension Application submitted at least 30 days before expiration date	<b>Plans including:</b> 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)
<b>Narrative including:</b> 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	<i>If this is a modification or extension include:</i> Notice of Decision and case number Justification for the modification or extension Application submitted at least 30 days before expiration date				
<b>Plans including:</b> 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)					

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

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

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

Attachment - Application

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

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

Case Number	Date Received
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**Allowable/Conditional Use Permit Application Instructions**

Allowable Use permits are outlined in CBJ 49.15.320, Conditional Use permits are outline in CBJ 49.15.330

**Pre-Application Conference:** A pre-application conference is required prior to submitting an application. There is no fee for a pre-application conference. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure, and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via e-mail at permits@juneau.org.

**Application:** An application for an Allowable/Conditional Use Permit will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Allowable/Conditional Use Permit Application and Development Permit Application forms.
2. **Fees:** Fees generally range from \$350 to \$1,600. Any development, work, or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** All plans are to be drawn to scale and clearly show the items listed below:
  - A. Site plan, floor plan and elevation views of existing and proposed structures
  - B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances
  - C. Proposed traffic circulation within the site including access/egress points and traffic control devices
  - D. Existing and proposed lighting (including cut sheets for each type of lighting)
  - E. Existing and proposed vegetation with location, area, height and type of plantings
  - F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

**Document Format:** All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

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

**Review:** As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department also sends all applications out for a 15-day agency review period. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

**Hearing:** All Allowable/Conditional Use Permit Applications must be reviewed by the Planning Commission for vote. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

**Public Notice Responsibilities:** Allowable/Conditional Use requests must be given proper public notice as outlined in CBJ 49.15.230:

**The Community Development Department** will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, CDD will mail notices to all property owners within 500-feet of the project site.

**The Applicant** will post a sign on the site at least 14 days prior to the meeting. The sign shall be visible from a public right-of-way or where determined appropriate by CDD. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing \$50 may be refunded. The Applicant may make and erect their own sign. Please contact the Community Development Department for more information.

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**



# ALTERNATIVE RESIDENTIAL SUBDIVISION 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**

---

**TYPE OF ALTERNATIVE RESIDENTIAL SUBDIVISION APPROVAL REQUESTED** (please see submittal requirements on reverse)

Alternative Residential Subdivision (ARP) Preliminary Plan Approval	Alternative Residential Subdivision (ARF) Final Plan Approval (or Extension)
Amendment to Approved (ARP) Preliminary Plan*	Amendment to Approved (ARF) Final Plan*

\* Minor amendments will be reviewed by the Director; Major amendments will be reviewed by the Planning Commission.

---

**LEGAL DESCRIPTION(S) OF PROPERTY INVOLVED**

Number of Existing Parcels \_\_\_\_\_ Total Land Area \_\_\_\_\_ Number of Resulting Parcels \_\_\_\_\_

---

**PROPOSED USE OF LAND AND BUILDING(S)**

Zoning District(s) _____	Percent Open Space _____
Right-of-Way Frontage Proposed _____	Percent Buffer _____
Number of Dwelling Units Proposed _____	Density Proposed _____
Parking Proposed _____	Density Bonus      YES      NO

---

**ALL REQUIRED MATERIALS ATTACHED**

**Complete application per CBJ 49.15.940 (preliminary) or CBJ 49.15.950 (final)**

**Pre-Application Conference notes**

**Narrative including:**

- Current use of land or building(s)
- Unique characteristics of land or building(s)
- How the proposed project conforms to the Comprehensive Plan and CBJ Title 49
- How the proposed project effects public health, safety, and welfare
- How the proposed project is in harmony with the surrounding neighborhood

**Preliminary development plan (detailed on page 2)**

**Density Bonus**

- Open Space
- Stream Setback
- Lower Income Households / Workforce Households
- Unusual Enhancements
- Public Right-of-Way Access
- Shared Use Pathways
- 5-Star Plus Energy Efficiency
- 6-Star Energy Efficiency
- High-efficiency Primary Heating Methods

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

This form and all documents associated with it are public record once submitted. Attachment A - Application

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

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

Case Number	Date Received



**Alternative Residential Subdivision Application Instructions**

Alternative Residential Subdivision outlined in CBJ 49.15.900

Each application for an Alternative Residential Subdivision is reviewed by the Planning Commission at a public hearing. The permit procedure is intended to provide the Commission the flexibility necessary to make decisions tailored to individual applications. The Commission may stipulate conditions to mitigate external adverse impacts from the proposed use. If it is determined that these impacts cannot be satisfactorily overcome, the permit shall be denied.

**Pre-Application Conference:** A pre-application conference is required prior to submitting an application. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure, and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via email at [Permits@juneau.org](mailto:Permits@juneau.org).

**Application:** An application for an Alternative Residential Subdivision will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Alternative Residential Subdivision Application and a Development Permit Application forms.
2. **Fees:** The fee is dependent upon the number of residential structures involved. Any development, work or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** outlined in CBJ 49.15.940(b)(2).
  - a. The amount of land for housing, open space, buffer, access, parking, and pedestrian circulation
  - b. The number and types of housing units and proposed density
  - c. The natural features to be protected and hazards to be avoided
  - d. The public, if any, and private services to be provided

**Document Format:** All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies;
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

**Preliminary Plan Approval**

**Application Review & Hearing Procedure:**

**Review:** The Community Development Department shall determine when the Alternative Residential Subdivision Application is complete and advise the developer. Within 60 days of determining that an application is complete, the Director shall schedule the preliminary plan for a public hearing.

**Hearing:** All Alternative Residential Subdivision applications must be reviewed by the Planning Commission. The Commission shall review the preliminary plan and approve, approve with conditions, or deny pursuant to 49.15.940.

**Public Notice Responsibilities:** As part of the Preliminary Plan Approval, proper public notice must be given as outlined in CBJ 49.15.230 which consists of the following:

**The Community Development Department** will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, the department will mail abutters notices to all property owners within 500-feet of the project site.

**The Applicant** will post a sign on the site at least 14 days prior to the meeting. The sign shall be visible from a public right-of-way or where determined appropriate by CDD. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing \$50 may be refunded. The Applicant may make and erect their own sign. Please speak with the Community Development Department for more information.

**Final Plan Approval**

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

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Attachment A - Application Packet

1. An application, fee, and a final plan must be submitted for Commission review.
2. Formation of a homeowners' association, or similar entity, is required, outlined in CBJ 49.15.950(b)(1), (4)
3. The Commission may approve the final plan if it substantially conforms to the approved preliminary plan and all requirements of this article.

**Phased Development:** An applicant may develop an Alternative Residential Subdivision in phases, provided:

1. The initial application includes a preliminary development plan sufficient to assess the cumulative effects of the entire Alternative Residential Subdivision on the neighborhood and the environment according to the standards in subsection 49.15.940.
2. Each phase shall be so designed and implemented that, when considered with reference to any previously constructed phases but without reference to any subsequent phases, it meets the design standards applicable to the entire Alternative Residential Subdivision. Construction and completion of open space and common facilities serving each phase in an Alternative Residential Subdivision shall proceed at a rate no slower than that of other structures in the phase. No phase shall be eligible for final plan approval until all components of all preceding phases are substantially complete and homeowners' association documents have been approved.
3. Each phase of an Alternative Residential Subdivision shall be reviewed according to the provisions of this chapter then current. Each phase of an Alternative Residential Subdivision shall maintain design continuity with earlier phases. At no point during a phased development shall the cumulative density exceed that established in the approved preliminary plan.

**Amendments**

The developer of an Alternative Residential Subdivision may request an amendment to an approved preliminary or final Alternative Residential Subdivision plan. The request shall state the reasons for the amendment and shall be submitted in writing to the director, who shall inform the developer within 15 days whether the request shall be processed as a minor amendment or major amendment.

1. A minor amendment is a change consistent with the conditions of the original plan approval and would result in:
  - a. Insignificant change in the outward appearance of the development;
  - b. Insignificant impacts on surrounding properties;
  - c. Insignificant modification in the location or siting of buildings or open space;
  - d. No reduction in the number of parking spaces below that required;
  - e. A delay of no more than one year in the construction or completion schedule for the project or, in the case of a phased project, the phase for which the amendment is requested.
2. All other amendments shall be reviewed by the Commission upon payment of a filing fee and in accordance with the requirements of the original plan approval.



**Parking Waiver Information**

Parking waivers are outlined in CBJ 49.40.210(d)(6)

Parking Waivers are pursuant to 49.40.210(d) Exceptions (6) Parking Waivers. The required number of non-accessible parking spaces required by this section may be reduced if the requirements of this subsection are met. The determination of whether these requirements are met, with or without conditions, deemed necessary for consistency with this title, shall be made by the Director of the Community Development Department in the case of minor development; the Planning Commission in the case of major development; and the Planning Commission if the application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the director.

Any waiver granted under this subsection shall be in writing and shall include the following required findings and any conditions, such as public amenities, imposed by the director or commission that are consistent with the purpose of this title:

- (1) The granting of the waiver would result in more benefits than detriments to the community as a whole as identified by the comprehensive plan;
  - (2) The development is located outside of the PD-1 parking district, PD-2 parking district, and Downtown Fee in Lieu of Parking District Map areas;
  - (3) Granting the waiver will not result in adverse impacts to property in the neighboring area; and
  - (4) The waiver will not materially endanger public health, safety, or welfare.
- Applications for parking waivers shall be on a form specified by the director and shall be accompanied by a one-time fee of \$400. If the application is filed in conjunction with a major development permit, the fee shall be reduced by 20 percent.
  - The director shall mail notice of any complete parking waiver application to the owners of record of all property located within a 250 foot radius of the site seeking the waiver. If the parking waiver application is filed in conjunction with a major development permit, notice of both applications shall be made concurrently in accordance with CBJ 49.15.230.

Approved parking waivers shall expire upon a change in use.

---

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

# Project Narrative

## Ridgeview Subdivision 7400 Glacier Highway

**Legal description of property to be subdivided:**  
USS 1568, Tract B1, Juneau Recording District, First Judicial District

**Existing structures on the land:**  
There are no existing structures.

**Zoning district:**  
D18 Multi Family

**Density:**  
18-units/acre with density bonuses awarded in ARS Preliminary Plan.

**Access:**  
Glacier Highway

**Current and proposed use of any structures:**  
There are no current structures on the property. The proposed use of the structures to be built on the subdivision is multi-family housing with condominiums/apartments and townhomes.

**Utilities available:**  
Yes, utilities are available along Glacier Highway.

**Unique characteristics of the land or structure(s):**  
There are steep grades on portions of the property.

The Planning Commission approved the Final Plan application on December 15, 2022, File No. ARF2022 0001 and Amendment 1 on February 18, 2023, File No. ARF2023 001.

**Reason for this amendment:**  
This amendment is to eliminate the eight (8) garages within the buildings on Unit Lots B, C and D and increase surface parking stalls to replace the garages along with additional stalls due to a change in the unit mix. The open space, minimum parking and other requirements established in ARF2022 0001 have been maintained with this change; and there are no changes to the conditions of approval.

**Table 1 – Phase 1 Parking Analysis**

	Units	One Bedroom	Two Bedroom	Three Bedroom	Total Parking Required	Garage Parking	Surface Parking Needed	Surface Parking Provided	Total Parking Provided	ADA Required	ADA Provided
Unit Lot A	24	16	8	0	28	8	20				
Unit Lot B	24	10	8	6	34	0	34				
Unit Lot C	24	10	8	6	34	0	34				
Unit Lot D	24	10	8	6	34	0	34				
<b>Total</b>	<b>96</b>	<b>46</b>	<b>32</b>	<b>18</b>	<b>130</b>	<b>8</b>	<b>122</b>	<b>127</b>	<b>135</b>	<b>5</b>	<b>5</b>

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# Project Narrative

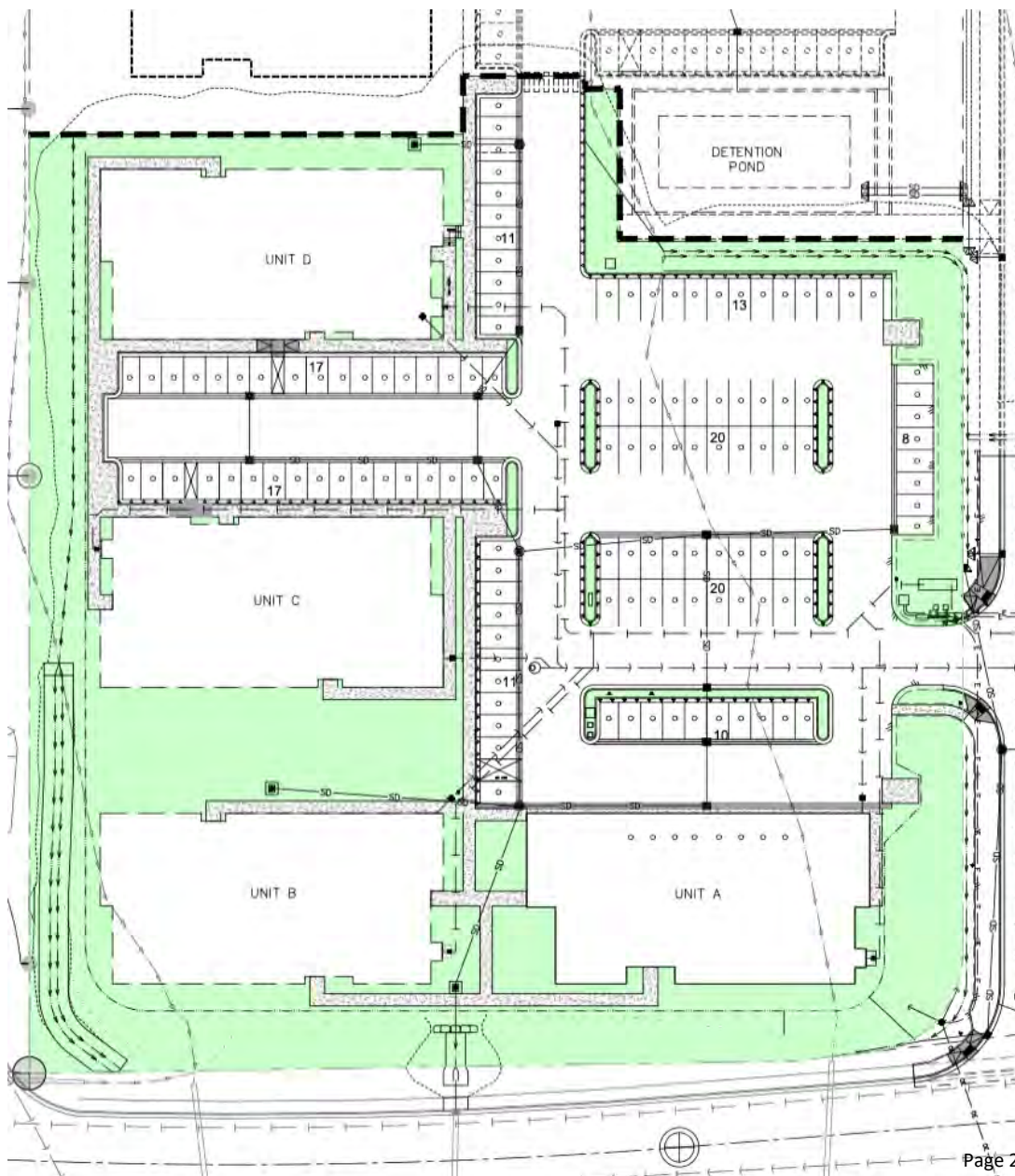
Table 2 – Phase 1 Open Space

	Total Area	Open Space Area	% Open
Phase 1	139,013 SF	43,309 SF	31.2Open 0%

These changes maintain the required buffer with the Vista Del Sol neighbors; and, as a benefit to the project due to this change is consolidating the detention pond and increasing the separation from Unit Lot D.

The changes are illustrated in the following graphic.

Original Submission



Original



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Attachment A - Application

<p>DATE: 12/1/2023</p> <p>PROJECT NUMBER: AK21001</p> <p>PLAN INFORMATION:</p> <p>811 BLUE STAKES OF UTAH UTILITY PROGRAM CENTER PC 1-800-485-4111 www.811utah.com</p> <p>GRAPHIC SCALE: 1" = 20'</p>	<p>ALASKA 20 ACRE JUNEAU, ALASKA</p>	<p>DEVELOPER / PROPERTY OWNER:</p> <p>PCI ATT: ISAAC JOHNSON 801-358-5381 ISAAC@PCI1980.COM</p>	<p>DESIGNING BY:</p> <p>PKJ ACP JMA 12/2023</p> <p>LANDSCAPE PLAN, COL OR PRELIMINARY PLANS NOT FOR CONSTRUCTION LP-COLOR</p>
---	--	---	---

Packet  
PKJ  
DESIGN GROUP  
3450 N. TRIUMPH BLVD., SUITE 102  
LEHI, UTAH 84043 (801) 753-8644  
www.pkjdesigngroup.com





Revised Submission



ISSUE DATE: 1/4/2024 PROJECT NUMBER: AK21001 PLAN INFORMATION: PROJECT INFORMATION: DEVELOPER / PROPERTY OWNER / CLIENT: LANDSCAPE ARCHITECT / PLANNER: LICENSE STAMP: DRAWING INFO:

NO.	REVISION	DATE
1	XXXX	XX-XX-XX
2		
3		
4		
5		
6		
7		



811 BLUE STAKES OF UTAH  
 1-800-662-4111  
 www.bluestakes.org



0' 20' 40' 80' 160'  
 GRAPHIC SCALE: 1" = 40'

# ALASKA 20 ACRE JUNEAU, ALASKA

PC1  
 ATTN: ISAAC JOHNSON 801-358-5381  
 ISAAC@PC11980.COM



PPKJ DESIGN GROUP  
 Landscape Architecture, Planning & Visualization  
 3450 N. TRIUMPH BLVD., SUITE 102  
 LEHI, UTAH 84043 (801) 753-5644  
 www.ppkjdesigngroup.com

LANDSCAPE PLAN COLOR  
 PRELIMINARY PLANS NOT  
 FOR CONSTRUCTION  
 LP-COLOR

DATE	BY	CHKD BY
1/4/2024	JTA	JTA
	ACP	JMA

*Juneau Recording District*

**DECLARATION  
OF  
RIDGEVIEW SUBDIVISION**  
*- A Planned Community -*

DRAFT

AFTER RECORDING, RETURN TO:  
GLACIER HEIGHTS, LLC  
445 North 2000 West, Suite 7  
Springville, UT 84663

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**DECLARATION  
OF  
RIDGEVIEW SUBDIVISION**

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Declarant, **GLACIER HEIGHTS, LLC**, a Utah limited liability company doing business in Alaska as **GLACIER HEIGHTS JUNEAU, LLC**, whose mailing address is *445 North 2000 West, Suite 7, Springville, Utah 84663*, does hereby submit the real property in Juneau, Alaska described in **Schedule A-1** to the provisions of the Uniform Common Interest Ownership Act, Title 34, Chapter 8, of the Alaska Statutes, for the purpose of creating **RIDGEVIEW SUBDIVISION**, a planned community, and making the Improvements shown in the Planned Community Plat attached as **Schedule A-3**.

**ARTICLE I  
DEFINITIONS**

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

Section 1.1 – Act. The Uniform Common Interest Ownership Act, Title 34, Chapter 08 of the Alaska Statutes, as it may be amended from time to time.

Section 1.2 – Allocated Interests. The share of the Common Expense liability and the votes in the Association allocated to Lots in the Common Interest Community. The Allocated Interests are described in **Article VIII** of the Declaration and listed in **Schedule A-2**.

Section 1.3 – Association. *Ridgeview Owners Association, Inc.*, a non-profit corporation organized under Title 10, Chapter 20 of the Alaska Statutes. It is the Association of Lot Owners for Ridgeview Subdivision.

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

Section 1.5 – CBJ. City and Borough of Juneau.

Section 1.6 – Common Elements. Each portion of the Common Interest Community, other than a Lot.

Section 1.7 – Common Expenses. The expenses or financial liabilities for the operation of the Common Interest Community. These include:

- (a) Expenses of management, administration, insurance, governance and operation of the Common Interest Community;



- (b) Expenses for maintenance, repair, or replacement of the Common Elements;
- (c) Expenses declared to be Common Expenses by the Documents or by the Act;
- (d) Expenses agreed upon as Common Expenses by the Association;
- (e) Expenses incurred by the Association for electricity, gas, water, telecommunication, and other utility charges not billed by the provider to individual Lots; and
- (f) Such reasonable reserves as may be established by the Association, whether held in trust or by the Association, for repair, replacement or addition to the Common Elements.

Section 1.8 – Common Interest Community. Ridgeview Subdivision.

Section 1.9 – Condominium Project. A condominium form of common interest community created under the Act.

Section 1.10 – Declarant. GLACIER HEIGHTS, LLC, a Utah limited liability company doing business in Alaska as GLACIER HEIGHTS JUNEAU, LLC,, and its successor and assigns as defined in Subsection AS 34.08.990(12) of the Act.

Section 1.11 – Declaration. This document, including any amendments.

Section 1.12 – Development Rights. Rights reserved for the benefit of the Declarant as set forth in **Article VII**.

Section 1.13 – Director. A member of the Executive Board.

Section 1.14 – Documents. The Declaration, the Planned Community Plat(s) recorded and filed pursuant to the provisions of the Act, the Articles of Incorporation, the Bylaws, and the Rules as they be amended from time to time. Any attachment, schedule, or certification accompanying a Document is a part of that Document.

Section 1.15 – Dwelling. A structure or portion thereof which is designed and intended for occupancy as a self-contained residence, home or living unit by a person or group of people living together as a single household. For example, a detached house is a Dwelling, a duplex structure contains two (2) Dwellings, and a four-plex structure contains four (4) Dwellings.

Section 1.16 – Environmental Laws. All present and future federal, state and local laws, statutes, ordinances, rules, regulations, decisions and other requirements of governmental authorities relating to Hazardous Materials or protection of human health or the environment, including without limitation the following federal laws: the Comprehensive Environmental Response, Compensation, and

Liability Act of 1980, the Superfund Amendment and Reauthorization Act of 1986, the Solid Waste Disposal Act of 1965, the Resource Conservation and Recovery Act, the Hazardous Materials Transportation Act, the Clean Water Act, the Clean Air Act, the Toxic Substances Control Act, the Safe Drinking Water Act, the Occupational Safety and Health Act, and any amendments to the same and regulations adopted, published and/or promulgated pursuant thereto.

Section 1.17 – Executive Board. The Board of Directors of the Association.

Section 1.18 – Hazardous Materials. Any material, substance or compound now or in the future defined as hazardous waste, hazardous substance, hazardous material, toxic, pollutant, or contaminant within the meaning of any Environmental Law, including, without limitation, petroleum, petroleum products, oil, waste oil, and unsanitary waste.

Section 1.19 – Improvements. Any construction, structure, fixture or facility existing or to be constructed on the land included in the Common Interest Community including, but not limited to, buildings, trees and shrubbery, landscaping, paving, signage, utility wires, pipes, trails, utility infrastructure, and light poles.

Section 1.20 – Limited Common Elements. The portion of the Common Elements allocated by the Declaration for the exclusive use of one (1) or more but fewer than all of the Lots. The Limited Common Elements in the Common Interest Community are described in **Article V**.

Section 1.21 – Lot. Lot means a unit-lot described in **Schedule A-1** that has been created by a subdivision plat approved by the CBJ. Each Lot is a "Unit" as defined in Section 34.08.990(32) of the Act and includes all Improvements located within the boundaries of the Lot. A Lot includes the title and a right to possession and Improvements therein. A Lot may be either a "Multifamily Lot" or a "Townhouse Lot" as defined herein.

Section 1.22 – Lot, Multifamily. A "Multifamily Lot" means a Lot consisting of more than one Dwelling.

Section 1.23 – Lot, Townhouse. A "Townhouse Lot" means a Lot consisting of one (1) townhouse-style Dwelling.

Section 1.24 – Lot Owner. A Person, including the Declarant, who owns a Lot. In the event that a Condominium Project has been created upon any Lot, then the Lot Owner shall be deemed to be the association of condominium unit owners for such Condominium Project.

Lot Owner does not include a Person having only a Security Interest in a Lot. A Lot Owner is a "unit owner" as defined in AS 34.08.990(33).

Section 1.25 – Manager. A person, firm or corporation employed or engaged to perform management services for the Common Interest Community and the Association.

Section 1.26 – Notice and Comment. The right of a Lot Owner to receive notice of an action proposed to be taken by or on behalf of the Association, and the right to comment thereon. The procedures for Notice and Comment are set forth in **Section 22.1** of the Declaration.

Section 1.27 – Notice and Hearing. The right of a Lot Owner to receive notice of an action proposed to be taken by the Association, and the right to be heard thereon. The procedures for Notice and Hearing are set forth in **Section 22.2** of the Declaration.

Section 1.28 - Occupant. Any Person who has actual use, possession or control of a Lot, or any portion thereof, for any period of time. The term “Occupant” shall include, without limitation: (a) any lessee or tenant under a lease of any portion of a Lot or any other form of occupancy agreement, and (b) any unit owner of a condominium unit within a Condominium Project created within or upon a Lot.

Section 1.29 - Permittee. Any guest, vendor, supplier, visitor, invitee, licensee, contractor, or concessionaire of any Lot Owner or Occupant, and the officers, directors, employees, servants, and agents of any Lot Owner or Occupant.

Section 1.30 – Person. An individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, government subdivision or agency, or other legal or commercial entity.

Section 1.31 – Planned Community Plat. The Planned Community Plat as may be amended from time to time and attached as **Schedule A-3** to the Declaration.

Section 1.32 – Property. The land, all Improvements, easements, rights and appurtenances, which have been submitted to the provisions of the Act by the Declaration.

Section 1.33 – Rules. Rules for the use of the Lots and Common Elements and for the conduct of Persons within the Common Interest Community, adopted by the Executive Board pursuant to **Section 20.3** the Declaration.

Section 1.34 – Security Interest. An interest in real estate created by contract or conveyance, which secures payment or performance of an obligation. The term includes a lien created by mortgage, deed of trust, trust deed, security deed, contract for deed, land sales contract, lease intended as security, assignment of lease or rents intended as security, and any other consensual lien or title retention contract intended as security for an obligation.

Section 1.35 – Special Declarant Rights. Rights reserved for the benefit of the Declarant as set forth in **Article VII**.

Section 1.36 – Vehicle. The term "Vehicle" means every vehicle which is self-propelled and used for the transportation of people or cargo. The term "Vehicle" includes, but is not limited to, an

automobile, motorcycle, truck, van, and Recreational Vehicle. Notwithstanding the foregoing, a low-speed electric bicycle is not considered a Vehicle.

Section 1.37 – Vehicle, Inoperable. The term “Inoperable Vehicle” means a Vehicle which is incapable of movement under its own power, and will remain so without repairs or part replacement.

Section 1.38 – Vehicle, Junk. The term “Junk Vehicle” means a vehicle which is missing one or more essential parts, such as, but not limited to, tires, wheels, engine, brakes, windows, lights and lenses, exhaust system, and such other parts as are necessary for the legal operation of a Vehicle.

Section 1.39 – Vehicle, Recreational. The term “Recreational Vehicle” means a self-propelled or nonmotorized vehicle that is intended or designed for recreation, camping, or travel purposes, including, but not limited to, travel trailers, camping trailers, truck campers, motorhomes, boats, personal watercraft, all-terrain vehicles, snowmobiles, and similar vehicles.

**ARTICLE II**  
**NAME AND TYPE OF COMMON INTEREST COMMUNITY,**  
**ASSOCIATION AND MEMBERSHIP**

Section 2.1 – Name and Type of Common Interest Community. The name of the Common Interest Community is *Ridgeview Subdivision*. Ridgeview Subdivision is a *Planned Community* under the Act.

Section 2.2 – Association. The name of the Association of Lot Owners is *Ridgeview Owners Association, Inc.*, a non-profit corporation organized under the non-profit corporations laws of the State of Alaska.

Section 2.3 – Membership in Association. Every Lot Owner of a Lot in the Common Interest Community is a member of the Association. Membership and voting rights in the Association are appurtenant to, and inseparable from, ownership of a Lot.

**ARTICLE III**  
**DESCRIPTION OF PROPERTY**

The Common Interest Community is situated in Juneau, Alaska, and is located on the real property described in **Schedule A-1**.

**ARTICLE IV**  
**NUMBER OF LOTS; LOT BOUNDARIES**

Section 4.1 – Maximum Number of Lots. The Common Interest Community upon creation contains **one (1) Lot** as shown on the Planned Community Plat attached as **Schedule A-3**. The

Declarant reserves the right to create and add an additional **three hundred fifty (350) Lots** in the Common Interest Community for an aggregate maximum total of **three hundred fifty-one (351) Lots** in the Common Interest Community.

Section 4.2 – Lot Boundaries. The Lot boundaries are the boundaries of the Lots as shown on the Planned Community Plat attached hereto as **Schedule A-3**.

**ARTICLE V**  
**COMMON ELEMENTS & LIMITED COMMON ELEMENTS**

Section 5.1 - Common Elements. The Common Elements in Ridgeview Subdivision are each portion of the Common Interest Community other than a Lot. The Common Elements include, without limitation, parking areas and drive aisles, walking paths, open spaces, landscaped areas, water and sewer utilities, stormwater control features and drainages, and any other portion of the Property designated as a Common Element on the Planned Community Plat.

Section 5.2 - Limited Common Elements. The following portions of the Common Elements are designated as Limited Common Elements assigned to the Lots as stated:

- (a) Any subsurface Improvement that is located outside the boundaries of a Lot and that is designed to serve one (1) or more but fewer than all of the Lots, including, but not limited to, a water line, sewer line, electrical line, or other underground Improvement, is a Limited Common Element allocated to the Lot(s) served.

*Pursuant to the rights reserved in Article VII of the Declaration, this Section 5.2 may be amended by the Declarant to describe any new Limited Common Elements created under Section 7.1 of the Declaration and to identify the Lot(s) to which such Limited Common Elements are allocated.*

**ARTICLE VI**  
**MAINTENANCE, REPAIR AND REPLACEMENT**

Section 6.1 – Common Elements. Except as may be provided in **Section 6.2** of this Declaration, the Association shall be responsible for the maintenance, repair and replacement of all Common Elements. The Common Elements and all Improvements thereon shall be maintained in a good and workmanlike manner, and shall be kept in a safe, neat, clean and attractive order, condition, and appearance.

Maintenance of Common Element landscaped areas shall include regular watering, mowing, trimming, weed removal, fertilizing and any other maintenance activities essential to ensure the landscaped area is kept safe, attractive and in good health at all times. All shrubs and trees within the Common Elements shall be trimmed so as not to encroach upon sidewalks, streets or Lots. Dead trees, shrubs or grass shall be promptly removed and replaced. A dead tree or shrub means a tree or shrub that has been damaged beyond repair or is in an advanced state of decline such that an

insufficient amount of live tissues, green leaves, limbs or branches exist to sustain the life of the tree or shrub.

Section 6.2 – Limited Common Elements. Limited Common Elements shall be maintained, repaired and replaced as follows:

- (b) Any subsurface Improvement that is allocated as a Limited Common Element pursuant to **Section 5.2(a)** of this Declaration shall be maintained, repaired and replaced by the Association, and any Common Expenses associated therewith shall be assessed exclusively against the Lot(s) to which such Limited Common Element is allocated. If the Limited Common Element is allocated to more than one (1) Lot, such Common Expenses shall be assessed exclusively against the Lots to which such Limited Common Element is allocated in proportion to their respective Common Expense liabilities.

*Pursuant to the rights reserved in Article VII of the Declaration, this Section 6.2 may be amended by the Declarant to establish the responsibilities of Lot Owners and/or the Association for the maintenance, repair and replacement of any new Limited Common Elements created under Section 7.1 of the Declaration.*

Section 6.3 – Lots. Each Lot Owner shall maintain, repair and replace, at the expense of the Lot Owner, all portions of their Lot, including any structures or other Improvements within the Lot. The Lot and all Improvements thereon shall be kept in a safe, neat, clean and attractive order, condition, and appearance.

Section 6.4 – Failure to Maintain, Repair, and Replace. If a Lot Owner fails to maintain, repair, or replace any portion of a Lot and such failure creates a condition that threatens another Lot or the Common Elements, the Association may take such actions as are necessary to correct such condition without prior notice or with only such prior notice as can reasonably be given consistent with the threat. If the Association does take such action, the Lot Owner shall reimburse the Association for the cost of correcting the condition.

Section 6.5 – Additional Standards. By Rule, and in accordance with **Section 20.3** of the Declaration, the Association may adopt additional standards concerning maintenance, repair, and replacement of Lots, including Improvements within Lots that are visible from the Common Elements, for the purpose of avoiding adverse effects on the condition, use, or enjoyment of other Lots or the Common Elements.

Section 6.6 – Conduct of Maintenance, Repair, and Replacement by the Association. The Association shall have the exclusive authority to select, contract with, direct, retain, and replace all contractors and vendors for all activities to maintain, repair, and replace portions of the Property for which funds of the Association are used or to be used.

**ARTICLE VII**  
**DEVELOPMENT RIGHTS, SPECIAL DECLARANT RIGHTS, AND OTHER RESERVED RIGHTS**

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

- (a) The right to create Lots, Common Elements, and Limited Common Elements within the Common Interest Community in the locations shown as "Development Rights Reserved" on **Schedule A-3**;
- (b) The right to subdivide Lots or convert all or parts of Lots into Common Elements or Limited Common Elements in the locations shown as "Development Rights Reserved" on **Schedule A-3**;
- (c) The right to add to the Common Interest Community all or, from time to time, any portion of the real estate shown on **Schedule A-3** as "Additional Real Estate, Development Rights Reserved" and to create Lots, Common Elements, and Limited Common Elements thereon. This additional real estate is described in **Schedule A-1** as "Property Not In the Common Interest Community Subject to Development Rights".
- (d) The right to withdraw from the Common Interest Community all or any portion of the Property shown as "Development Rights Reserved" on **Schedule A-3**; and
- (d) The right to subdivide or combine Lots owned by Declarant, and to convert all or any portion of Lots owned by Declarant into Common Elements or Limited Common Elements.

Section 7.2 – Special Declarant Rights. The Declarant reserves the following Special Declarant Rights, to the maximum extent permitted by law, which may be exercised anywhere within the Common Interest Community:

- (a) to complete Improvements shown on the Planned Community Plat filed with the Declaration and any amendments thereto and to complete Improvements on the Property approved or required by the CBJ;
- (b) to maintain signs advertising the Common Interest Community, and to maintain one (1) or more structures within Lots owned by the Declarant as model Dwellings, management offices, or sales offices;
- (c) to use or grant easements through the Common Elements for the purpose of making Improvements within the Common Interest Community or within real estate that may be added to the Common Interest Community;

- (d) to appoint or remove an officer of the Association or an Executive Board member during a period of Declarant Control subject to the provisions of **Section 7.4** of the Declaration; and
- (e) to exercise a Development Right reserved in the Declaration.

Section 7.3 – Other Reserved Rights.

(a) *Construction: Declarant's Easement.* The Declarant reserves the right to perform repair and construction work, and to store materials in secure areas, on Common Elements and on Lots owned by Declarant, and the further right to control all such work and repairs on Lots, and the right of access thereto, until its completion of the work on the Lots. All work may be performed by the Declarant without the consent or approval of the Executive Board or any Lot Owner. The Declarant has an easement through the Common Elements as may be reasonably necessary for the purpose of discharging the Declarant's obligations or exercising Special Declarant Rights, whether arising under the Act or reserved in the Declaration.

(b) *Utility Infrastructure and Easements.* The Declarant reserves the right to construct underground utility lines, pipes, wires, ducts, conduits, and other facilities across the Common Interest Community for the purpose of furnishing utility and other services to buildings and Improvements existing or to be constructed on the Property. The Declarant further reserves the right to grant easements to public utility companies and to convey Improvements within those easements anywhere in the Common Interest Community for the purposes stated herein.

(c) *Subdivision and Dedication of Property.* With respect to the areas which are or may be labeled on the Planned Community Plat as "*Subject to Development Rights*," the right to (i) subdivide all or any portion of such areas under applicable laws governing the subdivision of real property, and/or (ii) dedicate all or any portion of such areas as a "Public Use Easement" or "Public Right-of-Way", at the Declarant's sole discretion, and in accordance with the requirements of the CBJ, including the right to take any and all actions and execute any and all documents necessary to file a plat as required to subdivide or dedicate such property.

(d) *Signs and Marketing.* The Declarant reserves the right to post signs and displays on Lots to promote sales or rentals of Lots and/or Dwellings on Lots, and to conduct general sales activities, in a manner that will not unreasonably disturb the rights of Lot Owners.

(e) *Declarant's Personal Property.* The Declarant reserves the right to retain all personal property and equipment used in sales, management, construction and maintenance of the Property that has not been represented as property of the Association. The Declarant



reserves the right to remove from the Property any and all personal property and Improvements used in development, marketing and construction, whether or not they have become fixtures.

(f) *Monument Signage.* The Declarant reserves the right to create one (1) or more monument signs identifying the Common Interest Community anywhere within the Common Elements or upon any Lot owned by the Declarant. If a monument sign is created upon a Lot owned by the Declarant or upon any real estate that has not been added to the Common Interest Community, the Declarant will grant a perpetual non-exclusive easement to the Association for ingress and egress in order to access, construct, use, maintain, repair, and replace such monument sign, and for landscaping of the area surrounding such monument sign.

(g) *Amendments Regarding New Limited Common Elements.* At the time any new Limited Common Elements are created pursuant to **Section 7.1**, the Declarant reserves the right to amend the Declaration to:

- (i) Describe such new Limited Common Elements and identify the Lot(s) to which such Limited Common Elements are allocated;
- (ii) Establish the responsibilities of Lot Owners and/or the Association for the maintenance, repair and replacement of any such new Limited Common Elements;
- (iii) Provide that any Common Expenses attributable to such new Limited Common Elements may be assessed exclusively against the Lot(s) to which the new Limited Common Elements are allocated; and
- (iv) Establish restrictions governing the use, alienation or occupancy of any such new Limited Common Elements, including any Improvements thereon, consistent with the overall nature and character of the Common Interest Community.

Section 7.4 – Declarant Control of Association.

- (a) Subject to **Section 7.4(b)**, there shall be a period of Declarant Control of the Association, during which the Declarant, or persons designated by the Declarant, may appoint and remove the officers and members of the Executive Board. The period of Declarant Control terminates no later than the earlier of:
  - (i) sixty (60) days after conveyance of seventy-five percent (75%) of the Lots that may be created in Ridgeview Subdivision to Lot Owners other than the Declarant;

- (ii) two (2) years after Declarant has ceased to offer Lots for sale in the ordinary course of business; or
- (iii) two (2) years after any right to add new Lots was last exercised.

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

- (b) Not later than sixty (60) days after conveyance of twenty-five percent (25%) of the Lots that may be created in Ridgeview Subdivision to Lot Owners other than the Declarant, at least one (1) member and not less than twenty-five percent (25%) of the members of the Executive Board, shall be elected by Lot Owners other than the Declarant. Not later than sixty (60) days after conveyance of fifty percent (50%) of the Lots that may be created in Ridgeview Subdivision to Lot Owners other than the Declarant, not less than thirty-three-and-one-third percent (33<sup>1</sup>/<sub>3</sub>%) of the members of the Executive Board must be elected by Lot Owners other than the Declarant.
- (c) For purposes of this **Section 7.4**, the creation of a Condominium Project on a Lot shall constitute a conveyance of such Lot to a Lot Owner other than the Declarant.
- (d) Not later than the termination of any period of Declarant Control, the Lot Owners shall elect an Executive Board of at least three (3) members, all of whom shall be Lot Owners. The Executive Board shall elect the officers. The Executive Board members and officers shall take office on election.
- (e) Notwithstanding any provision of the Declaration or the Bylaws of the Association to the contrary, following notice under AS 34.08.390, the Lot Owners, by a two-thirds (2/3) vote of all Persons present and entitled to vote at a meeting of Lot Owners at which a quorum is present, may remove a member of the Executive Board with or without cause, other than a member appointed by the Declarant.

Section 7.5 – Time Limitations on Special Declarant Rights. Except for Special Declarant Rights that may terminate earlier by statute and unless previously terminated by an amendment to the Declaration executed by the Declarant, the Declarant may exercise the Special Declarant Rights reserved in this **Article VII** for as long as any of the following subsections apply:

- (a) The Declarant holds a Development Right reserved in this Article;
- (b) The Declarant is obligated to the Association or a Lot Owner under any warranty;

- (c) The Declarant owns a Lot; or
- (d) The Declarant holds a Security Interest in a Lot.

As soon as none of the above subsections apply, the Declarant’s right to exercise the Special Declarant Rights shall terminate.

Section 7.6 – Interference with Special Declarant Rights. Neither the Association nor any Lot Owner may take an action or adopt any Rules that will interfere with or diminish any Special Declarant Right without the prior written consent of the Declarant.

Section 7.7 – Assignment of Special Declarant Rights and Other Rights Reserved. The Declarant may transfer any or all of its Special Declarant Rights or other rights reserved under this **Article VII** through an Assignment of Special Declarant Rights or an Assignment of Declarant Reserved Rights.

Section 7.8 – Limitations on Development Rights. The Development Rights reserved in **Section 7.1** are limited as follows:

- (a) The Development Rights may be exercised at any time, but not more than **twenty (20) years** after the recording of the initial Declaration.
- (b) Not more than an aggregate total of **three hundred fifty-one (351) Lots** may be created in the Common Interest Community.
- (c) All Lots and Common Elements created pursuant to Development Rights will be restricted to residential use in the same manner and to the same extent as the Lots created under the Declaration as initially recorded.

Section 7.9 – Phasing of Development Rights. With regard to the portions of the Property subject to Development Rights, no assurances are made by the Declarant as to where the Declarant will exercise its Development Rights or the order in which such portions, or all of the areas, will be developed. The exercise of Development Rights as to some portions will not obligate the Declarant to exercise them as to other portions.

**ARTICLE VIII**  
**ALLOCATED INTERESTS**

Section 8.1 – Allocation of Interests. The table showing Lot numbers and their Allocated Interests is attached as **Schedule A-2**. These Allocated Interests have been allocated in accordance with the formulas set out in this **Article VIII**. These formulas are to be used in reallocating the Allocated Interest of Lots if Lots are added to the Common Interest Community.

Section 8.2 – Formulas for the Allocation of Interests. The Allocated Interests allocated to each Lot are calculated on the following formulas:

- (a) *Common Expense Liability.* The percentage of Common Expense liability allocated to each Lot is based on the relative number of Dwellings upon or within the Lot as compared to the total number of all Dwellings within the Common Interest Community.  
Nothing contained in this Subsection shall prohibit certain Common Expenses from being apportioned to particular Lots under **Article XVIII** of the Declaration.
- (b) *Votes in the Association.* Each Lot in the Common Interest Community shall have one (1) equal Vote. Any specified percentage, portion or fraction of Lot Owners, unless otherwise stated in the Documents, means the specified percentage, portion, or fraction of all of the votes as allocated in **Schedule A-2**.
- (b) *Multiple Ownership of a Lot.* When more than one (1) Person holds an ownership interest in any Lot, the vote for such Lot shall be exercised as determined among those Lot Owners, but in no event shall more than one (1) vote be cast with respect to any such Lot. Where a Condominium Project has been created upon a Lot, the vote allocated to such Lot shall be exercised as determined by the association of condominium unit owners for such Condominium Project. Any votes cast with regard to any such Lot in violation of this provision shall be null and void.

Section 8.3 – Membership. Every Lot Owner is a member of the Association. If a Lot is owned by more than one (1) Person, all of the Lot Owners of such Lot shall have the benefits of membership in the Association, subject to such reasonable Rules and restrictions as the Executive Board shall determine from time to time. The membership rights of a Lot Owner which is not a natural Person may be exercised by any authorized officer, director, partner, trustee or manager.

Section 8.4 – Assignment of Allocated Interests Upon Creation of Lots Pursuant to Exercise of Development Rights. The effective date for assigning Allocated Interests to Lots created pursuant to **Section 7.1** shall be the date on which the amendment to the Declaration creating the Lots is recorded in the records of the Juneau Recording District.

**ARTICLE IX**  
**RESTRICTIONS ON USE, ALIENATION AND OCCUPANCY**

Subject to the rights reserved to Declarant under **Article VII**, the following restrictions apply to all Lots and Common Elements within the Common Interest Community.

Section 9.1 – Residential Use. Each Lot is restricted to residential use. No commercial use of a Lot is permitted. Notwithstanding the foregoing, home professional or administrative occupations that do not substantially increase traffic and do not generate or require unreasonable levels of mail, shipping,

noise, odors, trash or storage are permitted within a Dwelling on a Lot as long as there exists no external evidence thereof. Professional or administrative occupations must be incidental to the primary use of the Lot for residential use, and must comply with all governmental regulations addressing home occupations.

Section 9.2 – Compliance with Documents and Law. All Improvements and activities within the Common Interest Community shall be in compliance with the provisions of the Documents and all applicable local, state, and federal laws or regulations, including local zoning and other legal requirements of the CBJ. No illegal, improper, unsanitary, offensive or environmentally prohibited use or activity may occur in or upon any Lot or any portion of the Common Elements. Each Lot Owner and Occupant of a Lot shall defend, indemnify and hold the Association and the other Lot Owners and Occupants harmless from all demands, claims, fines, penalties, costs, fees, damages, losses, awards, judgments and liabilities that in any way arise out of, result from, or are based upon any violation thereof or non-compliance therewith by such Lot Owner or Occupant, or by their Permittees.

Section 9.3 – Nuisances. No noxious or offensive activity shall be carried out upon any part of the Property, nor shall anything be done thereon which may be or may become an annoyance or nuisance or danger to the Common Interest Community, or which shall in any way interfere with the quiet enjoyment of other Lots or Common Elements.

Section 9.4 – Quiet Time. Quiet time shall be between the hours of 10:00pm and 8:00am. The audible volume of televisions, stereos, instruments and/or other equipment operated during quiet time shall be substantially reduced so as not to interfere with the quiet enjoyment of the Common Interest Community.

Section 9.5 – Garbage and Refuse Disposal. Refuse, trash, garbage or other waste material (collectively "Garbage") shall be disposed of only by depositing the same in an appropriate Garbage container, and in compliance with Rules for Garbage storage and disposal adopted by the Executive Board. No Lot shall be used for or maintained as a dumping ground for Garbage. All equipment for the storage or disposal of Garbage shall be kept in clean and sanitary condition. No outside burning of Garbage is permitted.

The Association shall provide Common Element dumpsters for the use of Lot Owners and Occupants in areas designated by the Executive Board. By Rule, the Executive Board may restrict the use of a Common Element dumpster to the Lot Owner(s) or Occupant(s) of a specific Lot or Lots.

Section 9.6 – Storage of Personal Property. No storage of personal property shall be permitted outside of a Dwelling, except upon a deck or porch attached to a Dwelling. Personal property stored on a deck or porch attached to a Dwelling shall be limited to patio furniture, such as a bistro table and chairs, as well as flowerpots, mats, and small decorative items that do not interfere with the quiet enjoyment or comfort of any other Lot Owner or Occupant.

Section 9.7 – Window Coverings. Window coverings within a Dwelling that are visible from any portion of the Common Elements shall conform to specifications promulgated by the Association by Rule. No window that is visible from any portion of the Common Elements shall be covered with garments, sheets, blankets, aluminum foil or similar materials.

Section 9.8 – Antennas and Satellite Dishes. The following restrictions govern the installation of satellite dishes and antennas, provided that compliance with such restrictions does not (1) unreasonably delay or prevent installation, maintenance or use; (2) unreasonably increases the cost of installation, maintenance or use; or (3) preclude reception of an acceptable quality signal to a Lot Owner or Occupant of a Lot.

- (a) *Acceptable Locations and Number.* Antennas and satellite dishes shall only be permitted on the roof of a Dwelling on a Lot, in a location that has been approved in advance by the Executive Board. Not more than one (1) antenna or satellite dish shall be permitted per Lot, unless the Executive Board determines, in its sole discretion, that additional antennas or satellite dishes should be permitted due to special circumstances.
- (b) *Shielded from View.* Antennas and satellite dishes shall be located in a place shielded and/or screened from the streets and screened from view to the public or from other Lots to the maximum extent possible.
- (c) *Installation and Wiring.* Installation of antennas and satellite dishes shall be completed in a professional workmanlike manner. Exposed wiring is not permitted.
- (d) *Color.* Satellite dish color shall be neutral tones only, including white, grey, beige, and any similar neutral tone color. No commercial advertising on the satellite dish is permitted other than the brand name. Satellite wiring shall be painted to match the siding color of the Dwelling.
- (e) *Safety and Non-interference.* Installation shall comply with reasonable safety standards and may not interfere with cable, telephone or electrical systems of other Lots.
- (f) *Maintenance.* Lot Owners are responsible to maintain, repair and replace their satellite dish or antenna.

Section 9.9 – Signs.

- (a) Except as provided in **Article VII**, no signs shall be displayed to the public view within the Common Interest Community, except:
  - (i) Common Element monument, parking, and Dwelling address/identification signs, in locations installed by the Declarant or approved by the Executive Board;
  - (ii) A single sign may be affixed to the exterior of a Dwelling, not more than five square feet (5 sq. ft.) in size, advertising a Dwelling for sale or lease;
  - (iii) Such other temporary signs as may be approved by the Executive Board in advance.
- (b) All signs must comply with local zoning and other requirements of the CBJ.
- (c) Lot Owners and Occupants shall comply with such other Rules as may be adopted by the Executive Board governing the installation, location, illumination, or content of signs within the Common Interest Community.

Section 9.10 – Common Elements. The following activities are prohibited within the Common Elements unless expressly authorized by, and then subject to such conditions as may be imposed by, the Executive Board:

- (a) Overnight camping or the erection of tents or other shelters;
- (b) Erecting or placing structures;
- (c) Barbecues or fires;
- (d) The consumption of alcoholic beverages;
- (e) Disposing of lawn or yard waste;
- (f) Disposing of Garbage;
- (g) Disposal or storage of any materials or personal property belonging to a Lot Owner or Occupant;
- (h) Noxious or offensive activities which may become an annoyance or nuisance causing unreasonable disturbance or embarrassment to the Common Interest Community;

- (i) Social gatherings or group activities; and
- (j) Cutting, mowing, harvesting, or disturbing the trees, shrubbery, or other natural vegetation;
- (k) Any activities that may harm or disturb the state of natural and landscaped vegetation within the Common Elements, except for removal by the Association of dead or diseased trees and shrubs and enhancement landscaping.

Section 9.11 - Parking and Vehicle Restrictions.

- (a) No Vehicle shall be operated on any portion of the Common Elements except within a paved area designed for the operation of Vehicles.
- (b) No Vehicle shall be parked on any portion of the Common Elements except within a space designated for parking Vehicles. A Vehicle parked in a parking space must be parked entirely within the boundaries of the parking space.
- (c) The Executive Board may issue a parking permit to an Occupant of a Dwelling that gives such Occupant the temporary, exclusive right to use a parking space or designated parking area within the Common Interest Community, subject to and in accordance with the following:
  - (i) An Occupant that desires a parking permit shall apply to the Executive Board for a parking permit. Such applications shall be processed by the Executive Board on a first-come, first served basis.
  - (ii) The Executive Board shall determine the specific parking space or parking area that the parking permit applies to.
  - (iii) The Executive Board may require the payment of a reasonable fee for the parking permit.
  - (iv) A parking permit may not allow the exclusive use of a parking space for a period of more than twelve (12) months.
- (d) Except for parking spaces or designated parking areas that may be reserved for the temporary, exclusive use of an Occupant pursuant to **subsection (c)**, above, parking spaces within the Common Interest Community may be utilized on a first-come, first-served basis, by any Lot Owner, Occupant or Permittee.



- (e) Junk Vehicles, Inoperable Vehicles, and Recreational Vehicles shall not be parked or stored anywhere within the Common Interest Community, unless parked or stored within an enclosed garage located on a Lot.
- (f) Paved Common Elements shall be kept clean and clear from all oil, drippings, stains or other unsightly Vehicle byproducts or discharge.
- (g) The use of a Vehicle as living quarters, sleeping quarters or lodging rooms is prohibited anywhere within the Common Interest Community.
- (h) No Vehicle shall be covered in any manner with tarpaulins or other coverings determined to be unsightly by the Executive Board in its sole discretion.
- (i) No Vehicle belonging to a Lot Owner, Occupant or Permittee shall be parked on a public street within the Common Interest Community for more than forty-eight (48) cumulative hours in any continuous seven (7) day period.
- (j) No repair, restoration or disassembly of any Vehicle shall be permitted anywhere within the Common Interest Community, except: (1) when conducted within an enclosed garage located on a Lot; or (2) for emergency repairs only to the extent necessary to enable movement of the Vehicle to inside an enclosed garage or to a repair facility.
- (k) No heavy equipment or construction machinery, including, but not limited to, bulldozers, dump trucks, backhoes, or scissor lifts, may be kept anywhere within the Common Interest Community except (1) by Declarant or its subcontractors during construction or (2) inside an enclosed garage located on a Lot.
- (l) Each Lot Owner shall be responsible for ensuring that the Occupants of a Lot and their Permittees comply with the restrictions in this **Section 9.11** and such other Rules as may be adopted by the Executive Board governing the operation and parking of Vehicles within the Common Interest Community.
- (m) Vehicles parked illegally or in violation of the restrictions in this **Section 9.11** or such other Rules as may be adopted by the Executive Board may be towed by the Association.

Section 9.12 – Animals. Lot Owners may maintain animals on their Lots of the following types: domestic cats; domestic dogs; domestic birds (not poultry or fowl); gerbils, rodents, reptiles; and fish. No other animals may be kept on the Property.

- (i) Birds, gerbils, rodents, and reptiles must be kept in cages or terrariums within a Dwelling on the Lot.

- (ii) No unreasonable quantity of animals shall be permitted.
- (iii) Animals shall not be raised or bred for commercial purposes.
- (iv) Lot Owners and Occupants shall be responsible for keeping all Common Elements free and clear of animal feces. Lot Owners shall immediately remove their animal's feces from all areas of the Common Interest Community.
- (v) Lot Owners and Occupants shall hold the Association harmless from all claims resulting from the actions of any animal belonging to the Lot Owner or Occupant.
- (vi) Animals shall be licensed, vaccinated and maintained in accordance with all applicable laws and zoning ordinances.
- (vii) Animals within the Common Interest Community shall be leashed at all times, except when confined within a Dwelling or within an area specifically designated by the Executive Board for off-leash animals.
- (viii) Lot Owners and Occupants shall contain and control their animals to the extent necessary to prevent their animal from creating or becoming a nuisance. Animals causing or creating a nuisance or unreasonable disturbance or noise, so as to interfere with the rights, comfort or convenience of other Lot Owners or Occupants, shall be permanently removed from the Property upon three (3) days' written Notice and Hearing from the Executive Board. If the animal owner fails to honor such request, the Executive Board may remove the offending animal.

Section 9.13 - Safety and Security. Each Lot Owner, Occupant, and Permittee shall be responsible for their own personal safety and the security of their property in the Common Interest Community. The Association is not an insurer or guarantor of safety or security within the Common Interest Community.

Section 9.14 – Mailboxes. Lot Owners shall use cluster mailboxes approved by the U.S. Postal Service and provided for the Common Interest Community by the Declarant. Newspaper stands or receptacles are not permitted within Lots or on the exterior of the cluster mailboxes.

Section 9.15 – Leasing. No Lot or any portion thereof may be conveyed pursuant to a time-sharing plan, or used for bed and breakfast, hotel or motel purposes. A Lot, or a portion thereof, may be rented only by a written lease, rental agreement, or other instrument granting occupancy (collectively referred to herein as a “lease”), subject to the following:

- (a) Each lease must incorporate the terms and restrictions of the Documents as a personal obligation of each Occupant.
- (b) The Lot Owner shall remain liable for compliance with the Documents, and shall be responsible for securing such compliance from the Occupants of the Lot.
- (c) The Lot Owner shall be responsible for the payment of all assessments or fines that are assessed by the Association as a result of the actions or omissions of any Occupants of the Lot or their Permittees.

**ARTICLE X**  
**LIABILITY FOR HAZARDOUS MATERIALS**

In the event that any fuel, oil, lubricant, or other Hazardous Material is spilled, released or discharged in any Lot or in, on or about any Common Element, or any property or surface or ground water adjacent thereto, the Lot Owner or Occupant who caused or suffered, or whose Permittee caused or suffered, such spill, release or discharge, shall: (a) promptly respond to and remediate such spill, release or discharge in accordance with the requirements of applicable law; and (b) defend, indemnify and hold harmless the Association and all other Lot Owners and Occupants from all demands, claims, fees, fines, penalties, judgments, awards, costs, damages, losses, obligations, and liabilities that in any way arise out of, result from or are based upon any legal obligation to respond to, remediate and/or dispose of such spilled, released or discharged fuel, oil, lubricant, or Hazardous Material.

**ARTICLE XI**  
**PARTY WALL COVENANTS**

With respect to any Dwellings constructed on adjacent Townhouse Lots, the covenants in this **Article XI** shall govern the maintenance, repair and replacement of any Party Walls separating such Dwellings.

Section 11.1 – Party Wall. For purposes of this **Article XI**, a "Party Wall" shall mean the wall or walls forming part of a building that are located substantially along a common boundary between two (2) Townhouse Lots and are designed to serve as a physical separation of and barrier between the Dwellings on such Lots. A Party Wall shall be deemed to include the portion of the foundation under, the roof over, and the utility lines within, the Party Wall.

Section 11.2 – Party Wall Ownership. Each Lot Owner owns that portion of a Party Wall that is located within the boundaries of the Lot owned by the Lot Owner.

Section 11.3 – General Rules of Law. Except to the extent otherwise provided herein, general rules of law regarding Party Walls and liability for property damage due to negligence or willful acts or omissions shall apply to Party Walls.

Section 11.4 – Maintenance, Repair and Replacement of a Party Wall.

- (a) The lath, furring, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint and other materials constituting a part of the finished surfaces of a Party Wall are part of the Lot within which they are located and designed to serve, and shall be maintained, repaired and replaced by the Lot Owner of that Lot. In addition, any chutes, flues, ducts, wires, conduit, bearing columns or other fixtures lying within a Party Wall and serving only one (1) Lot are a part of that Lot and shall be maintained, repaired and replaced by the Lot Owner of that Lot. Any portion of a Party Wall that supports or otherwise serves both adjacent Lot shall be maintained, repaired and replaced by the Lot Owners of both Lot, and the cost shall be shared equally by both Lot Owners.
- (b) If rebuilding of a Party Wall is necessary, the Party Wall shall be rebuilt on the same location and to the same width as the Party Wall being replaced.
- (c) A Lot Owner making repairs to or rebuilding a Party Wall, upon reasonable notice to the other Lot Owner, shall be given access to the other Lot and the Dwelling thereon as is reasonably necessary to make such repairs or rebuild the Party Wall, but shall take all due precaution not to damage the property of the other Lot Owner.

Section 11.5 – Willful and/or Negligent Damage or Destruction. Notwithstanding any provision herein to the contrary, if a Party Wall or any portion thereof is damaged or destroyed by any willful or negligent act or omission, or by any default hereunder, of one Lot Owner, such Lot Owner shall repair and restore said Party Wall at its sole cost and expense, and shall compensate the other Lot Owner for any damages suffered by that Lot Owner. Each Lot Owner shall be fully responsible for all acts, omissions or defaults of the Occupants of their Lot or their Permittees which may cause damage to the Party Wall.

Section 11.6 – Exposure to Natural Elements. Notwithstanding any other provision set forth herein, a Lot Owner who causes a Party Wall to be exposed to the elements shall bear the entire cost of repair and furnishing the necessary protection against such elements.

Section 11.7 – Encroachment. It is assumed that a Party Wall lies along the boundary line separating the adjoining Lots. Should the actual location of a Party Wall be inconsistent with said boundary line as a result of the construction, reconstruction, repair, shifting, settlement or movement of any portion of a building structure, a valid easement for the encroachment and for the maintenance of the same shall exist so long as the encroachment exists.

Section 11.8 – Insurance. Each Lot Owner that shares a Party Wall shall maintain fire and extended coverage insurance on his or her respective Dwelling to the extent necessary fully to fund the repair or replacement of the Dwelling, including the Party Wall, if damaged by fire or other insured casualty. The right of the Lot Owners to separately further insure their own Dwellings shall not hereby be impaired.

Section 11.9 – Disputes. Any controversy that may arise between adjacent Lot Owners over the necessity for or cost of repairs and maintenance of a Party Wall shall be submitted to mediation and arbitration in accordance with **Article XXVI** of the Declaration.

**ARTICLE XII**  
**ADDITIONS, ALTERATIONS AND IMPROVEMENTS**

Section 12.1 - Additions, Alterations and Improvements by Lot Owners. Unless approved by the Executive Board as provided in **Section 12.2** of the Declaration, a Lot Owner or Occupant of a Lot:

- (a) Shall not make any addition, alteration, or Improvement to, attach anything to or change the appearance of any portion of an Improvement on a Lot that is visible from any portion of the Common Elements.
- (b) Shall not make any addition, alteration, or Improvement to, attach anything to or change the appearance of any portion of the Common Elements or the exterior appearance of any other portion of the Common Interest Community.
- (c) Shall not make any addition, alteration, or Improvement to any portion of a Lot that may impair the structural integrity or stability or lessen the support of any portion of the Common Elements.

Section 12.2 - Approval by Executive Board.

- (a) A Lot Owner may submit a written request to the Executive Board for approval to do anything that is otherwise prohibited or regulated under **Section 12.1** of this Declaration. The Executive Board shall answer any written request for such approval, after Notice and Hearing to the applicant and any other Lot Owner who, in the sole opinion of the Executive Board, may be impacted by the proposed addition, alteration or Improvement, within thirty (30) days after it receives the request. Failure to answer

within such time, as it shall be extended by agreement of the applicant, shall be deemed to be a denial by the Executive Board of the proposed action.

- (b) The Executive Board may establish time limits and impose conditions on its approval of a request under **Subsection 12.2(a)**. These may include, but are not limited to, the following:
  - (i) That the addition, alteration, or Improvement be made by contractors holding particular licenses or certifications, having particular qualifications, or having specified levels of insurance coverage.
  - (ii) That the Lot Owner obtain and pay for all necessary permits and other governmental approvals for the addition, alteration, or improvement.
  - (iii) That the work be done in a specified manner or only during specified times.
  - (iv) That the addition, alteration, or improvement be completed by a certain deadline.
  - (v) That the Lot Owner be responsible for the maintenance, repair, and replacement of the addition, alteration, or Improvement (or the portion of the Property to which the addition, alteration, or Improvement is made) or reimburse the Association for the costs of maintenance, repair, and replacement.
- (c) The Executive Board may grant approval for a type or class of modifications or installations by adopting a Rule, after Notice and Comment.
- (d) The Executive Board may establish forms and procedures for the making and processing of applications under this **Section 12.2**.
- (e) The Executive Board may require the Lot Owner to pay a reasonable fee to reimburse the Association for its costs in considering and acting on a request made under **Subsection 12.2(a)**, including, but not limited to, recording costs and the reasonable fees of attorneys and other professionals.
- (f) No permission or approval shall be required to rebuild a Dwelling or other Improvement on a Lot in substantial accordance with the original design and construction, to repaint in accordance with an originally approved color scheme, or to repaint or remodel the interior of any Dwelling on a Lot.
- (g) Nothing in this Section shall be deemed to require the Executive Board to approve or disapprove any particular request. Neither shall the approval or disapproval of any prior

request require the Executive Board to approve or disapprove any other request at a later date.

- (h) Review and approval by the Executive Board under this **Article XII** does not imply a review as to the adequacy of the plans or specifications for compliance with the laws and regulations of the State of Alaska for building codes, strength, suitability, durability or structural design. Furthermore, approval of a request to the Executive Board shall not give rise to any liability or responsibility for the quality or sufficiency of design or materials. The purpose of Executive Board review and approval is to ensure the conformity and harmony of additions, alterations, or Improvements, as to the quality, external designs and location, in relation to the development of the entire Common Interest Community.

Section 12.3 - Additions, Alterations, and Improvements by Executive Board. Any additions, alterations or Improvements to any portion of the Common Interest Community must comply with all applicable ordinances of the CBJ. In the event that the provisions of this Declaration are more restrictive than the restrictions of the CBJ, then the restrictions of this Declaration shall apply.

**ARTICLE XIII**  
**EASEMENTS AND LICENSES**

Section 13.1 – Recorded Easements and Licenses. Recorded easements or licenses affecting the Common Interest Community are recited in **Schedule A-1** to the Declaration. In addition, the Common Interest Community may be subject to other easements or licenses granted by the Declarant pursuant to its powers under **Article VII** of the Declaration.

Section 13.2 – Easement for Ingress and Egress Through Common Elements. Each Lot Owner and Occupant of a Lot has an easement in common with all other Lot Owners and Occupants for ingress and egress through the Common Elements, subject to such reasonable Rules as may be imposed by the Executive Board.

Section 13.3 – Easements for Support. Each Lot and Common Element shall have an easement for lateral and subjacent support from every other Lot and the Common Elements.

Section 13.4 – Easements for Encroachments. In the event any portion of the Common Elements encroaches upon a Lot or a Lot encroaches upon the Common Elements or another Lot as a result of the construction, reconstruction, repair, shifting, settlement or movement of any portion of the Improvements, a valid easement for the encroachment and for the maintenance of the same shall exist so long as the encroachment exists.

**ARTICLE XIV**  
**COMBINING, SUBDIVIDING & RELOCATING BOUNDARIES BETWEEN ADJOINING LOTS**

Section 14.1 – Combining and Subdividing Lots. Except as provided in **Section 7.1** of the Declaration, no Lot may be subdivided into two (2) Lots or combined with one (1) or more other Lots. Notwithstanding the foregoing, nothing contained herein shall prevent a Lot Owner from creating a Condominium Project on a Lot.

Section 14.2 – Relocation of Boundaries Between Lots. Subject to the approval of the CBJ, the boundaries between adjoining Lots may be relocated by an amendment to the Declaration upon application to the Association by the Lot Owners of the Lots affected by the relocation. There shall be no reallocation of the Allocated Interests of the Lots affected by the relocation. The Association shall consent to the relocation and prepare an amendment to the Declaration and Planned Community Plat that identifies the Lots involved and shows the relocation of the boundaries of such Lots. The amendment must be executed by those Lot Owners and the approval of all holders of Security Interests in the affected Lots shall be endorsed thereon. On recordation, the amendment shall be indexed in the name of the grantor and the grantee, and in the grantee's index in the name of the Association. The applicants will pay for the costs of preparation of the amendment and Planned Community Plat, recording costs and the reasonable consultant fees of the Association if it is deemed necessary to employ a consultant by the Executive Board.

**ARTICLE XV**  
**AMENDMENTS TO DECLARATION**

Section 15.1 – General. Except in cases of amendments that may be executed by the Declarant in the exercise of its Development Rights or other reserved rights in accordance with **Article VII**, and except as otherwise provided in the Act or in the Declaration, the Declaration, including the Planned Community Plat, may be amended only by the vote or agreement of Lot Owners of Lots to which at least sixty seven percent (67%) of the Votes in the Association are allocated.

Section 15.2 - Amendments Affecting Specified Groups of Lots.

- (a) An amendment to any provision of the Declaration which pertains to the use, maintenance, repair, or replacement of Multifamily Lots, or an amendment to any provision of the Declaration which involves Common Expenses allocated exclusively to the Multifamily Lots, requires the vote or agreement of at least sixty-seven percent (67%) of the votes in the Association, including at least sixty-seven percent (67%) of the votes allocated to Multifamily Lots in the Common Interest Community.
- (b) An amendment to any provision of the Declaration which pertains to the use, maintenance, repair, or replacement of Townhouse Lots, or an amendment to any provision of the Declaration which involves Common Expenses allocated exclusively to the Townhouse Lots, requires the vote or agreement of at least sixty-seven percent (67%) of the votes in the Association, including at least sixty-seven percent (67%) of



the votes allocated to Townhouse Lots in the Common Interest Community.

Section 15.3 – Execution of Amendments. An amendment to the Declaration required by the Act to be recorded by the Association, which has been adopted in accordance with the Declaration and the Act, must be prepared, executed, recorded and certified on behalf of the Association by an officer of the Association designated for that purpose or, in the absence of designation, by the president of the Association.

Section 15.4 – Recordation of Amendments. Each amendment to the Declaration must be recorded in the Juneau Recording District, and the amendment is effective only upon recording. An amendment, except an amendment pursuant to **Article VII** of the Declaration, must be indexed in the grantee's index in the name of the Common Interest Community and the Association and in the name of the parties executing the amendment.

Section 15.5 – Notice to Lot Owners of Amendments to the Declaration. Following the adoption of an amendment to this Declaration by the Association, the Association shall give all Lot Owners notice of its action and include with it a copy of such amendment.

Section 15.6 – Limitations of Challenges. An action to challenge the validity of an amendment adopted by the Association pursuant to this Article may not be brought more than one (1) year after the amendment is recorded.

Section 15.7 – Development Rights, Special Declarant Rights and Other Reserved Rights. Provisions in this Declaration creating Development Rights, Special Declarant Rights or other rights reserved in **Article VII** that have not expired may not be amended without the consent of the Declarant.

**ARTICLE XVI**  
**AMENDMENTS TO BYLAWS**

The Bylaws may be amended by the vote or agreement of at least fifty one percent (51%) of the members of the Executive Board, following Notice and Comment to all Lot Owners, at any meeting duly called for such purpose.

**ARTICLE XVII**  
**TERMINATION AND MERGER**

Termination of the Common Interest Community may be accomplished only in accordance with Section 34.08.260 of the Act, which section is adopted herein by reference. The Common Interest Community may not be merged or consolidated with another common interest community except pursuant to Section 34.08.290 of the Act.

**ARTICLE XVIII**  
**ASSESSMENT AND COLLECTION OF COMMON EXPENSES**

Section 18.1 – Apportionment of Common Expenses. Except as provided in **Section 18.2**, all Common Expenses shall be assessed against all Lots in accordance with their percentage interest in the Common Expense Liability as shown on **Schedule A-2** to the Declaration.

Section 18.2 – Common Expenses Attributable to Fewer than all Lots.

- (a) The Association may, from time to time, provide services to individual Lots or Lot Owners, or to Occupants of a Lot at the request of or with the authorization of the Lot Owner. These services may be provided pursuant to a schedule of services and charges established by the Association or they may be provided on an ad hoc basis. Unless the Association is required to provide such services to all Lots by the Documents or the Act, or does provide such services to all Lots pursuant to a policy or resolution adopted by the Executive Board, any Common Expenses for such services shall be assessed against the Lot to which the service was provided or to whose Lot Owner or Occupant the service was provided.
  
- (a) Notwithstanding the provisions of **Section 21.9** of the Declaration, if a Common Expense is caused by the willful misconduct, failure to comply with the Documents, or the gross negligence of a Lot Owner or an Occupant of a Lot or their Permittee, the Association may assess the portion of that Common Expense in excess of insurance proceeds received by the Association under its insurance policy, whether the portion results from the application of a deductible or otherwise, exclusively against the Lot Owner's Lot, following Notice and Hearing to the affected Lot Owner.
  
- (b) If a Lot Owner is required to reimburse the Association pursuant to the provisions of **Section 6.4** of the Declaration, the amount required to be reimbursed may be assessed exclusively against the Lot Owner's Lot, following Notice and Hearing to the affected Lot Owner.
  
- (b) Attorney's fees and costs incurred by the Association in collecting past due Common Expenses, assessments or other sums due from a Lot Owner, with or without the commencement of a foreclosure action or other legal proceedings, or incurred in representing the Association in any foreclosure actions brought against a Lot Owner in which the Association is named as a defendant, may be assessed exclusively against the Lot Owned by such Lot Owner.
  
- (c) Attorney's fees and costs incurred by the Association in enforcing the provisions of the Declaration, the Bylaws, and the Rules or any applicable law, ordinance, or regulation relating to the Common Interest Community against a Lot Owner or an

Occupant of such Lot, with or without the commencement of litigation, arbitration, mediation, administrative proceedings, or hearings before the Executive Board, may be assessed exclusively against the Lot Owned by such Lot Owner: (i) by the Executive Board after Notice and Hearing; or (ii) as awarded by a court or arbitration order.

- (d) An assessment to pay a judgment against the Association, may be made only against the Lots in the Common Interest Community at the time the judgment was entered, in proportion to their Common Expense liabilities.
- (e) Fees, including attorney’s fees, charges, late charges, fines, collection costs and interest charged against the Lot Owner pursuant to the Documents are enforceable against the Lot Owner as Common Expense assessments.

Section 18.3 – Lien.

- (a) The Association has a lien on a Lot for an assessment levied against the Lot or fines imposed against the Lot Owner from the time the assessment or fine becomes due. Fees, charges, late charges, collection costs, including reasonable attorney's fees, fines and interest charged pursuant to any of the Documents are enforceable as assessments under this Section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.
- (b) A lien under this Section is prior to all other liens and encumbrances on a Lot except: (1) a lien and encumbrance recorded before the recordation of the original Declaration; (2) a first Security Interest on the Lot recorded before the date on which the assessment sought to be enforced became delinquent; and (3) liens for real estate taxes and other governmental assessments or charges against the Lot. A lien under this Section is also prior to all Security Interests described in (2) of this Subsection if the Common Expense assessment based on the periodic budget adopted by the Association, pursuant to **Section 18.4** of this Article, would have become due in the absence of acceleration during the six (6) months immediately preceding the institution of an action to enforce the Association's lien. This does not affect the priority of mechanic's or materialmen's liens, or the priority of a lien for other assessments made by the Association. A lien under this Section is not subject to the provisions of AS 09.38.010, as it may be amended from time to time.
- (c) Recording of the Declaration constitutes a record notice and perfection of the lien. Further recording of a claim of lien for assessments under this Section is not required.

- (d) A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within three (3) years after the full amount of the assessment becomes due; provided that if a Lot Owner subject to a lien under this Section files a petition for relief under the US Bankruptcy Code, the period of time for instituting proceedings to enforce the Association's lien shall be tolled until thirty (30) days after the automatic stay of proceedings under §362 of the US Bankruptcy Code is lifted.
- (e) This Section does not prohibit an action to recover sums for which the Association has a lien; nor does it prohibit the Association from taking a deed in lieu of foreclosure.
- (f) When the Association acquires a judgment or decree in any action brought under this Section, such judgment or decree shall include an award to the Association for actual collection costs and reasonable attorney's fees.
- (g) A judgment or decree in an action brought under this Section is enforceable by execution under AS 09.35.010, as it may be amended from time to time.
- (h) The Association's lien must be foreclosed as a lien is foreclosed under AS 34.35.005, as it may be amended from time to time.
- (i) In any action by the Association to collect assessments or to foreclose a lien for unpaid assessments, the court may appoint a receiver of the Lot Owner to collect all sums alleged to be due from that Lot Owner prior to or during the pendency of the action. The court may order the receiver to pay any sums held by the receiver to the Association during the pendency of the action to the extent of the Association's Common Expense assessments based on a periodic budget adopted by the Association pursuant to **Section 18.4**.
- (j) The purchaser at a foreclosure sale initiated by the holder of a Security Interest in a Lot is not liable for any unpaid assessments against the Lot which became due before the sale, other than the assessments which are prior to that Security Interest under **Section 18.3(b)**, above. Any unpaid assessments not satisfied from the proceeds of sale become Common Expenses for which all the Lot Owners, excluding the purchaser at the foreclosure sale, may be assessed. For the purposes of this Section, "the purchaser" shall include, but not be limited to, any holder of a Security Interest in a Lot which obtains title to a Lot.
- (k) Any payments received by the Association to discharge a Lot Owner's obligation may be applied to the oldest balance due.

- (l) The Association may acquire, hold, lease, mortgage and convey a Lot foreclosed upon pursuant to this Section for unpaid assessments.
- (m) A lien under this Section shall not be affected by any sale or transfer of a Lot except as provided in **Subsection (j)**, above.

Section 18.4 – Budget Adoption and Ratification. The Executive Board shall adopt a proposed budget for the Common Interest Community, and shall, within thirty (30) days after adoption, provide a summary of the budget to each Lot Owner. The Executive Board shall set a date for a meeting of the Lot Owners to consider ratification of the budget not less than fourteen (14) nor more than thirty (30) days after mailing of the summary. The budget is ratified, whether or not a quorum is present, unless at that meeting either:

- (a) The budget is rejected by at least fifty-one percent (51%) of the votes allocated to all Multifamily Lots in the Common Interest Community; or
- (b) The budget is rejected by at least fifty-one percent (51%) of the votes allocated to all Townhouse Lots in the Common Interest Community.

If the proposed budget is rejected, the periodic budget last ratified by the Lot Owners continues until the Lot Owners ratify a budget proposed by the Executive Board.

Section 18.5 – Non-Budgeted Common Expense Assessments. If the Executive Board votes to levy a Common Expense assessment not included in the current budget, other than one enumerated in **Section 18.2**, in an amount greater than fifteen percent (15%) of the current annual operating budget, the Executive Board shall submit such Common Expenses to the Lot Owners for their consideration and comment in the same manner as a budget under **Section 18.4**, above; provided, however, that such assessment can be considered at a special meeting as long as the notice required for annual meetings is provided to the Lot Owners.

Section 18.6 – Certificate of Payment of Common Expense Assessments. The Association upon written request shall furnish to a Lot Owner a statement in recordable form setting out the amount of unpaid assessments against his or her Lot. The statement must be furnished within ten (10) business days after receipt of the request and is binding upon the Association, the Executive Board and each Lot Owner.

Section 18.7 – Payment of Common Expenses. All Common Expenses based on the periodic budget adopted by the Association pursuant to **Section 18.4** shall be due and payable annually or in such other intervals as the Executive Board may determine.

Section 18.8 – Acceleration of Common Expense Assessments. In the event of a default for a period of sixty (60) days by any Lot Owner in the payment of any Common Expense assessment levied against the Lot Owner’s Lot, the Executive Board shall have the right, after Notice and

Hearing, to declare all unpaid assessments for the pertinent fiscal year to be immediately due and payable. The holder of a first Security Interest in a Lot which has acquired title to any Lot as a result of a foreclosure of its Security Interest shall be exempt from the application of this Section.

Section 18.9 – Commencement of Common Expense Assessments. Common Expense assessments shall begin on the first (1<sup>st</sup>) day of the month following the month in which conveyance of the first Lot to a Lot Owner other than the Declarant occurs.

Section 18.10 – No Waiver of Liability for Common Expenses. No Lot Owner may exempt itself from liability for payment of the Common Expenses by waiver of the use or enjoyment of the Common Elements or by abandonment of the Lot against which the assessments are made.

Section 18.11 – Personal Liability of Lot Owners. The Lot Owner of a Lot at the time a Common Expense assessment or portion thereof is due and payable is personally liable for the assessment. Personal liability for the assessment shall not pass to a successor in title to the Lot unless he or she agrees to assume the obligation.

**ARTICLE XIX**  
**RIGHT TO ASSIGN FUTURE INCOME**

The Association may assign its future income, including its right to receive Common Expense assessments, only by the affirmative vote of Lot Owners of Lots to which *at least fifty-one percent (51%)* of the votes in the Association are allocated, at a meeting called for that purpose.

**ARTICLE XX**  
**PERSONS AND LOTS SUBJECT TO DOCUMENTS; RULES AND ENFORCEMENT**

Section 20.1 – Compliance with the Documents. All Lot Owners and Occupants of a Lot shall comply with the Documents. The acceptance of a deed or the exercise of any incident of ownership or the entering into of a lease or entering into occupancy of a Lot constitutes agreement that the provisions of the Documents are accepted and ratified by such Lot Owner or Occupant, and all such provisions recorded in the records of the Juneau Recording District, First Judicial District, State of Alaska, are covenants running with the land and shall bind any Persons having at any time any interest in such Lot.

Section 20.2 - Indemnification for Actions of Others. Each Lot Owner and each Occupant of a Lot shall indemnify, defend and hold harmless the Declarant, the Association, the Executive Board and all other Lot Owners and Occupants from any demands, claims, fines, penalties, costs, fees, damages, losses, awards, judgments or other liabilities resulting from the actions of the Lot Owner or Occupant, or their Permittees.

Section 20.3 – Adoption of Rules. The Executive Board, following Notice and Comment to all Lot Owners, may adopt reasonable Rules regarding the use of the Common Elements and the use

and occupancy of Lots. Further, the Executive Board may adopt Rules consistent with the Declaration for the assessment of fines against Lots for any violation of the provisions of the Declaration, Bylaws, or Rules by the Lot Owner or Occupant of such Lot.

The Executive Board may not adopt a Rule which contravenes an express provision of the Declaration or a right reasonably inferable from an express provision of this Declaration, but the Executive Board may adopt a Rule implementing, refining, or applying an express provision of the Declaration so long as such Rule does not contravene an express provision of the Declaration or a right reasonably inferable therefrom.

Section 20.4 – Notice to Lot Owners of Changes to Rules. Following the adoption, amendment, or repeal of a Rule, the Executive Board shall give all Lot Owners notice of its action and include with it a copy of any new or amended Rule.

Section 20.5 – Limitation on Challenges. No action to challenge the validity of any adoption, amendment, or repeal of a Rule adopted may be brought more than one (1) year after the date that notice of the amendment was given to the Lot Owners.

**ARTICLE XXI**  
**INSURANCE**

Section 21.1 – Coverage. To the extent reasonably available, the Executive Board shall obtain and maintain insurance coverage as set forth in this Article. If such insurance is not reasonably available, and the Executive Board determines that any insurance described herein will not be maintained, the Executive Board shall cause notice of that fact to be hand delivered or sent prepaid by United States mail to all Lot Owners at their last known address.

Section 21.2 – Property Insurance.

- (a) Property insurance shall be maintained on any personal property or insurable Common Element Improvements owned by the Association. Selecting the amount of the deductible shall be according to the policy established by the Executive Board.
- (b) *Risks Insured Against.* The insurance shall afford protection against "all risks" of direct physical loss commonly insured against.
- (c) The name of the insured shall be substantially "RIDGEVIEW OWNERS ASSOCIATION, INC."

Section 21.3 – Liability Insurance. The Association shall maintain liability insurance, including medical payments insurance, in an amount determined by the Executive Board covering all occurrences commonly insured against for death, bodily injury and property damage arising out of or in connection with the use, ownership or maintenance of the Common Elements and the activities of the Association. Insurance policies carried pursuant to this Section shall provide that:

- (a) Each Lot Owner is an insured Person under the policy with respect to liability arising out of membership in the Association;
- (b) The insurer waives the right to subrogation under the policy against a Lot Owner or member of the household of a Lot Owner;
- (c) An act or omission by a Lot Owner, unless acting within the scope of the Lot Owner's authority on behalf of the Association, will not void the policy or be a condition to recovery under the policy;
- (d) If, at the time of a loss under the policy, there is other insurance in the name of a Lot Owner covering the same risk covered by the policy, the policy of the Association provides primary insurance;
- (e) The insurer issuing the policy may not cancel or refuse to renew the policy until thirty (30) days after notice of the proposed cancellation or non-renewal has been mailed to the Association, each Lot Owner, and each holder of a Security Interest to whom a certificate or memorandum of insurance has been issued at their last known address.

Section 21.4 – Fidelity Insurance. A blanket fidelity insurance policy shall be obtained for anyone who either handles or is responsible for funds held or administered by the Association, whether or not they receive compensation for their services. The policy shall name the Association as the insured and shall cover the maximum funds that will be in the custody of the Association or the Manager at any time while the policy is in force and in no event less than the sum of three (3) months' assessments plus reserve funds. The policy shall provide that the insurer may not cancel or refuse to renew the policy until sixty (60) days after notice of the proposed cancellation or non-renewal has been mailed to the Association, each Lot Owner, each holder of a Security Interest in a Lot, and to the insurance trustee, if any, at their respective last known addresses.

Section 21.5 – Workers' Compensation Insurance. The Association shall obtain and maintain Workers' Compensation Insurance as necessary to meet the requirements of the laws of the State of Alaska.

Section 21.6 – Directors and Officers Liability Insurance. The Association shall obtain and maintain Directors' and officers' liability insurance, if reasonably available, covering all of the Directors and officers of the Association in such limits as the Executive Board may, from time to time, determine.

Section 21.7 – Other Insurance. The Association may carry other insurance which the Executive Board considers appropriate to protect the Association or the Lot Owners.



Section 21.8 – Premiums. Insurance premiums shall be a Common Expense assessed against each Lot as provided in **Section 18.1**.

Section 21.9 – Deductibles. Except as provided in **Section 18.2**, any deductibles for insurance coverage maintained by the Association shall be a Common Expense assessed against each Lot as provided in **Section 18.1**.

Section 21.10 – Lot Owner Insurance. Lot Owners shall maintain insurance covering the insurable Improvements located within their Lot and liability arising from the conduct of Persons on their Lot. The amount of coverage and the deductible for such insurance shall be at the discretion of the Lot Owner.

**ARTICLE XXII**  
**RIGHTS TO NOTICE AND COMMENT; NOTICE AND HEARING**

Section 22.1 – Right to Notice and Comment. Before the Executive Board amends the Bylaws or the Rules, whenever the Documents require that an action to be taken after "Notice and Comment" and at any other time the Executive Board determines, then the Lot Owners have the right to receive notice of the proposed action and the right to comment orally or in writing. Notice of the proposed action shall be given to each Lot Owner in writing and shall be delivered personally or by mail to all Lot Owners at such address as appears in the records of the Association, or published in a newsletter or similar publication which is routinely circulated to all Lot Owners. The notice shall be given not less than **ten (10) days** before the proposed action is to be taken. It shall invite comment to the Executive Board orally or in writing before the scheduled time of the meeting. The right to Notice and Comment does not entitle a Lot Owner to be heard at a formally constituted meeting.

Section 22.2 – Right to Notice and Hearing. Whenever the Documents require that an action be taken after "Notice and Hearing", the following procedure shall be observed: The party proposing to take the action (e.g., the Executive Board, a committee, an officer, the Manager, etc.) shall give written notice of the proposed action to all Lot Owners whose interest would be significantly affected by the proposed action. The notice shall include a general statement of the proposed action and the date, time and place of the hearing. The notice shall be given in writing and shall be delivered personally or by mail, not less than **ten (10) days** before the hearing date. At the hearing, affected Persons shall have the right, personally or by a representative, to give testimony orally, in writing or both (as specified in the notice), subject to reasonable rules of procedure established by the party conducting the meeting to assure a prompt and orderly resolution of the issues. Such evidence shall be considered in making the decision but shall not bind the decision makers. The affected Persons shall be notified of the decision in the same manner in which notice of the meeting was given.

Section 22.3 – Appeals. Any Person having a right to Notice and Hearing shall have the right to appeal to the Executive Board from a decision of Persons other than the Executive Board by filing

a written notice of appeal with the Executive Board within **ten (10) days** after being notified of the decision. The Executive Board shall conduct a hearing within thirty (30) days, giving the same notice and observing the same procedures as were required for the original meeting.

**ARTICLE XXIII**  
**EXECUTIVE BOARD**

Section 23.1 – Powers and Duties. The Executive Board may act in all instances on behalf of the Association, except as provided in the Declaration, the Bylaws or the Articles of Incorporation. The Executive Board shall have, subject to the limitations contained in the Declaration and the Nonprofit Corporations Act, the powers and duties necessary for the administration of the affairs of the Association and of the Common Interest Community, which shall include, but are not limited to, the following:

- (a) Adopt and amend Bylaws, Rules and regulations;
- (b) Adopt and amend budgets for revenues, expenditures and reserves;
- (c) Collect assessments for Common Expenses from Lot Owners;
- (d) Hire and discharge managing agents;
- (e) Hire and discharge employees, independent contractors, and agents, other than managing agents;
- (f) Institute, defend or intervene in litigation or administrative proceedings or seek injunctive relief for violation of the Association's Declaration, Bylaws or Rules in the Association's name on behalf of the Association or two (2) or more Lot Owners on matters affecting the Common Interest Community;
- (g) Make contracts and incur liabilities;
- (h) Regulate the use, maintenance, repair, replacement and modification of the Common Elements;
- (i) Cause additional Improvements or real property to be made as part of the Common Elements;
- (j) Acquire, hold, encumber and convey in the Association's name any right, title or interest to real property or personal property, but Common Elements may be conveyed or subjected to a Security Interest only pursuant to Section AS 34.08.430 of the Act;

- (k) Grant easements for any period of time, including permanent easements, and leases, licenses and concessions through or over the Common Elements;
- (l) Impose and receive a payment, fee or charge for the use, rental or operation of the Common Elements and for services provided to Lot Owners;
- (m) Impose a reasonable charge for late payment of assessments and, after Notice and Hearing, levy reasonable fines for violations of the Declaration, Bylaws, Rules and regulations of the Association;
- (n) Impose a reasonable charge for the preparation and recordation of amendments to the Declaration, the filing and recording of a plat or plan that accompanies an amendment, resale certificates, or a statement of unpaid assessments;
- (o) Provide for the indemnification of the Association's officers and Executive Board and maintain Directors' and officers' liability insurance;
- (p) Assign the Association's right to future income, including the right to receive Common Expense assessments;
- (q) Exercise any other powers conferred by the Declaration or the Bylaws;
- (r) Exercise any other power that may be exercised in this state by legal entities of the same type as the Association;
- (s) Exercise any other power necessary and proper for the governance and operation of the Association; and
- (t) By resolution, establish committees of Directors, permanent and standing, to perform any of the above functions under specifically delegated administrative standards, as designated in the resolution establishing the committee. All committees must maintain and publish notice of their actions to Lot Owners and the Executive Board. However, actions taken by a committee may be appealed to the Executive Board by any Lot Owner within forty-five (45) days of publication of such notice, and such committee action must be ratified, modified or rejected by the Executive Board at its next regular meeting.

Section 23.2 – Executive Board Limitations. The Executive Board may not act on behalf of the Association to amend the Declaration, to terminate the Common Interest Community, or to elect members of the Executive Board or determine the qualifications, powers and duties, or terms of office of Executive Board members, but the Executive Board may fill vacancies in its membership for the unexpired portion of the term.

Section 23.3 – Minutes of Executive Board Meetings. The Executive Board shall permit any Lot Owner to inspect the minutes of Executive Board meetings during normal business hours. The minutes shall be available for inspection within thirty (30) days after such meeting.

Section 23.4 – Inspection of Books. The Association shall maintain current copies of the Declaration, Bylaws, Rules, books, records and financial statements. The Association shall permit any Lot Owner to inspect the books and records of the Association during normal business hours.

Section 23.5 – Financial Statements. The Association shall provide any Lot Owner who submits a written request a copy of an annual financial statement within ninety (90) days following the end of each fiscal year of the Association.

**ARTICLE XXIV**  
**EXECUTIVE BOARD MEETINGS**

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

Section 24.2 – Meetings and Notice of Meetings. Regular meetings may be set by a schedule appointed by resolution of the Executive Board and no further notice will be required. Special meetings of the Executive Board may be called by the president or by a majority of the Directors on at least three (3) business days' notice to each member of the Executive Board. The notice will be hand-delivered, emailed or mailed and will state the time, place and purpose of the meeting.

Section 24.3 – Executive Sessions. Meetings of the Executive Board may be held in executive session, without giving notice and without the requirement that they be open to Lot Owners, where the action taken at the executive session involves personnel, pending litigation, contract negotiations, or enforcement actions, or where no action is taken at the executive session requiring the affirmative vote of Directors.

**ARTICLE XXV**  
**CONDEMNATION**

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

**ARTICLE XXVI**  
**MEDIATION & ARBITRATION**

Section 26.1 – Mediation Clause. No Lot Owner shall commence an arbitration proceeding under the provisions of **Section 26.2** below, unless such Lot Owner shall first give a written notice ("**Dispute Notice**") to the Association stating the nature of the dispute. The parties shall attempt in

good faith to resolve the dispute by mediation under the Commercial Mediation Rules of the American Arbitration Association in effect on the date of the Dispute Notice. If the dispute has not been resolved by mediation as provided above within sixty (60) days after the delivery of the Dispute Notice, the dispute shall be determined by arbitration in accordance with the provisions of **Section 26.2**.

Section 26.2 – Arbitration Clause. Any controversy, claim, or dispute of whatever nature arising between Lot Owners or between Lot Owners and the Association, including but not limited to, those arising out of, or relating to, the Declaration and associated Documents or the construction, interpretation, performance, breach, termination, enforceability or validity of the Declaration, or deadlock on any matter requiring a vote of the Lot Owners or Executive Board members, whether such claim existed before or arises on or after the date of the Declaration, including the determination of the scope of the Declaration to arbitrate, that is not settled through mediation as provided in **Section 26.1** above shall be determined by arbitration, by one arbitrator in Juneau, Alaska, governed and administered by the American Arbitration Association under its Commercial Arbitration Rules. Judgment upon the arbitration award may be entered in any court having jurisdiction. The arbitrators shall award the prevailing party reasonable expenses and costs including reasonable attorneys' fees plus interest on the amount due at the legal rate provided in AS 45.45.010(a). The arbitrator's decision shall be final and binding and judgment may be entered thereon. In the event a party fails to proceed with arbitration, unsuccessfully challenges the arbitrator's award, or fails to comply with arbitrator's award, the other party is entitled reasonable expenses and costs including a reasonable attorney's fee for having to compel arbitration or defend or enforce the award.

**ARTICLE XXVII**  
**MISCELLANEOUS**

Section 27.1 – Captions. The captions contained in the Documents are inserted only as a matter of convenience and for reference, and in no way define, limit or describe the scope of the Documents or the intent of any provision thereof.

Section 27.2 – Gender. The use of the masculine gender refers to the feminine and neutral genders and the use of the singular includes the plural and vice versa, whenever the context of the Documents so require.

Section 27.3 – Waiver. No provision contained in the Documents is abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches which may occur.

Section 27.4 – Invalidity. The invalidity of any provision of the Documents does not impair or affect in any manner the validity, enforceability or effect of the remainder, and in such event, all of the other provisions of the Documents shall continue in full force and effect.

Section 27.5 – Conflict. The Documents are intended to comply with the requirements of the Alaska Nonprofit Corporations Act, and with the Uniform Common Interest Ownership Act. In the event of any conflict between the Documents and the provisions of the statutes, the provisions of the statutes shall control. In the event of any conflict between the Declaration and any other Document, the Declaration shall control.

Section 27.6 – Rights of Action. The Association and any aggrieved Lot Owner shall have a right of action against Lot Owners for failure to comply with the provisions of the Documents, or with decisions of the Association which are made pursuant to the Documents. Lot Owners shall also have such rights of action against the Association. In an action to enforce the provisions of the Declaration, the prevailing party shall be entitled to recover court costs, actual damages, fines imposed pursuant to the Declaration, and reasonable actual attorney fees.

Section 27.7 - Association Not a Guarantor of Security. The Association may, but shall not be obligated to, maintain or support certain activities within the Common Interest Community designed to make the Property safer than it otherwise might be.

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

IN WITNESS WHEREOF, Declarant has caused the Declaration to be executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*[DECLARANT SIGNATURE AND NOTARY ACKNOWLEDGMENT APPEARS ON THE FOLLOWING PAGE]*

**DECLARANT:**                    **GLACIER HEIGHTS, LLC, d/b/a**  
   **GLACIER HEIGHTS JUNEAU, LLC**

\_\_\_\_\_  
By:  
Its:

STATE OF ALASKA                    )  
   )            ss.  
FIRST JUDICIAL DISTRICT        )

THIS IS TO CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, before me, the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared \_\_\_\_\_, to me known and known to me to be the \_\_\_\_\_ of **GLACIER HEIGHTS, LLC, d/b/a GLACIER HEIGHTS JUNEAU, LLC**, and known to me to be the person who signed the foregoing instrument, on behalf of said limited liability company, and he acknowledged to me that he signed and sealed the same as a free act and deed of the said limited liability company for the uses and purposes therein expressed.

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

\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission Expires: \_\_\_\_\_

*[APPROVAL OF LENDER APPEARS ON THE FOLLOWING PAGE]*







**SCHEDULE A-1**  
**DESCRIPTION OF THE COMMON INTEREST COMMUNITY**

**PROPERTY IN THE COMMON INTEREST COMMUNITY**  
**NOT SUBJECT TO DEVELOPMENT RIGHTS**

**Unit Lots** [redacted], **RIDGEVIEW SUBDIVISION**, according to the official plat thereof, Plat No. [redacted], records of the Juneau Recording District, First Judicial District, State of Alaska.

**Parent Lot** [redacted], **RIDGEVIEW SUBDIVISION**, according to the official plat thereof, Plat No. [redacted], records of the Juneau Recording District, First Judicial District, State of Alaska.

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**PROPERTY NOT IN THE COMMON INTEREST COMMUNITY –**  
**SUBJECT TO DEVELOPMENT RIGHTS**

**Parent Lots** [redacted], **RIDGEVIEW SUBDIVISION**, according to the official plat thereof, Plat No. [redacted], records of the Juneau Recording District, First Judicial District, State of Alaska.

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***THE RECORDING DATA FOR RECORDED EASEMENTS & LICENSES APPURTENANT TO OR INCLUDED IN THE COMMON INTEREST COMMUNITY***

- 1. To be updated with information from cert to plat.

*[SCHEDULE A-2 APPEARS ON THE FOLLOWING PAGE]*

**SCHEDULE A-2  
TABLE OF INTERESTS**

<b><u>Plat No.</u></b>	<b><u>Unit Lot</u></b>	<b><u>Dwellings in Unit Lot</u></b>	<b><u>Common Expense Liability*</u></b>	<b><u>Votes in the Association</u></b>
2024-	A	24	100%	1
<b>TOTALS</b>	<b>1 Unit Lot</b>	<b>24 Dwellings</b>	<b>100%</b>	<b>1 Vote</b>

\*Allocations are subject to rounding to result in 100%.

**SCHEDULE A-3**  
***PLANNED COMMUNITY PLAT***

RIDGEVIEW SUBDIVISION

*A Planned Community located on*

*Unit Lots [REDACTED], and Parent Lot [REDACTED], RIDGEVIEW SUBDIVISION,*  
*according to the official plat thereof, Plat No. [REDACTED].*

*DRAFT*

*[PLANNED COMMUNITY PLAT APPEARS ON THE FOLLOWING PAGES]*

DRAFT

### OWNERSHIP CERTIFICATE

The undersigned does hereby certify that it is the owner of **Unit Lots** [redacted] and **Parent Lot** [redacted], **RIDGEVIEW SUBDIVISION**, according to the official plat thereof, Plat No. [redacted], records of the Juneau Recording District, First Judicial District, State of Alaska.

The undersigned, as Declarant, under that certain **Declaration of Ridgeview Subdivision**, recorded of even date herewith in the records of the Juneau Recording District, First Judicial District, State of Alaska, ("**Declaration**"), pursuant to Section 34.08.170 of the Alaska Uniform Common Interest Ownership Act ("**Act**"), does hereby file this Planned Community Plat to reflect the Lots and Common Elements as shown herein and does submit the property to the Act.

**GLACIER HEIGHTS, LLC, d/b/a GLACIER HEIGHTS JUNEAU, LLC**

\_\_\_\_\_  
By:  
Its:

STATE OF ALASKA

)  
) ss.  
)

FIRST JUDICIAL DISTRICT

THIS IS TO CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared \_\_\_\_\_, to me known and known to me to be the \_\_\_\_\_ of **GLACIER HEIGHTS, LLC, d/b/a GLACIER HEIGHTS JUNEAU, LLC**, and known to me to be the person who signed the foregoing instrument, on behalf of said limited liability company, and he acknowledged to me that he signed and sealed the same as a free act and deed of the said limited liability company for the uses and purposes therein expressed.

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

\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission Expires: \_\_\_\_\_

### SURVEYOR’S CERTIFICATE

Section 34.08.170 of the Alaska Uniform Common Interest Ownership Act requires that a certification be made which states that the Planned Community Plat contains the information as set forth in Section 34.08.170.

I do hereby certify that the Planned Community Plat of **Ridgeview Subdivision**, is a true and correct layout of the Lots and Common Elements and that the information as required by Alaska Statute 34.08.170 is provided for on this plat filed herewith.

Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Registered Land Surveyor No. \_\_\_\_\_



ORIGINAL					
Parent Lot	Phase	Square Feet			
		Total	Developed	Open	
1	1	101,210	66,150	35,060	
1	2	203,340	148,780	54,560	
2	3	170,990	110,790	60,200	
3	4	66,510	46,490	20,020	Development
3	5	225,250	52,160	173,090	% Open Space:
		767,300		342,930	45%

REVISED					
Parent Lot	Phase	Square Feet			
		Total	Developed	Open	
1	1	140,405	93,569	46,836	
1	2	164,145	121,361	42,784	
2	3	170,990	110,790	60,200	
3	4	66,510	46,490	20,020	Development
3	5	225,250	52,160	173,090	% Open Space:
		767,300		342,930	45%

Attachment B - Open Space Verification



**Alternative Residential Subdivision**

**Ridgeview**

**Approval Condition Review**

**ARP2022 0001 – Original Preliminary Plan Approval**

<b>Condition</b>	<b>Status</b>	<b>Summary</b>
When the connection to Vista del Sol Drive is constructed, change the name of Seymour Way to Vista del Sol Drive.	<input type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> On-going	Originally the United States Postal Service (USPS) wanted the extended roadway to be named Vista del Sol Drive. USPS guidance was modified in subsequent decisions.
For each Final Plan, provide updated off-street parking plans that show required ADA spaces, or denote if they are included in garage parking.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> On-going	
For the Final ARS Plan for the first phase, a Traffic Impact Analysis for the entire development must be approved by CBJ. ADOT&PF will be consulted regarding impacts from the development.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> On-going	
Plan and install a continuous vegetated barrier along the entire length of the development from the platted connection with Vista del Sol Drive along the shared property line to the development’s property line at Glacier Highway. The vegetated barrier will be depicted on the preliminary and final plats of each Phase located in this area with an associated plat note. The vegetative buffer will be completed by phase, and required before the Temporary Certificate of Occupancy is issued.	<input type="checkbox"/> Met <input type="checkbox"/> Unmet <input checked="" type="checkbox"/> On-going	<p>The modification considered under ARF2023 0003 includes this buffer. The following plat note will be included in the final plat:</p> <p>A FIFTEEN (15) FOOT VEGETATED BUFFER IS REQUIRED ALONG THE WEST LOT LINE. THE BUFFER CAN BE REDUCED TO FIVE (5) FEET WITH A FENCE SUFFICIENT TO PROVIDE A VISUAL AND ACOUSTIC BUFFER (SMP2022 0001, proposed Plat Note 3).</p>
Prior to approval of the Final Alternative Residential Subdivision Plan for each phase, the applicant shall submit homeowners’ association, or similar, documents that comply with the requirements of CBJ 49.15.950(b).	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> On-going	Proposed modification under ARF2023 0003, meets code.
The vegetative buffer on the west lot line shall be 15 feet wide, and can be reduced to five (5) feet with fence sufficient to provide a visual and acoustic buffer.	<input type="checkbox"/> Met <input type="checkbox"/> Unmet <input checked="" type="checkbox"/> On-going	See above.

**ARF2022 0001 - Final Plan Conditions of Approval (Original)**

<b>Condition</b>	<b>Status</b>	<b>Summary</b>
Establish unique names for the roadways in the subdivision.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> On-going	Roadway named Seymour Way per USPS guidance, to avoid address renumbering challenges.
Install signage where Vista del Sol Drive and the proposed subdivision road meet, with directional arrows depicting the split.	<input type="checkbox"/> Met <input type="checkbox"/> Unmet <input checked="" type="checkbox"/> On-going	Construction item.
The developer will submit documentation of approval of the mail box location by the United States Post Office.	<input type="checkbox"/> Met <input type="checkbox"/> Unmet <input checked="" type="checkbox"/> On-going	
The developer will submit written documentation of approval of the trash location and volume by Waste Management to the Director for approval.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Unmet <input type="checkbox"/> On-going	
Snow storage may be modified and approved by the Director if the area of snow storage provided per lot remains the same.	<input type="checkbox"/> Met <input type="checkbox"/> Unmet <input checked="" type="checkbox"/> On-going	As parking is modified, the Director will consider snow storage locations. These may change and develop as parking is further developed.
Approval is subject to the following plat note (SMP2022 0001):  A FIFTEEN (15) FOOT VEGETATED BUFFER IS REQUIRED ALONG THE WEST LOT LINE. THE BUFFER CAN BE REDUCED TO FIVE (5) FEET WITH A FENCE SUFFICIENT TO PROVIDE A VISUAL AND ACOUSTIC BUFFER.	<input type="checkbox"/> Met <input type="checkbox"/> Unmet <input checked="" type="checkbox"/> On-going	Plat note will be included in the final plat submission.

**ARF2023 0001 - Final Plan Conditions of Approval (Original)**

<b>Condition</b>	<b>Status</b>	<b>Summary</b>
Establish unique names for the roadways in the subdivision.	<input type="checkbox"/> Met <input type="checkbox"/> Unmet <input checked="" type="checkbox"/> On-going	The final plat will show the name of the new roadway as Seymour Way, as requested by the USPS.
Install signage where Vista del Sol Drive and the proposed subdivision road meet, with directional arrows depicting the split.	<input type="checkbox"/> Met <input type="checkbox"/> Unmet <input checked="" type="checkbox"/> On-going	During construction of the connection between Seymour Way and Vista del Sol Drive, anticipated after 100 units are

Condition	Status	Summary
		constructed (fire code requirement for second access).
The developer will submit documentation of approval of the mail box location by the United States Post Office.	<input type="checkbox"/> Met <input type="checkbox"/> Unmet <input checked="" type="checkbox"/> On-going	The USPS has been involved in discussions regarding the location of the mail boxes along Seymour Way. They have not documented approval.

**49.15.950 Final alternative residential subdivision plan approval.**

- (a) *Application.* Upon completion of all conditions of the preliminary plan, the developer shall submit an application, fee, and a final plan for commission approval.
- (b) *Homeowners' association.* The formation of a homeowners' association, or similar entity, is required.
- (1) The articles of incorporation and bylaws of the homeowners' association, required under A.S. 34.08 or this chapter, shall be prepared by a lawyer licensed to practice in the state. *J. Taylor Rounds, Bar # 1111087, McCollum & Rounds, LLC.*
  - (2) The homeowners' association shall be responsible for:
    - the maintenance of open space, *Section 5.1*
    - water and sewer utilities, *Section 5.1*
    - and stormwater control features and drainages. *Section 5.1*
    - The association documents shall specify how any other common facilities shall be operated and maintained. *Section 5.2*
    - The association documents shall require homeowners to pay periodic assessments for the operation, maintenance and repair of common facilities. *Article XVIII*
    - The documents shall require that the governing body of the association adequately maintain common facilities. *Section 6.1*
  - (3) If the alternative residential subdivision is phased, the association documents shall specify how the cost to build, operate, and maintain improved open space and common facilities shall be apportioned among homeowners of the initial phase and homeowners of later phases. *Article VIII (when Exhibit A-2 is created for the bylaws).*
  - (4) The homeowners' association documents shall be recorded with the approved final plat. *CBJ requires executed documents for recording the final plat. The Declaration acknowledges the ongoing responsibility to record amendments in Section 15.4.*
- (c) *Commission action.* The commission may approve the final plan if it substantially conforms to the approved preliminary plan and all requirements of this article.
- (d) *Expiration.* An approved final plan shall expire 18 months after recording if the applicant fails to obtain an associated building permit and make substantial construction progress. An application for extension of a final plan shall be according to section 49.15.250, development permit extension.

( Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019 )

**Irene Gallion**

---

**From:** Irene Gallion  
**Sent:** Friday, January 12, 2024 10:53 AM  
**To:** Drown, Arthur EE (DOT)  
**Cc:** Schuler, Michael K (DOT)  
**Subject:** FW: ARF23-02: Comments requested  
**Attachments:** 01 ARF Amendment 2 2023-12-01.pdf; 02 ARF2022 0001 JAN 2024 AMENDMENT FIGURE.pdf; 03 AK-21001-LP 01-04-24-LP-OVERALL COLOR.pdf; 04 Declaration of Ridgeview PC 12 29 23.pdf; Agency Comments Form.pdf

Hi Arthur, sorry about the stunted subject line in the last one.

Also, here is a web site if that is easier to view:

<https://juneau.org/community-development/short-term-projects>

**From:** Irene Gallion  
**Sent:** Friday, January 12, 2024 9:48 AM  
**To:** Drown, Arthur EE (DOT) <arthur.drown@alaska.gov>  
**Cc:** Schuler, Michael K (DOT) <michael.schuler@alaska.gov>  
**Subject:** ARF23-02:

Happy New Year, Arthur!

Attached is an application for Ridgeview to modify their subdivision plan for Phase 1. No additional units, but they are changing some units from 1 or 2 bedrooms to 3 (page 62 of attachment 01).

Comments (if there are any) would be appreciated by January 31, 2024. If you need more time, just let me know and we'll work it out.

Thanks!

**Irene Gallion | Senior Planner**  
Community Development Department | City & Borough of Juneau, AK  
Location: 230 S. Franklin Street | 4<sup>th</sup> Floor Marine View Building  
Office: 907.586.0753 x4130



*Fostering excellence in development for this generation and the next.*  
How are we doing? Provide feedback here: <https://juneau.org/community-development/how-are-we-doing>

**Irene Gallion**

---

**From:** Irene Gallion  
**Sent:** Friday, January 12, 2024 10:57 AM  
**To:** Charlie Ford; Dan Jager; General Engineering  
**Cc:** Jeffrey Hedges  
**Subject:** ARF23-02: Modifications to Ridgeview layout  
**Attachments:** 01 ARF Amendment 2 2023-12-01.pdf; 02 ARF2022 0001 JAN 2024 AMENDMENT FIGURE.pdf; 03 AK-21001-LP 01-04-24-LP-OVERALL COLOR.pdf; 04 Declaration of Ridgeview PC 12 29 23.pdf; Agency Comments Form.pdf

Hello team,

Attached is an application for Ridgeview to modify their subdivision plan for Phase 1. Changes include:

- Relocation of Building B northward (away from Glacier Highway).
- Relocation of some parking in Building B’s previous footprint.
- Elimination of underground parking in Buildings B, C and D, increasing surface parking.
- Updated Homeowner Association documents.

Here is the web site if that is easier to view: <https://juneau.org/community-development/short-term-projects>

Comments would be appreciated by January **31, 2024**. If you need more time, just let me know and we’ll work it out.

Thanks!

**Irene Gallion | Senior Planner**  
Community Development Department | City & Borough of Juneau, AK  
Location: 230 S. Franklin Street | 4<sup>th</sup> Floor Marine View Building  
Office: 907.586.0753 x4130

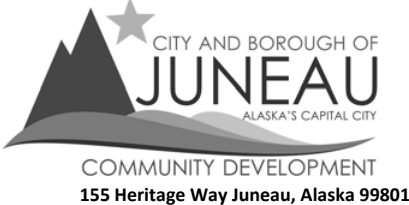


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How are we doing? Provide feedback here: <https://juneau.org/community-development/how-are-we-doing>

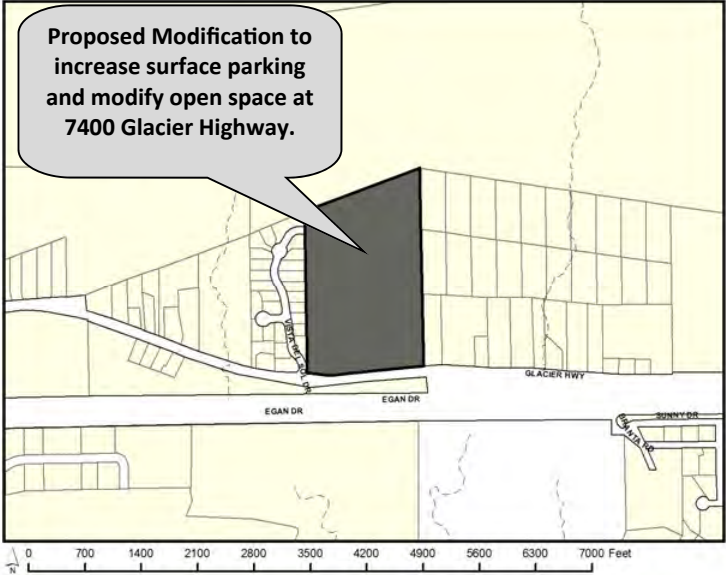
# Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

*Your Community, Your Voice*



TO



**Alternative Residential Subdivision Modification** application has been submitted for consideration and public hearing by the Planning Commission to **increase surface parking and modify open space** at **7400 Glacier Highway** in a **D18** zoning district.

**PROJECT INFORMATION:**

Project Information can be found at:  
<https://juneau.org/community-development/short-term-projects>

**PLANNING COMMISSION DOCUMENTS:**

Staff Report expected to be posted **February 20th, 2024** at  
<https://juneau.org/community-development/planning-commission>  
Find hearing results, meeting minutes, and more here, as well.

Now through Feb. 5th	Feb. 6th— noon, Feb. 23rd	HEARING DATE & TIME: 7:00 pm, Feb. 27th, 2024	Feb. 28th
Comments received during this period will be sent to the Planner, <b>Irene Gallion</b> to be included as an attachment in the staff report.	Comments received during this period will be sent to Commissioners to read in preparation for the hearing.	This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting <a href="https://juneau.zoom.us/j/82129669482">https://juneau.zoom.us/j/82129669482</a> and use the Webinar ID: 821 2966 9482 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above).  You may also participate in person in City Hall Assembly Chambers, 155 Heritage Way Juneau, Alaska.	The results of the hearing will be posted online.

**FOR DETAILS OR QUESTIONS,**

Phone: (907)586-0753 ext. 4130  
Email: [pc\\_comments@juneau.gov](mailto:pc_comments@juneau.gov) or [irene.gallion@juneau.gov](mailto:irene.gallion@juneau.gov)  
Mail: Community Development, 155 Heritage Way, Juneau AK 99801

**Case No.: ARF2023 0002**  
**Parcel No.: 5B1401010010**  
**CBJ Parcel Viewer:** <http://epv.juneau.org>

Printed January 16, 2024

**Irene Gallion**

---

**From:** Isaac Johnson <isaac@pci1980.com>  
**Sent:** Monday, February 5, 2024 9:10 AM  
**To:** Irene Gallion; Garrett Johnson  
**Subject:** Re: ARE2023-0002: Public Notice Sign  
**Attachments:** Resized\_20240202\_165815.jpeg

Irene – Attached is a picture of the Public Notice sign, posted on our property

Isaac Johnson  
801.822.4459  


**From:** Irene Gallion <Irene.Gallion@juneau.gov>  
**Date:** Thursday, February 1, 2024 at 9:44 AM  
**To:** Isaac Johnson <isaac@pci1980.com>, Garrett Johnson <garrett@pci1980.com>  
**Subject:** RE: ARE2023-0002: Public Notice Sign

Isaac, you have time. Today the roads and parking are stupidly bad.

You have until Feb 12.

Thanks!

**From:** Isaac Johnson <isaac@pci1980.com>  
**Sent:** Wednesday, January 31, 2024 5:18 PM  
**To:** Garrett Johnson <garrett@pci1980.com>; Irene Gallion <Irene.Gallion@juneau.gov>  
**Subject:** Re: ARE2023-0002: Public Notice Sign

Garrett – yes I will stop into the city tomorrow and pick it up

Isaac Johnson  
801.822.4459  


**From:** Garrett Johnson <garrett@pci1980.com>  
**Date:** Wednesday, January 31, 2024 at 5:04 PM  
**To:** Irene Gallion <Irene.Gallion@juneau.gov>, Isaac Johnson <isaac@pci1980.com>  
**Subject:** Re: ARE2023-0002: Public Notice Sign

Thanks Irene.

Attachment G - <sup>1</sup>Public Notice Sign



Isaac - Can you get the sign tomorrow and post it onsite?

Thanks,  
Garrett Johnson

---

**From:** Irene Gallion <[Irene.Gallion@juneau.gov](mailto:Irene.Gallion@juneau.gov)>  
**Sent:** Wednesday, January 31, 2024 5:27:45 PM  
**To:** Garrett Johnson <[Garrett@pci1980.com](mailto:Garrett@pci1980.com)>  
**Cc:** Irene Gallion <[Irene.Gallion@juneau.gov](mailto:Irene.Gallion@juneau.gov)>  
**Subject:** ARE2023-0002: Public Notice Sign

Hi Garrett,

A red Public Notice Sign is available for pick up in the permit center. This sign will need to be posted by Monday, February 12, 2024.

Please send an e mail with a photo of the posted sign. The e mail will be used to time and date stamp the posting.

If the sign is returned by the Monday following the Commission meeting, \$100 is refunded.

Please check in with permit staff before taking the sign.

Thank you!

**Irene Gallion | Senior Planner**  
[Community Development Department](#) | City & Borough of Juneau, AK  
Location: 230 S. Franklin Street | 4<sup>th</sup> Floor Marine View Building  
Office: 907.586.0753 x4130



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*How are we doing? Provide feedback here: <https://juneau.org/community-development/how-are-we-doing>*



Attachment G - Public Notice Sign



February 5, 2024

RE: Alternative Residential Subdivision Modification Application  
Case Number: ARF2023 0002

To Whom It May Concern,

The Southeast Alaska Land Trust (SEALT) received notice that an Alternative Residential Subdivision Modification application has been submitted for consideration and public hearing by the City & Borough of Juneau (CBJ) Community Development Planning Commission to increase surface parking and modify open space at 7400 Glacier Highway. The case number for this application is ARF2023 0002.

The proposed project is located immediately upslope and upstream of SEALT’s Honsinger Wetlands Mitigation Site (CBJ Parcel ID 5B1401020072). This mitigation site provides compensatory mitigation for seven Department of the Army permits, overseen by the US Army Corps of Engineers, including CBJ permits for the Juneau International Airport and Statter Harbor.

The ongoing development upstream of this mitigation site could have deleterious effects to the Honsinger Wetlands Mitigation Site through effects such as increased runoff, changed sediment transport, increased pollution, and changed hydrology. The healthy function of a watershed is dependent on all groundwater, wetlands, and waterways within the catchment area; impacts to upland areas can adversely affect downstream portions of the watershed. In the last decade, wetlands around the Honsinger Wetlands such as the “Field of Fireweed” have been developed, and those impacts can already be observed in altered drainages, sediment deposits, and reduced surface water storage within this watershed.

SEALT requests that the Planning Commission thoroughly consider potential effects to the downstream mitigation site and the surrounding watershed as well as necessary mitigation measures when evaluating the application.

If you have any questions, please contact us at (907) 586-3100 or info@sealt.org.

Sincerely,

  
Margaret Custer  
Executive Director



# Community Development



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

**DATE:** April 3, 2015

**TO:** Planning Commission

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

**FILE NO.:** AME2015 0005

**PROPOSAL:** A Rezone request to change 19.71 acres from D-5 to a mix of D-18 and LC (Light Commercial).

**Applicant:** RH Development

**Property Owner:** Honsinger Family Limited Partnership

**Property Address:** 7400 Glacier Highway

**Legal Description:** USS 1568 Tract B1

**Parcel Code No.:** 5-B14-0-101-001-0

**Site Size:** 19.71 Acres

**Zoning:** D-5

**Comprehensive Plan Future Land Use Designation:** MDR – Medium Density Residential (Map G)

**Utilities:** Public Water and Sewer

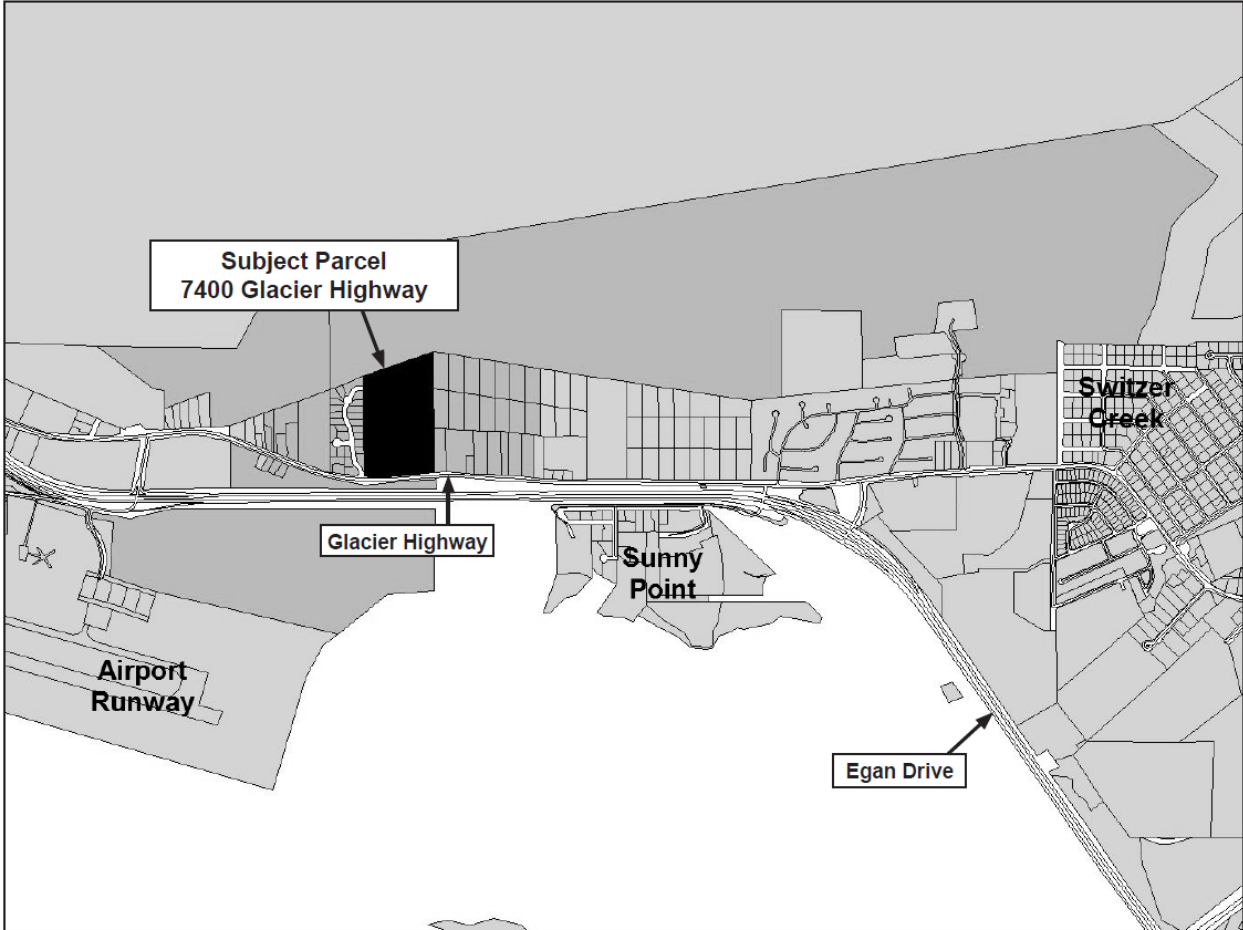
**Access:** Glacier Highway

**Existing Land Use:** Vacant

**Surrounding Land Use:** North – D-5; Vacant portion of CBJ land  
South – D-5; Vacant land across Glacier Highway and Egan Drive  
East – D-5; Vacant land and single-family homes down Glacier Hwy  
West – D-5; Vista Del Sol single-family subdivision, under development

Planning Commission  
File No.: AME2015 0005  
April 3, 2015  
Page 2 of 17

**Vicinity Map**



**ATTACHMENTS**

- Attachment A – Development Permit, Zone Change Applications, Narrative and Sketch Plan
- Attachment B – Neighborhood Meeting Material – Including Zoning Map, Comprehensive Land Use Designation Map
- Attachment C – Public Notice
- Attachment D – Comments
- Attachment E – CBJ Wetlands Map
- Attachment F – AK DOT&PF Lemon Creek Traffic Map
- Attachment G – Site Pictures

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April 3, 2015  
Page 3 of 17

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

**PROPOSAL**

The applicant has applied to rezone their vacant 19.71 acre lot, Tract B1 of U.S. Survey 1568, from D-5 to a mix of D-18 and LC (Light Commercial). The applicant has not stated a specific development proposal at this time. The applicant envisions a mix of Light Commercial and mixed-use development on approximately 7 acres at the front of the parcel that is adjacent to Glacier Highway. Multi-family residential development at a D-18 density would be developed behind the Light Commercial zoning on the remaining 12.71 acres of the subject parcel. See Attachment A for “Sketch Plan”.

The applicant’s lot is located north of Glacier Highway at approximately mile 7 of Glacier Highway. The subject lot is just east of the Vista Del Sol single-family residential subdivision (D-5), and is surrounded on the north and east sides by vacant D-5 zoned lots, with single-family homes east along Glacier Highway. Located to the West of the Vista Del Sol subdivision is Glacier Gardens, a commercial garden and tourist destination. A doctor’s office and the Gastineau Humane Society are located one quarter of a mile west on Glacier Highway. South of the subject parcel is Glacier Highway and Egan Drive, a four lane highway.

**BACKGROUND**

The area was zoned as an R-7 Residential district in the 1969 Greater Juneau Borough Zoning Ordinance zoning maps. The R-7 zoning district required parcels to be created at a minimum lot size of 7,000 square feet. The R-7 description states: “The purpose of the R-7 District is to provide and protect residential land for families who desire to live in an environment of single and tow family dwellings. These Districts may be established to protect the character of existing residentially developed areas.”

**PUBLIC INPUT**

On February 26, 2015 Community Development Department (CDD) staff held a neighborhood meeting in the library of Dzantik’I Heeni Middle School to discuss the applicant’s original proposal to rezone the lot from D-5 to D-18. Five members of the public and the applicant attended the meeting. Staff described the application and rezone process and spoke about the Table of Permissible Uses and the Table of Dimensional Standards found in City and Borough of Juneau Land Use Code Title 49. Staff gave time for the applicant to speak about the property’s history and the plans for the subject parcel. Members of the public in attendance had procedural questions about rezones.

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File No.: AME2015 0005  
April 3, 2015  
Page 4 of 17

On March 9, 2015 the applicant revised their proposal to rezone the parcel from D-5 to D-18, to a mix of D-18 and Light Commercial.

Staff has received concerns from neighboring property owners that the proposed rezone would allow for higher density, increased traffic, and a decrease in property values in the area (see Attachment D for public comments).

**ANALYSIS**

**REZONE PROCEDURE**

Title 49, the Land Use Code, establishes the following process for rezones:

**CBJ 49.75.110 - Initiation.**

**A rezoning may be initiated by the director, the commission, or the assembly at any time during the year. A developer or property owner may initiate a request for rezoning in January or July only. Adequate public notice shall be provided by the director to inform the public that a rezoning has been initiated.**

The rezone proposal was filed on January 26, 2015, and public notices were mailed to property owners within 1,000 feet of the subject property and properties in the area that are designated as MDR – Medium Density Residential in the 2013 Comprehensive Plan. Staff chose to expand the mailing area to see if those property owners with land designated as MDR would be interested in rezoning their land to D-18. The rezone proposal was then revised March 9, 2015 and additional public notices were mailed to inform property owners of the revised proposal and the new public hearing date.

**CBJ 49.75.120 - Restrictions on rezonings.**

**Rezoning requests covering less than two acres shall not be considered unless the rezoning constitutes an expansion of an existing zone. Rezoning requests which are substantially the same as a rezoning request rejected within the previous 12 months shall not be considered. A rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.**

The parcel proposed for rezone is 19.71 acres as shown in Attachment B. Substantial conformance with the land use maps of the Comprehensive Plan will be discussed further in the report.

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April 3, 2015  
Page 5 of 17

**ZONING DISTRICTS**

All zoning districts are established in the Title 49 Land Use Code. Attachment B indicates that the subject lot and neighboring lots are in the D-5 zoning district. The definitions of the D-5, D-18, and LC zoning districts are shown below.

**CBJ 49.25.210 Residential Districts**

**D-5 District:**

The D-5, residential district, is intended to accommodate primarily single-family and duplex residential development at a density of five dwelling units per acre. D-5 zoned lands are located in the urban service boundary and are served or can be served by public water and sewer.

**D-18 District:**

The D-18, residential district, is intended to accommodate primarily multifamily development at a density of 18 dwelling units per acre. This is a high density multifamily zoning district intended to accommodate midrise-type development.

**CBJ 49.25.230 Commercial Districts**

**LC (Light Commercial) District:**

The LC, light commercial district, is intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed- and single-use developments in the light commercial district.

The LC District allows up to 30 dwelling units per acre.



Planning Commission  
File No.: AME2015 0005  
April 3, 2015  
Page 6 of 17

**COMPLIANCE WITH THE COMPREHENSIVE PLAN**

As discussed above, the proposed zoning districts and the uses allowed therein must be found to substantially conform with the maps of the Comprehensive Plan. “Substantial” is commonly defined as: essentially, without material qualifications, in the main, in substance, materially, in a substantial manner.

**2013 Comprehensive Plan**

The introduction of the Comprehensive Plan states that the Plan should be “considered regularly and used by residents, the Planning Commission, and the Assembly to guide its’ decisions and resource allocations and it must be kept current to reflect community values, resources, constraints and opportunities. Discussions related to community growth, redevelopment, capital and social improvements, or budget, must occur in consultation with the Plan. This is not to say that the Plan will be infallible or that it is cast in concrete. It should, however, bring into focus sufficient information and data so that the best possible considered and objective judgments can be made, using the most current data available when the data in the Plan is out of date.”

The subject parcel is located in the Medium Density Residential (MDR) land use designation of the Comprehensive Plan, as shown in Attachment B.

MDR Definition:

These lands are characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre. Any commercial development should be of a scale consistent with a residential neighborhood, as regulated in the Table of Permissible Uses (CBJ 49.25.300).

The definition of MDR indicates multi-family density residential uses. Both the D-5 and D-18 zoning districts fit within the “5 to 20 units per acre” density description in the MDR definition. The LC zoning district allows up to 30 units per acre.

The D-5 zoning district would permit the subject 19.71 acre parcel to be developed up to 99 dwelling units; the D-18 zoning district would permit the subject 19.71 acre parcel to be developed up to 355 dwelling units. A mix of approximately 7 acres of LC zoning and 12.71 acres of D-18 zoning would allow for the development of approximately 439 dwelling units. This is a total calculation for the land without the development of streets. The addition of streets will cause the approximate maximum dwelling units to decrease. The requested LC zoning district allows for higher residential density than MDR recommends.

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<b>Table of Dimensional Standards</b>	<b>D-5 (5 du/acre)</b>	<b>D-18 (18 du/acre)</b>	<b>LC (30 du/acre)</b>	<b>Mix of D-18 (7 acres) and LC (12.71 acres)</b>
<b>Existing site 19.71 acres</b>				
Number Units	99	355	N/A	439
Maximum Height Limit	35 feet	35 feet	45 feet	
Maximum Lot Coverage	50%	50%	None	
Vegetative Cover	20%	30%	15%	
Minimum Lot Size	7,000 sq. ft.	5,000 sq. ft.	2,000 sq. ft.	
Minimum Lot Size for Duplex	10,500 sq. ft.	10,000 sq. ft.	(30 units/acre)	
Minimum Lot Size for Bungalow	3,500 sq. ft.	2,500 sq. ft.	(30 units/acre)	
Minimum Lot Width	70 ft.	50 ft.	20 ft.	
Minimum Lot Depth	85 ft.	80 ft.	80 ft.	

The existing Light Commercial zoning districts throughout the Borough are located in the following Comprehensive Plan Land Use designations:

C – (Commercial) Definition:

Lands devoted to retail, office, food service or personal service uses, including neighborhood retail and community commercial centers, such as shopping centers and malls, office complexes or other large employment centers. Mixed retail/residential/office uses are allowed and encouraged. Residential and non-residential uses could be combined within a single structure, including off-street parking. Residential densities ranging from 18 – 60 units per acre are appropriate in this area, with even higher densities appropriate in mixed-use or transit-oriented developments. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land.

TTC – Traditional Town Center Definition:

These lands are characterized by high density residential and non-residential land uses in downtown areas and around shopping centers, the University, major employment centers and public transit corridors, as well as other areas suitable for a mixture of retail, office, general commercial, and high density residential uses at densities at 18 or more residential units per acre. Residential and non-residential uses could be combined within a single structure, including off-street parking. Ground floor retail space facing roads with parking behind the retail and housing above would be an appropriate and efficient use of the land.

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M/MU – Marine Mixed Use Definition:

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

These areas are characterized by high-density, ranging from 10-60 dwelling units per acre and a mix of uses.

The following Comprehensive Plan policies are related to the rezone proposal:

**POLICY 3.1. TO BALANCE AVAILABILITY OF SUFFICIENT LAND WITHIN THE DESIGNATED URBAN SERVICE AREA BOUNDARY THAT IS SUITABLY LOCATED AND PROVIDED WITH THE APPROPRIATE PUBLIC SERVICES AND FACILITIES TO MEET THE COMMUNITY’S FUTURE GROWTH NEEDS AND THE PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.**

3.1 – DG2 (Development Guideline) When considering rezoning applications of land located within the Urban Service Area from a non-residential zoning district to a residential or mixed use district; from a low-density residential district to a higher-density residential district; or from a lower building height district to a higher building height district, promote the development of new medium- (10 to 20 dwelling units per gross acre) to high-density (30 to 60 or more units per gross acre) residential developments that include dwelling units affordable to low-income households as a condition of the rezoning. The affordable units should be dispersed throughout the development, constructed at the same time as the market-rate units, and priced or rented to households with incomes no greater than 80 percent of the City and Borough of Juneau’s Median Family Income (MFI) level by household size, as established annually by the U.S. Department of Housing and Urban Development (HUD).

**POLICY 3.2. TO PROMOTE COMPACT URBAN DEVELOPMENT WITHIN THE DESIGNATED URBAN SERVICE AREA TO ENSURE EFFICIENT UTILIZATION OF LAND RESOURCES AND TO FACILITATE COST EFFECTIVE PROVISION OF COMMUNITY SERVICES AND FACILITIES WHILE BALANCING PROTECTION OF NATURAL RESOURCES, FISH AND WILDLIFE HABITAT AND SCENIC CORRIDORS.**

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The subject parcel is within the Urban Service Area Boundary and is provided with public services such as utilities and transportation. The Comprehensive Plan promotes higher density within the Urban Service Area. Affordable housing should be considered where infill development is created.

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

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

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

In Chapter 5, Economic Development, the Comprehensive Plan discusses Commercial and Industrial Development (page 57). It states:

“Commercial and industrial activity requires sufficient and suitable land. Careful attention to the spatial requirements and locational considerations of potential uses is necessary to promote and maintain the local economy. As part of the 2008 Update of this Plan, CBJ staff conducted a survey of all business types and found that following, which are still relevant and accurate in 2013:

- 1. A need to expand the land available for retail and office uses, particularly in areas with high proximity to, and visibility from, major thoroughfares.”

The proposed rezone to include Light Commercial zoning along Glacier Highway takes into consideration the above discussion of developing lands for commercial development.

**POLICY 8.5. TO PROMOTE A BALANCED, WELL-INTEGRATED LOCAL MULTI-MODAL, SURFACE TRANSPORTATION SYSTEM THAT PROVIDES SAFE, CONVENIENT AND ENERGY-EFFICIENT ACCESS AND TRANSPORT FOR PEOPLE AND COMMODITIES.**

8.5 – DG (Development Guideline) 2 Review, implement and maintain appropriate and affordable development standards for major subdivisions and major developments to ensure safe and convenient vehicular traffic and to provide safe pedestrian and bicycle access internal to the subdivision/development as well as to ensure a Level of Service of D or better for roadways and intersections serving the development.

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**POLICY 8.6. TO PROMOTE AND FACILITATE TRANSPORTATION ALTERNATIVES TO PRIVATE VEHICLES AS A MEANS OF REDUCING TRAFFIC CONGESTION, AIR POLLUTION AND THE SONSUMPTION OF FOSSIL FUELS, AND TO PROVIDE SAFE AND HEALTHY MEANS OF TRANSPORTATION TO ALL PEOPLE.**

8.6 – DG3 Require sidewalks and bicycle paths along roadways where higher-density housing is to be provided as a condition of a rezoning application for higher densities.

The Land Use Chapter, Chapter 10, discusses policies related to “community form, housing, economic and community development, natural resource protection and hazards prevention”, all relating to Land Use. The second introduction paragraph ends with, “Land use policies should assist the CBJ government in its efforts to provide a variety of housing, to pursue opportunities for suitable residential and economic development and redevelopment, and to promote conservation and rational development of natural resources.”

**POLICY 10.2. TO ALLOW FEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED USE LAND DVELOPMENT WITHIN THE URBAN SERVICE AREA.**

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

**POLICY 10.4. TO MINIMIZE CONFLICTS BETWEEN RESIDENTIAL AREAS AND NEARBY RECREATIONAL, COMMERCIAL, OR INDUSTRIAL USES THAT WOULD GENERATE ADVERSE IMPACTS TO EXISTING RESIDENTIAL AREAS THROUGH APPROPRIATE LAND USE LOCATIONAL DECISIONS AND REGULATORY MEASURES.**

The proposed rezone would be consistent with the above policies in that the envisioned development would create additional housing opportunities. At the time of development care should be taken to buffer any commercial and multi-family development from the existing single-family development to the west of the parcel. Staff has received concerns from adjacent property owners on the effect of the proposed rezone on their property values. Staff received a review comment from the CBJ Assessor’s office stating, “The Assessor’s Office has no issues with the re-zoning, nor do we anticipate it will have any impact on the value of neighboring properties, if constructed according to the information provided.” The applicant has stated in their proposal as a reason for considering Light Commercial is to buffer the multi-family housing, behind the Light Commercial, from the noise of traffic generated from Glacier Highway and Egan Drive.

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**POLICY 10.7. TO DESIGNATE ON LAND USE AND ZONING MAPS, AND TO PROVIDE SERVICES TO, SUFFICIENT VACANT LAND WITHIN THE URBAN SERVICE AREA APPROPRIATELY LOCATED TO ACCOMMODATE FUTURE COMMERCIAL AND INDUSTRIAL USES.**

**Neighborhood Commercial Uses (page 137)**

The community recognizes the need for appropriate small-scale commercial development to serve neighborhoods. The Land Use Code contains specific provisions to allow small-scale commercial retail establishments to be located in residential areas. There are a number of locations in the borough where additional such “Mom and Pop” stores would be appropriate to provide convenience goods and services for nearby residents to walk or cycle to patronize.

**POLICY 10.10. TO ENCOURAGE SMALL-SCALE NEIGHBORHOOD CONVENIENCE COMMERCIAL USES IN APPROPRIATE AREAS IN NEW NEIGHBORHOODS AND WITH APPROPRIATE OPERATING MEASURES WITHIN EXISTING NEIGHBORHOODS.**

10.10 – DG1 Maintain provisions in the Land Use Code for neighborhood commercial developments such as convenience grocery stores, including standards and limitations governing permitted uses, hours of operation and that mitigate potential adverse impacts such as traffic, safety, noise, litter, glare and loss of privacy to adjacent residential uses.

Chapter 11 of the Comprehensive Plan, Land Use Maps, provides guidance on “considering re-zoning requests, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration and all new zoning or re-zoning designations are required to be substantially consistent with the Comprehensive Plan and associated land use maps. In some cases, the highest and best use may be increased density or more intensive use of the land; in other cases, the highest and best use may be preservation in an undisturbed state for purposes of habitat preservation, flood control, or providing a buffer between development and areas subject to natural hazards.”

The subject parcel is located on Map G of the Land Use Maps of the Comprehensive Plan. Map G is located within Subarea 4, East Mendenhall Valley & Airport, and Subarea 5, Switzer Creek, Lemon Creek, & Salmon Creek.

**Guidelines and Considerations for Subarea 4:**

- 1. Maintain the density of existing neighborhoods while encouraging the in-fill development of low-to moderate-income affordable housing.

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- 2. Provide for increased community commercial development close to existing commercial areas in the lower valley.

**Guidelines and Considerations for Subarea 5:**

- 2. Provide for additional medium- to high density residential development in areas with access to arterial roadways from collector streets. Encourage the efficient use of land by allowing non-family housing, such as for students, single-adults or seniors, in mixed use districts within shopping centers or malls. Increase building height limits and decrease or eliminate parking requirements for such residential developments where adequately served by public transit.

**Discussion**

As noted above, the Comprehensive Plan contains policies that encourage affordable housing, higher housing densities, and commercial/mixed-use development that preserve the character and quality of existing neighborhoods.

**Chapter 18: Implementation and Administration**

**The Comprehensive Plan as a Guiding Planning Document**

“The Comprehensive Plan provides a rational and consistent policy basis for guiding all future CBJ government growth and development decisions. This requires that each land use decision, from the most minor variance to the development of a New Growth Area, be evaluated for its compliance with the policies, guidelines, standards and criteria established in the Plan. To ensure this, procedures must be followed to require that routine consultation of the Plan is an integral part of the land use decision making process.”

“The Plan contains 123 Policies, each of which may have an associated “Standard Operating Procedure,” “Development Guideline,” and/or “Implementing Action,” which are directives for how to carry out the policy. As a preliminary matter, the reviewer must determine which Policies are relevant to the subject at hand. Of course, the writers of the Plan cannot envision every sort of proposal that might one day be conceived and analyzed against the Policies. In that vein, such analyses are not conducted on an absolute basis. That is, failure of a proposal to conform to one particular Policy in the Plan does not automatically mean that it is inappropriate if conformance is shown with other policies of the Plan. Thus, the analysis is one of balancing the many relevant policies and looking holistically at the particular situation, site and its environs.”

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**COMPLIANCE WITH CBJ LAND USE CODE**

The Table of Dimensional Standards (shown in the previous table, page 7) and the Table of Permissible Uses of the Land Use Code establish the permitted standards and uses in zoning districts (see Attachment B). The following page is a list of a few of the uses allowed within the D-5, D-18, and LC zoning districts.



<b>Table of Permissible Uses</b>	<b>D-5</b>	<b>D-18</b>	<b>LC</b>
Day animal services, grooming, walking, day care	3		3
Wild animal rehabilitation facilities without a visitor component	3		3
Stabling of farm animals	3		3
Public works facility	3		3
Funeral Home	3		1,3
Single room occupancies with private facilities		1,3	1,3
Common Wall Development with three or more dwelling units		1,3	1,3
Offices greater than 1,000 but not more than 2,500 square feet		3	1
Light Manufacturing		3	1,3
Theatres seating for 200 or fewer		3	1
Health care clinics, other medical treatment facilities providing out-patient care		3	1,3
Day care centers for children and adults		3	1,3
Small restaurants, less than 1,000 square feet without drive through service		3	1
Spring water bottling		3	3
Dry cleaner, laundromat – Drop off and pickup only, no onsite laundry or dry cleaning process		1,3	1,3
Multi-family dwellings		1,3	1,3
Hotels, motels			1,3
Sales and retail goods, Merchandise or equipment			1
Research, laboratory office uses			1,3
Offices greater than 2,500 square feet		3	1
Trade, vocational schools, commercial schools			3
Social, fraternal clubs, lodges, union halls, yacht clubs			1,3
Bowling alleys, billiard, pool halls			1,3
Theaters seating from 201 to 1,000			3
Hospital			3
Halfway houses			3
Restaurants, bars without drive through service			1,3
Restaurants, coffee stands with drive through service			1,3
Seasonal open air food service without drive through			1,3
Motor vehicle, mobile home sale or rental			1,3
Automotive fuel station			3
Car wash			3
Sand and gravel operations			3
1- Department approval only    3- Conditional Use permit required    Blank box- not allowed			

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The D-5 and D-18 zoning districts have similar allowed uses, though as staff has outlined above, the D-18 zoning district has more uses allowed due to its multi-family residential density characteristics. The LC zoning district allows all uses from the D-5 and D-18 zoning districts as well as a greater variety of uses due to its commercial nature. As stated in the description of the LC zoning district, these uses should be less intensive than those permitted in the general commercial district. Most uses within the LC zoning district require a Conditional Use permit prior to development as they are primarily located adjacent to existing residential areas. When the property is developed, the proposed development will need to meet all development standards in order to receive approval.

**TRAFFIC**

The proposed rezone request would allow the subject 19.71 acre parcel to be developed up to 439 dwelling units. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual the average apartment, in an apartment building, generates 6.72 daily weekday trips. This parcel may generate 2,948.6 average daily trips (ADT).

Per CBJ Land Use Code Title 49.40.300(a)(3):

*(a) A traffic impact analysis (TIA) shall be required as follows:*

- (1) A development projected to generate 500 or more average daily trips (ADT) shall be required to have a traffic impact analysis.*
  - (4) The applicant shall provide the traffic projections for the project, and the department will review and approve the final figures.*
  - (5) A TIA must be prepared by a licensed engineer, or a transportation planner, with traffic analysis experience, approved by the director.*
- (b) The department shall require the applicant to contact the Alaska Department of Transportation and public facilities to determine whether a state permit or TIA will be required.*

The average daily traffic for the section of Glacier Highway, in front of the subject parcel, from Fred Meyer to the DOT&PF Access Road is 12,475 trips (per the DOT&PF Lemon Creek Traffic Map 2012, see Attachment F).

However none of these trips are triggered by a rezone; only the development or subdivision of the property would prompt the analysis for trip generation based upon a proposal. At the time of a specific development permit and/or Conditional Use Permit application for the subject parcel, the applicant will be required per code to provide a Traffic Impact Analysis (TIA) for their proposed development or subdivision on this parcel.

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The State of Alaska Department of Transportation and Public Facilities will require a Driveway Permit prior to development or subdivision to determine what driveway or intersection standards that may be required for the proposed development.

The subject parcel is less than one quarter of a mile from a bus stop on Glacier Highway. The parcel is also within one half of a mile of the Fred Meyer retail store. There is a sidewalk on the north side of Glacier Highway between Fred Meyer and Walmart.

**HABITAT**

There are no sensitive environmental habitats regulated by the Land Use Code in the project area. The applicant, in his narrative, states that “A large portion of the parcel is believed to be wetlands”. Though, according to the wetlands maps of the CBJ (see Attachment E) there were no mapped wetlands in this area. The applicant will work with the Army Corps of Engineers for wetland permitting.

**SUMMARY**

The requested rezone to a mix of D-18 and Light Commercial is not consistent with the Land Use Maps of the Comprehensive Plan, as the Light Commercial zoning district allows up to 30 units per acre; whereas the MDR Land Use Designation speaks to residential densities ranging from 5 to 20 units per acre.

There are policies in the Comprehensive Plan that compete; many stating the need for housing and expanding commercial areas, and policies that support protecting neighborhoods from incompatible uses. The area in which the subject parcel is located is currently developed at very low densities. The Vista Del Sol subdivision is under development adjacent to the parcel, but most of the parcels along Glacier Highway are only developed with single-family homes.

Light Commercial has the potential to substantially conform to the MDR designation as long as future development proposals “are of a scale consistent with a residential neighborhood”, as defined by the Comprehensive Plan. The D-18 zoning district provides for some commercial use but is very limited in relation to the LC zoning district. Many of the commercial uses in the LC zoning district may be too intense for what is normally found or considered to be of scale in a residential neighborhood. While the CBJ Land Use Code does place Light Commercial adjacent to residential areas, it states that commercial development should be compatible with the surrounding neighborhood. Commercial development in the LC zoning district would be less intensive than other commercial development and would require the approval of a Conditional Use permit by the Planning Commission in order for the light commercial use to be determined compatible with surrounding land uses.

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**FINDINGS**

After review of the application materials, the CBJ Land Use Code, and the CBJ 2013 Comprehensive Plan, the Director makes the following findings:

1. The proposal meets the submittal requirements and the rezoning initiation, zone change restrictions and procedural requirements of the CBJ Land Use Code.
2. D-18 zoning does not violate the land use maps of the Comprehensive Plan and is consistent with Map G. LC zoning does not substantially conform with the Land Use maps of the Comprehensive Plan in that it allows densities greater than 20 dwelling units per acre.
3. The rezoning constitutes an area greater than two acres.

**RECOMMENDATION**

Based upon the proposed project (identified as Attachments A), and the findings and conclusions stated above, staff recommends the Planning Commission adopt the director’s analysis and findings and **RECOMMEND APPROVAL** to the Assembly to rezone the subject parcel from D-5 to D-18.

However, if the Planning Commission chooses to recommend to the Assembly that the lot be rezoned to a mix of D-18 (12.71 acres) and Light Commercial (7 acres), staff recommends the following condition be considered:

1. Adequate buffering should be considered at the time of development proposal and or subdivision, in order to buffer the multi-family residential development and commercial uses from the adjacent D-5 subdivision.

# DEVELOPMENT PERMIT APPLICATION

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

PROJECT / APPLICANT INFORMATION	<b>Project Description</b> Zone Change D-5 To D-18 , and Subsequent Subdivision		
	<b>PROPERTY LOCATION</b>		
	Street Address 7400 Glacier Hwy.	City/Zip Juneau	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) USS 1568 TR-B1 Juneau Recording Dist.		
	Assessor's Parcel Number(s) 5B1401010010		
	<b>LANDOWNER/LESSEE</b>		
	Property Owner's Name Honsinger Family Limited Partnership & TKP L.L.C	Contact Person: <i>Benny Miller</i>	Work Phone:
	Mailing Address <i>PO BOX 20490 JUNEAU AK 99802</i>	Home Phone: <i>789-6811</i>	Fax Number: <i>790-7225</i>
	E-mail Address <i>N/A</i>	Other Contact Phone Number(s): <i>321-4037</i>	
	<b>LANDOWNER/LESSEE CONSENT</b> <small>***Required for Planning Permits, not needed on Building/Engineering Permits***</small>		
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 <i>Benny Miller, General Partner</i> Landowner/Lessee Signature		<i>1/23/15</i> Date	
X _____ Landowner/Lessee Signature		_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
<b>APPLICANT</b> <small>If the same as OWNER, write "SAME" and sign and date at X below</small>			
Applicant's Name Richard Harris	Contact Person: Rich	Work Phone: 907-723-4791	
Mailing Address P.O. Box 32403 Juneau Ak, 99803	Home Phone:	Fax Number: 907-790-4147	
E-mail Address rhdevelopment@gci.net	Other Contact Phone Number(s):		
X _____ Applicant's Signature		_____ Date of Application	

STAFF APPROVALS	<b>OFFICE USE ONLY BELOW THIS LINE</b>		
	<input checked="" type="checkbox"/>	<b>Permit Type</b>	<b>DATE RECEIVED</b>
		Building/Grading Permit	
		City/State Project Review and City Land Action	
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)	
		Mining Case (Small, Large, Rural, Extraction, Exploration)	
		Sign Approval (If more than one, fill in all applicable permit #'s)	
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)	
		Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)	
		Variance Case (De Minimis and all other Variance case types)	
	Wetlands Permits		
<input checked="" type="checkbox"/>	Zone Change Application	<i>1/26/15</i>	<i>AME 15-005</i>
	Other (Describe)		
Comments:			<b>Permit Intake Initials</b>
			<i>CM</i>

NOTE: DEVELOPMENT PERMIT APPLICATION FORMS MUST ACCOMPANY ALL OTHER COMMUNITY DEVELOPMENT DEPARTMENT APPLICATIONS  
FORMS 2010 Applications Revised November 2009

# ZONE CHANGE APPLICATION

TO BE COMPLETED BY THE APPLICANT

Project Number	Project Name (15 characters)	Case Number	Date Received
		AME 15-005	1/26/15

**LEGAL DESCRIPTION(S) AND LIMITS OF PROPERTY TO BE REZONED:**  
 USS 1568 TR-B1 Juneau Recording Dist.

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**IS THIS AN EXPANSION OF AN EXISTING ZONE?**  Yes  No

Total Land Area of Proposed Change 19 acres      Comp Plan Designation MDR

Current Zone(s) D-5      Comp Plan Map Map G

New Zone Requested D-18

**TYPE OF ZONE CHANGE REQUESTED:**

Regular       Transition

**HAS THIS OR A SIMILAR ZONE CHANGE BEEN REQUESTED IN THE PREVIOUS 12 MONTHS?**

Yes       No

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

**PURPOSE OF THE REQUESTED ZONE CHANGE:**  
 To enable the development of much needed housing within the Borough. To maximize the highest and best use of the land as stated in the CBJ Comprehensive plan. minimize impacts of forested lands, minimizing Urban Sprawl.

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**IS THERE A PROPOSED USE OF THE LAND?**  Yes  No

**PROPOSED BUFFERS TO ADJACENT ZONES?**  Yes  No

**DESCRIBE (INCLUDING TYPE AND DENSITY OF PROPOSED DEVELOPMENT):**  
 construction of medium density residential Housing units, and Apartments, Condominiums.

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**DESCRIBE ANY POTENTIAL IMPACTS TO PUBLIC INFRASTRUCTURE:**

**STREETS:** There are no negative impacts known

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**WATER:** There are no negative impacts known

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**SEWER:** There are no negative impacts known

For more information regarding the permitting process and the submittals required for a complete application, please see the reverse side.  If you need any assistance filling out this form, please contact the Permit Center at 586-0770.	<b>ZONE CHANGE FEES</b>				
		Fees	Check No.	Receipt	Date
	Application Fees	\$ <u>600</u>	_____	_____	_____
	Admin. of Guarantee	\$ _____	_____	_____	_____
	Adjustment	\$ _____	_____	_____	_____
	Pub. Not. Sign Fee	\$ <u>50</u>	_____	_____	_____
	Pub. Not. Sign Deposit	\$ <u>100</u>	_____	_____	_____
<b>Total Fee</b>	<b>\$ <u>750</u></b>	<u>0132661</u>	<u>0132661</u>	<u>1/26/15</u>	

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

1/23/2015

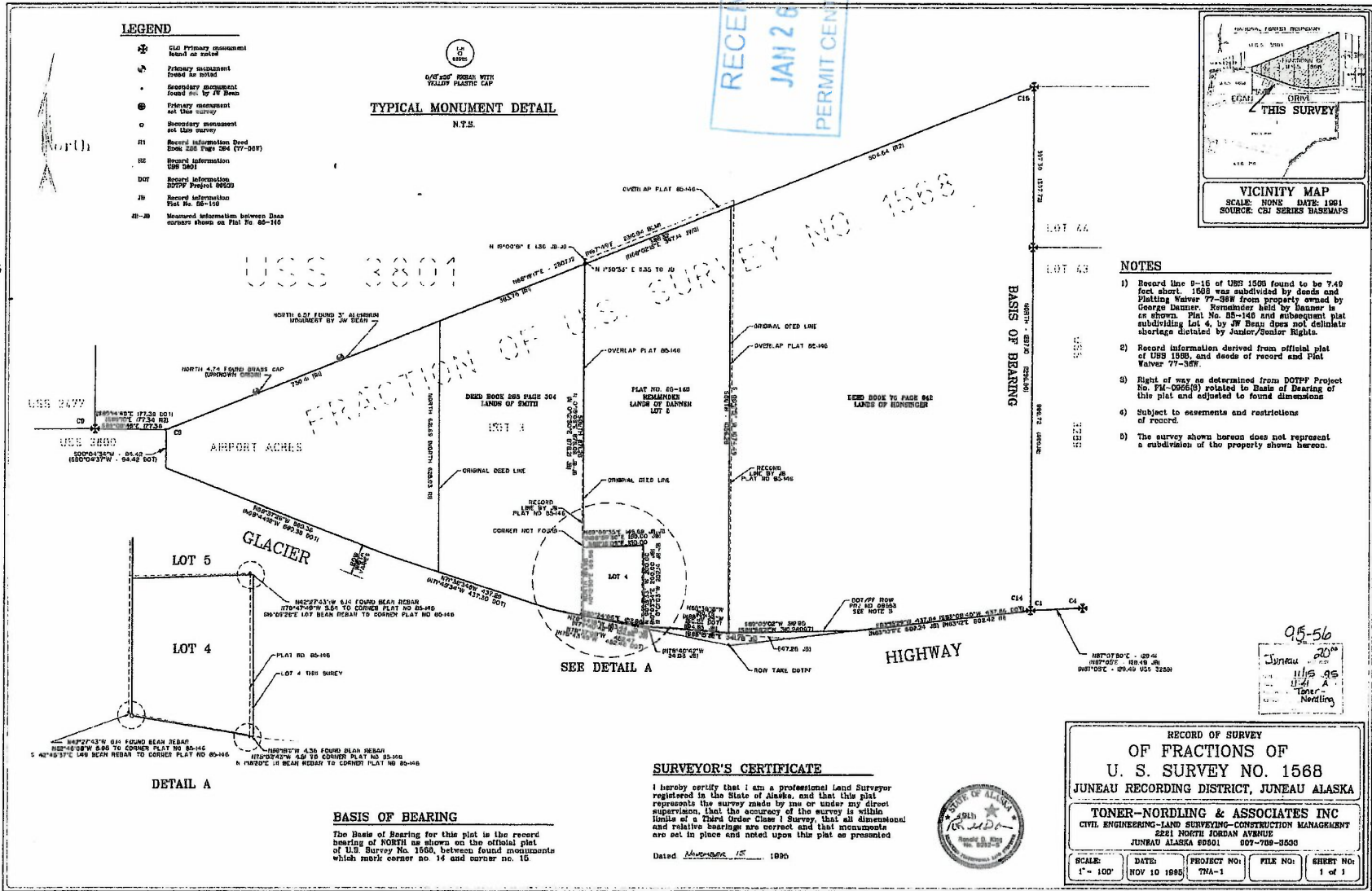
**Narrative for rezone Application:** 7400 Glacier Hwy. Juneau

The subject Parcel is an Ideal location for multifamily housing. The property has great southern exposure, with slow rising terrain, making a great location for housing. A large portion of the parcel is believed to be wetlands and much of this will be preserved through the wetland permitting process, the process will limit the usable land within this parcel, requiring that the usable portions of the land be at higher density to accommodate a quality housing project. The Comprehensive plan and the MDR designation support, and encourage the rezone request. The Applicants overall objective is to provide a mix of Medium density residential housing, in a location that is conveniently located within the community, and near commercial development.

The South side of the subject property fronts on Old Glacier Hwy. A residential subdivision is currently under construction to the West; further to the west are a few older homes, multifamily housing, commercial and mixed use properties. To the North is a large undeveloped CBJ land parcel. Directly to the East is undeveloped mental health trust land further to the east are a few older homes, multifamily and commercial properties this area is mostly undeveloped at this time.



ATTACHMENT A



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PERMIT CENTER (CDD)

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Juneau 20  
11/15/95  
Toner  
Nardling

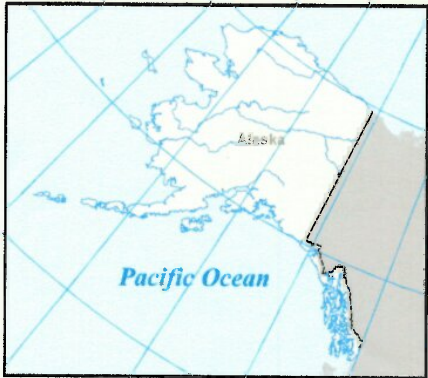




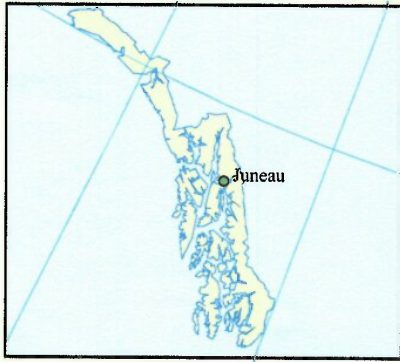


ATTACHMENT A

### Alaska



### SE Alaska



## Waters of the United States 7400 Glacier Highway

POA-2013-582, Gastineau Channel  
Robert Lafavour  
Residential Development

RECEIVED  
JAN 26 2015  
PERMIT CENTER/CDD

**Jonathan Lange**

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**Sent:** Tuesday, March 24, 2015 3:50 PM  
**To:** Jonathan Lange  
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The public notice sign needs to be posted on Tuesday, March 31<sup>st</sup>. We will have it ready for pick up Friday, March 27th, we are closed Monday, March 30<sup>th</sup> for Seward's Day.

I hope this helps and let me know if you have any further questions.

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Thanks , Rich

Sent from my iPhone

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<image002.gif>

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<image004.jpg>

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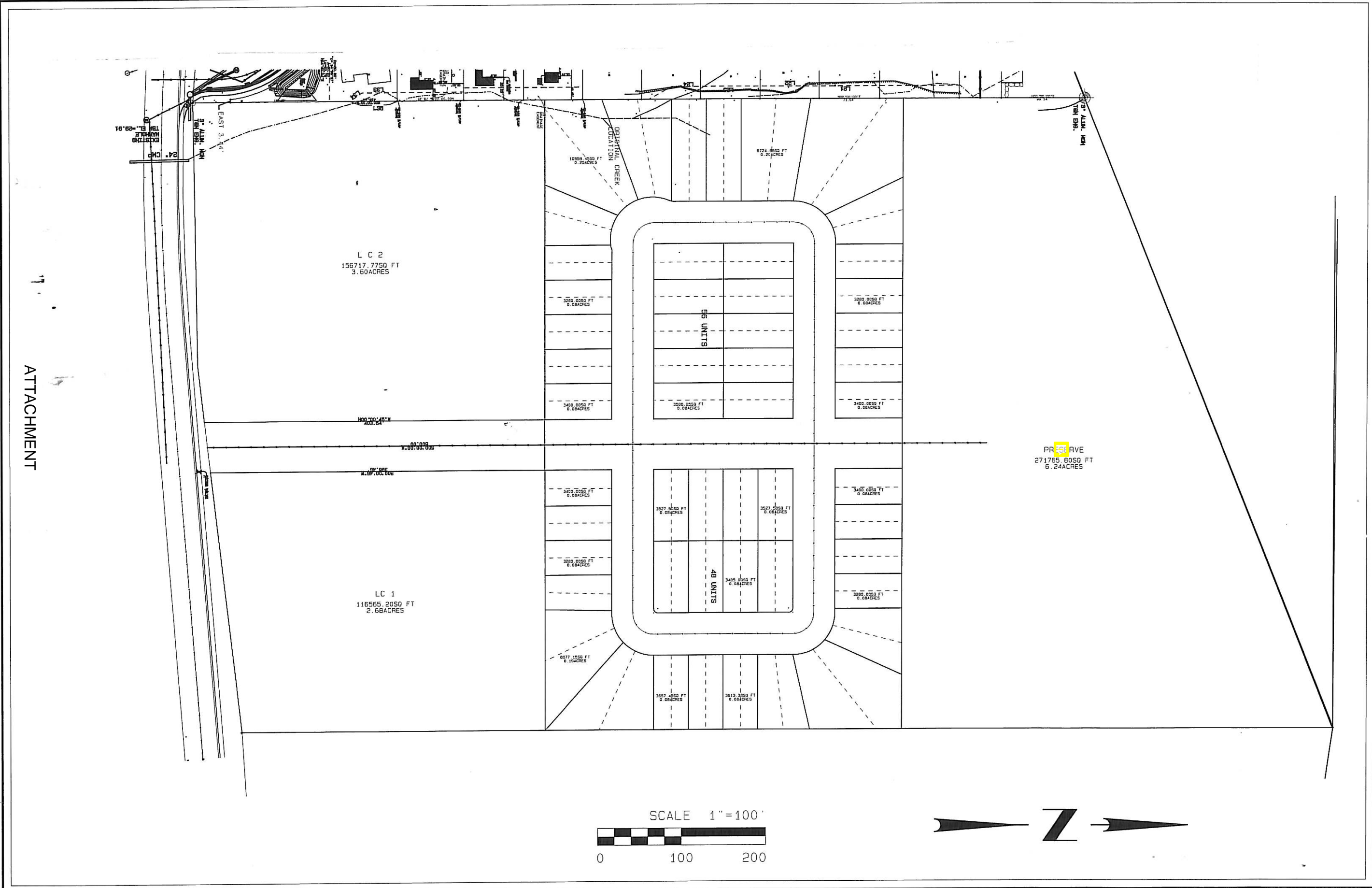
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Attachment J- AME15-05 Rezone Case

**RH Development LLC**

PO Box 32403 Juneau, AK 99803  
Phone 907-790-4146  
Fax 907-790-4147

March 31, 2015

Mr. Michael Satre, Chair  
Members of the CBJ Planning Commission  
City and Borough of Juneau  
155 South Seward Street  
Juneau, Ak 99801

RE: 7400 Glacier Hwy. Rezone request

Dear Mr. Satre’:

Thank you for your consideration and review of our rezone request.

As might be expected; we the applicant; disagree whole heartedly with staff’s determination and recommendation for denial of the light commercial portion of our request. Staff has determined the Comprehensive Plan and maps to be construed as definitive and absolute in nature. The Comprehensive Plan does not support a decision-making process where the actual numeric density designation of the districts at issue is the deciding factor to the exclusion of all other considerations. Land use decisions should be made considering the policies and guidance given in the Plan and translated in the maps, aiming to promote the highest and best use of the land under consideration. We believe staff’s strict reliance upon the actual numeric density designation in finding that the LC district density of 30 units per acre is inconsistent with the 20 unit per acre MDR, to be inconsistent with the guiding policies and considerations contained in the Comprehensive Plan.

We have attached a previous zone change determination that explains our position very well, and supports our request. For your convenience we have highlighted the portions that best describe our position.

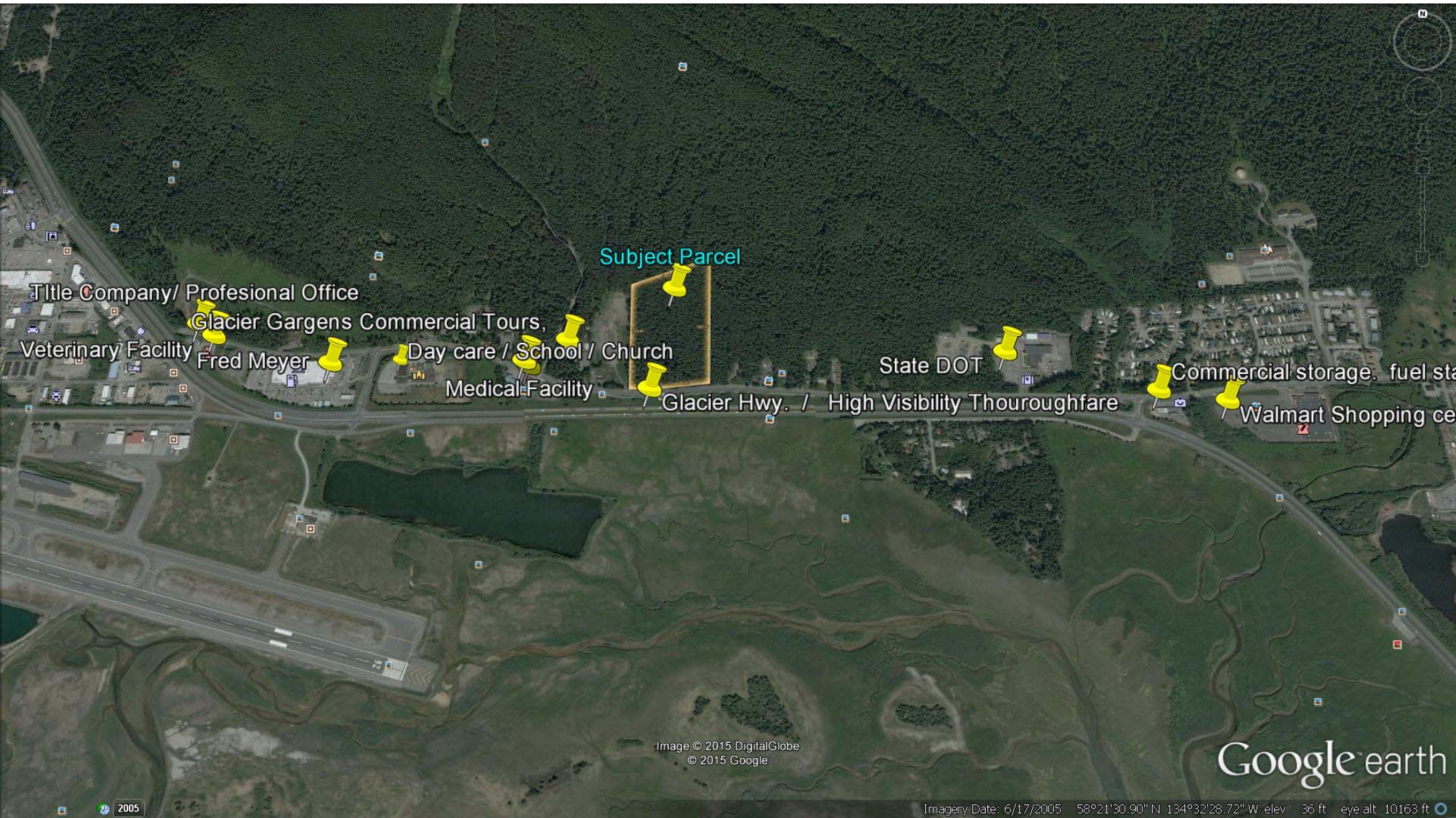
We feel our request for Light Commercial is proper and reasonable and that the neighborhood will be protected by the allowable use process. The light Commercial request is the highest and best use of this portion of the property; the highway is very visible and loud from Egan Drive express way, making the property much better suited for Light Commercial use. The light commercial use would create a buffer between the highway and residential development, our request is in harmony with the neighborhood since there are many light commercial businesses within the neighborhood.

With the community in such need of mixed types of affordable housing; density should not be a reason to deny zone change requests. This is an opportunity to provide much needed higher density and light commercial, mixed use land, as described and encouraged throughout the Comprehensive plan, and more recently encouraged by the Juneau Economic Development Plan. (See pg's .94-104 Juneau economic Development Plan) The plan states Juneau needs more Commercial and high density land, it also states the CBJ should help provide and encourage this type of development. The lack of commercial land is what drives prices up beyond what entrepreneurs can afford to create new businesses.

We hope you will agree with our request and recommend a positive approval to the CBJ Assembly.

Again thank you for your time,

Richard A. Harris



ATTACHMENT A

# Alaska



# SE Alaska



## Waters of the United States 7400 Glacier Highway

POA-2013-582, Gastineau Channel  
Robert Lafavour  
Residential Development

ATTACHMENT A

**BEFORE THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU**

RICHARD HARRIS,

Appellant,

v.

CBJ PLANNING COMMISSION,

Appellee.

Appeal of:  
Notice of Decision  
CDD File No. AME2013 0006

**DECISION ON APPEAL**

Appellant Richard Harris filed a timely appeal of the City and Borough Planning Commission decision denying his request to rezone his property, located at 9050 Atlin Drive, from D-10 to Light Commercial (“LC”).

After the record was prepared, Mr. Harris filed a non-opposed motion to supplement, which was granted. The parties filed comprehensive briefs on the issue on appeal. On January 6, 2014, the Assembly held a hearing at which it heard oral argument by each of the parties. The Assembly then deliberated in closed session and directed the Municipal Attorney to prepare a draft decision. As required by the CBJ 01.50.140, the draft decision was circulated to the parties and an opportunity to comment on the draft was provided.

For the reasons stated below, the appeal is granted. The Municipal Attorney shall draft an ordinance providing for the requested rezone and forward it to the Assembly for introduction.

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**I. FACTUAL BACKGROUND**

Appellant’s parcel at 9050 Atlin Drive is approximately 2.68 acres. It is currently in a D-10 zone and abuts the LC zone encompassing the Mendenhall Mall.<sup>1</sup> Appellant’s parcel is categorized as “MDR” or Medium Density Residential in the land use maps to the comprehensive plan.<sup>2</sup>

In 2011, the Appellant applied to change the zoning from D-10 to LC. The Planning Commission recommended against the zoning change asserting it was inconsistent with the maps of the comprehensive plan. CBJ 49.75.120 (2010) (requiring conformance with the land use maps of the comprehensive plan). Despite the Planning Commission’s denial, the Assembly initially approved the rezone request, but on the advice of counsel, the Assembly reversed.

In 2012, the Appellant received a Conditional Use Permit (USE2012-0010) for 22 residential units.

Also in 2012, CBJ 49.75.120 was amended to only require rezone requests to be in “substantial conformance” with the land use maps of the comprehensive plan. Ord. No 2012-31(b) § 2.

In 2013, Appellant submitted applications for a comprehensive plan map amendment and simultaneous rezone request. AME2013-0006. Due to procedural concerns, the map amendment has been continued by the Planning Commission pending the outcome of this rezone request.<sup>3</sup>

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1 Parcel # 6B1601370010. Attachment 1 (2013 Zoning Map).  
2 Attachment 2 (2008 Land Use Map G); Attachment 3 (2013 Land Use Map G).  
3 CDD Staff Report at p3-4.



**II. BURDEN OF PROOF AND STANDARD OF REVIEW**

A Planning Commission decision to deny a rezoning request constitutes a final agency decision, appealable to the Assembly pursuant to CBJ 49.20.120, which provides that appeals shall be conducted in accordance with the Administrative Appeal Procedures outlined in CBJ 01.50.

CBJ 01.50.070 states that the Assembly may set aside the decision being appealed if “the appellant establishes that the decision is not supported by substantial evidence in light of the whole record, as supplemented at the hearing.”<sup>4</sup> “Substantial evidence” is defined to mean “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.”<sup>5</sup>

**III. THE REQUESTED REZONE CONFORMS TO THE LAND USE MAPS AND THE POLICIES AND GOALS OF THE CBJ COMPREHENSIVE PLAN.**

The purpose of a comprehensive plan is to “guide and direct public and private land use activities” within the municipality. CBJ 49.05.200(b); A.S. 29.40.030 (“The comprehensive plan is a compilation of policy statements, goals, standards, and maps for guiding the physical, social, and economic development, both private and public...”).

The 2008 CBJ Comprehensive Plan<sup>6</sup> provides the following policies and guidance with respect to implementation and administration of the plan:

- That the failure of a “proposal to conform to one particular Policy in the Plan does not automatically mean that it is inappropriate if conformance is shown with other

4 CBJ 01.50.070 also allows the Assembly to set aside decisions where the decision is not supported by adequate written findings or where it is unclear upon what basis the decision was made, or when the agency fails to follow its own procedures or otherwise denies a party procedural due process.

5 CBJ 01.50.010.

6 The 2013 Comprehensive Plan was adopted by Ordinance 2013-26, with an effective date of December 4, 2013. The 2008 and 2013 plans are consistent with respect to the policies and guidelines cited herein.

policies of the Plan.” The Plan directs that the analysis to be done is one of “balancing the many relevant policies and looking holistically at the particular situation, site and environs;”

- That the CBJ should “revise, as necessary, zoning, subdivision and other land development ordinances to ensure consistency with the Plan’s provisions,” and “[a]mend the Land Use Code Maps (zoning designation maps), considering them to be the official application of the Comprehensive Plan Maps, to ensure that the zoning delegations of specific sites within the CBJ are consistent with the Land Use Map designations of th[e] Plan;”
- That “[e]ach land use decision, from the most minor variance to the development of a New Growth Area, [should] be evaluated for its compliance with the policies, guidelines, standards and criteria established in the plan;” and
- That in implementing the Comprehensive Plan policies, the CBJ must assure the Plan is “responsive to public needs and changing conditions.”

The purpose of the land use map is to manifest the policies articulated in the Plan into specific land use designations.<sup>7</sup> A land use map is aspirational in nature, “and not intended to reflect current land use, but the vision of future land use.”<sup>8</sup>

With respect to rezoning requests, CBJ 49.75.120 provides that “a rezoning shall only be approved upon a finding that the proposed zoning district and the uses allowed therein are in substantial conformance with the land use maps of the comprehensive plan.”<sup>9</sup> “Substantial conformance” requires a fact-specific determination. It does not require that the requested rezone be in specific conformance with only the land use maps. It is, by definition, less absolute. When a term is not specifically defined, CBJ Code 01.15.020(6) provides that the word “shall be construed according to the context and customary usage of the language.” As

7 2008 Comprehensive Plan at p. 159; 2013 CBJ Comprehensive Plan at p. 143.

8 Appellee’s Brief at p. 6.

9 The 2008 Comprehensive Plan states that all rezones are required to be “consistent” with the land use maps of the plan. *Id.* at 159. The 2013 Comprehensive Plan states that rezones are required to be “substantially consistent with both the comprehensive plan and associated land use maps.” *Id.* at 143. We consider both plans to be synonymous with the “substantial conformance” language used in the CBJ Code.

commonly defined, “substantial” means essentially or materially, thus “substantial conformance” should be understood to mean conform in material ways without being exact.<sup>10</sup>

Atlin Drive is found in Land Use Map G of the Comprehensive Plan, representing the East Mendenhall Valley.<sup>11</sup> The parcel at 9050 Atlin Drive is categorized as “MDR” or Medium Density Residential. The Comprehensive Plan describes MDR as “characterized by urban residential lands for multifamily dwelling units at densities ranging from 5 to 20 units per acre,” with any commercial development being of a scale consistent with a residential neighborhood.<sup>12</sup>

According to the plain language of the Comprehensive Plan, land use categories, like MDR, “are intended to describe the overall character of development...and are not intended to be firm or restrictive definitions, such as with zoning district permitted and conditional uses.”<sup>13</sup> There are no specific zoning districts identified in the Comprehensive Plan maps. Thus to determine whether a zoning district, like LC, is consistent with the identified land use category for any given parcel, it is necessary to consider the policies and guidelines stated in the Comprehensive Plan itself to determine if the use is consistent with the overall character of development specified for that parcel.

The Planning Commission’s position seems to be that the MDR designation allowing for up to 20 units per acre should be construed as an absolute limit. Thus, according to the Planning Commission’s interpretation, the LC zoning designation requested by Mr. Harris,

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10 See August 27, 2012 Assembly Meeting No. 2012-24 for discussion of Ordinance 2012-31(b).  
11 2008 Comprehensive Plan at 175; 2013 Comprehensive Plan at 157.  
12 2008 Comprehensive Plan at 164; see 2013 Comprehensive Plan at 147.  
13 2008 Comprehensive Plan at 161; 2013 Comprehensive Plan at 144.

which allows for a density of up to 30 units per acre, cannot by definition, be allowed in an MDR area.

The Comprehensive Plan does not support a decision-making process where the actual numeric density designation of the districts at issue is the deciding factor, to the exclusion of all other considerations. Land use decisions should be made considering the policies and guidance given in the Plan and translated in the maps, aiming to promote the highest and best use of the land under consideration. We believe the Planning Commission's strict reliance upon the actual numeric density designation in finding that the LC district density of 30 units per acre is inconsistent with the 20 unit per acre MDR, to be inconsistent with the guiding policies and considerations contained in the Plan.<sup>14</sup>

The Comprehensive Plan identifies a number of guidelines and considerations relevant to making land use decisions in Subarea 4, the area at issue.<sup>15</sup> According to the Plan, decisions should be made that:

- Provide for increased community commercial development close to existing commercial areas on the lower valley;
- Expand the Mixed Use district in the Mendenhall Mall vicinity that would incorporate general commercial uses, high density residential use and public transit services; and
- Maintain the density of existing neighborhoods while encouraging in-fill development of low-to moderate-income affordable housing.

With respect to the zoning designation sought by Mr. Harris, the CBJ Code defines Light Commercial (LC) districts as:

Intended to accommodate commercial development that is less intensive than that permitted in the general commercial district. Light commercial districts are primarily

<sup>14</sup> Additionally, although the maximum density in LC is 30 units per acre, a landowner could comply with both the LC and MDR designations by only building up to 20 units per acre.

<sup>15</sup> 2008 Comprehensive Plan 202-04; 2013 Comprehensive Plan 180-82.

located adjacent to existing residential areas. Although many of the uses allowed in this district are also allowed in the GC, general commercial district, they are listed as conditional uses in this district and therefore require commission review to determine compatibility with surrounding land uses. A lower level of intensity of development is also achieved by stringent height and setback restrictions. Residential development is allowed in mixed and single-use developments in the light commercial district.<sup>16</sup>

Light Commercial allows for a maximum of 30 units per acre.<sup>17</sup>

According to 49.25.230(a), the LC district should be adjacent to existing residential areas, is intended to accommodate less intensive commercial development, provides for a lower level of intensity of development (achieved by “stringent height and setback restrictions”) and encourages residential development. We find that the LC district substantially conforms with the MDR land use category of the Plan and the Subarea 4 guidelines and considerations, namely: encouraging increased community commercial development close to existing commercial areas; expanding the medium density residential and light commercial uses in the Mendenhall Mall vicinity so as to incorporate light commercial uses; encouraging moderate density residential use; and maintaining the density of existing neighborhoods while encouraging in-fill development of low-to moderate-income affordable housing.<sup>18</sup>

In addition to relying upon the numeric density designation, the Planning Commission also denied Mr. Harris’s request based upon a refusal to extend commercial uses across the Mendenhall Loop Road “hard boundary.”<sup>19</sup> Reliance upon this concept was in error because the highest and best use of the property is as LC, which complies with: the

16 CBJ 49.25.230(a).

17 CBJ 49.25.500.

18 At the September 24, 2013 hearing before the Planning Commission, Mr. Harris stated it was his intention is to provide “housing over garages with retail shops below.”

19 Appellee’s Brief at p. 4.

MDR designation, the Subarea guidelines and considerations, and the broader Comprehensive Plan Policies (like Housing). Also, roads are not hard boundaries within the CBJ. For example, immediately southwest of Appellant’s property, the LC zone crosses Glacier Highway/Mendenhall Loop Road, and non-road parcel boundaries define the LC zone instead of roads.<sup>20</sup> Appellant seeks the same zoning boundary arrangement that exists just across Egan Drive: extend the LC boundary one parcel width over and use the non-road parcel boundary as the zoning boundary.<sup>21</sup> Thus, while roads provide convenient locations for zoning boundaries, roads are not hard boundaries within the CBJ, especially when considering the highest and best use of the property and where the abutting LC boundary does not consistently follow the roads.

Finally, the Comprehensive Plan directs that

In considering rezone requests, the Planning Commission and Assembly should aim to promote the highest and best use of the land under consideration: in some cases, the highest and best use may be increased density or more intensive use of the land...<sup>22</sup>

The Planning Commission’s decision fails to consider the highest and best use of the 9050 Atlin Drive parcel by failing to place any weight on the CBJ’s long-standing commitment towards increasing affordable housing.<sup>23</sup>

The Comprehensive Plan’s directive with respect to evaluating rezone requests specifically envisions something less than absolute reliance upon bright line rules or specific numerical density designations. For the reasons stated above, the Planning Commission’s

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20 Attachment 1 (2013 Zoning Map).

21 Also, this rezone does not create an enclave or donut hole of an LC zone, which do exist in the CBJ. Attachment 1 (2013 Zoning Map).

22 2008 Comprehensive Plan, p. 159.

23 See 2008 Comprehensive Plan, p. 28, and Policies 4.1 – 4.8.

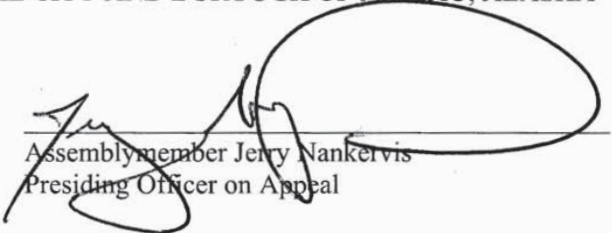
refusal to permit Light Commercial use within a Medium Density Residential land use category is not supported by the plain language of the Comprehensive Plan or by substantial evidence, and the Assembly grants Mr. Harris's appeal.

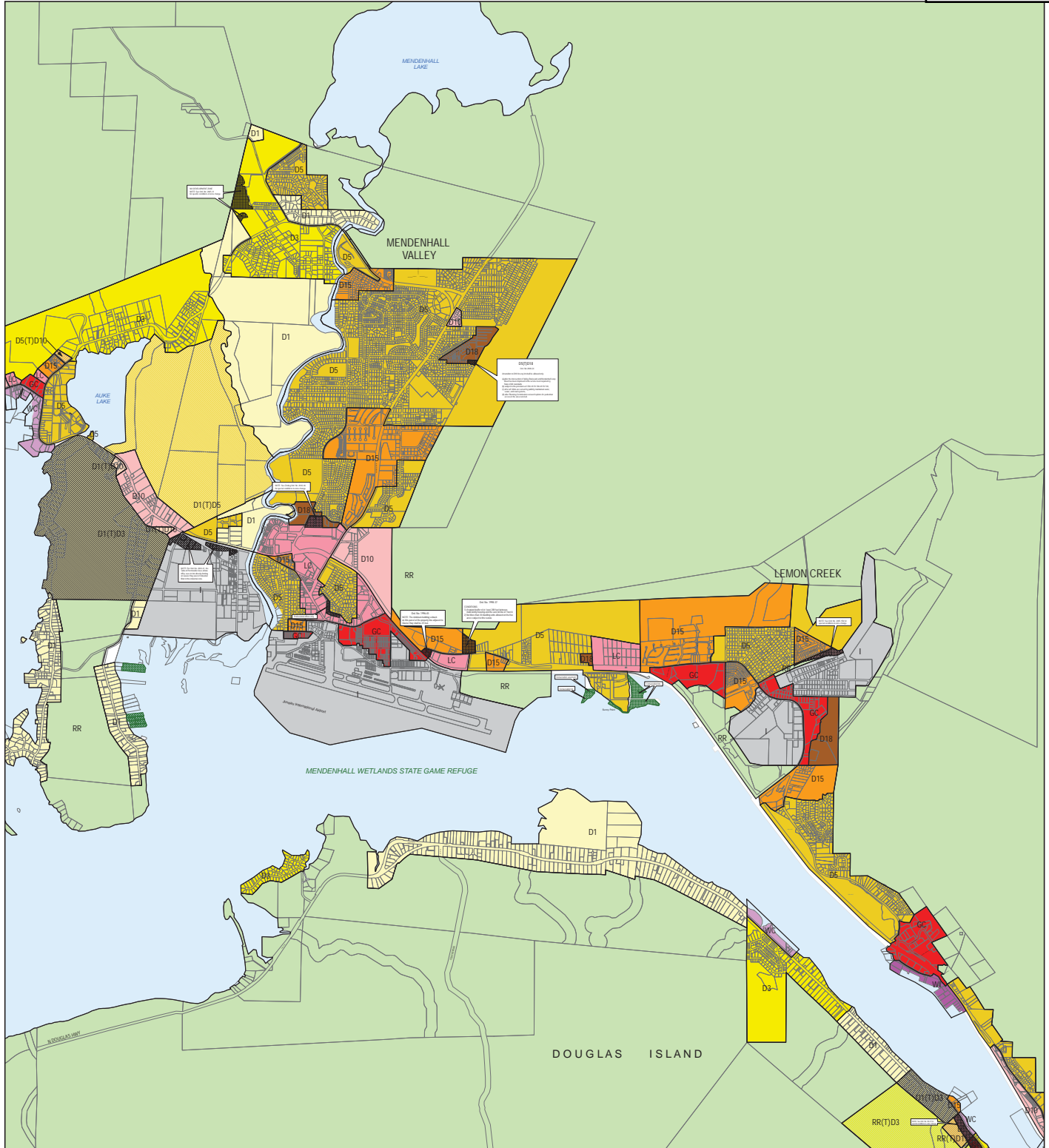
This is a final administrative decision of the Assembly of the City and Borough of Juneau, Alaska. It may be appealed to the Juneau Superior Court, pursuant to the Alaska Rules of Court, if such appeal is filed within 30 days of the date of distribution of this decision.

IT IS SO ORDERED.

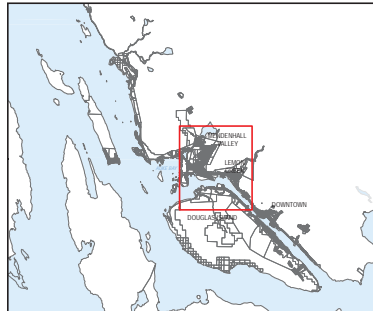
DATED this 19 day of March, 2014.

ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

By:  Assemblymember Jerry Nankervis  
Presiding Officer on Appeal



Map current as of January 30th, 2013



### Mendenhall Valley & Lemon Creek ZONING MAP

ZONING DISTRICTS		
D1 Single Family & Duplex	I Industrial	D1(T)D3
D3 Single Family & Duplex	MU Mixed Use	D1(T)D10
D5 Single Family & Duplex	MU2 Mixed Use	D1(T)D5
D10 Multi Family	WC Waterfront Commercial	D10(T)D15
D15 Multi Family	WI Waterfront Industrial	D3(T)D18
D18 Multi Family	RR Rural Reserve	D3(T)D5
LC Light Commercial	RR(T)D15 Transition Zones	D5(T)D10
GC General Commercial	RR(T)D3	D5(T)D18

**Disclaimer:**  
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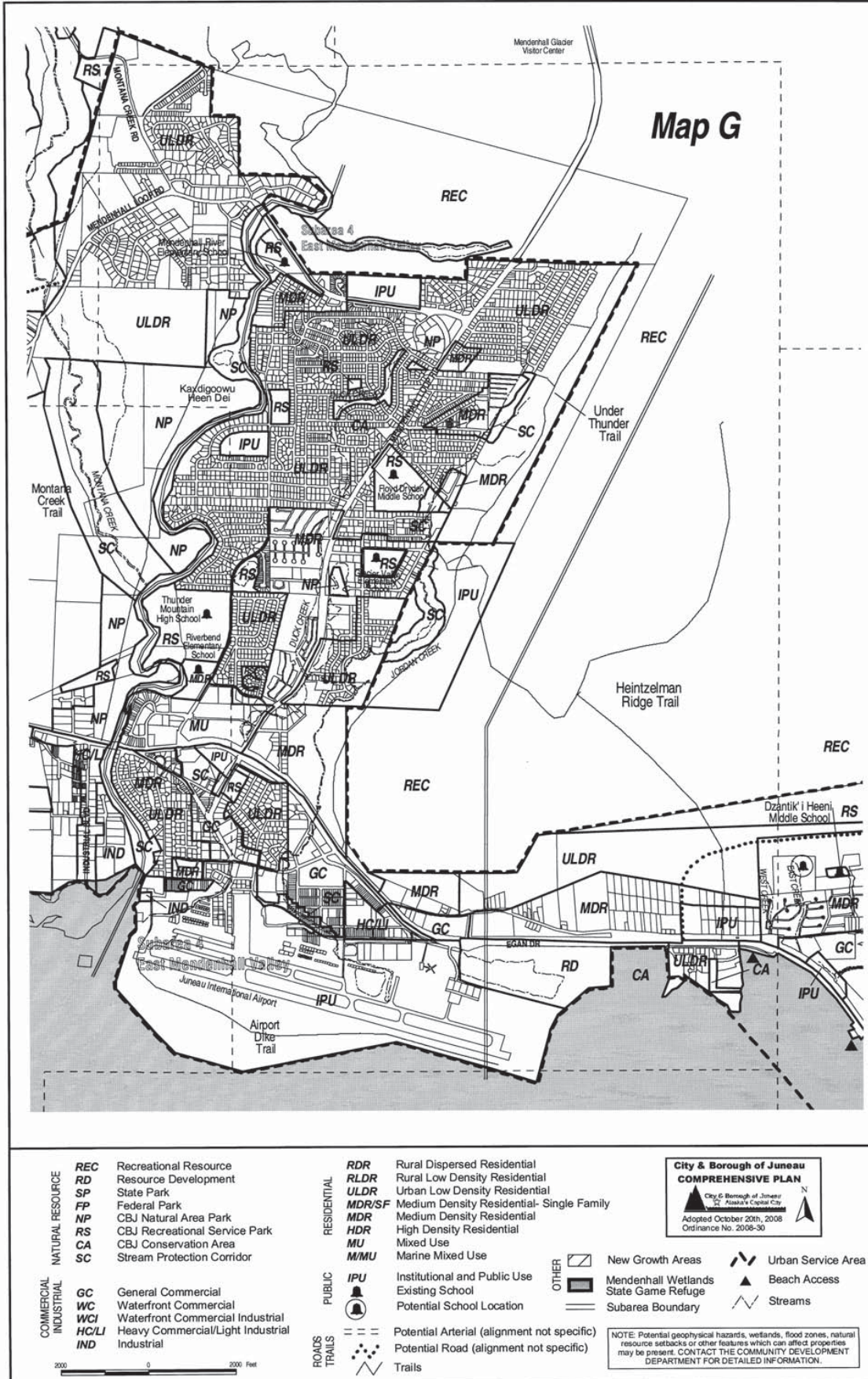
Suggestions for corrections and improvements to the CBJ zoning maps should be directed to:

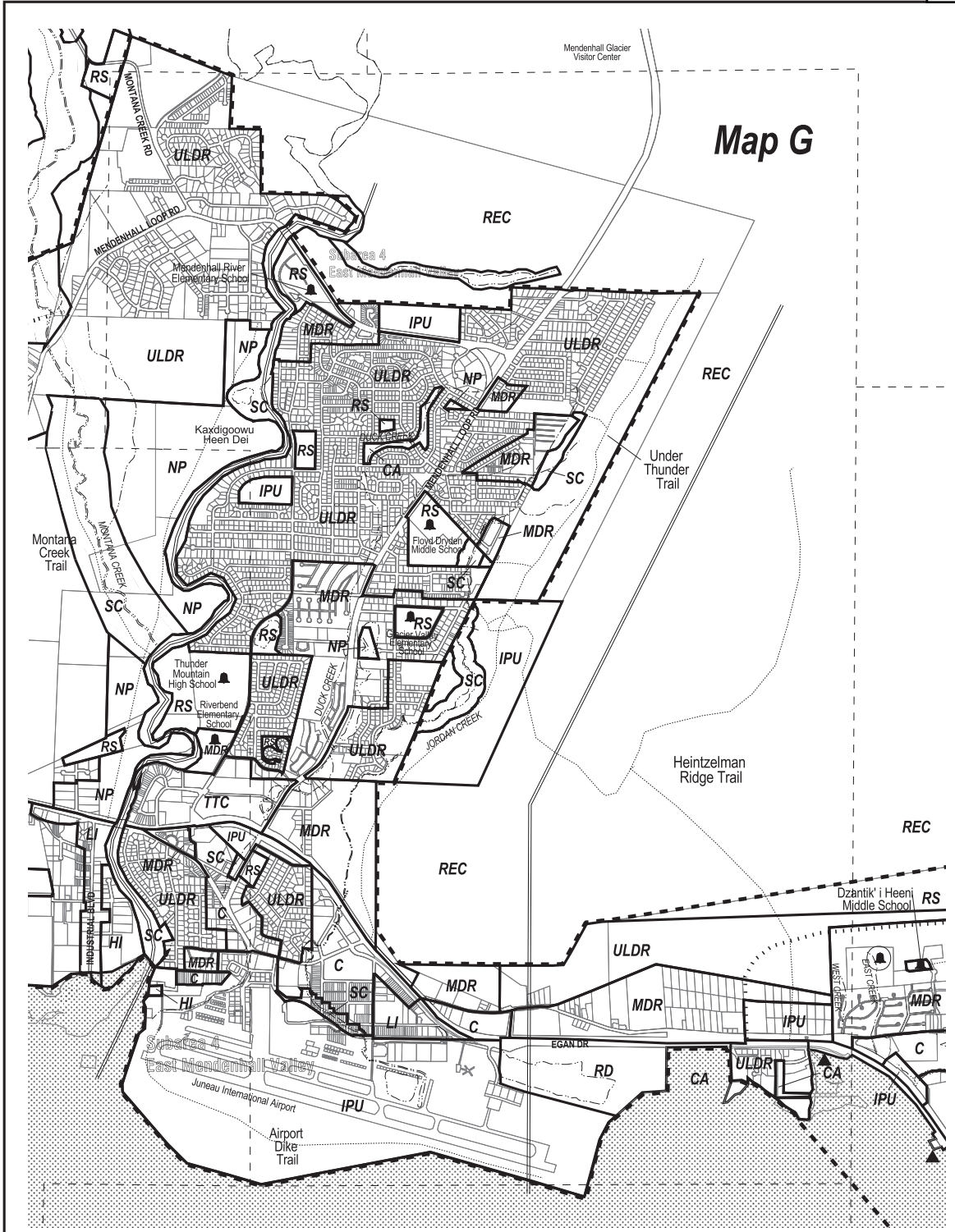
Geographic Information Systems  
gis@ci.juneau.ak.us  
(907) 586-0762





Attachment 2





<p><b>NATURAL RESOURCE</b></p> <p><b>REC</b> Recreational Resource  <b>RD</b> Resource Development  <b>SP</b> State Park  <b>NP</b> CBJ Natural Area Park  <b>RS</b> CBJ Recreational Service Park  <b>CA</b> CBJ Conservation Area  <b>SC</b> Stream Protection Corridor</p> <p><b>COMMERCIAL INDUSTRIAL</b></p> <p><b>C</b> Commercial  <b>MC</b> Marine Commercial  <b>WCI</b> Waterfront Commercial Industrial  <b>LI</b> Light Industrial  <b>HI</b> Heavy Industrial</p>	<p><b>RESIDENTIAL</b></p> <p><b>RDR</b> Rural Dispersed Residential  <b>RLDR</b> Rural Low Density Residential  <b>ULDR</b> Urban Low Density Residential  <b>MDR/SF</b> Medium Density Residential- Single Family  <b>MDR</b> Medium Density Residential  <b>HDR</b> High Density Residential  <b>TTC</b> Traditional Town Center  <b>MMU</b> Marine Mixed Use</p> <p><b>PUBLIC</b></p> <p><b>IPU</b> Institutional and Public Use   Existing School   Potential School Location</p> <p><b>ROADS TRAILS</b></p> <p> Potential Arterial (alignment not specific)   Potential Road (alignment not specific)   Trails</p>	<p><b>OTHER</b></p> <p> New Growth Areas   Mendenhall Wetlands   State Game Refuge   Subarea Boundary</p> <p> Urban Area   Beach Access   Streams</p> <p><small>NOTE: Potential geophysical hazards, wetlands, flood zones, natural resource setbacks or other features which can affect properties may be present. CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT FOR DETAILED INFORMATION.</small></p>
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**City & Borough of Juneau  
COMPREHENSIVE PLAN**

City & Borough of Juneau  
Alaska's Capital City  
Adopted October 20th, 2008  
Ordinance No. 2008-30

2000 0 2000 Feet

Prepared by: Community Development Department

Dissenting Opinion in the appeal of:

Notice of Decision

CDD File No. AME2013 0006

Richard Harris, )  
 Appellant, )  
 v. )  
 CBJ Planning Commission, )  
Appellee )

On appeal Richard Harris seeks to have the Assembly overturn a denial of re-zone by the Juneau Planning and Zoning Commission. The Appellant has challenged the commission’s decision solely on the basis that it “is not supported by substantial evidence in light of the whole record, as supplemented at the hearing”. CBJ 01.50.070 (a) (1). As here, where agency expertise is involved, the Assembly is expected to defer to the Commission’s interpretation of our zoning laws.

However, in voting to overturn the commission’s decision, the majority ignored both the overwhelming evidence used by commissioners to cast a strong majority vote to uphold the Comprehensive Plan and deny the zone request based “upon staff’s analysis and findings”<sup>1</sup> and the Commission’s expertise.

The record shows that the planning commissioners examined aerial photos of the area, revealing that the commercial uses reasonably conceivable within the mixed use area across Mendenhall Loop Road from the proposed rezone do not and will not abut the road itself. Undevelopable wetland and anadromous stream parcels that cannot be developed lie on both sides of Mall Road. These undevelopable areas serve as an area of transition between the incompatible uses of the mixed use and medium density residential areas.

The minutes of the Planning Commission make clear that the decision came down to how the property is defined in the Comprehensive Plan - Medium Density Residential. One planning commissioner “contrasted Medium Density Residential at 5-20 dwelling units per acre to Light Commercial at 30 dwelling units per acre. Light Commercial use means a bar or restaurant of any size, or a vehicle sales or repair lot of any size.” Another planning commissioner noted, “Based upon the analysis in the staff report, the rezone request does not substantially conform to the maps of the Comprehensive Plan.”

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<sup>1</sup> Record, at pages T68-70.

Far from relying on the number of units per acre as “an absolute limit,<sup>2</sup>” it was the judgment of the planning commission that many of the land uses allowed under light commercial zoning were inconsistent with the land uses allowed in medium density residential zones. This judgment is precisely what the Assembly charges the commission with doing. And, in so doing, the record makes clear the commission had substantial basis in the Comprehensive Plan and in the staff’s analysis to deny the re-zone request.

The opinion of the majority to overturn the Planning Commission turns on an isolated phrase used by the chair of the planning commission: “hard boundary” which it employs to describe the five-lane roadway separating an area the land use maps of the comprehensive plan designate for mixed uses from the area in this rezone, which the comprehensive plan designates for residential uses. However, the verbatim minutes in the record make clear the commission’s chair did not use the phrase “hard boundary” in the same sense. Instead, he intended it to reflect the separation of incompatible uses both on the ground and in the plan that the commission is charged with maintaining as a means to avoid conflicts.<sup>3</sup>

In arguing that the Planning Commission failed to consider the highest and best use of the parcel, the Majority suggests that light commercial zoning would enable increased affordable housing.<sup>4</sup> This notion ignores the appellant’s own statements at oral argument that he would build far fewer housing units as part of a commercial development than as part of a strictly residential development.

The majority’s decision suggests the question of whether a rezone substantially complies with the land use maps of the comprehensive plan has little to do with the uses that can and cannot be permitted under the zones in question. This standard makes the plan a meaningless document, and CBJ 49.75.120’s requirement of substantial compliance a legal nullity.<sup>5</sup>

In our view, the Planning Commission’s decision is supported by substantial evidence and the appellant did not meet the burden of proof to show otherwise. We would therefore uphold the Planning Commission’s decision. For that reason we dissent from the order in this case.

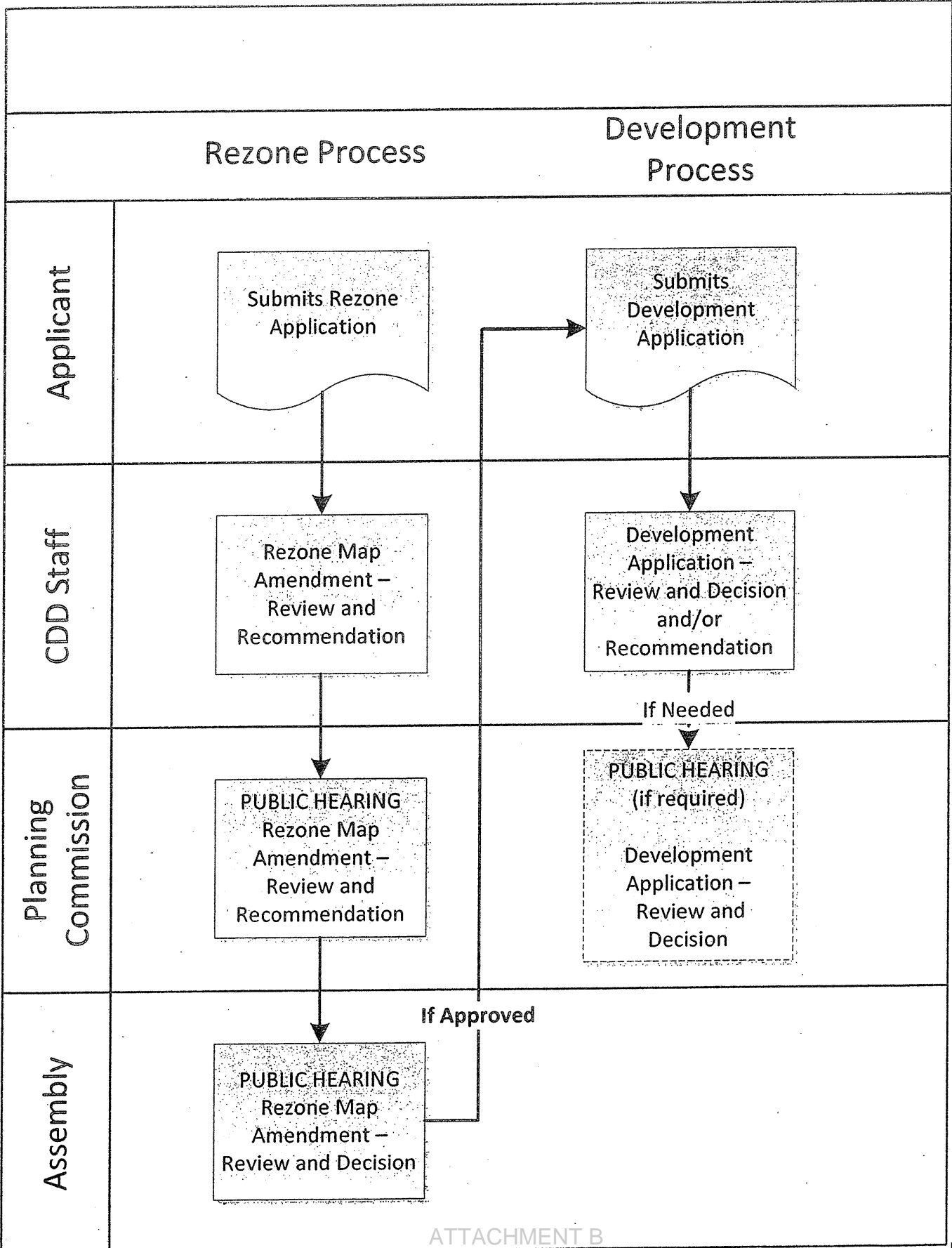
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<sup>2</sup> Majority opinion, at page 5.

<sup>3</sup> If only the asphalt of Mendenhall Loop Road separated the potential uses, the appellant might reasonably have argued that extending a zone just over the line is “substantially” compliant. The appellant did not do so.

<sup>4</sup> Majority opinion, at page 8.

<sup>5</sup> The majority is correct in asserting that the comprehensive plan is aspirational and not a legally binding document. However, it should not lose sight of the fact that the comprehensive plan is implemented through its zoning and land use designations and the table of permissible uses. Uses allowed in a given zone are where the rubber of the plan meets the road of neighborhood harmony and conflict. Far from being clearly in error, the Planning Commission was entirely right to consider those uses.



ATTACHMENT B

TABLE 49.25.400

TABLE OF DIMENSIONAL STANDARDS

Zoning Regulations	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Minimum Lot Size <sup>1</sup>															
Permissible Uses	36,000	36,000	12,000	7,000	3,600 <sup>10</sup>	6,000	5,000	5,000	4,000	4,000	2,000	2,000	2,000	2,000	2,000
Bungalow <sup>9</sup>		18,000	6,000	3,500	2,500	3,000	3,000	2,500							
Duplex	54,000	54,000	18,000	10,500											
Common Wall Dwelling				7,000	3,600 <sup>10</sup>	5,000	3,500	2,500		2,500					
Single-family detached, two dwellings per lot	72,000	72,000	24,000												
Minimum lot width	150'	150'	100'	70'	40'	50'	50'	50'	50'	50'	20'	20'	20'	20'	20'
Bungalow <sup>9</sup>		75'	50'	35'	25'	25'	25'	25'							
Common wall dwelling				60'	40'	40'	30'	20'		20'					
Minimum lot depth	150'	150'	100'	85'	85' <sup>10</sup>	85'	80'	80'	80'	80'	80'	60'	60'	60'	60'
Maximum lot coverage															
Permissible uses	10%	10%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Conditional uses	20%	20%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Maximum height permissible uses	45'	35'	35'	35'	35'	35'	35'	35'	None	45' <sup>4</sup>	45'	55'	35' <sup>4</sup>	45' <sup>4</sup>	None
Accessory	45'	25'	25'	25'	25'	25'	25'	25'	None	35'	35'	45'	35' <sup>4</sup>	45' <sup>4</sup>	None
Bungalow <sup>9</sup>		25'	25'	25'	25'	25'	25'	25'							
Minimum front yard setback <sup>3</sup>	25'	25'	25'	20'	20' <sup>10</sup>	20'	20'	20'	0'	5' <sup>5,8</sup>	25'	10'	10'	10'	10'
Minimum street side yard setback	17'	17'	17'	13'	10'	13'	13'	13'	0'	5'	17'	10'	10'	10'	10'
Minimum rear yard setback <sup>3</sup>	25' <sup>2</sup>	25'	25'	20'	10'	20'	15'	10'	0'	5'	10'	10'	10'	10'	10'
Minimum side yard setback <sup>3</sup>	15' <sup>2</sup>	15'	10'	5'	3'	5'	5'	5'	0'	5'	10'	10'	10'	10'	0'
Common wall dwelling				10' <sup>6</sup>	3'	5' <sup>7</sup>	5' <sup>7</sup>	5' <sup>7</sup>		5' <sup>7</sup>					

Notes:

1. Minimum lot size is existing lot or area shown on chart in square feet.
2. Sixty feet between nonresidential and designated or actual residential site; 80 feet between industrial, extractive and other uses.
3. Where one district abuts another the greater of the two setbacks is required for both uses on the common property line.
4. (Height Bonus) Reserved.
5. (Pedestrian Amenities Bonus) Reserved.
6. Zero-foot setback for the portion of the dwelling with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, and ten-foot setback for the remaining side yards of the lot.
7. Zero-foot setback for the portion of the dwelling with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, and five-foot setback for the remaining side yards of the lot.
8. On corner lots, buildings shall be set back 15 feet from a street intersection. The area in which buildings shall be prohibited shall be determined by extending the edge of the traveled ways to a point of intersection, then measuring back 15 feet, then connecting the points.
9. Special restrictions apply to construction on bungalow lots. See special use provisions 49.65.600.

Supp. No. 53

OBJ 49.25:15

ZONING DISTRICTS

49.25.400

ATTACHMENT B

Attachment J - AME15-05 Rezone Case

## TABLE OF PERMISSIBLE USES

The uses allowed in each zoning district are determined and arranged in the Table of Permissible Uses (attached).

First, look through the “Use Description” in the left column of the Table to find which category your project fits in. Then find the zone where the property is located.

Use Description	Zones											
	RR	D-1	D-3	D-5	D-10	D-15	D-18	LC	GC	MU	MU2	WC
10.220 Storage inside or outside enclosed structures												
10.300 Parking of vehicles or storage of equipment outside enclosed structures where they are owned and used by the user of the lot and parking and storage is more than a minor and incidental use of the lot												

Once you have the intersection of the “Zoning District” and the “Use Description”, you can then determine the approval procedure of the proposed project:

- **No number** at the intersection of the use row and the zone column means that the identified use is not permitted in the identified zone.
- The **number "1"** indicates that the use requires department approval, in conjunction with the issuance of a Building Permit. The use is allowed in the district but limited conditions may be attached to the approval.
- The **number "2"** indicates the use requires an Allowable Use Permit from the Planning Commission. Such uses are allowed in the district, but specified conditions may be attached to the Allowable Use Permit by the Commission.
- The **number "3"** indicates the use requires a Conditional Use Permit from the Planning Commission. The use may or may not be allowed at a particular location depending on a determination of its compatibility with surrounding or proposed land uses. The Planning Commission may attach any condition to ensure the compatibility of the proposed use.
- A **combination of numbers** such as “1,2” or “2,3” indicates that the approval procedure for the identified use in the identified zone will vary depending on whether the project is a major or minor development.

If the project is a minor development, the first number of the combination shall indicate the applicable procedure. If the project is a major development, the second number shall indicate the applicable procedure. To determine whether or not the project is major or minor development, use the following criteria:

- For residential uses, minor development is four or fewer dwelling units. Major development is more than four dwelling units.
- For nonresidential uses, minor development is 5,000 square feet or less of new or significantly changed primary land use. Major development is more than 5,000 square feet of new or significantly changed primary land use.

TABLE OF PERMISSIBLE USES - CBJ 49.25.300

Use Description	Zones														
	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
<b>1.000 RESIDENTIAL</b>															
<b>1.100 Single-family dwellings</b>															
1.110 Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1	1	1 <sup>A</sup>	1 <sup>A</sup>
1.120 Single-family detached, two dwellings per lot	1	1	1												
1.130 Single-family detached, accessory apartments	1 <sup>X</sup> , 3 <sup>X</sup>	1 <sup>X</sup> , 3 <sup>X</sup>	1 <sup>X</sup> , 3 <sup>X</sup>	1 <sup>X</sup> , 3 <sup>X</sup>	1 <sup>X</sup> , 3 <sup>X</sup>	1 <sup>X</sup> , 3 <sup>X</sup>	1 <sup>X</sup> , 3 <sup>X</sup>	1 <sup>X</sup> , 3 <sup>X</sup>	1 <sup>X</sup> , 3 <sup>X</sup>	1 <sup>X</sup> , 3 <sup>X</sup>	1 <sup>X</sup> , 3 <sup>X</sup>	1 <sup>X</sup> , 3 <sup>X</sup>	1 <sup>X</sup> , 3 <sup>X</sup>	1 <sup>X</sup> , 3 <sup>X</sup>	
1.135 Single-family detached, one or two accessory apartments		3	3												
1.200 Duplex	1	1	1	1		1	1	1	1	1	1	1	1		
1.300 Multifamily dwellings						1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
1.400 Group homes	1	1	1	1	1	1	1	1	1	1			1	1	
1.450 Halfway houses	3									3	3	3	3		
1.500 Day care homes															
1.510 Child, 8 or fewer children under the age of 12	1	1	1	1	1	1	1	1	1	1	1	1	1		
1.520 Child, 9 to 12 children under the age of 12	3	3	3	3	3	3	3	3	3	3	3	3	3		
1.530 Adult; 8 or fewer people, 12 years and older	1	1	1	1	1	1	1	1	1	1	1	1	1		
1.540 Adult; 9 to 12, people 12 years and older	3	3	3	3	3	3	3	3	3	3	3	3	3		
1.550 Child care residence, 6 to 9 children under 18 years of age		3	3	3	3	3	3	3	3	3	3	3	3		
<b>1.600 Miscellaneous, rooms for rent situations</b>															
1.610 Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, and temporary residences. Owner or manager must live on site.	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	3 <sup>N</sup>		
1.620 Hotels, motels	3								1, 3	1, 3	1, 3	1, 3	3 <sup>N</sup>	3 <sup>N</sup>	
1.630 Single room occupancies with private facilities						1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
1.700 Home occupations	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
<b>1.800 Mobile homes</b>															
1.810 Residential mobile homes one individual lots <sup>E</sup>	3	3	3												
1.815 Caretakers mobile homes one individual lots <sup>E</sup>	3	3	3		3	3	3	3	3	3	3	3	3	3	3
1.820 Mobile home parks <sup>E</sup>					3	3	3	3	3	3					
1.830 Mobile home subdivision <sup>B</sup>				3	3	3	3	3	3	3					
1.840 Recreational vehicle parks <sup>F</sup>	3 <sup>F</sup>	3 <sup>F</sup>	3 <sup>F</sup>												

Supp. No. 39

CBJ 49.25:6

Attachment J - AME15-05 Rezone Case

49.25.300

PART II: CODE OF ORDINANCES



Supp. No. 42

OBJ 49.25:7

Attachment J - AME15-05 Rezoning Case

Use Description	Zones															
	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I	
1.900	Common wall development															
1.910	Two dwelling units															
1.911	1 <sup>X</sup> , 3 <sup>X</sup>	1 <sup>X</sup> , 3 <sup>X</sup>	1 <sup>X</sup> , 3 <sup>X</sup>	1	1	1	1	1	1 <sup>X</sup> , 3 <sup>X</sup>	1 <sup>X</sup> , 3 <sup>X</sup>	1 <sup>X</sup> , 3 <sup>X</sup>	1 <sup>X</sup> , 3 <sup>X</sup>	1 <sup>X</sup> , 3 <sup>X</sup>	1 <sup>X</sup> , 3 <sup>X</sup>		
1.920	Accessory apartments															
1.920	Three or more dwelling units															
1.930	Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h)															
2.000	SALES AND RENTAL GOODS, MERCHANDISE OR EQUIPMENT <sup>G</sup>															
2.100	With less than 5,000 square feet and less than 20 percent of the gross floor area of outside merchandising of goods															
2.110	<i>Reserved</i>															
2.120	Miscellaneous															
2.130	Marine merchandise and equipment															
2.200	Storage and display of goods with greater or equal to 5,000 square feet and/or 20 percent of the gross floor area of outside merchandising of goods															
3.000	PROFESSIONAL OFFICE, CLERICAL, RESEARCH, REAL ESTATE, OTHER OFFICE SERVICES <sup>G</sup>															
3.050	Offices of not more than 1,000 square feet															
3.100	Offices greater than 1,000 but not more than 2,500 square feet															
3.200	<i>Reserved</i>															
3.300	Research, laboratory uses															
3.400	Offices greater than 2,500 square feet															
4.000	MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS <sup>G</sup>															
4.050	Light manufacturing															
4.070	Medium manufacturing															
4.100	Heavy manufacturing															
4.150	Rock crusher															
4.200	Storage of explosives and ammunition															
4.210	Seafood processing															
5.000	EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES															
5.100	Schools															
5.110	Elementary and secondary schools including associated grounds and other facilities															
5.120	Trade, vocational schools, commercial schools															
5.130	Colleges, universities															
5.200	Churches, synagogues, temples															
5.300	Libraries, museums, art galleries															
5.400	Social, fraternal clubs, lodges, union halls, yacht clubs															

ZONING DISTRICTS

49.25.300

49.25.300

PART II: CODE OF ORDINANCES

Use Description	Zones															
	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I	
<b>6.000 RECREATION, AMUSEMENT, ENTERTAINMENT</b>																
6.100 Indoor activity conducted entirely within building or substantial structure																
6.110 Bowling alleys, billiard, pool halls									1, 3	1, 3	1, 3	1, 3				3
6.120 Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges				3	3	3	3	3	1, 3	1, 3	1, 3	1, 3				3
6.130 Theaters seating for 200 or fewer	3 <sup>T</sup>						3	3	1	1	1	1	3 <sup>N</sup>			3
6.135 Theaters seating from 201 to 1,000									3	1	1	1	3 <sup>N</sup>			3
6.140 Coliseums, stadiums, and other facilities in the 6.100 classification seating more than 1,000 people										3	3	3	3 <sup>N</sup>			
6.150 Indoor shooting range	1, 3															
6.200 Outdoor activity conducted outside enclosed buildings or structures											3					3
6.210 Recreational facilities such as golf, country clubs, swimming, tennis courts not constructed pursuant to a permit authorizing the construction of a school	3	3	3	3	3	3	3	3	3	1, 3			3 <sup>N</sup>			3
6.220 Miniature golf courses, skateboard parks, water slides, batting cages	3	3	3	3	3	3	3	3	3	1, 3	3	3	3 <sup>N</sup>			3
6.240 Automobile, motorcycle racing tracks; off-highway vehicle parks	3									3						3
6.250 <i>Reserved</i>																
6.260 Open space	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
6.262 Parks with improved facilities, not approved in conjunction with a major subdivision																
6.264 Capacity for up to 20 people <sup>W</sup>	1 <sup>T</sup>	1	1	1	1	1	1	1	1	1	1	1	1			
6.266 Capacity for more than 20 people <sup>W</sup>	3 <sup>T</sup>	3	3	3	3	3	3	3	3	3	3	3	3 <sup>N</sup>	3 <sup>N</sup>		
6.270 Aerial conveyances and appurtenant facilities	3	3	3	3	3	3	3	3	3	3	3	3	3 <sup>N</sup>	3 <sup>N</sup>		3
6.280 Shooting ranges	3															
<b>7.000 INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES</b>																
7.100 Hospital																
7.150 Health care clinics, other medical treatment facilities providing out-patient care							3	3	1, 3	1, 3	1, 3	1, 3				

Supp. No. 42

CBJ 49.25.8

Attachment J - AME15-05 Rezoning Case

Supp. No. 37

CBJ 49.25:9

Attachment J - AME15-05 Rezone Case

	Use Description	Zones														
		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
7.200	Nursing care, assisted living, sheltered care		3	3	3	3	3	3	3	3	1, 3	1, 3	1, 3			
7.300	Day care centers for children and adults						3	3	3	1, 3	1, 3	1, 3	1, 3			
7.400	Halfway houses									3	3	3	3			
7.500	Correctional facilities	3	3	3	3	3	3	3	3	3	3	3	3			3
8.000	<b>RESTAURANTS, BARS, NIGHTCLUBS</b>															
8.050	Small restaurants, less than 1,000 ft <sup>2</sup> without drive through service	3 <sup>T</sup>					3	3	3	1	1	1	1	1 <sup>N</sup>		
8.100	Restaurants, bars without drive through service	3 <sup>T</sup>								1, 3	1	1, 3	1, 3	1 <sup>N</sup> , 3 <sup>N</sup>	3 <sup>N</sup>	3
8.200	Restaurants, coffee stands with drive through service									1, 3	1		3	1 <sup>N</sup> , 3 <sup>N</sup>	3 <sup>N</sup>	3
8.300	Seasonal open air food service without drive through	3								1, 3	1	1, 3	1, 3	1 <sup>N</sup> , 3 <sup>N</sup>	3 <sup>N</sup>	
9.000	<b>BOAT OR MOTOR VEHICLE, SALES AND SERVICE OPERATIONS</b>															
9.050	Motor vehicle, mobile home sale or rental									1, 3	1, 3	3	3			1, 3
9.100	Motor vehicle repair and maintenance, including body work										3					1
9.200	Automotive fuel station	3 <sup>T</sup>								3	1					1
9.300	Car wash									3	1					1
9.400	Boat sales or rental	3 <sup>T</sup>								3	1					1
9.450	Boat repairs and maintenance	3 <sup>T</sup>									3			1	1	1
9.500	Marine fuel, water sanitation	3 <sup>T</sup>												1, 3	1, 3	1, 3
9.600	Marine commercial facilities including fisheries support, commercial freight, passenger traffic	3												3	3	
10.000	<b>STORAGE, PARKING, MOORAGE</b>															
10.100	Automobile parking garages or parking lots not related to a principal use on the lot									3	1	1, 3	1, 3			1
10.200	Storage and handling of goods not related to sale or use of those goods on the same lot on which they are stored															
10.210	All storage within completely enclosed structures	1, 3	3							3	1	1 <sup>U</sup> , 3 <sup>U</sup>	1 <sup>U</sup> , 3 <sup>U</sup>	1 <sup>N</sup> , 3 <sup>N</sup>	1 <sup>N</sup>	1
10.220	General storage inside or outside enclosed structures	1, 3	3								1, 3			1 <sup>N</sup> , 3 <sup>N</sup>	1 <sup>N</sup>	1
10.230	Snow storage basin															
10.232	Neighborhood, less than 1/2 acre	3	3	3 <sup>Z</sup>	3 <sup>Z</sup>	3 <sup>Z</sup>	3 <sup>Z</sup>	3 <sup>Z</sup>	3 <sup>Z</sup>	3 <sup>Z</sup>	1			3 <sup>Z</sup>	1	1
10.235	Regional, 1/2 to 1 acre	3	3	3 <sup>Z</sup>						3 <sup>Z</sup>	3			3 <sup>Z</sup>	1	1
10.237	Area wide, over 1 acre	3	3 <sup>Z</sup>	3 <sup>Z</sup>							3 <sup>Z</sup>				3	3
10.300	Parking of vehicles or storage of equipment outside enclosed structures where they are owned and used by the user of the lot and parking and storage is more than a minor and incidental use of the lot	1, 3	3								1, 3			1 <sup>N</sup> , 3 <sup>N</sup>	1 <sup>N</sup> , 3 <sup>N</sup>	1

ZONING DISTRICTS

49.25.300

	Use Description	Zones														
		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
10.400	Temporary contractor's storage connected with construction project off-site for a specified period of time	1, 3	3	3	3	3	3	3	3	3	1, 3	3	3	3	1 <sup>N</sup>	1
10.500	Moorage															
10.510	Public, commercial	3	3	3						3	3	3	3	1, 3	1, 3	1, 3
10.520	Private	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3
10.600	Floating structures supporting seasonal, commercial recreation	3	3	3										3	3	
11.000	<b>MATERIALS SALVAGE YARDS, WASTE MANAGEMENT</b>															
11.100	Recycling operations															
11.110	Enclosed collection structures <sup>o</sup> of less than 80 square feet total and less than six feet in height	1 <sup>P</sup>	1 <sup>P</sup>	1 <sup>P</sup>	1 <sup>P</sup>	1 <sup>P</sup>	1 <sup>P</sup>	1 <sup>P</sup>	1 <sup>P</sup>	1	1	1 <sup>P</sup>	1 <sup>P</sup>	1	1	1
11.120	Enclosed structures for recyclable materials collection	1 <sup>P</sup> , 3	1 <sup>P</sup> , 3	1 <sup>P</sup> , 3	1 <sup>P</sup> , 3	1 <sup>P</sup> , 3	1 <sup>P</sup> , 3	1 <sup>P</sup> , 3	1 <sup>P</sup> , 3	1 <sup>P</sup> , 3 <sup>P</sup>	1 <sup>P</sup> , 3 <sup>P</sup>	3	3	1	1	1 <sup>P</sup>
11.130	Sorting, storage, preparation for shipment occurring outside an enclosed structure														1 <sup>N</sup>	1
11.200	Reclamation landfill not associated with a specific use	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3 <sup>N</sup>	3 <sup>N</sup>	1, 3
11.300	Sanitary landfill	3														3
12.000	<b>SERVICES AND ENTERPRISES RELATED TO ANIMALS</b>															
12.100	Veterinary clinic	3	3	3						3	1, 3	3	3	1 <sup>N</sup> , 3 <sup>N</sup>	1 <sup>N</sup> , 3 <sup>N</sup>	1
12.200	Kennel	3	3							3	3					1, 3
12.250	Day animal services, grooming, walking, day care	3	3	3	3	3				3	3	3	3			1, 3
12.300	Zoos, aquaria, or wild animal rehabilitation facilities with a visitor component	3	3							3	3		3	3 <sup>N</sup>		3
12.310	Wild animal rehabilitation facilities without a visitor component	3	3	3	3					3	3			3 <sup>N</sup>		3
12.400	Horseback riding stables, dog team yards	3	3							3	3					3
13.000	<b>EMERGENCY SERVICES</b>															
13.100	Fire, police, ambulance	3	3	3	3	3	3	3	3	3	3	3	3	3 <sup>N</sup>	3 <sup>N</sup>	1, 3
14.000	<b>AQUACULTURE, AGRICULTURE, SILVICULTURE, MINING, QUARRYING OPERATIONS, SPRING WATER BOTTLING</b>															
14.100	Aquaculture	3	3	3						3	3	3	3	1	1	3
14.150	Weirs, channels, and other fisheries enhancement	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	1
14.200	Commercial agricultural operations															
14.210	Excluding farm animals	1, 3	1, 3	3	3	3	3	3	3	3	3					1, 3
14.220	Including farm animals <sup>M</sup>	1, 3	3													1, 3
14.230	Stabling of farm animals <sup>M</sup>	3	3	3	3					3	3					1, 3
14.250	Personal use agriculture															
14.253	Hens, 6 maximum	1	1	1	1	1	1	3	3	1	1	3	3	1	1	1
14.300	Silviculture and timber harvesting <sup>J</sup>	3	3													3
14.400	Mining operations	2, 3 <sup>K</sup>	3	3										3 <sup>N</sup>	3 <sup>N</sup>	2

Supp. No. 37

CBJ 49.25.10

Attachment J - AME15-05 Rezoning Case

Supp. No. 37

CBJ 49.25:11

Attachment J - AME15-05 Rezoning Case

Use Description	Zones															
	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I	
14.500 Sand and gravel operations'	3	3	3						3	3			3 <sup>N</sup>	3 <sup>N</sup>	3	
14.800 Spring water bottling	3	3			3	3	3	3	3	3					1, 3	
<b>15.000 MISCELLANEOUS PUBLIC AND SEMIPUBLIC FACILITIES</b>																
15.100 Post office	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	3 <sup>N</sup>	3 <sup>N</sup>	1, 3	
15.200 Airport	3														1, 3	
15.400 Military reserve, National Guard centers	3	3	3						3	3			3 <sup>N</sup>	3 <sup>N</sup>	3	
15.500 Heliports, helipads	3									3			3 <sup>N</sup>	3 <sup>N</sup>	3	
15.600 Transit facilities																
15.610 Transit center			3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3		1, 3	
15.620 Transit station		1	1	1	1	1	1	1	1	1	1	1	1	1	1	
15.630 Park and ride not associated with transit station	3	3	3	3	3	3	3	3	3	1	1	3	3		1	
15.700 Public works facility	3	3	3	3					3	3					1, 3	
<b>16.000 DRY CLEANER, LAUNDROMAT</b>																
16.100 Drop off and pickup only, no onsite laundry or dry cleaning process									1, 3	1, 3	1, 3	1, 3	1 <sup>N</sup> , 3 <sup>N</sup>	1 <sup>N</sup> , 3 <sup>N</sup>	1, 3	
16.200 Full service onsite laundry and/or dry cleaning										3	1, 3	3	3	3 <sup>N</sup>	1 <sup>N</sup> , 3 <sup>N</sup>	1, 3
<b>17.000 UTILITY FACILITIES</b>																
17.100 Minor	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
17.150 Intermediate	3	3	3	3	3	3	3	3	3	1, 3	3	3	1, 3	1	1	
17.200 Major	3	3	3	3	3	3	3	3	3	3			3	3	3	
17.300 Driveways and private roads																
17.310 Access driveways on public rights-of-way adjoining one to four existing lots	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
17.320 Access driveways on public rights-of-way adjoining five or more existing lots	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	
<b>18.000 TOWERS AND RELATED STRUCTURES</b>																
18.100 Towers and antennas 35 feet or less	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
18.200 Towers and antennas 35 to 50 feet	1	3	3	3	3	3	3	3	1	1	1	1	1	1	1	
18.300 Towers and antennas more than 50 feet in height	3	3	3	3	3	3	3	3	3	3	3	3	3	3	1	
18.400 Amateur (ham) radio towers and antennas more than 35 feet in height <sup>R</sup>	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
<b>19.000 OPEN AIR MARKETS, NURSERIES, GREENHOUSES</b>																
19.100 Open air markets (farm, craft, flea, and produce)	1, 3	1, 3								1, 3	1	1, 3	1, 3	1 <sup>N</sup> , 3 <sup>N</sup>	1 <sup>N</sup> , 3 <sup>N</sup>	1, 3
19.200 Nurseries, commercial greenhouses																
19.210 Retail sales	3	3	3	3	3	3	3	3	1, 3	1	1 <sup>V</sup>	1 <sup>V</sup>			1	
19.220 Nonretail sales	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1 <sup>V</sup>	1 <sup>V</sup>			1	
<b>20.000 CEMETERY, CREMATORIUM, MORTUARY</b>																
20.100 Cemetery	1, 3	3	3	3	3	3	3	3	3	3						
20.200 Crematorium	3														1, 3	

ZONING DISTRICTS

49.25.300

49.25.300

PART II: CODE OF ORDINANCES

	Use Description	Zones														
		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
20.300	Funeral home	3	3	3	3	3	3									
21.000	VISITOR-ORIENTED, RECREATIONAL FACILITIES															
21.100	Resort, lodge	3	3													
21.200	Campgrounds	1, 3	3													
21.300	Visitor, cultural facilities related to features of the site	3	3							3	3	3	3	3 <sup>N</sup>		
22.000	TEMPORARY STRUCTURES ASSOCIATED WITH ONSITE CONSTRUCTION															
22.100	Temporary structures used in connection with construction	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

Key:

1. Department approval requires the department of community development approval only.
2. Allowable use permit requires planning commission approval.
3. Conditional use permit requires planning commission approval.
- 2, 3. Allowable use permit required if minor development, conditional use permit required if major development.

Notes:

- A. A single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.
- B. *Reserved.*
- C. *Reserved.*
- D. *Reserved.*
- E. See special use regulations for mobile homes, chapter 49.65, article III.
- F. See special use regulations for recreational vehicles, chapter 49.65, article IV. This use allowed by service area designation not zoning district.
- G. All uses subject to additional performance standards, chapter 49.65, article VIII.
- H. *Reserved.*
- I. *Reserved.*
- J. Applies to over 2 acres of harvest area.
- K. See special use regulations, chapter 49.65, article I. Mining operations are a conditional use in the urban mining district and an allowable use in the rural mining district.
- L. See special use regulations, chapter 49.65.200, article II.
- M. Only applicable to the commercial or private stabling of more than three farm animals, or where the running or stabling area is closer than 100 feet to the nearest residence other than the owner for any number of farm animals.
- N. Use must be water-dependent, water-related, or water-oriented.

Supp. No. 37

CBJ 49.25.12

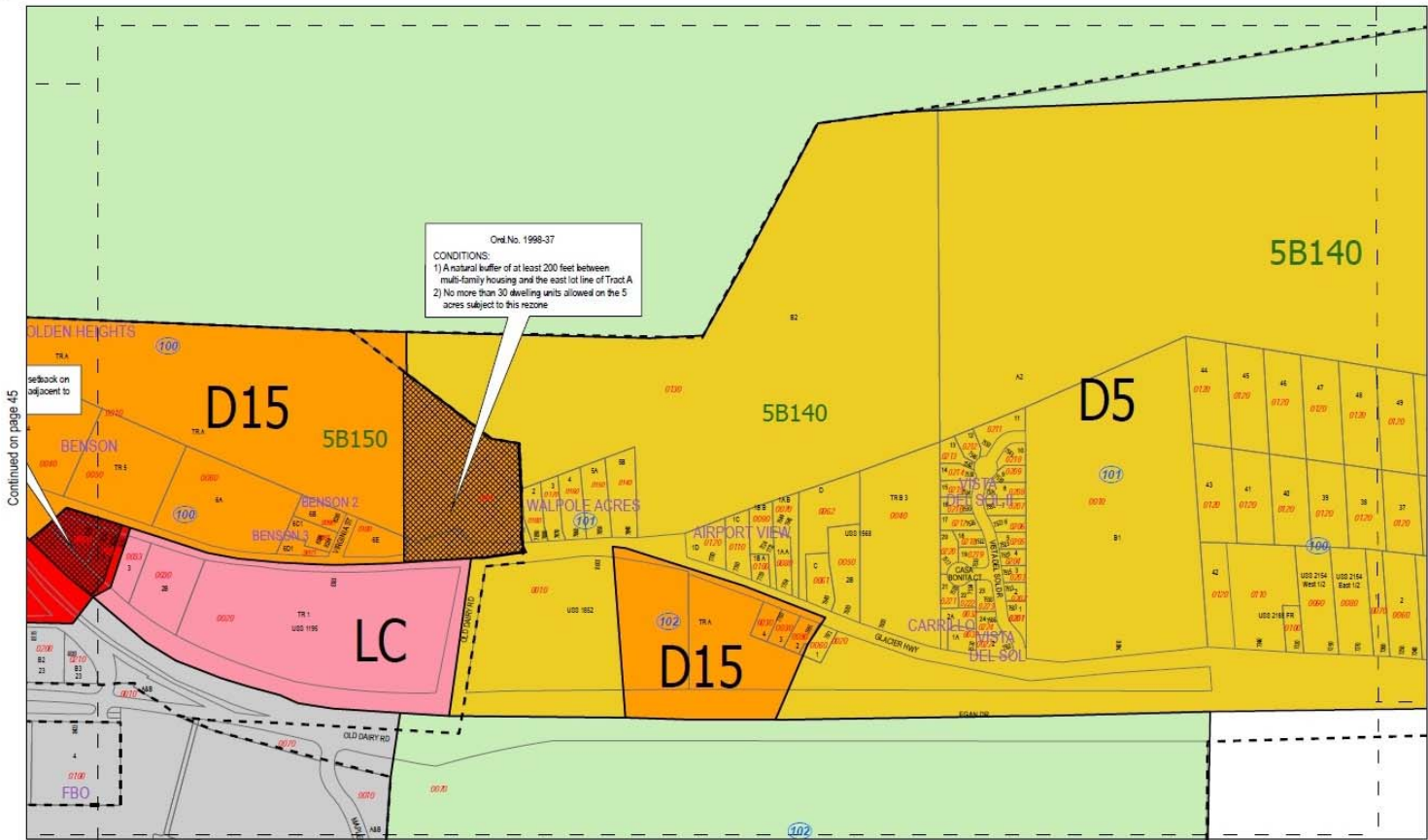
Supp. No. 37

CBJ 49.25.13

- O. Standards for collection structures: containers must be well maintained and allow no spillage of contents; a specific person or group must be responsible for maintenance of the structure and that person or group shall have a contact telephone number posted on the collection structure; collection structure must be situated so as to not affect traffic or parking; directional signs shall be limited to six square feet and identification signs shall be limited to 24 square feet; such signs will not be included in total sign area allowed for a complex; and the structure shall not exceed a height of six feet. Identification is to be in the following format: greater prominence, the City and Borough recycling logo and the recyclable material identification; lesser prominence, the sponsor name and the contact phone number.
- P. Preexisting allowable or conditional use permit: If recycling activity is determined by the director to be an accessory use to a use previously permitted under either an allowable or a conditional use permit, the activity may be approved by the department. Other conditions may be required before recycling activity is permitted.
- Q. Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise.
- R. Towers shall: be for amateur use only; meet the setback requirements of the zoning district; be unlit except as required by the Federal Aviation Administration. Towers shall be installed in conformance with a valid building permit, application for which shall include a copy of the applicant's amateur station license.
- S. Limited to lots directly fronting on Glacier Highway West of Industrial Boulevard.
- T. Must be associated with a unique site specific feature in order to function. Example: glacier research station - Juneau Icefield location.
- U. No storage permitted on the first floor of a building.
- V. Primarily intended for rooftop locations in urban areas.
- W. The capacity of a park shall be determined by the Director of the Community Development Department or designee in consultation with the Director of the Parks and Recreation Department.
- X. Special requirements apply to accessory apartment applications. See CBJ§49.25.510(d)(2).
- Z. Snow storage may be permitted for a maximum of five years. After five years a new application must be filed.  
(Serial No. 2002-14, § 2, 4-1-5-2002; Serial No. 2002-29, § 2, 11-4-2002; Serial No. 2003-27am, § 5, 6-16-2003; Serial No. 2003-41, § 2, 9-22-2003; Serial No. 2003-41, § 2, 9-8-2003; Serial No. 2004-09, § 2, 4-12-2004; Serial No. 2006-07, § 2, 4-3-2006; Serial No. 2007-39, § 8, 6-25-2007; Serial No. 2009-22(b), § 2, 10-12-2009; Serial No. 2010-22, § 3(Exh. A), 7-19-2010)

ZONING DISTRICTS

49.25.300



Continued on page 45

Continued on page 52

Continued on page 51

ATTACHMENT B



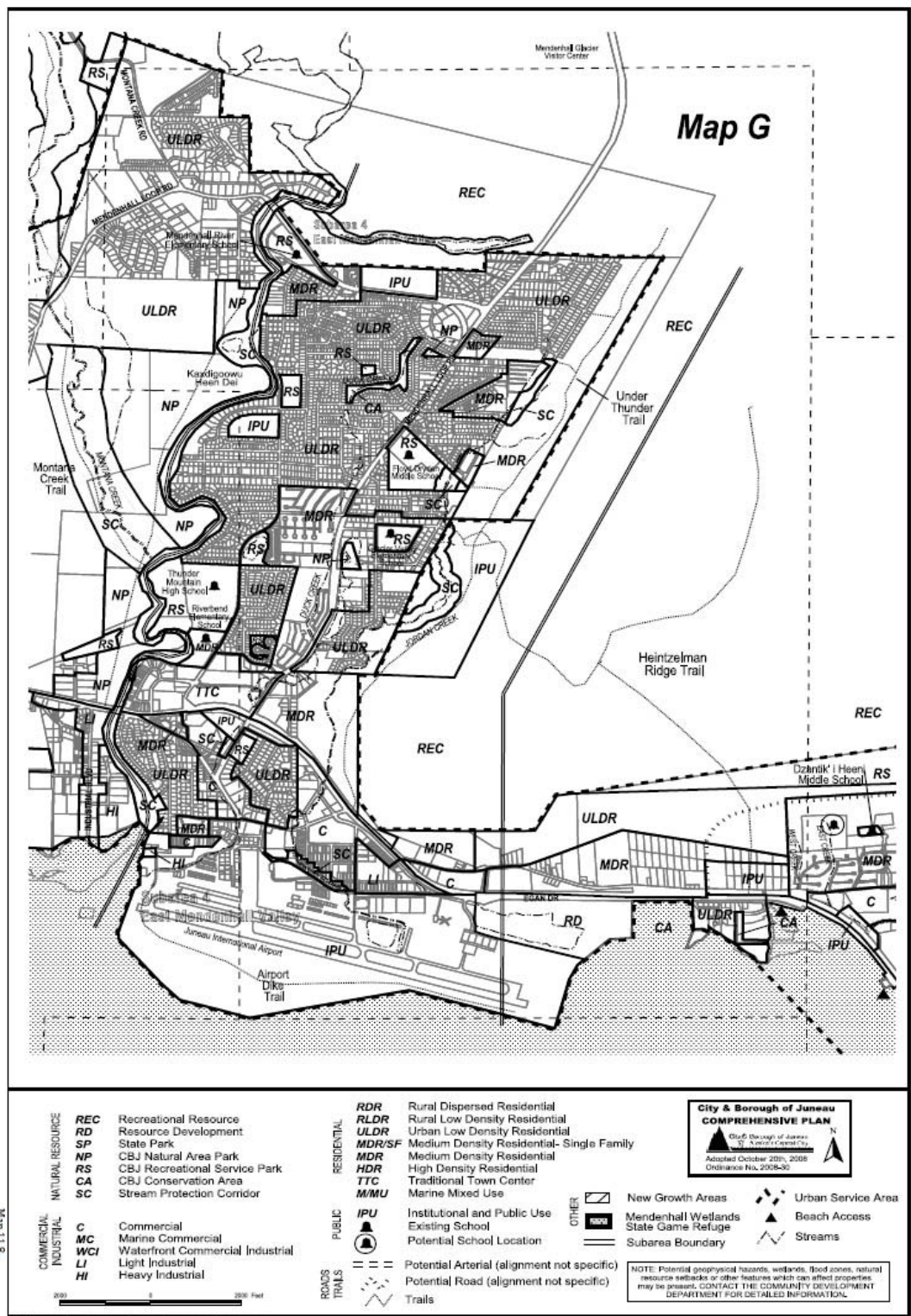
Property Information			
155	7	(B)	EAST VALLEY
Address Number	Lot	Block	Subdivision

Assessor Tax Code		
6D090	102	0030
Parcel Code Prefix	Block Number	Lot Number





ATTACHMENT B



**Neighborhood Meeting - Dzantik'I Heeni Middle School Library  
February 26th, 2015 6:30pm-8:00pm**

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
ROGER SAMS	7340 GLACIER HWY	789-9498
BARBARA SAMS	7340 GLACIER HWY	789-9498

**Neighborhood Meeting - Dzantik'I Heeni Middle School Library  
February 26th, 2015 6:30pm-8:00pm**

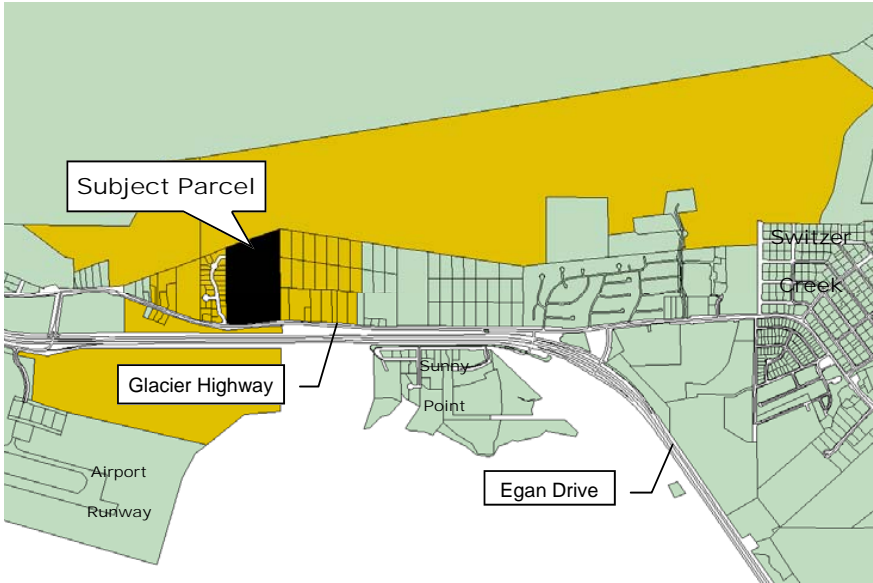
<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
Bob Lafavour	4021 Deborah Dr.	321-3709
+1 JENNY MILLER	7671 GLACIER HWY	789-6811
Richard Harris	Po-Box 32403 Juneau 99803	796-4146

ATTACHMENT B

Attachment J- AME15-05 Rezone Case



# NOTICE OF PUBLIC HEARING



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

**SHIP TO:**



**PROPOSAL:** A rezone request from D-5 to D-18.

<b>File No:</b>	<b>AME2015 0005</b>	<b>Applicant:</b>	<b>RH Development</b>
<b>To:</b>	<b>Adjacent Property Owners</b>	<b>Property PCN:</b>	<b>5-B14-0-101-001-0</b>
<b>Hearing Date:</b>	<b>March 24, 2015</b>	<b>Owner:</b>	<b>Honsinger Family Limited Partnership</b>
<b>Hearing Time:</b>	<b>7:00 PM</b>	<b>Size:</b>	<b>19.71 acres</b>
<b>Place:</b>	<b>Assembly Chambers</b>	<b>Zoned:</b>	<b>D-5</b>
	<b>Municipal Building</b>	<b>Site Address:</b>	<b>7400 Glacier Highway</b>
	<b>155 South Seward Street</b>	<b>Accessed Via:</b>	<b>Glacier Highway</b>
	<b>Juneau, Alaska 99801</b>		

**PROPERTY OWNERS PLEASE NOTE:**

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

*If you have questions, please contact Jonathan Lange at [Jonathan.Lange@juneau.org](mailto:Jonathan.Lange@juneau.org) or 586-0218.*



Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at [www.juneau.org/plancomm](http://www.juneau.org/plancomm).

*Date notice was printed: February 19, 2015*

ATTACHMENT C

Attachment J- AME15-05 Rezone Case

**Jonathan Lange**

**Subject:** FW: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

**From:** Charlie Ford  
**Sent:** Thursday, February 05, 2015 1:50 PM  
**To:** Jonathan Lange  
**Subject:** RE: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

Jonathan,

The Building Department has no issues with this request.

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

---

**From:** Jonathan Lange  
**Sent:** Thursday, February 05, 2015 12:41 PM  
**To:** Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney  
**Subject:** Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

**Subject:** Please review the attached documents related to a Rezone Request for a 19.71 Acre parcel on Glacier Highway, from D-5 to D-18.  
**File:** AME2015 0005  
**Parcel:** 5-B14-0-101-001-0  
**Address:** 7400 Glacier Highway

The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.  
Please see the attached application and proposed plans.  
Please send me comments by February 23, 2015.  
I look forward to receiving your comments.  
Let me know if you require any additional information for this project or have any questions.

**Jonathan Lange**, Planner II  
Community Development Department  
City & Borough of Juneau, Alaska  
155 S. Seward St. Juneau, AK 99801  
Ph (907)586-0218 F (907)586-4529  
**PLEASE NOTE MY NEW CBJ EMAIL ADDRESS:** [Jonathan.Lange@juneau.org](mailto:Jonathan.Lange@juneau.org)



**Jonathan Lange**

**Subject:** FW: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

**From:** Ron King  
**Sent:** Thursday, February 05, 2015 1:51 PM  
**To:** Jonathan Lange  
**Subject:** RE: Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

D-18 is not in harmony with the neighborhood and for that reason I would deny a rezone. However, if the zone change is approved the access from the development to Glacier Hwy shall be restricted to one entrance. Have you contacted ADOT? Joe Buck, Martin Peters?

*Ron King PLS*

General Engineering  
907-586-0881

---

**From:** Jonathan Lange  
**Sent:** Thursday, February 05, 2015 12:41 PM  
**To:** Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney  
**Subject:** Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

**Subject:** Please review the attached documents related to a Rezone Request for a 19.71 Acre parcel on Glacier Highway, from D-5 to D-18.

**File:** AME2015 0005  
**Parcel:** 5-B14-0-101-001-0  
**Address:** 7400 Glacier Highway

The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.  
Please see the attached application and proposed plans.  
Please send me comments by February 23, 2015.  
I look forward to receiving your comments.  
Let me know if you require any additional information for this project or have any questions.

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

**PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: [Jonathan.Lange@juneau.org](mailto:Jonathan.Lange@juneau.org)**



**Jonathan Lange**

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**Subject:** FW: Ame2015 0005

-----Original Message-----

From: Jonathan Lange  
Sent: Monday, February 23, 2015 10:31 AM  
To: 'ANH LAM'  
Subject: RE: Ame2015 0005

Good Morning,  
Thank you for your comments.  
I will keep you informed on any rezoning information as it is made available.

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

-----Original Message-----

From: ANH LAM [<mailto:sefoot@hotmail.com>]  
Sent: Monday, February 23, 2015 10:18 AM  
To: Jonathan Lange  
Subject: Ame2015 0005

I prefer the property to stay the same. But Change going happen regardless, I would convert to d-18 or multiple use.  
Thx. Dr lam

Sent from my iPhone

From: ANH LAM [<mailto:sefoot@hotmail.com>]  
Sent: Monday, February 23, 2015 10:13 AM  
To: Jonathan Lange  
Subject: File ame2015 0005

I prefer property stay d-5. 7691 glacier hwy.-owner. I don't feel the current hwy can handle the increase traffic. Thx. Dr Lam.

Sent from my iPhone

**Jonathan Lange**

---

**From:** Alan Wilson <akrenovate@icloud.com>  
**Sent:** Friday, March 06, 2015 11:52 AM  
**To:** Jonathan Lange  
**Subject:** D-18 rezone

Hi Jonathan- I own property at 7290 Glacier Hwy. I would like to get caught up on the public meeting and where the city is at with this issue. Is there a good time to meet or call?  
I do support the D-18 zoning.

Alan Wilson, President  
Alaska Renovators, Inc.  
[akrenovate@icloud.com](mailto:akrenovate@icloud.com)  
Cell 907-209-6320

March 8, 2015

Jonathan Lange  
Community Development Planner  
City & Borough of Juneau  
155 S. Seward St.  
Juneau, AK 99801

RE: File Number AME2015 0005, Zone Application Change Tract B1 of U.S. Survey 1568 at 7400 Glacier Highway from D-5 to D-18.


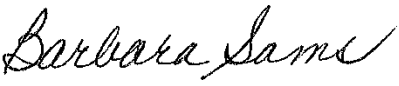
Under a D-18 designation, this acreage would be logged or clear cut; eliminating a number of stately, large spruce and hemlock trees that are fast disappearing from our local area. I have personally witnessed black bear, Sitka deer and an occasional coyote using the property.

We believe that this increased density level would be a net loss in the quality of living for ourselves as well as others in the area. Certainly trailer court and mobile home development density could be a detriment.

Increased traffic from the development could present problems as it is already busy in this section between Fred Meyer, Wal-Mart and the two expressway exit/entrances.

D-5 designation allows for most applicable uses for this acreage without the impact of a very dense population.

We are opposed to this change.

   
Roger & Barbara Sams  
7340 Glacier Highway  
Juneau, AK 99801


ATTACHMENT D



Theodore Smith, Jr.  
Voting member TKP Juneau, LLC  
571-338-9754

Regards,

TKP Juneau, LLC supports the rezoning of Tract B1 of U.S. Survey 1568 at 7400 Glacier Highway from D-5 to D-18.

 [tkp02242015\\_rezoning 7400 glacier highway.pdf](#)

I understand that TKP Juneau needs to express our position on the rezoning to you.

I was not able to come to the meeting, but our partner on the land Penny Miller was there. She talked with me on what transpired.

Jonathan,

**From:** Ted s <tkpjuneau@gmail.com>  
**Sent:** Monday, March 02, 2015 10:45 AM  
**To:** Jonathan Lange  
**Subject:** Zone Change Application AME2015 0005 dated February 18,2015

**Jonathan Lange**

---

**From:** Alan Wilson <akrenovate@icloud.com>  
**Sent:** Friday, March 06, 2015 11:52 AM  
**To:** Jonathan Lange  
**Subject:** D-18 rezone

Hi Jonathan- I own property at 7290 Glacier Hwy. I would like to get caught up on the public meeting and where the city is at with this issue. Is there a good time to meet or call?  
I do support the D-18 zoning.

Alan Wilson, President  
Alaska Renovators, Inc.  
[akrenovate@icloud.com](mailto:akrenovate@icloud.com)  
Cell 907-209-6320

March 31, 2015

Jonathan Lange, Planner II  
Community Development Department  
City & Borough of Juneau  
155 S. Seward Street  
Juneau, AK 99801

RE: File Number AME2015 0005, Rezone Request to change 19.71 acres at 7400 Glacier Highway from D-5 to a mix of D-18 and Light Commercial (LC).

Dear Sir:

This summer, we will be moving into our home in the neighborhood adjacent to this tract. We believe that the proposed increased density levels of D-18 and LC will have a negative impact on the surrounding neighborhoods. It makes logical sense to maintain the existing neighborhood density in this area, which is D-5. High density housing in a D-5 neighborhood will lower the quality of living for us as well as our neighbors. Additionally, there is no proposed buffer between the proposed high density housing and existing D-5 neighborhoods.

We agree that Juneau has a housing shortage, but in this location feel that D-5 designation will be able to put a sizeable dent in this shortage. From past experience in other states, as well as from looking around Juneau, multi-family housing, including condominiums, apartments and mobile home developments, will lead to a high rate of rental properties. With rental properties usually come greater issues of housing neglect and crime, negatively affecting nearby neighborhoods. I know it affected our decision while looking for a home in Juneau.

We believe that the proposed additional units will have a negative effect on transportation in this corridor. The proposed increased density levels will increase traffic significantly on Glacier Highway in this already crowded area between Fred Meyer and Wal-Mart, with no planned improvements to widen Glacier Highway or provide a center turn lane.

We are opposed to this change from D-5 to D-18 and LC designation. We feel that D-5 designation provides for the best use of this tract of land without adversely impacting the surrounding neighborhoods.

Sincerely,



Doug Wesley, Lead Forecaster - National Weather Service  
Sandy Schneider, Senior Bridge Engineer – Parsons Corporation  
7523 Vista del Sol Drive  
Juneau AK, 99801

ATTACHMENT D

**Jonathan Lange**

---

**From:** Robin Potter  
**Sent:** Monday, March 23, 2015 10:50 AM  
**To:** Jonathan Lange  
**Cc:** Beth McKibben  
**Subject:** RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

The Assessor’s office has no issues with the re-zoning, nor do we anticipate it will have any impact on the value of neighboring properties, if constructed according to the information provided.

---

**Robin Potter**  
**Assessor, Finance Department**  
**City & Borough of Juneau**  
**155 S. Seward Street**  
**Juneau, AK 99801**  
**907.586.0333**  
[http://www.juneau.org/financeftp/assessor\\_main.php](http://www.juneau.org/financeftp/assessor_main.php)

Note new email address: [Robin.Potter@juneau.org](mailto:Robin.Potter@juneau.org)

---

**From:** Jonathan Lange  
**Sent:** Monday, March 23, 2015 9:15 AM  
**To:** Robin Potter  
**Cc:** Beth McKibben  
**Subject:** FW: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Good Morning,  
I just wanted to follow up on the below email that I sent to you, asking for review comments for the proposed rezone at 7400 Glacier Highway.  
I would like to receive comments from the Assessor’s Office on the potential effects of the D-18 and Light Commercial zoning districts on the existing D-5 neighborhood. Would this rezone increase or decrease the value of the neighboring properties?  
Please let me know if you have any question or require further information.  
Thank you for your help.

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



---

**From:** Jonathan Lange  
**Sent:** Thursday, March 12, 2015 10:46 AM  
**To:** Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; 'gretchen.pikul@alaska.gov'; [marie.heidemann@alaska.gov](mailto:marie.heidemann@alaska.gov)  
**Subject:** Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Hello all,  
Please review the attached documents. The applicant has amended their proposal from the below rezone request, to a rezone request to change their 19.71 acre parcel from D-5 to a mix of D-18 and LC (Light Commercial). See the second attachment for the applicant's rough proposal sketch. The applicant proposes that the front approximate five acres would be rezoned to Light Commercial, and then the remainder of the parcel be rezoned to D-18.  
Please send me comments by March 23rd, 2015, or as soon as possible.  
I look forward to receiving your comments.  
Let me know if you require any additional information for this project, have any questions, or require additional time for review.  
Thank you and have a great day.

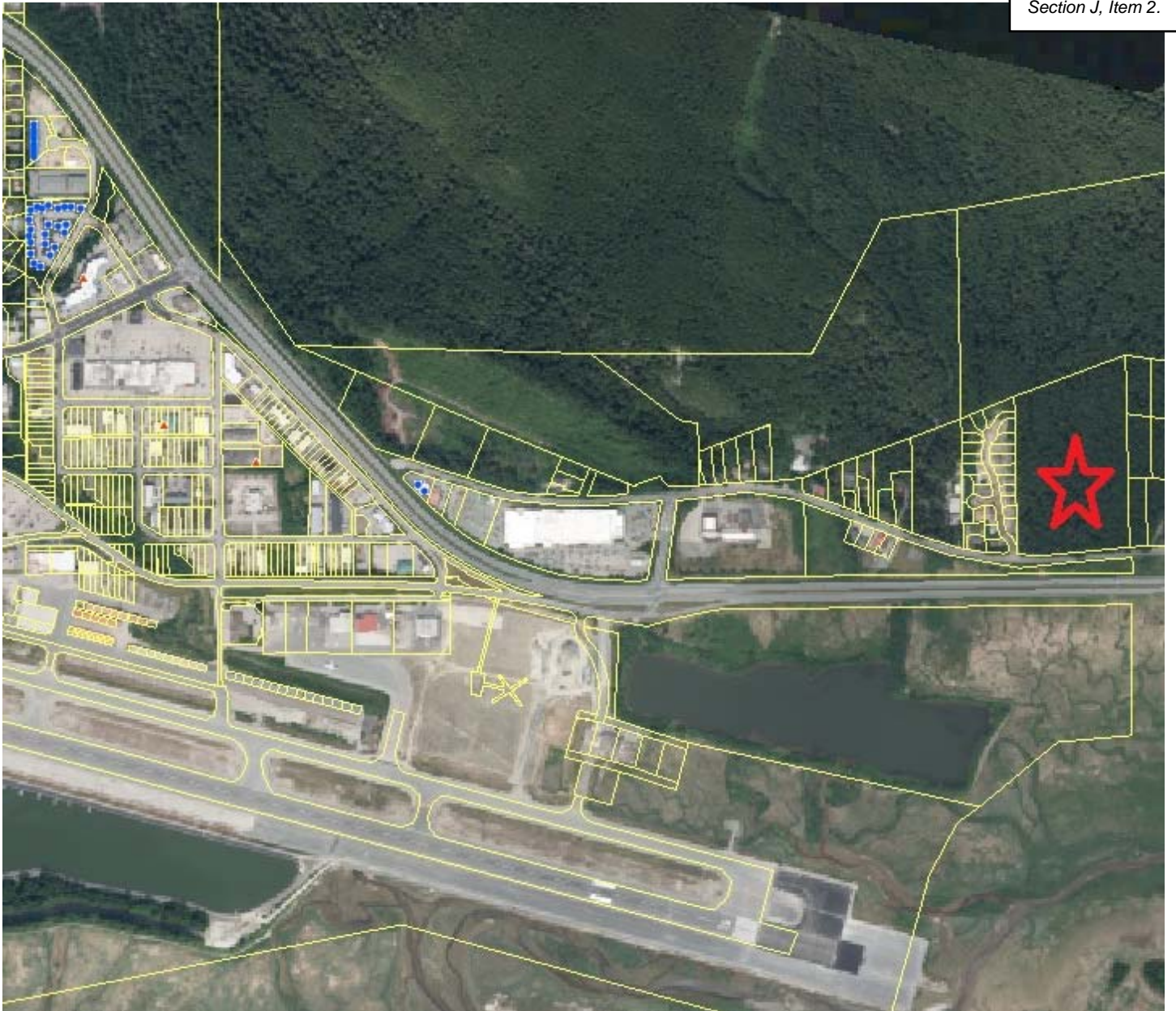
**Jonathan Lange**, Planner II  
Community Development Department  
City & Borough of Juneau, Alaska  
155 S. Seward St. Juneau, AK 99801  
Ph (907)586-0218 F (907)586-4529  
[Jonathan.Lange@juneau.org](mailto:Jonathan.Lange@juneau.org)



---

**From:** Jonathan Lange  
**Sent:** Thursday, February 05, 2015 12:41 PM  
**To:** Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney  
**Subject:** Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

**Subject:** Please review the attached documents related to a Rezone Request for a 19.71 Acre parcel on Glacier Highway, from D-5 to D-18.  
**File:** AME2015 0005  
**Parcel:** 5-B14-0-101-001-0  
**Address:** 7400 Glacier Highway



The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.  
Please see the attached application and proposed plans.  
I look forward to receiving your comments.  
Let me know if you require any additional information for this project or have any questions.

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

**PLEASE NOTE MY NEW CBJ EMAIL ADDRESS:** [Jonathan.Lange@juneau.org](mailto:Jonathan.Lange@juneau.org)



**Jonathan Lange**

**From:** Pikul, Gretchen M (DEC) <gretchen.pikul@alaska.gov>  
**Sent:** Thursday, March 12, 2015 11:55 AM  
**To:** Jonathan Lange; Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; Heidemann, Marie E (DOT)  
**Subject:** RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Thank you for the review opportunity.

The Department of Environmental Conservation, Division of Water, Non-Point Source section has no issues with the rezone application.

This application has been forwarded to DEC's Solid Waste and Stormwater sections.



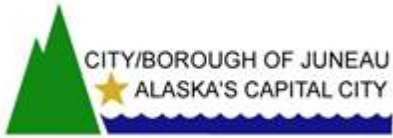
Gretchen Pikul, Environmental Program Specialist  
Alaska Department of Environmental Conservation  
Division of Water, Non-Point Source Section  
(907) 465-5023, <http://www.dec.alaska.gov/water/wqsar/index.htm>

---

**From:** Jonathan Lange [<mailto:Jonathan.Lange@juneau.org>]  
**Sent:** Thursday, March 12, 2015 10:46 AM  
**To:** Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; Pikul, Gretchen M (DEC); Heidemann, Marie E (DOT)  
**Subject:** Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Hello all,  
Please review the attached documents. The applicant has amended their proposal from the below rezone request, to a rezone request to change their 19.71 acre parcel from D-5 to a mix of D-18 and LC (Light Commercial). See the second attachment for the applicant's rough proposal sketch. The applicant proposes that the front approximate five acres would be rezoned to Light Commercial, and then the remainder of the parcel be rezoned to D-18.  
Please send me comments by March 23rd, 2015, or as soon as possible.  
I look forward to receiving your comments.  
Let me know if you require any additional information for this project, have any questions, or require additional time for review.  
Thank you and have a great day.

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



**From:** Jonathan Lange  
**Sent:** Thursday, February 05, 2015 12:41 PM  
**To:** Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney  
**Subject:** Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

**Subject:** Please review the attached documents related to a Rezone Request for a 19.71 Acre parcel on Glacier Highway, from D-5 to D-18.  
**File:** AME2015 0005  
**Parcel:** 5-B14-0-101-001-0  
**Address:** 7400 Glacier Highway



The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.



Please see the attached application and proposed plans.  
I look forward to receiving your comments.  
Let me know if you require any additional information for this project or have any questions.

**Jonathan Lange**, Planner II  
Community Development Department  
City & Borough of Juneau, Alaska  
155 S. Seward St. Juneau, AK 99801  
Ph (907)586-0218 F (907)586-4529  
**PLEASE NOTE MY NEW CBJ EMAIL ADDRESS:** [Jonathan.Lange@juneau.org](mailto:Jonathan.Lange@juneau.org)



**Jonathan Lange**

**From:** Heidemann, Marie E (DOT) <marie.heidemann@alaska.gov>  
**Sent:** Friday, March 20, 2015 1:08 PM  
**To:** Jonathan Lange  
**Cc:** Epstein, David B (DOT); Schmidt, Joanne M (DOT); Buck, Joseph T (DOT); Hughes, Andrew N (DOT); Patz, Gregory D (DOT); Gray, Scott J (DOT)  
**Subject:** RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Jonathan,

We have no objection to this proposal provided driveway standards are conforming. We also do not have any plans to upgrade the road beyond regular pavement overlays and maintenance.

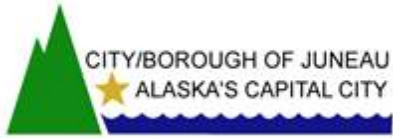
Thanks,  
*Marie Heidemann*  
Transportation Planner  
State of Alaska DOT&PF - Southcoast Region  
Phone: (907)-465-1775

---

**From:** Jonathan Lange [<mailto:Jonathan.Lange@juneau.org>]  
**Sent:** Thursday, March 19, 2015 9:32 AM  
**To:** Heidemann, Marie E (DOT)  
**Subject:** FW: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Good Morning,  
I just wanted to follow up on the below email that I sent to you, asking for review comments for the proposed rezone at 7400 Glacier Highway, and ask a few question that you might be able to address in your comments.  
Does DOT&PF have any future plans for the stretch of Glacier Highway between Fred Meyer and Walmart? Currently Glacier Highway is two lanes, is there a proposal for upgrading the road to two travel lanes and a center lane, in the future?  
Please let me know if you can direct me to any future plans for Glacier Highway in this area; and let me know if you have any questions or concerns about the proposed rezone.  
Thank you for your help.  
Have a nice day.

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



**From:** Jonathan Lange  
**Sent:** Thursday, March 12, 2015 10:46 AM  
**To:** Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; 'gretchen.pikul@alaska.gov'; [marie.heidemann@alaska.gov](mailto:marie.heidemann@alaska.gov)  
**Subject:** Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

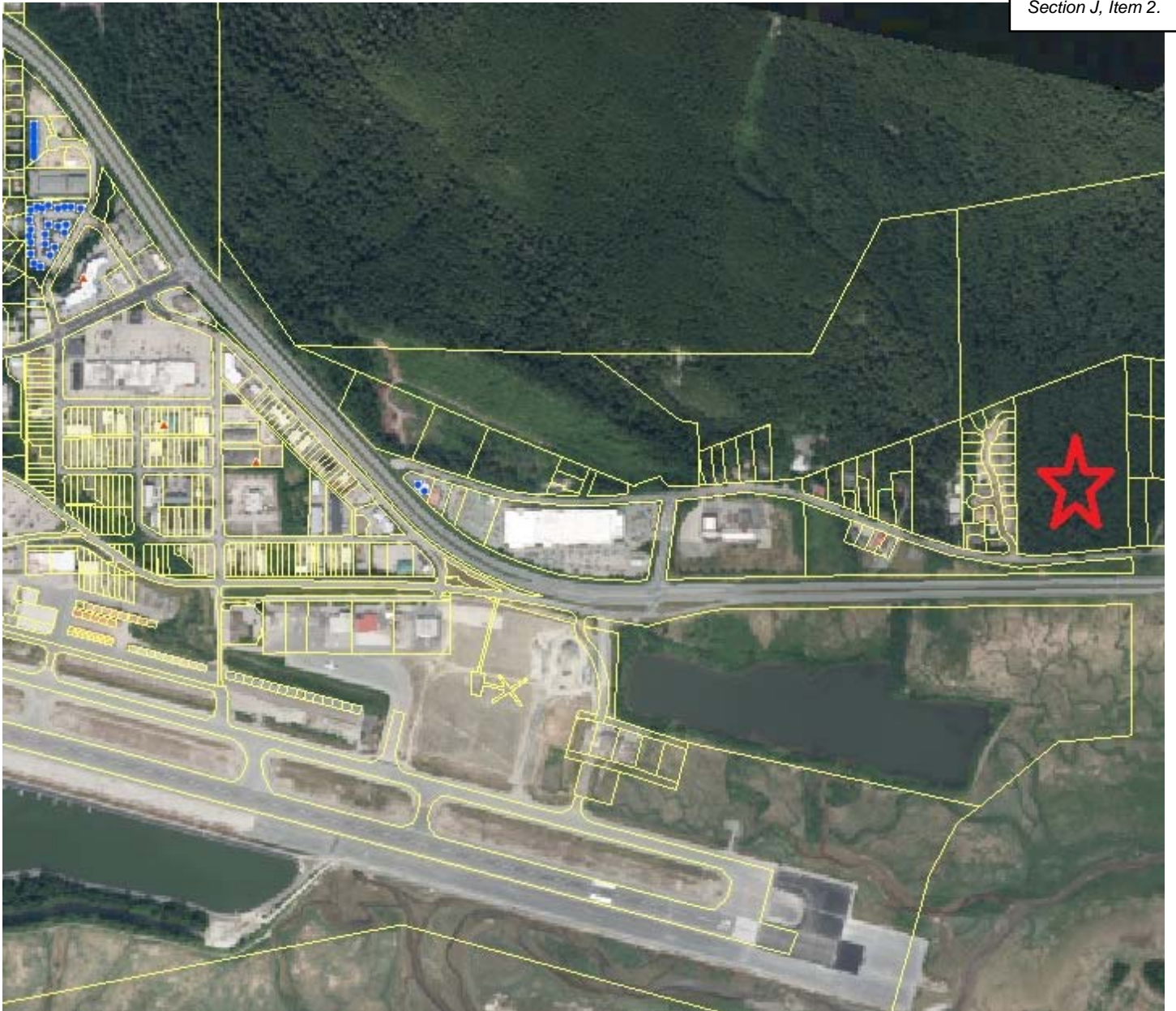
Hello all,  
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Please send me comments by March 23rd, 2015, or as soon as possible.  
I look forward to receiving your comments.  
Let me know if you require any additional information for this project, have any questions, or require additional time for review.  
Thank you and have a great day.

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



**From:** Jonathan Lange  
**Sent:** Thursday, February 05, 2015 12:41 PM  
**To:** Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney  
**Subject:** Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

**Subject:** Please review the attached documents related to a Rezone Request for a 19.71 Acre parcel on Glacier Highway, from D-5 to D-18.  
**File:** AME2015 0005  
**Parcel:** 5-B14-0-101-001-0  
**Address:** 7400 Glacier Highway



The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.  
Please see the attached application and proposed plans.  
I look forward to receiving your comments.  
Let me know if you require any additional information for this project or have any questions.

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

**PLEASE NOTE MY NEW CBJ EMAIL ADDRESS:** [Jonathan.Lange@juneau.org](mailto:Jonathan.Lange@juneau.org)



**Jonathan Lange**

**From:** Heidemann, Marie E (DOT) <marie.heidemann@alaska.gov>  
**Sent:** Wednesday, March 25, 2015 4:49 PM  
**To:** Jonathan Lange  
**Cc:** Schmidt, Joanne M (DOT)  
**Subject:** FW: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Jonathan,

I know this is a late comment, but thought I'd send it along anyways. This does not change our 'no objection' comment sent earlier.

---

**From:** Schmidt, Joanne M (DOT)  
**Sent:** Wednesday, March 25, 2015 3:56 PM  
**To:** Heidemann, Marie E (DOT)  
**Subject:** RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

The developer has indicated in their project description that much of the land is unusable due to wetlands and that they want to "preserve" forested lands, yet the diagram depicts development and use of the entire parcel. Proposal does not make sense

---

**From:** Heidemann, Marie E (DOT)  
**Sent:** Friday, March 13, 2015 9:36 AM  
**To:** Epstein, David B (DOT); Gray, Scott J (DOT); Schmidt, Joanne M (DOT); Buck, Joseph T (DOT); Hughes, Andrew N (DOT); Patz, Gregory D (DOT)  
**Cc:** Davis, Randal V (DOT)  
**Subject:** FW: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Hi All,

This one is right here in our neighborhood. Please send comments my way by Friday, March 20.

Thanks,  
Marie

---

**From:** Jonathan Lange [<mailto:Jonathan.Lange@juneau.org>]  
**Sent:** Thursday, March 12, 2015 10:46 AM  
**To:** Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; Pikul, Gretchen M (DEC); Heidemann, Marie E (DOT)  
**Subject:** Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Hello all,  
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Please send me comments by March 23rd, 2015, or as soon as possible.

I look forward to receiving your comments.

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

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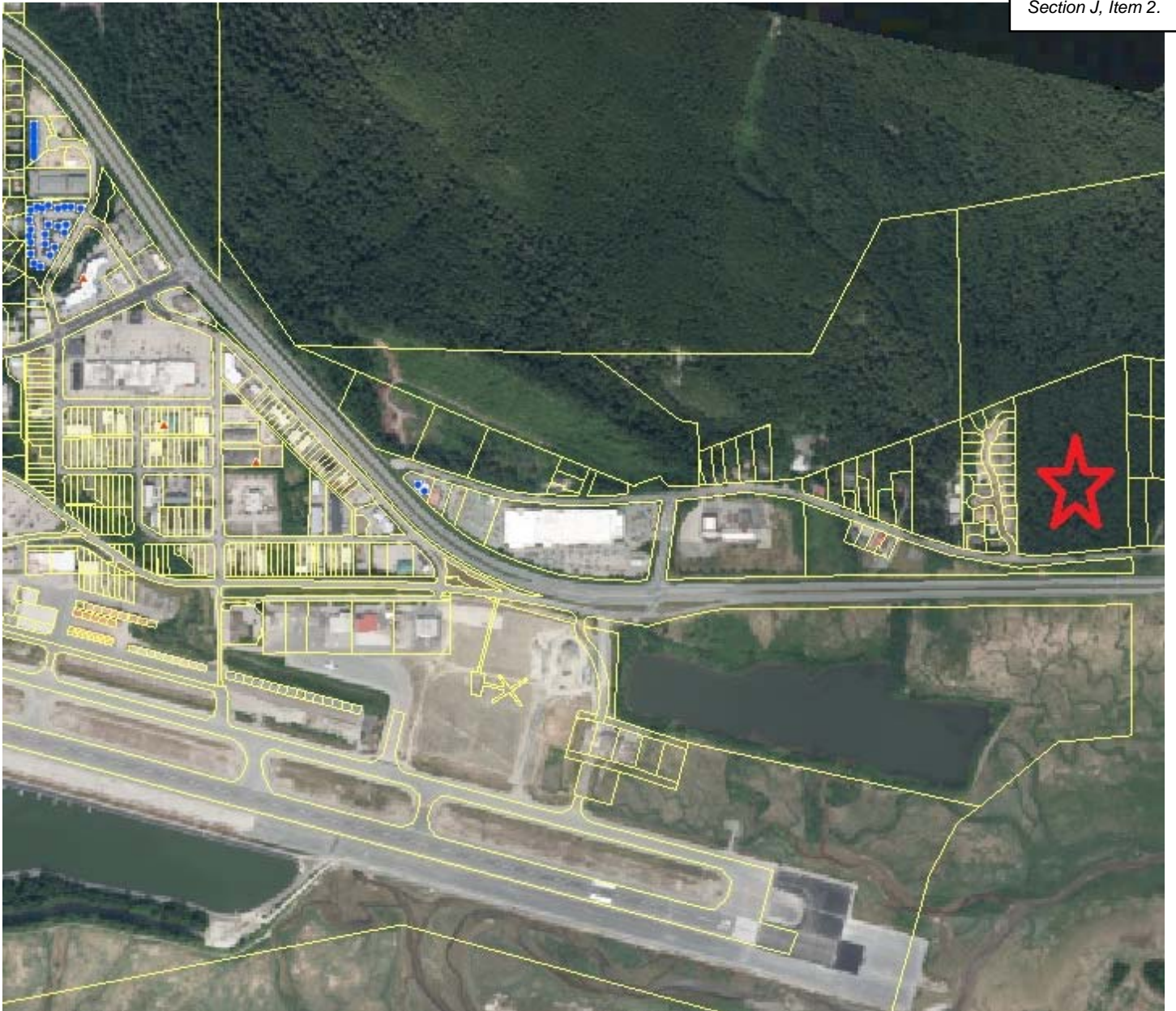
**Jonathan Lange**, Planner II  
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Ph (907)586-0218 F (907)586-4529  
[Jonathan.Lange@juneau.org](mailto:Jonathan.Lange@juneau.org)



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**From:** Jonathan Lange  
**Sent:** Thursday, February 05, 2015 12:41 PM  
**To:** Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney  
**Subject:** Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

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**Parcel:** 5-B14-0-101-001-0  
**Address:** 7400 Glacier Highway



The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.  
Please see the attached application and proposed plans.  
I look forward to receiving your comments.  
Let me know if you require any additional information for this project or have any questions.

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

**PLEASE NOTE MY NEW CBJ EMAIL ADDRESS:** [Jonathan.Lange@juneau.org](mailto:Jonathan.Lange@juneau.org)



**Jonathan Lange**

**From:** Ron King  
**Sent:** Thursday, March 12, 2015 11:10 AM  
**To:** Jonathan Lange  
**Subject:** RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

No issues with Zoning changes. GE involvement will be with the actual development plans and construction. Back in '95, Toner-Nordling located wetlands and produced a topo map for development. Also the record of survey was completed for Honsinger & Smith at that time. They wanted to buy the Danner parcel (Now ... Vista Del Sol) and combine the property. The plan was a hillside development similar to Mountainside ... History of Juneau ... Lesson of the day ... !

*Ron King PLS*

General Engineering  
907-586-0881

---

**From:** Jonathan Lange  
**Sent:** Thursday, March 12, 2015 10:46 AM  
**To:** Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; 'gretchen.pikul@alaska.gov'; [marie.heidemann@alaska.gov](mailto:marie.heidemann@alaska.gov)  
**Subject:** Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

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Please send me comments by March 23rd, 2015, or as soon as possible.  
I look forward to receiving your comments.  
Let me know if you require any additional information for this project, have any questions, or require additional time for review.  
Thank you and have a great day.

**Jonathan Lange**, Planner II  
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155 S. Seward St. Juneau, AK 99801  
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[Jonathan.Lange@juneau.org](mailto:Jonathan.Lange@juneau.org)



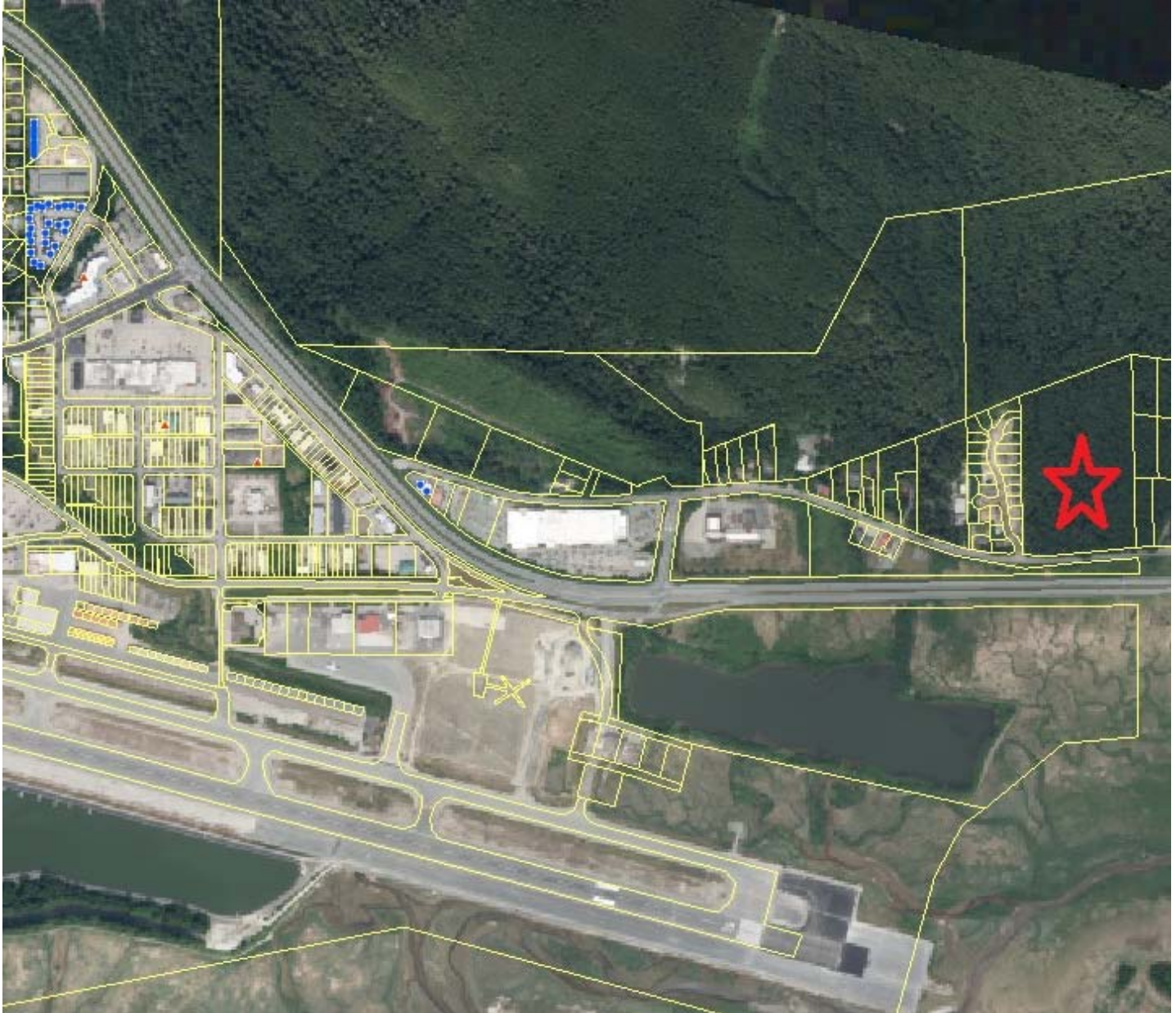
---

**From:** Jonathan Lange  
**Sent:** Thursday, February 05, 2015 12:41 PM



**To:** Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney  
**Subject:** Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

**Subject:** Please review the attached documents related to a Rezone Request for a 19.71 Acre parcel on Glacier Highway, from D-5 to D-18.  
**File:** AME2015 0005  
**Parcel:** 5-B14-0-101-001-0  
**Address:** 7400 Glacier Highway



The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18. Please see the attached application and proposed plans. I look forward to receiving your comments. Let me know if you require any additional information for this project or have any questions.

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

PLEASE NOTE MY NEW CBJ EMAIL ADDRESS: [Jonathan.Lange@juneau.org](mailto:Jonathan.Lange@juneau.org)

Section J, Item 2.



**Jonathan Lange**

**From:** Dan Jager  
**Sent:** Thursday, March 12, 2015 12:02 PM  
**To:** Jonathan Lange  
**Subject:** RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Jonathan, I do not see any fire code issues with this request at this time. Thanks!  
Dan

---

**From:** Jonathan Lange  
**Sent:** Thursday, March 12, 2015 10:46 AM  
**To:** Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; 'gretchen.pikul@alaska.gov'; [marie.heidemann@alaska.gov](mailto:marie.heidemann@alaska.gov)  
**Subject:** Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Hello all,  
Please review the attached documents. The applicant has amended their proposal from the below rezone request, to a rezone request to change their 19.71 acre parcel from D-5 to a mix of D-18 and LC (Light Commercial). See the second attachment for the applicant's rough proposal sketch. The applicant proposes that the front approximate five acres would be rezoned to Light Commercial, and then the remainder of the parcel be rezoned to D-18.  
Please send me comments by March 23rd, 2015, or as soon as possible.  
I look forward to receiving your comments.  
Let me know if you require any additional information for this project, have any questions, or require additional time for review.  
Thank you and have a great day.

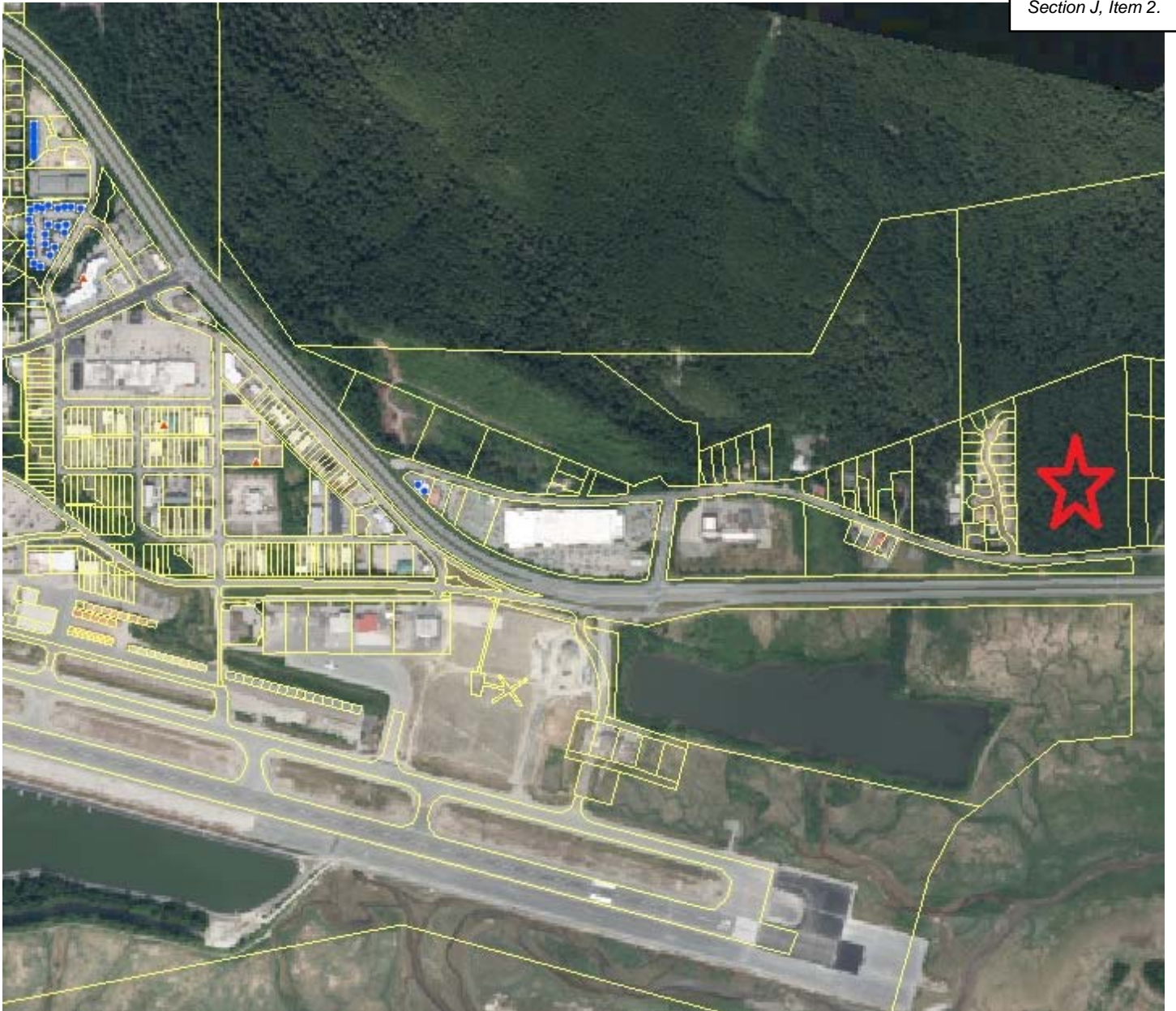
**Jonathan Lange**, Planner II  
Community Development Department  
City & Borough of Juneau, Alaska  
155 S. Seward St. Juneau, AK 99801  
Ph (907)586-0218 F (907)586-4529  
[Jonathan.Lange@juneau.org](mailto:Jonathan.Lange@juneau.org)



---

**From:** Jonathan Lange  
**Sent:** Thursday, February 05, 2015 12:41 PM  
**To:** Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney  
**Subject:** Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

**Subject:** Please review the attached documents related to a Rezone Request for a 19.71 Acre parcel on Glacier Highway, from D-5 to D-18.  
**File:** AME2015 0005  
**Parcel:** 5-B14-0-101-001-0  
**Address:** 7400 Glacier Highway



The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.  
Please see the attached application and proposed plans.  
I look forward to receiving your comments.  
Let me know if you require any additional information for this project or have any questions.

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

**PLEASE NOTE MY NEW CBJ EMAIL ADDRESS:** [Jonathan.Lange@juneau.org](mailto:Jonathan.Lange@juneau.org)



**Jonathan Lange**

**From:** Rorie Watt  
**Sent:** Thursday, March 12, 2015 11:12 AM  
**To:** Jonathan Lange  
**Cc:** Ed Foster; Samantha Stoughtenger; Ron King  
**Subject:** RE: Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

No comments.

---

**From:** Jonathan Lange  
**Sent:** Thursday, March 12, 2015 10:46 AM  
**To:** Charlie Ford; Ron King; Rorie Watt; Dan Jager; Ed Mercer; Ed Foster; Greg Chaney; Robin Potter; 'gretchen.pikul@alaska.gov'; [marie.heidemann@alaska.gov](mailto:marie.heidemann@alaska.gov)  
**Subject:** Request for Review Comments for AME2015 0005 - A Rezone Request to change 19.71 acres from D5 to a mix of D18 and LC (Light Commercial)

Hello all,  
Please review the attached documents. The applicant has amended their proposal from the below rezone request, to a rezone request to change their 19.71 acre parcel from D-5 to a mix of D-18 and LC (Light Commercial). See the second attachment for the applicant’s rough proposal sketch. The applicant proposes that the front approximate five acres would be rezoned to Light Commercial, and then the remainder of the parcel be rezoned to D-18.  
Please send me comments by March 23rd, 2015, or as soon as possible.  
I look forward to receiving your comments.  
Let me know if you require any additional information for this project, have any questions, or require additional time for review.  
Thank you and have a great day.

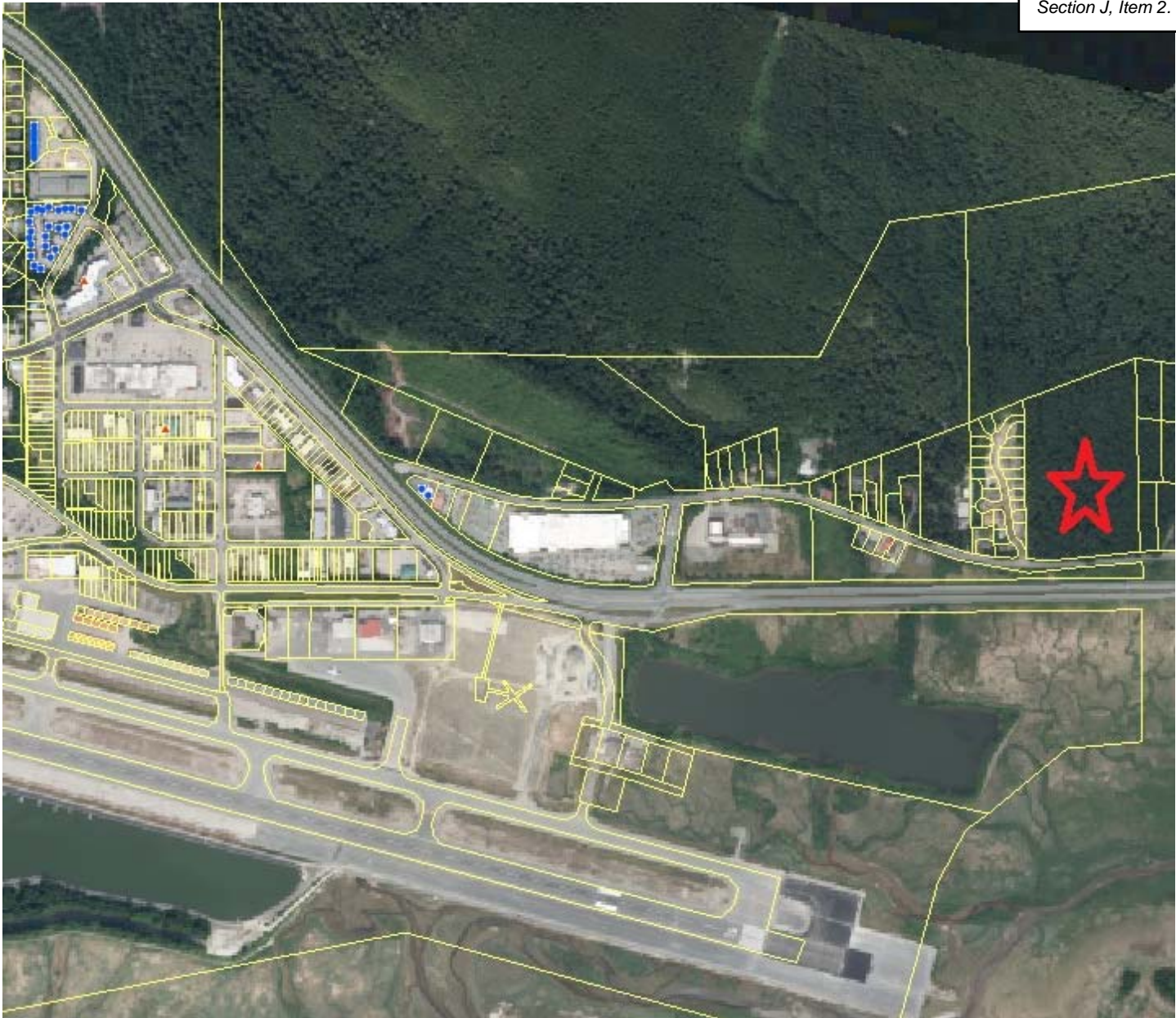
**Jonathan Lange**, Planner II  
Community Development Department  
City & Borough of Juneau, Alaska  
155 S. Seward St. Juneau, AK 99801  
Ph (907)586-0218 F (907)586-4529  
[Jonathan.Lange@juneau.org](mailto:Jonathan.Lange@juneau.org)



---

**From:** Jonathan Lange  
**Sent:** Thursday, February 05, 2015 12:41 PM  
**To:** Charlie Ford; Ron King; Dan Jager; Sven Pearson; Ed Foster; Ed Mercer; Greg Chaney  
**Subject:** Request for Review Comments for AME2015 0005 - A Rezone Request for a 19.71 Acre parcel from D5 to D18

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The proposal is to rezone the land (see above aerial; land with red star) from D-5 to D-18.  
Please see the attached application and proposed plans.  
I look forward to receiving your comments.  
Let me know if you require any additional information for this project or have any questions.

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

**PLEASE NOTE MY NEW CBJ EMAIL ADDRESS:** [Jonathan.Lange@juneau.org](mailto:Jonathan.Lange@juneau.org)



**Jonathan Lange**

---

**From:** Jean Alonzo <jalonzo50@gmail.com>  
**Sent:** Monday, March 30, 2015 9:56 PM  
**To:** Jonathan Lange  
**Subject:** Parcel Adjacent to Vista Del Sol

Good Evening Mr. Lange,

My name is Jean Alonzo I live in Vista Del Sol Dr with my wife and three daughters, this is the new development being build by Duran Construction. It has come to our attention that the 19-acre parcel that is for sale on the town side of Vista Del Sol has been sold or it has a potential buyer and that this potential buyer has applied for a zone change from D-5 to a mix of D-18 and Light Commercial (LC), this is something that my wife and I are concern about because we are afraid that this zone change will have a negative impact not only to our home but to the entire community at Vista Del Sol, I believe that by approving the zone change and the light commercial development, the property value at Vista Del Sol and other neighboring properties will suffer greatly **"and this is a big concern to us that our properties has a great potential to decrease in value"** not to mention the terrible traffic that will cause this development of at least 400 dwelling units because we have to take into account that with this amount of dwelling units there will be over 400 hundred vehicles increasing traffic tremendously, please take all this into consideration before approving zone cahnge. I would like to thank you for taking your time to read this email and hear our concerns.

V/R  
Jean Alonzo  
Fabiola Alonzo

Property Owners at Vista Del Sol Dr.

**Jonathan Lange**

**From:** Josette Duran <durand@acsalaska.net>  
**Sent:** Tuesday, March 31, 2015 12:39 PM  
**To:** Jonathan Lange  
**Subject:** RE: Crude sketch

And this is all that Mr. Harris has given you? As I stated in our meeting, the narrative states the reason for the rezone as “a large portion of the parcel is *believed* to be wetlands and much of this will be preserved through the wetland permitting process, the process will limit the usable land within this parcel, requiring that the usable portions of the land be a higher density to accommodate a quality housing project”.

If the wetlands are the justification for the rezone request, let’s see the wetlands. Either by a Jurisdictional Determination prepared by the USCOE or other qualified professional that will be accepted by USCOE.

This goes to “not enough information...”.

---

**From:** Jonathan Lange [<mailto:Jonathan.Lange@juneau.org>]  
**Sent:** Tuesday, March 31, 2015 12:19 PM  
**To:** 'Josette Duran'  
**Subject:** RE: Crude sketch

Attached is the wetlands maps that the CBJ regulates. For the subject parcel this map is a little confusing. The M27 designation is for the sliver of wetlands on the south of Glacier Highway.

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



---

**From:** Josette Duran [<mailto:durand@acsalaska.net>]  
**Sent:** Tuesday, March 31, 2015 12:01 PM  
**To:** Jonathan Lange  
**Subject:** RE: Crude sketch

And can you please provide me with a copy of the wetlands delineation you mentioned you had?

Thanks.

---

**From:** Jonathan Lange [<mailto:Jonathan.Lange@juneau.org>]  
**Sent:** Tuesday, March 31, 2015 11:23 AM



**To:** Josette Duran ([duan@acsalaska.net](mailto:duan@acsalaska.net))  
**Cc:** Hal Hart  
**Subject:** FW: Crude sketch

Josette,  
Attached is the concept plan from Rich Harris for the lot adjacent to Vista Del Sol.

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



---

**From:** RICHARD HARRIS [<mailto:RHDevelopment@gci.net>]  
**Sent:** Tuesday, March 31, 2015 11:18 AM  
**To:** Jonathan Lange  
**Subject:** Crude sketch

Jonathan , please replace our initial crude sketch with the attached .

Thanks,

*Richard Harris*

**Jonathan Lange**

---

**From:** donna rasmussen <olrsince88@yahoo.com>  
**Sent:** Monday, March 30, 2015 8:54 PM  
**To:** Jonathan Lange  
**Subject:** rezoning

Hello,  
We are writing in regards to possible rezoning of a parcel at 7400 Glacier Highway. Increasing to D-18 zone and overcrowding the area would be detrimental. The increased noise and traffic, along with decreased natural habitat will be very stressful on the environment and neighborhood.

Sincerely,  
Brad and Donna Rasmussen

**Jonathan Lange**

---

**From:** Skeek, Kyle (HSS) <kyle.skeek@alaska.gov>  
**Sent:** Tuesday, March 31, 2015 4:25 PM  
**To:** Jonathan Lange  
**Subject:** Concerns

Jonathan,

Good morning. As per our discussion I do have concerns as a future home owner of the Vista Del Sole Property.

My concern's are:

1. Rezoning it to light commercial – it would increase traffic. The proposal is too vague and we don't even know what it would be used for...marijuana growing? I have children that I am concerned about.
2. Property Value would drop due to the rezoning and depending what type of commercial that would be next door.
3. The property in the back has the potential of having having an apartment complex. My concern is that it would lower the value of my property, it would bring in the type of people (sexual offenders and drunks) near my property which I have carefully selected to stay away from. My current home is near a school zone (mendenhall River School). I would never buy a home near an apartment complex or a light commercial zone. I would rather break my contract and stay in my current home.
4. This rezoning will have a big impact on the Vista Del Sole properties and future buyers.

Bottom line we need more specifics on the rezoning to light commercial and if this goes through you better put in a stop light to keep my family safe from traffic.

Kyle Skeek  
Eligibility Technician II  
Division of Public Assistance  
Juneau District Office – 020  
10002 Glacier Highway, Suite 200  
Juneau, AK 99801  
Ph: 465-3264  
Fax: 465-4657

**Jonathan Lange**

**From:** Jonathan Lange  
**Sent:** Tuesday, March 31, 2015 4:39 PM  
**To:** 'Josette Duran'; Hal Hart  
**Cc:** Beth McKibben  
**Subject:** RE: Rezone - Staff Report

Josette,  
Thank you for reviewing the report and your comments.  
We will include Subarea 4 in the staff report, as well as Subarea 5; and will include the "Guidelines" that you pointed out too.  
For your density question; the calculations for density will change once the parcel is subdivided. Once subdivided the density will be calculated for each parcel, roads do not count into this calculation.  
Unfortunately, we will not be able to give you until tomorrow for your comments. The staff reports and attachments are due to our Administrative Staff today. I will be leaving soon for the day. So, if you are able to get whatever comments you have so far, please do.  
Any comments received after today will be given to the Planning Commission the day of the meeting. Also, you may give comments to the Planning Commission the night of the meeting, when they open the hearing for public testimony.

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



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**From:** Josette Duran [<mailto:duran@acsalaska.net>]  
**Sent:** Tuesday, March 31, 2015 3:56 PM  
**To:** Hal Hart; Jonathan Lange  
**Subject:** Rezone - Staff Report

Gentlemen,

Thank you for your time this morning to hear our concerns about the rezone application. Of course, I am hammering away at putting our comments in written form for inclusion in the packet to the Planning Commission.

I have also just reviewed the draft staff report and thank you for that opportunity.

One BIG thing that stands out is that the parcel has been stated as being in Subarea 5 (Maps G, H & K), while it appears to me to belong in Subarea 4 (Maps F & G). There is a small portion of Map G (DZ School/Switzer and some IPU) that overlaps and is included on both maps, thus that portion of the map would be included in Subarea 5, but not the rezone parcel.

With that said, the Guidelines and Considerations for Subarea 4 state:

1. "Maintain the density of existing neighborhoods..." D-5. (period)
2. "Provide for increased community commercial development close to existing commercial areas *in the lower valley.*" The rezone parcel is not in the lower valley where commercial development is being encouraged (and without language elsewhere would say it is not being encouraged elsewhere in the subarea). The MDR definition "Any commercial development should be of a scale consistent with a residential neighborhood..." What scale of commercial development is consistent within an existing D-5 neighborhood? I think the residents would say none.

If you could let me know if we agree on the Subarea 4 designation that would help (us both, I think!).

Other thing I see is page 16 last paragraph about total density for land without the development of the streets--I thought the area of streets was included in the density calculation? So the density would not be reduced after all?

I am hoping I can have until the morning to get our comments in?

Thanks,

Josette Duran  
321-4663

**Note:**  
 Refer to JWMP enforceable policies WM1-WM11.  
 JWMP Policies do not apply to Federal Lands.  
 Federal Lands are excluded.

**WETLAND CATEGORIES**

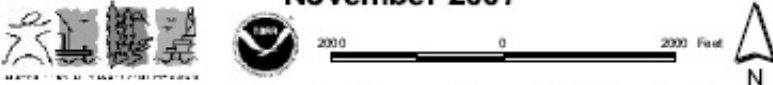
D2	EP	M5	A
D3	EP	M6	C
D4	EP	M7	B(S)/C(S)
D5	EP	M8	C
D6	EP	M9	C
D7	B(S)	M10	C
D8	B(S)	M13	C
J1	B(S)	M14	B
J2	A	M15	C
J3	A	M17	C
J4	A	M18	C
J5	A(R)	M19	D GREENBELT
J6	B(S)	M21	B GREENBELT
J7	B(R)/C	M26	B
M1	B	M27	B
M1A	B	M49	C(S)
M1B	B	M50	C
M1C	B	M51	C(S)
M2	EP	M52	C
M3	B	M53	C(S)
M4	C		

\* ES wetlands are included in the local resource inventory but are not classified as A, B, C and D due to intertidal influence. See ES RESOURCE INVENTORY page for exact boundaries of ES1, ES2, ES5, ES7, ES11, ES15, ES18, ES40, ES41 and ES42.  
 (R) refers to Residential Road Corridor  
 (S) refers to Anadromous Stream and Lake Corridor\*

\* Anadromous water bodies are determined by the latest CBJ- adopted version of the Alaska Department of Fish and Game's "Water Important to Spawning, Rearing, or Migration of Anadromous Fishes- Southeastern Region."

**JUNEAU WETLANDS MANAGEMENT PLAN**  
**Management and Important Habitat Designations**  
**EAST VALLEY**

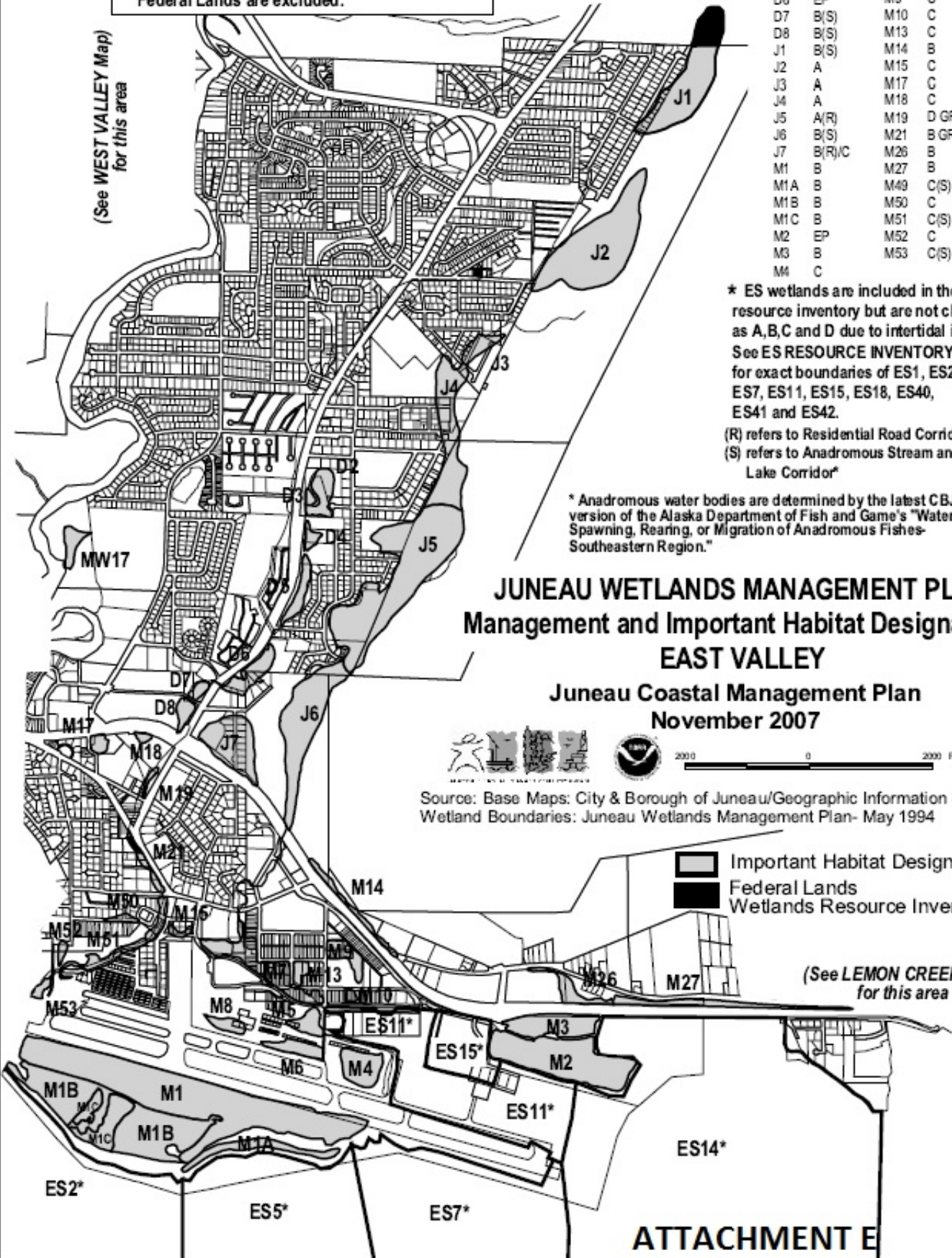
**Juneau Coastal Management Plan**  
**November 2007**



Source: Base Maps: City & Borough of Juneau/Geographic Information System  
 Wetland Boundaries: Juneau Wetlands Management Plan- May 1994

Important Habitat Designations  
 Federal Lands  
 Wetlands Resource Inventory

(See LEMON CREEK Map) for this area



**ATTACHMENT E**

# LEMON CREEK TRAFFIC MAP ENLARGEMENT

2012

Prepared By

ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES  
DIVISION OF DESIGN AND ENGINEERING SERVICES  
SOUTHEAST REGION TRAFFIC AND SAFETY

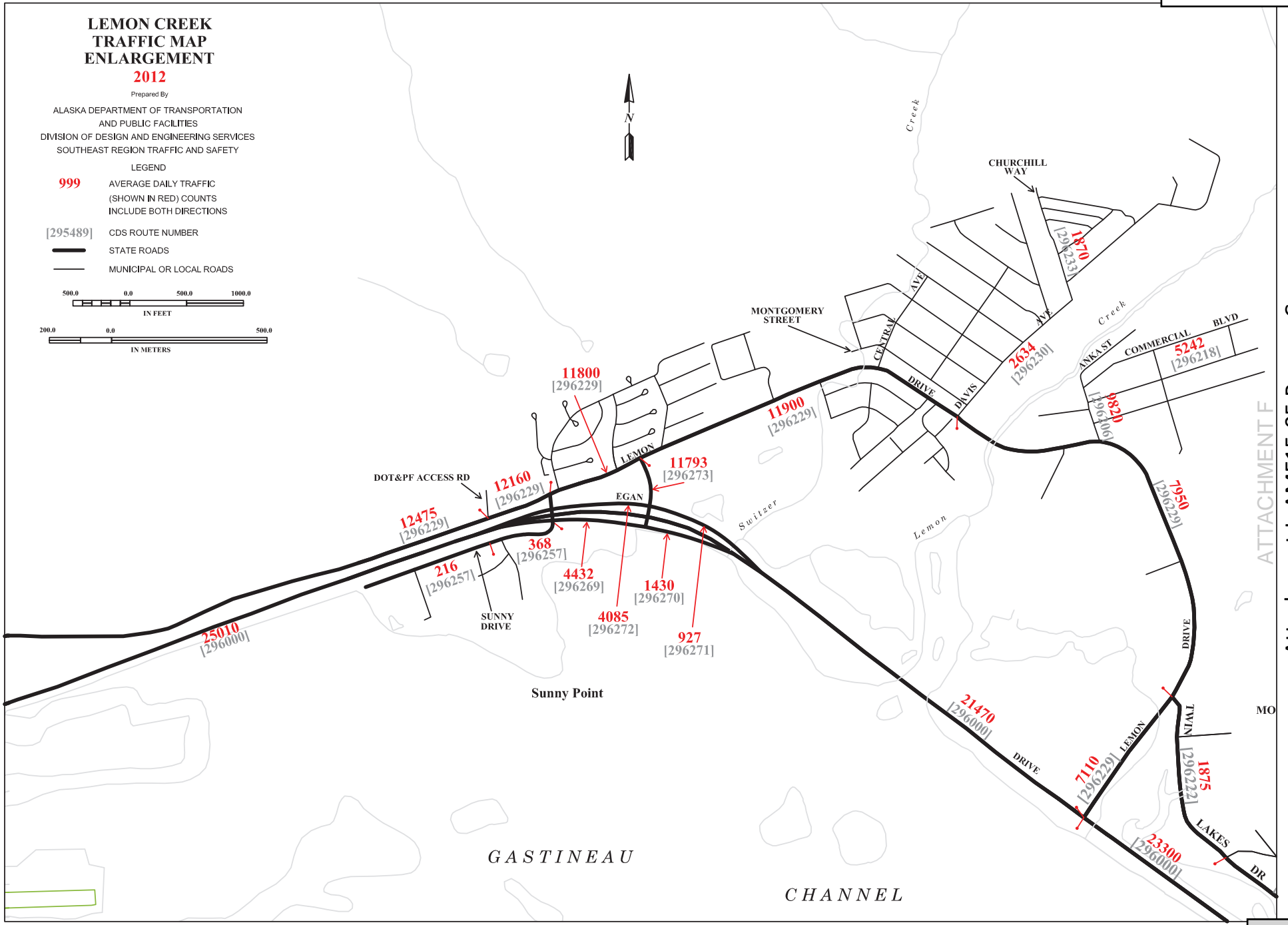
### LEGEND

**999** AVERAGE DAILY TRAFFIC (SHOWN IN RED) COUNTS INCLUDE BOTH DIRECTIONS

[295489] CDS ROUTE NUMBER

— STATE ROADS

— MUNICIPAL OR LOCAL ROADS



ATTACHMENT F  
Attachment J- AME15-05 Rezone Case



Existing Site – 7400 Glacier Highway

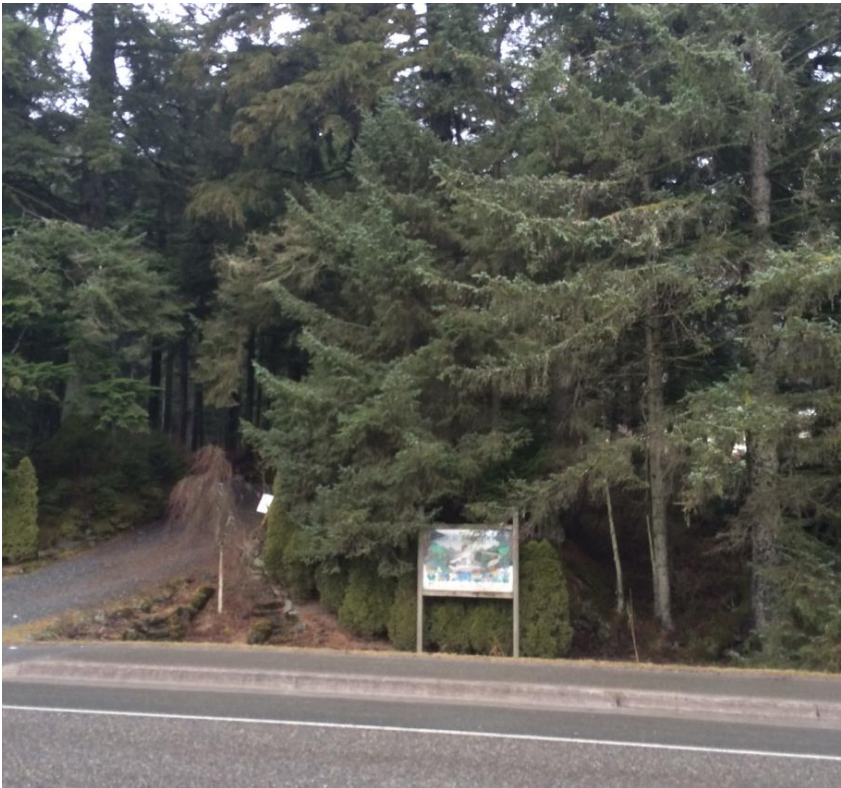


ATTACHMENT G





Vista Del Sol Subdivision to the West of Subject Parcel



Glacier Gardens – West of Subject Parcel.



Single-family development along Glacier Highway.



Bus Stop

Single-family development along Glacier Highway to the west and bus stop approximately a quarter of a mile away from subject parcel.



Commercial development located on Glacier Highway west of subject parcel.





Looking west along Glacier Highway from CBJ Public Works buildings.



Single-family residence

along Glacier Highway.

ATTACHMENT G



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

**April 8, 2024**

**MEMORANDUM**

**To:** Garrett Johnson  
**From:** City & Borough of Juneau, David Matthew Peterson, Planner II  
**Case Number:** SMF2024-0001  
**Legal Description:** Rooftop Properties LLC.  
**Parcel No.:** 5B1401010010

**Round 1 Comments from City and Borough of Juneau Community Development.**

The following consolidated review comments should be addressed prior to the plat being approved for preliminary plat approval/as a condition of preliminary plat approval. A further review of the preliminary plat may result in additional comments if new issues arise from changes made to the draft plat reviewed for this memorandum.

**General Engineering**

1. There is concern that the plat does not indicate the purpose for and to whom the existing easement benefits. Presumably, for the benefit of DOT&PF but in what context? I'd like to see the documentation for that easement, or to have it called out on this plat. Especially since the two easements overlap. Do they contradict each other? I tried to look this up, but I don't have a ton of time to dig into the Recorders Office documents. Seems like the surveyor should have this document available without too much effort.

**Cartography**

1. Use bold line weight for line subdividing Lot 1 and Lot 2 on sheets 1 and 2.
2. On sheet 3, the future lots will be a subdivision of Lot 2, so the proposed lot names should be Lot 2A and Lot 2B.

Garrett Johnson  
File No.: SMF2024-0001  
April 8, 2024  
Page 2 of 2

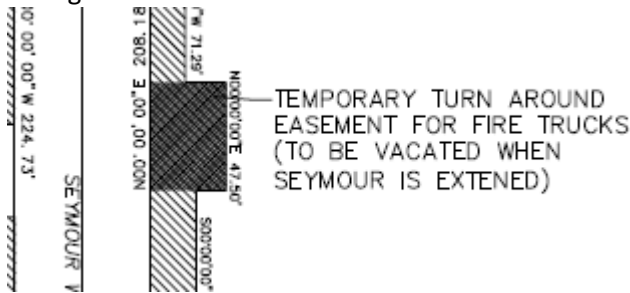
3. On sheet 3, delete the unit numbers from the lots. For example, delete "24" so the lot label just shows "UNIT LOT A". The number of units could be confused for the legal description.
4. Add the adjacent lot line for the north boundary of Lot 44 on sheet 3.
5. Increase font size for "SEYMOUR WAY" on sheet 1.
6. Use a dashed line type for the south boundary of Lot 43 on sheet 3.
7. Delete the record document information from the title block. That could instead be referenced in the notes.
8. The symbol for the existing drainage easements are shown as "existing DOT easement" in the legend.

**Fire**

1. No further revision requested.

**Zoning**

1. Change "FIRE TRUCKS" to "EMERGENCY VEHICLES".



2. Per the conditions of SMP2022-0001, please include notes on the Final Plat.
  - a. PER CBJ 49.15.920(m), UNIT LOTS ARE LIMITED TO RESIDENTIAL USES. THE PARENT LOTS ARE LIMITED TO A RECREATIONAL CENTER, COMMUNITY FACILITY OR CHILD CARE CENTER.

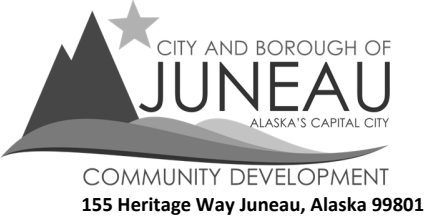
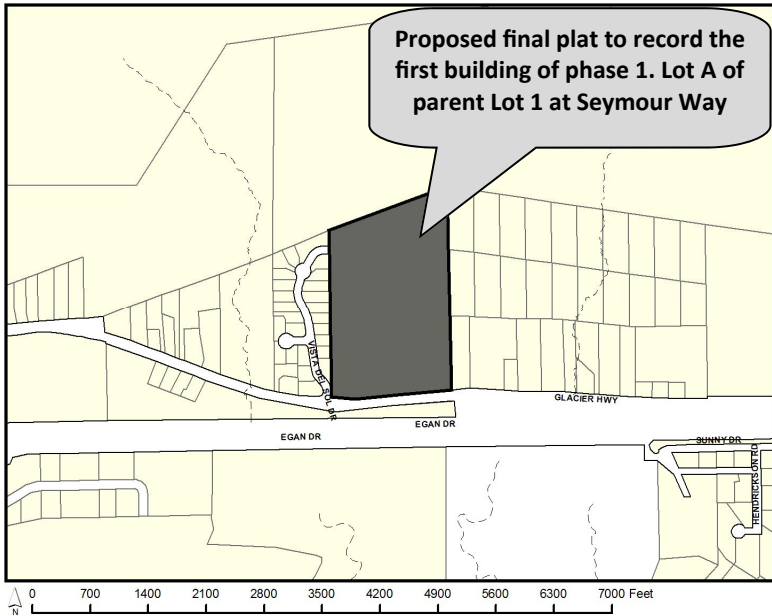


Attachment L- Posted Public Notice Sign + Abutters

# Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

*Your Community, Your Voice*



TO

Applicant requests a **final plat review** for **final plat of Lot 1, Unit Lot A, of Phase 1, Lot 2, and the first length of Seymour Way. Unit Lot A would be the location of a 24-unit multifamily building on approximately 0.23 acres at 7400 Glacier Highway** in a **D18** zone.

**PROJECT INFORMATION:**

Project Information can be found at:  
<https://juneau.org/community-development/short-term-projects>

**PLANNING COMMISSION DOCUMENTS:**

Staff Report expected to be posted **April 15, 2024** at  
<https://juneau.org/community-development/planning-commission>  
Find hearing results, meeting minutes, and more here, as well.

<b>Now through April 1</b>	<b>April 2 — noon, April 19</b>	<b>HEARING DATE &amp; TIME: 7:00 pm, April 23, 2024</b>	<b>April 24</b>
Comments received during this period will be sent to the Planner, <b>David Peterson</b> to be included as an attachment in the staff report.	Comments received during this period will be sent to Commissioners to read in preparation for the hearing.	This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting <a href="https://juneau.zoom.us/j/81496513087">https://juneau.zoom.us/j/81496513087</a> and use the Webinar ID: 814 9651 3087 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above).  You may also participate in person in City Hall Assembly Chambers, 155 Heritage Way Juneau, Alaska.	The results of the hearing will be posted online.

**FOR DETAILS OR QUESTIONS,**  
Phone: (907)586-0753 ext. 4132  
Email: [pc\\_comments@juneau.gov](mailto:pc_comments@juneau.gov) or [david.peterson@juneau.gov](mailto:david.peterson@juneau.gov)  
Mail: Community Development, 155 Heritage Way, Juneau AK 99801

Case No.: SMF2024 0001  
Parcel No.: 5B1401010010  
CBJ Parcel Viewer: <http://epv.juneau.org>