

REGULAR PLANNING COMMISSION AGENDA

January 23, 2024 at 7:00 PM

Assembly Chambers/Zoom Webinar

https://juneau.zoom.us/j/81106773042 or 1-253-215-8782 Webinar ID: 811 0677 3042

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
- E. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION
- F. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
- G. <u>ITEMS FOR RECONSIDERATION</u>
- H. CONSENT AGENDA
- I. UNFINISHED BUSINESS
- J. REGULAR AGENDA
 - <u>USE2023 0018</u>: Conditional Use Permit request for a 3,657 square foot Domino's Pizza Restaurant APPROVED WITH CONDITIONS AS AMENDED

Applicant: R & S Construction

Location: Clinton Drive

DIRECTOR'S REPORT

The applicant has applied for a Conditional Use Permit to develop a 3,657 square foot Domino's Pizza restaurant with a drive-through window in a LC (Light Commercial) zoning district.

In conjunction with this permit, the applicant has applied for a Parking Waiver to waive five (5) required off-street parking spaces (PWP2023-0004).

STAFF RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE WITH CONDITIONS the Conditional Use Permit.

<u>PWP2023 0004:</u> Parking Waiver request for a 3,657 square foot Domino's Pizza Restaurant - APPROVED AS AMENDED

Applicant: R & S Construction

Location: Clinton Drive

K. OTHER BUSINESS

- 3. Accessory Dwelling Units (ADUs) Draft Ordinance Language
- L. STAFF REPORTS
- M. COMMITTEE REPORTS
- N. <u>LIAISON REPORT</u>
- O. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
- P. PLANNING COMMISSION COMMENTS AND QUESTIONS
- Q. EXECUTIVE SESSION
- R. SUPPLEMENTAL MATERIALS
 - 4. Additional Materials Packet

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.



PLANNING COMMISSION NOTICE OF DECISION

Date: January 25, 2024 File No.: USE2023 0018

R&S Construction LLC PO Box 210194 Auke Bay, AK 99821 roblisa@ak.net Planning Commission

(907) 586-0715

PC_Comments@juneau.gov www.juneau.org/community-development/planning-commission 155 Heritage Way • Juneau, AK 99801

Proposal: Conditional Use Permit to develop a 2,893 square foot Domino's Pizza

restaurant with a drive-through window.

Property Address: TBD Clinton Drive

Legal Description: VINTAGE II BL A LT R2

Parcel Code No.: 5B1601420020

Hearing Date: January 23, 2024

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandums dated January 16, 2024, and January 19, 2024, and APPROVED a Conditional Use Permit for a Domino's Pizza restaurant with a drive-through window to be conducted as described in the project description and project drawings submitted with the application, and with the following conditions:

- 1. Prior to the issuance of a Temporary Certificate of Occupancy, an exterior, bear-resistant trash dumpster shall be provided.
- 2. Prior to the issuance of a Temporary Certificate of Occupancy, CBJ-approved signage shall be posted for one (1) accessible parking space.
- 3. Prior to the issuance of a Temporary Certificate of Occupancy, all pavement markings, including directional arrows, parking space stripes, and other markings shown on the project site plan shall be applied to the parking and circulation area.
- 4. All exterior lighting fixtures shall be of a full cutoff design and located to minimize offsite glare.

R&S Construction LLC File No: USE2023 0018 January 25, 2024 Page 2 of 2

Attachments:

- January 16, 2024, memorandum from Jennifer Shields, Community Development, to the CBJ Planning Commission regarding USE2023 0018.
- January 19, 2024, memorandum from Jennifer Shields, Community Development, to the CBJ Planning Commission regarding USE2023 0018.

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

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

Effective Date: The permit is effective upon approval by the Commission, January 23, 2024.

Expiration Date: The permit will expire 18 months after the effective date, or July 23, 2026, if no

Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to

the expiration date.

| mandy cole | 1/26/24 | |
|------------------------------------|---------|--|
| Mandy Cole, Chair | Date | |
| Planning Commission | | |
| | | |
| Lily Hagerup Filed With City Clerk | 1/26/24 | |
| Filed With City Clerk | Date | |

cc: Plan Review

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



PLANNING COMMISSION STAF CONDITIONAL USE PERMIT USE2023 0018 HEARING DATE: JANUARY 23, 2024

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

DATE: January 16, 2024

TO: Mandy Cole, Chair, Planning Commission

BY: Jennifer Shields, Planner II

THROUGH: Jill Lawhorne, Director, AICP

PROPOSAL: Applicant requests a Conditional Use Permit to develop a 3,657 square foot Domino's Pizza restaurant with a drive-through window.

STAFF RECOMMENDATION: Approval with conditions

KEY CONSIDERATIONS FOR REVIEW:

- The lot is zoned LC (Light Commercial).
- The lot has an exclusive access and parking easement that favors a neighboring lot.
- A Parking Waiver to waive five (5) off-street parking spaces has been requested.

| GENERAL INFORMATION | |
|--------------------------------|-------------------------------------|
| Property Owner | R&S Construction LLC |
| Applicant | R&S Construction LLC |
| Property Address | TBD, Clinton Drive |
| Legal Description | VINTAGE II BL A LT R-2 |
| Parcel Number | 5B1601420020 |
| Zoning | LC (Light Commercial) |
| Land Use Designation | TTC (Traditional Town Center) |
| Lot Size | 26,649 square feet |
| Water/Sewer | Public water and public sewer |
| Access | Clinton Drive via Vintage Boulevard |
| Existing Land Use | Vacant / Parking |
| Associated Applications | PWP2023-0004 |

ALTERNATIVE ACTIONS:

- Amend: require additional conditions or delete or modify the recommended conditions.
- 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:

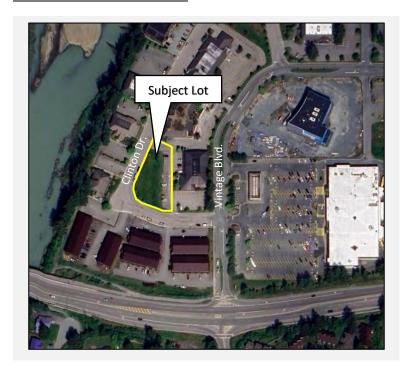
- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - o CBJ 49.15.330
 - o CBJ 49.35.800
 - o CBJ 49.80

The Commission shall hear and decide the case per 49.15.330(a) Conditional Use Permit. 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.

Junifer Shields:

R&S Construction LLC File No: USE2023 0018 January 16, 2024 Page 2 of 11

SITE FEATURES AND ZONING



| SURROUNDING | ZONING AND LAND USES |
|-------------|---------------------------|
| North (LC) | Offices, Riverview Senior |
| | Living |
| South (LC) | Vintage Park Condos, |
| | Clinton Park Condos |
| East (LC) | Offices, Safeway |
| West (LC) | Offices, Mendenhall River |

| SITE FEATURES | |
|--------------------------|--------|
| Anadromous | No |
| Flood Zone | Zone X |
| Hazard | No |
| Hillside | No |
| Wetlands | No |
| Parking District | No |
| Historic District | No |
| Overlay Districts | No |

BACKGROUND INFORMATION

Project Description – The applicant requests a Conditional Use Permit to develop a 3,657 square foot Domino's Pizza restaurant with a drive-through window in a LC zoning district (Attachment A). In conjunction with this permit, the applicant has also applied for a Parking Waiver to waive five (5) required off-street parking spaces for the restaurant (PWP2023-0004). The waiver is being requested because the lot has an exclusive access and parking easement that favors a neighboring lot, thereby reducing the developable area of the subject lot (Attachment C).

This activity most closely fits the following land use type listed in CBJ 49.25.300 – Table of Permissible Uses: *USE* 8.200 – Restaurants, coffee stands with drive-through service. Per CBJ 49.25.300(c)(3)(D), in a commercial zoning district, non-residential buildings using less than one-half acre of land in total constitute a Minor Development. As the lot is over one-half acre of land, a Conditional Use Permit is required.



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Background – The table below summarizes relevant history for the parcel and proposed development.

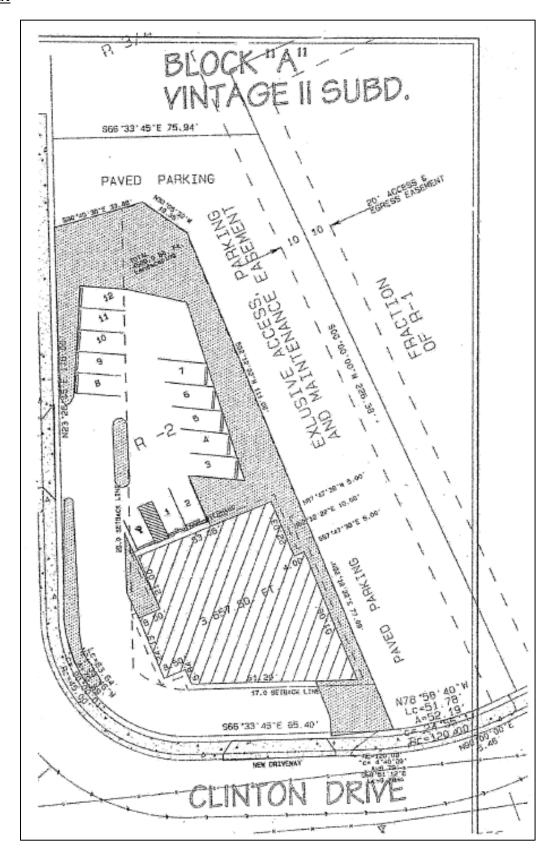
| Year | Item | Summary |
|------|-------------------------------|--|
| 1985 | Plat | Vintage II Subdivision Plat 85-58 (Attachment B). |
| 2013 | Easement | Exclusive Access, Parking, and Maintenance Easement favoring adjacent Lot R-1 (Attachment C). |
| 2013 | Agreement | Snow Dump Agreement between Lots R-1, R-2, R 3/4, and R-5 (Attachment D). |
| 2013 | Agreement | Consent of Use Rights Agreement between Lots R-1, R-2, and R 3/4 (Attachment E). |
| 2023 | Release of Agreement | Release of Snow Dump Agreement between Lots R-1, R-2, R 3/4, and R-5 (Attachment F). |
| 2023 | Pre-Application Conference | Held on October 15, 2023, for a structure housing a take-out restaurant or an office (Attachment A). |

ZONING REQUIREMENTS

| Standard | | Requirement | Existing | Proposed | Code Reference |
|------------|----------------|-------------------|--------------------|----------------|----------------|
| Lot | Size | 2,000 square feet | 26,649 square feet | No Change | CBJ 49.25.400 |
| | Width | 20 feet | 176 feet | No Change | CBJ 49.25.400 |
| | | | | | |
| Setbacks | Front (W) | 25 feet | N/A | 25 feet | CBJ 49.25.400 |
| | Street (S) | 17 feet | N/A | 17 feet | CBJ 49.25.400 |
| | Rear (E) | 10 feet | N/A | ~50 feet | CBJ 49.25.400 |
| | Side (N) | 10 feet | N/A | ~125 feet | CBJ 49.25.400 |
| | | | | | |
| Lot Covera | ge Maximum | N/A | N/A | ~14% | CBJ 49.25.400 |
| | | | | | |
| Vegetative | Cover Minimum | 15% | ~60% | ~17% | CBJ 49.50.300 |
| | | | | | |
| Height | Permissible | 45 feet | N/A | ~20 feet | CBJ 49.25.400 |
| | Accessory | 35 feet | N/A | N/A | CBJ 49.25.400 |
| | | | | | |
| Maximum | Dwelling Units | 30 units/acre | N/A | N/A | CBJ 49.25.500 |
| | | | | | |
| Use | | Commercial | USE 8.200 | Vacant/Parking | CBJ 49.25.300 |
| | | | Restaurant with | | |
| | | | Drive-Through | | |

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SITE PLAN



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ANALYSIS

Project Site – The Vintage Subdivision area, a fraction of the original U.S. Survey 1193, was first subdivided into three tracts in 1984. The area was further subdivided in 1985 to create the subject lot (Attachment B).

Also in 1984, the area was rezoned from R-7 (Residential) to C-2 (Central Commercial) by CBJ Ordinance 84-03(am). This ordinance included a number of conditions for the area, including those regarding access and traffic control, building design, signage, and landscaping. Later, the conditions and uses allowed were further amended by a series of CBJ ordinances (85-33, 85-55, 85-89, 86-54(am), and 86-72). As part of the 1987 major rewrite of the CBJ Land Use Code, the area was rezoned to LC (Light Commercial), and the previous requirements imposed through earlier rezones were removed.

The Clinton Drive area surrounding the lot includes primarily daytime offices to the north, east, and west. The River View Senior Living community is also to the north. To the south are residential condominiums including the Vintage Park Condominiums Association and the Clinton Park Condominiums Association.

The lot is 26,649 square feet in size, exceeding the required 2,000 square feet minimum lot size for the LC zoning district. An exclusive access and parking easement favors a neighboring lot, thereby reducing the developable area of the subject lot to approximately 17,800 square feet, or 67% of the total lot size (Attachment C). However, the easement area cannot be excluded from calculations related to lot size.

Condition: None.

Project Design – The applicant is proposing to locate the 3,657 square foot restaurant on the southern end of the lot, with a drive-through pick-up window located on the western side of the structure. Customers may place delivery, drive-through pick-up, and carry-out orders. The application narrative states that the restaurant will not have sit-down dining.

Typically, Domino's Pizza restaurants open mid-morning and close late at night. The two existing Domino's Pizza restaurants in Juneau, located in the Valley and Downtown, are open from 10:30am – midnight on Sunday through Thursday, and from 10:30am to 1:00am on Fridays and Saturdays.

The proposed Site Plan does not show a proposed location for a trash dumpster(s).

Conditions:

- 1. Prior to the issuance of a Building Permit, the applicant shall submit a revised Site Plan which shows the location of at least one trash dumpster.
- 2. Prior to the issuance of a Temporary Certificate of Occupancy, an exterior, bear-resistant trash dumpster shall be provided.

Traffic – According to CBJ 49.40.300(a)(2), a traffic impact analysis is not required since the project will generate less than 250 Average Annual Daily Traffic. For this application, staff used the Institute of Transportation Engineers' Trip Generation Manual (9th Edition) highest projections for a Fast-Food Restaurant with Drive-Through Window and No Indoor Seating as shown below, based upon the project's proposed square footage.

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| Use | Total Sq. Ft. | Trips Generated | Total Trips |
|---|---------------|------------------------|-------------|
| Fast-Food Restaurant with Drive-Through | 3,657 | 44.99 per 1000 sq. ft. | 164.53 |
| Window and No Indoor Seating | | | |

Additionally, the applicant has submitted the following Domino's Pizza information which indicates an average of approximately 109 orders per day, or a total of 218 arrivals / departures (Attachment A):

- 9,841 orders over 90 days
- Approximately 109 orders per day
- Assuming two movements per order (arrival/departure)
- Approximately 218 movements per day, not counting staff.

Condition: None.

Vehicle Parking & Circulation — Currently, the lot has two-way driveways on both the west and south sides, and approximately 27 off-street parking spaces. These site improvements fall within a recorded access and parking easement area that constitutes approximately 33% of the total lot size. The easement area is for the exclusive use of the neighboring lot to the east at 3000 Vintage Boulevard (Lot R-1) and is unavailable for access or parking use by the proposed restaurant.

The applicant is proposing two new driveways: on the west side of the lot (two-way, ingress/egress) and on the south side of the lot (one-way, egress). The proposed 18-foot-wide drive aisle will accommodate one-way drive-through pick-up window traffic and at least three stacked vehicles. A menu board is not proposed.

The applicant is proposing a parking area with 13 offstreet parking spaces, five (5) less than required per CBJ



49.40.210(a). The proposed parking lot design does <u>not</u> meet the following requirements of CBJ 49.40:

- Drive aisle widths for two-way traffic of 24 feet for 90-degree parking angles
- Parking spaces with dimensions of 8.5 feet x 17 feet
- ADA space dimensions of 13 feet x 17 feet, with an 8-foot x 17-foot aisle width

The applicants have applied for a parking waiver (PWP2023-0004). If the Parking Waiver is not granted, a revised Site Plan will be required showing the required number of off-street parking spaces listed in CBJ 49.40. <u>Parking requirements</u> are discussed further in the staff report for PWP2023-0004.

Conditions:

- 3. Prior to the issuance of a Building Permit, the applicant shall submit a revised Site Plan that meets the parking design and circulation requirements of CBJ 49.40.
- 4. Prior to the issuance of a Building Permit, the applicant shall have a parking waiver approved by the Commission or comply with current requirements for off-street parking.

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- 5. Prior to the issuance of a Temporary Certificate of Occupancy, CBJ-approved signage shall be posted for one (1) accessible parking space.
- Prior to the issuance of a Temporary Certificate of Occupancy, all pavement markings, including directional arrows, parking space stripes, and other markings shown on the project site plan shall be applied to the parking and circulation area.
- 7. Prior to the issuance of a Temporary Certificate of Occupancy, wheel stops shall be placed in front of parking spaces that do not front a curb.

Non-motorized Transportation -

There are sidewalks on both sides of Clinton Drive, with connecting sidewalks along Vintage Park Boulevard.

Condition: None.

Proximity to Transit – Capital Transit operates several routes along Glacier Highway near Vintage Boulevard and Clinton Drive. Bus stops are located approximately 2,000 feet to the south on Glacier Highway, and approximately 2,000 feet to the east on Mendenhall Mall Road.

Condition: None.

Noise – Delivery driver traffic, customer traffic, and drive-through pick-up window service will increase noise in the area, especially at night after typical daytime business hours. Noise is not anticipated to be increased or out of character for a LC zoning district.

Condition: None.

Lighting – According to CBJ 49.40.230(d), parking areas shall be suitably lit, and all proposed fixtures shall be full cut-off design. The Site Plan does not propose new lighting on the site, other than as needed on the building (Attachment A). The site is currently lit by a public streetlight on the corner of the lot, and a light pole servicing the parking easement area on the east side of the lot.

Condition:

8. All exterior lighting fixtures shall be of a full cutoff design and located to minimize offsite glare.

Vegetative Cover & Landscaping – In a LC zoning district, a minimum of 15% of the lot must remain in vegetative cover. The applicant is proposing approximately 17% vegetative cover, which exceeds the minimum requirement per CBJ 49.50.300

Condition: None.

Habitat – No known habitat regulated by Title 49 will be affected by the proposed project.

Condition: None.

Drainage and Snow Storage – The lot will have space off of the parking area for snow storage.

Condition: None.

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Public Health, Safety, and Welfare – There is no information to suggest that the proposed development will materially endanger the public health, safety, or welfare.

Condition: None.

Property Value or Neighborhood Harmony – No information has been submitted that suggests that the proposed development will negatively affect property values or neighborhood harmony. The site is in a LC zoning district and designated as a Traditional Town Center in the Comprehensive Plan.

Condition: None.

AGENCY REVIEW

CDD conducted an agency review comment period between December 21, 2023, and January 8, 2024.

| Agency | Summary |
|---------------------|---|
| General Engineering | We do not have any specific comments with respect to conditional use permitting or parking waivers. Snow storage cannot impede the CBJ ROW. No trees or landscaping may be installed in the CBJ ROW. After completion, CBJ may install "No Parking" signage between the 2 new driveways to reduce traffic hazard(s) along the sharp corner. |
| Building | No comments submitted. |
| CCFR | There are no fire code or fire department issues with this project. |

PUBLIC COMMENTS

CDD conducted a public comment period between December 21, 2023, and January 1, 2024. Public notice was mailed to property owners within 500 feet of the proposed development (Attachment G). A public notice sign was posted on-site two weeks prior to the scheduled hearing (Attachment H). Public comments were received from the following as of the date of this staff report and can be found in Attachment I.

| Name | Summary |
|--------------------------------|---|
| Shawn Carey and Marina Lindsey | Opposes approval of the Conditional Use Permit and/or Parking Waiver. |
| (Vintage Park Condominiums) | |
| John Kern | Opposes approval of the Conditional Use Permit and/or Parking Waiver. |
| (Clinton Park Condominiums) | |
| Lonnie Khmelev and Olena Kot | Opposes approval of the Conditional Use Permit and/or Parking Waiver. |
| (Vintage Park Condominiums) | |
| Hilliard H. Lewis IV | Opposes approval of the Conditional Use Permit and/or Parking Waiver. |
| (Clinton Park Condominiums) | |
| Dylan Listberger | Opposes approval of the Conditional Use Permit and/or Parking Waiver. |
| (Vintage Park Condominiums) | |
| Vintage Park Condominium | Opposes approval of the Conditional Use Permit and/or Parking Waiver. |
| Association Board of Directors | |

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CONFORMITY WITH ADOPTED PLANS

The proposed development is in compliance with the 2013 Comprehensive Plan.

| PLAN | Chapter | Page No. | Item | Summary |
|----------------------------|---------|-------------|--------------------------|---|
| 2013 Comprehensive Plan | 10 | 130 | Policy 10.2 | POLICY 10.2. TO ALLOW FLEXIBILITY AND A WIDE RANGE OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED- USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA. |
| | 10 | 140 | Policy 10.13 | POLICY 10.13. TO PROVIDE FOR AND ENCOURAGE MIXED USE DEVELOPMENT THAT INTEGRATES RESIDENTIAL, RETAIL AND OFFICE USE IN DOWNTOWN AREAS, SHOPPING CENTERS, ALONG TRANSIT CORRIDORS, AND IN OTHER SUITABLE AREAS. |
| | 10 | 140 | Policy 10.13, SOP2 | Maintain and improve provisions in the Land Use Code that include performance standards covering building height, site coverage, landscaping, buffering from incompatible uses, access, signage, parking and other design standards in the Mixed-Use zones. Maintain and improve design review procedures to assure that proposals for mixed use development are evaluated with regard to site design, building placement, parking, landscaping, exterior lighting, and other factors ensuring privacy and livability of the project residents as well as factors to ensure the project is compatible with, and a good neighbor to, surrounding properties, land uses, and public facilities. |
| | 11 | 147 | Land Use Maps | Traditional Town Center (TTC). 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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FINDINGS

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

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

Analysis: No further analysis needed.

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

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

Analysis: The application is for a Restaurant with Drive-Through Service. The use is listed at CBJ 49.25.300, Section 8.200 for the Light Commercial (LC) zoning district.

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

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

Analysis: No additional analysis required.

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

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

Analysis: No additional analysis required.

Finding: No. There is no evidence to suggest that the Domino's Pizza restaurant with a drive-through window, in a LC zoning district, will materially endanger the public health or safety.

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

Analysis: No additional analysis required.

Finding: No. There is no evidence to suggest that the Domino's Pizza restaurant with a drive-through window, in a LC zoning district, will substantially decrease the value or be out of harmony with the property in the neighboring area.

6. Will the proposed development be in general conformity with the Land Use Plan, Thoroughfare Plan, or other officially adopted plans?

Analysis: No additional analysis required.

Finding: Yes. The Domino's Pizza restaurant with a drive-through window, in a LC zoning district, will be in general conformity with the 2013 Comprehensive Plan.

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RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow for a Domino's Pizza restaurant with a drive-through window. Approval is subject to the following conditions:

- 1. Prior to the issuance of a Building Permit, the applicant shall submit a revised Site Plan which shows the location of at least one trash dumpster.
- 2. Prior to the issuance of a Temporary Certificate of Occupancy, an exterior, bear-resistant trash dumpster shall be provided.
- 3. Prior to the issuance of a Building Permit, the applicant shall submit a revised Site Plan that meets the parking design and circulation requirements of CBJ 49.40.
- 4. Prior to the issuance of a Building Permit, the applicant shall have a parking waiver approved by the Commission or comply with current requirements for off-street parking.
- 5. Prior to the issuance of a Temporary Certificate of Occupancy, CBJ-approved signage shall be posted for one (1) accessible parking space.
- Prior to the issuance of a Temporary Certificate of Occupancy, all pavement markings, including directional arrows, parking space stripes, and other markings shown on the project site plan shall be applied to the parking and circulation area.
- 7. Prior to the issuance of a Temporary Certificate of Occupancy, wheel stops shall be placed in front of parking spaces that do not front a curb.
- 8. All exterior lighting fixtures shall be of a full cutoff design and located to minimize offsite glare.

STAFF REPORT ATTACHMENTS

| Item | Description |
|--------------|---|
| Attachment A | Application Packet |
| Attachment B | 1985 Vintage II Subdivision Plat 85-58 |
| Attachment C | 2013 Access, Parking, and Maintenance Easement |
| Attachment D | 2013 Snow Dump Agreement |
| Attachment E | 2013 Consent to Use Rights |
| Attachment F | 2023 Release of Interest in Snow Dump Agreement |
| Attachment G | Public Notice for USE2023 0018 |
| Attachment H | Public Notice Sign Photos |
| Attachment I | Public Comments |



DEVELOPMENT PERMIT APPLICATION

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

| Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) | | |
|--|--|--|
| Vintage II Block A Lot R-2 | | |
| Parcel Number(s) USS 1284 5B16014201 | 020 | |
| This property located in the downtown | historic district | |
| This property located in a mapped haza | rd area, it so, which | Constitution of the Consti |
| Property Owner | Contact Person | visus in the second |
| R&S Construction LLC | Rob Worden | |
| Mailing Address Po Box 210194 Auke Bay, 99821 | Phon | e Number(s) |
| E-mall Address roblisa@ak.net | 90 | 07-321-5015 |
| LANDOWNER/ LESSEE CONSENT Reg | uired for Planning Permits, not needed on Building/ Engineer | ing Permits |
| B. I (we) grant permission for officials and employees of the | o this application and I (we) consent as follows: elopment on my (our) property is made with my complete ur e City and Borough of Juneau to inspect my property as need | ded for purposes of this application. |
| A. This application for a land use or activity review for devients. I (we) grant permission for officials and employees of the Landowner/Lessee Signature. | elopment on my (our) property is made with my complete ur | |
| A. This application for a land use or activity review for devient. B. I (we) grant permission for officials and employees of the | elopment on my (our) property is made with my complete ur | ded for purposes of this application. December 4th 2023 |
| A. This application for a land use or activity review for devient if two grant permission for officials and employees of the X Landowner/Lessee Signature X Landowner/Lessee Signature NOTICE: The City and Borough of Juneau staff may need access the formal consent given above. Further, members of the Plant | elopment on my (our) property is made with my complete ur e City and Borough of Juneau to inspect my property as need to the subject property during regular business hours and wi ning Commission may visit the property before the scheduler | December 4th 2023 Date Date Il attempt to contact the landowner in addition |
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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.

USE 23-018

Case Number

012

Intake Initials

Date Received

12-11-23

Updated 2017 - Page 1 of 1



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

| | PROJECT SUMMARY New Construction of a p | proposed 1 storey cor | mmercial bui | ding | | | | | | | | | |
|------------------------------|--|---|-----------------------|----------------|--|-------------|--|--|--|--|--|--|--|
| Section 2 | TYPE OF ALLOWABLE OR CO Accessory Apartment – Acce Use Listed in 49.25.300 – Tal | essory Apartment Application (ble of Permissible Uses (USE) | AAP) | | | | | | | | | | |
| | IS THIS A MODIFICATION of | r EXTENSION OF AN EXIS | TING APPROVA | IL? OYES | - Case # | © NO | | | | | | | |
| | UTILITIES PROPOSED | WATER: Public C | On Site | SEWER: Pub | lic On Site | | | | | | | | |
| plicant | Total Area of Lot 26,650 Total Area of Proposed | square feet To | otal Area of Existing | Structure(s) 0 | square f | feet | | | | | | | |
| To be completed by Applicant | EXTERNAL LIGHTING Existing to remain Proposed | | | | s, and location of lightings, and location of lightings. | | | | | | | | |
| mple | ALL REQUIRED DOCUMENTS ATTACHED If this is a modification or extended | | | | | | | | | | | | |
| 9 | ✓ Narrative including: | | | | | | | | | | | | |
| Tob | Current use of land | | tification for the me | odification or | | | | | | | | | |
| | Description of project, project site, circulation, traffic etc. | | | | | | | | | | | | |
| - 57 | Proposed use of land | (2) 이 경기 가는 것이 가장 하는 것이 없는데 없다. | | | olication submitted ore expiration date | | | | | | | | |
| 14 | | se complies with the Con | nprenensive Pla | in bei | ore expiration date | 1-15 | | | | | | | |
| 1 | Plans including: | | | | | | | | | | | | |
| 100 | Site plan | | | | | | | | | | | | |
| 9 1 | ✓ Floor plan(s) | kisting and proposed build | dings | | | | | | | | | | |
| mi | ✓ Proposed vegetative | | amgo | | | | | | | | | | |
| - | | ed parking areas and pro | posed traffic ci | culation | | | | | | | | | |
| | Existing physical feat | atures of the site (e.g.: dr | ainage, habitat, | and hazard ar | reas) | | | | | | | | |
| | - | DEPARTMENT | USE ONLY BELOW TO | IIS LINE- | | | | | | | | | |
| | ALLOWABLE | CONDITIONAL USE FEES | | | | | | | | | | | |
| | | s 500.00 | Check No. | Receipt | Date | | | | | | | | |
| | Application Fe | | | | | | | | | | | | |
| | Adjustment | 5 - | | | | | | | | | | | |
| | Pub. Not. Sign | 100.00 | | | | | | | | | | | |
| | Pub. Not. Sign Total Fee | Deposit \$ 100 00 | | | | | | | | | | | |

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

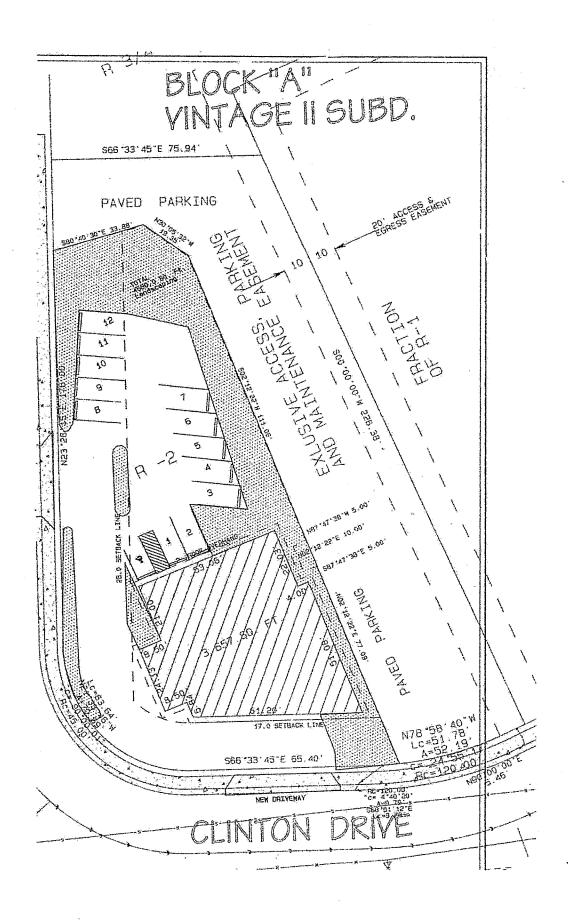
| INCOMPLETE AP | PLICATIONS WI | LL NOT BE ACCEPTED |
|---------------|---------------|--------------------|
| | | |

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

| Case Number | Date Received |
|-------------|---------------|
| USE 23-018 | 12-11-23 |

ALLOWABLE/CONDITIONAL USE PERMIT NARRATIVE:

- -The current use of land is vacant with no building or structure on it
- -We are proposing a 3657 sq ft one story building with 12 parking spots and one ADA parking spot. The proposed "Dominos" business will have a drive through with a second exit to Clinton Avenue.
- -Dominos does not allow for sit down dining.
- -This building will be used as a new location for Dominos Pizza with a drive through pickup area.
- -This proposed building and business all fit under the comprehensive plan and will benefit all the neighboring properties.





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

Case name

Case Number: PAC2023 0042

Applicant: Rob Worden

Property Owner: R&S Construction, LLC

Property Address: Vintage Boulevard

Parcel Code Number: 5B1601420020

Site Size: 26,649 square feet, 0.6118 acres

Zoning: Light Commercial

Existing Land Use: Parking/Snow Storage

Conference Date: 15 October 2023

Report Issued: 23 October 2023

DISCLAIMER: Pre-application conferences are conducted for the purpose 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 |
|------------------|---------------------|-----------------------------|
| Rob Worden | | roblisa@ak.com |
| Scott Jenkins | Applicant | iglooracing 1@yahoo.com |
| Irene Gallion | | Irene.Gallion@juneau.gov |
| Forrest Courtney | Planning | Forrest.Courtney@juneau.gov |
| Jeff Hedges | Building | Jeff.Hedges@juneau.gov |
| Eric Vogel | General Engineering | Eric.vogle@juneau.gov |
| David Sevdy | Permitting | david.sevdy@juneau.gov |

Conference Summary

A conditional use permit will be required because the lot being developed is over half an acre.

• The eased access and parking cannot be excluded from calculations for lot size.

Applicants are encouraged to provide:

- **Documented resolution of the snow storage easement issue.** The Applicant says the easement was dissolved with the closing on this property. Please provide document to this department so we can update our records.
- Corporate documentation on traffic will be provided by the Applicant.
 - A Traffic Impact Analysis by a Traffic Engineer is required for average annual daily traffic (AADT) over 500.
 - A TIA may be required for AADT between 250 and 500 (Director discretion).
 - o A TIA is not required for AADT under 250.
 - If a TIA is required, it will need to be submitted with the Conditional Use Permit application.
 Work with planning staff to determine need for a TIA <u>before</u> applying for the Conditional Use Permit.

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.

Can the vegetative cover be reduced due to the parking and access easement that takes up 9,000 square feet of the lot?

The parking is "development," so cannot be used to reduce vegetative cover requirements for the lot.

A variance would require that the circumstances leading to the variance are natural. The parking agreement is considered "self-created."

A code amendment proposed to the Assembly would count permeable surfaces toward vegetative cover. However, the Assembly has not taken up the amendment. The Notice of Decision and staff report were provided to the Applicant at the meeting, and are attached to these notes.

Would the city accept ownership of the easement?

No. The easement does not meet city standards for a street, which would require a 60 foot right-of-way. CBJ is not interested in additional land.

Project Overview



The property has an exclusive access and parking agreement favoring a neighboring lot. This reduces developable area to about 15,000 square feet, where new access and parking must also be accommodated.

The neighboring lot is not interested in assuming ownership of the eased land.

The proposed structure is 3,657 square feet.

The applicant proposes a structure housing take-out restaurant or office space.

According to the Table of Permissible uses requires a Conditional Use Permit for the development, because the lot is over half an acre. The eased area counts as part of the development.

Conditional Use Permit Process:

- Submit the application and back-up materials (listed on ten back of the application).
 - Electronic submissions accepted at <u>Permits@juneau.gov</u>. Note that the permit center will call
 you for payment when the application is processed. Applications are submitted in the order in
 which they are received, and it may be a few days before you get a call.
- The project will be assigned to a planner. They will review submitted materials, and coordinate where necessary. When the planner assesses the file is complete, they will schedule a hearing before the Planning Commission.
 - A notice will be sent to property owners within 500 feet of the project.
 - There will be two newspaper ads for the case.
 - The Applicant is required to post a Public Notice sign, which will be provided by CDD. The sign must be posted two weeks before the hearing.

- Staff will prepare a report analyzing the project, and make a recommendation to the Commission. The report will be publicly available the week before the hearing.
- · At the Planning Commission meeting, the project can be:
 - On the Consent Agenda, where it will be passed without discussion.
 - On the Regular Agenda:
 - The Director will briefly describe the project.
 - The Applicant has 15 minutes to describe the project.
 - The public has the opportunity to comment. There is usually a time limit of two to three minutes.
 - The Applicant has time to respond to issues raised.
 - Public comment is closed and there is no additional opportunity to participate.
- · The Planning Commission will:
 - Approve the project
 - Approve the project with conditions (the most common outcome)
 - o Deny the project
 - Continue the project if more information is required or if the Commission runs out of time.
- The decision can be appealed for 20 days after the Notice of Decision is filed with the City Clerk. If the
 decision is appealed, the Applicant can continue with their project at their own risk.

Videos of the Planning Commission activities are posted on Assembly's Minutes and Agendas site. https://juneau-ak.municodemeetings.com/

Planning Division

- Zoning Light Commercial
- 2. Setbacks
 - a. Front: 25 feet. Front is the lot line through which the property gets primary access.
 - b. Rear: 10 feet.c. Side: 10 feet.
 - d. Street side: 17 feet.
- 3. Height
 - a. Permissible uses: 45 feet
 - b. Accessory uses: 35 feet
- 4. Access Clinton Drive. (Is there a project coming up?) While it appears that there is access through the north and west, a recorded easement grants exclusive use to the neighboring lot. An additional driveway will need to be constructed.
- 5. Parking & Circulation- Applicant should apply for a parking waiver with the Conditional Use Permit.

Lot R1 has exclusive easement rights to approximately 9,400 square feet of R2 under an unbelievably bad exclusive parking and access easement agreement recorded with the Alaska Department of Natural Resources. Unless rescinded, this agreement stands.

The developer is unable to use currently developed parking to accommodate development on R2.

The Applicant is working with a corporate food chain representative who has multiple properties throughout the United States and Canada, and two in Juneau. Based on their experience, they estimate three parking spaces needed. Corporate data would be very helpful in supporting a parking waiver.

Parking required by code will vary depending on use:

| Use | Metric | Parking Required (3,657 sf) |
|------------|-------------------|-----------------------------|
| Office | 1/300 square feet | 12 |
| Restaurant | 1/200 square feet | 18 |

One ADA space would be required, with a minimum width of 16 feet (including an eight-foot aisle) and a minimum length of 17 feet. The space must be signed for an ADA van.

A loading space is not required unless the structure is 5,000 square feet or more.

A shared parking agreement could be used if the proposed shared parking is within 500 feet. Note that the entity providing the shared parking would need to have enough parking for their use and for the additional parking spaces.

- 6. Lot Coverage no limit.
- 7. Vegetative Coverage 15% (3,997 square feet) is required under code, and shown on the site plan. A code revision is in progress that would redefine vegetative cover to include permeable surfaces, but the code has not been approved yet. A recommendation was sent to the Assembly on June 29, 2021, but the assembly has not taken action. The proposed amendment is attached for your information.
 - Building staff proposed considering a green roof.
- 8. Lighting Lighting must be downward cast and not fall on neighboring property.
- 9. **Noise** Drive-through window speakers have been the source of noise complaints in the past. The Applicant advises that there would not be drive-through service, only pick-up, similar to "Papa John's" currently operating in Juneau. Window pick-up is not considered at this time. Drive through ordering is not being considered.
- 10. Flood The lot is not in a Special Flood Hazard Area on the adopted FEMA flood maps, therefore flood regulations do not apply and flood insurance is not required with a federally-backed mortgage. FEMA flood maps show the area has a 0.2% annual chance of flood hazard, also known as the 500-year floodplain. Flood insurance is recommended but not required, and the property owner is encouraged to build structures with flood prevention in mind, such as elevating structures to or above the Base Flood Elevation. FEMA maps are for flood insurance purposes, and do not definitely establish risk.
- 11. Hazard/Mass Wasting/Avalanche/Hillside Endorsement The property is not in a mapped hazard area
- 12. Wetlands Wetlands are not present on this lot.
- 13. **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.
- 14. Plat Restrictions Staff did not find applicable plat restrictions.
- 15. **Traffic** Analysis below assumes single-story 3,657 square foot facility. A Traffic Impact Analysis is required for any use that generates over 500 average annual daily traffic (AADT). The Director has discretion on requiring a TIA for AADT between 250 and 500.

A Traffic Impact Analysis takes months and thousands of dollars. Plan accordingly.

When the developer has a better idea of the tenant they should check back in with CDD to verify the traffic generated. There is some variability between different kinds of restaurants.

| Use | Metric | Traffic AADT | Page |
|-----------------------------|-----------------|--------------|------|
| Office | 11.03 /1,000 sf | 40 | 1259 |
| Restaurant w/ drive through | 496.12/1,000 sf | 1,814 | 1912 |
| High turn-over restaurant | 127.15/1,000 sf | 465 | 1885 |

The Applicant may be able to provide corporate data on traffic from other facilities in Alaska and the nation. The Director can consider these sources in determining traffic impacts.

16. Nonconforming situations - None.

Building Division

- 17. Building -
- 18. Outstanding Permits None

General Engineering/Public Works

- Engineering Please provide driveway standards there was some question that two driveways would result in less width being required for each? Also, GE was going to check with Streets to see if there were concerns regarding two driveways.
- 20. Drainage -
- 21. Utilities (water, power, sewer, etc.)

Fire Marshal

22. Fire Items/Access -

Other Applicable Agency Review

23. DOT&PF / Alcohol Beverage Control Board / Army Corps / DEC (wastewater) / DNR / USF&W / F&G / FAA / Corrections...

24.

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
- 2. Allowable/Conditional Use Permit Application
- 3. Parking Waiver Application
- (Add notes as necessary)

Additional Submittal Requirements

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

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

- 2. Corporate traffic and parking information could be helpful in evaluating development impacts.
- 3. (Add any necessary supporting documents required in the application forms OR that may be useful supporting information)

Exceptions to Submittal Requirements

Submittal requirements that 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. (Add any items required with the forms that are not applicable to the Conditional Use application)

2.

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. Class II Conditional Use Permit: \$500
- 2. Parking Waiver: \$320 if applied for with a Conditional Use Permit, \$400 if applied for on its own.
- Public Notice Sign: \$150, with \$100 refundable if the sign is returned by the Monday after the Planning Commission meeting.

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

Submit your Completed Application

You may submit your application(s) online via email to permits@juneau.gov
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

Attachments:

49.15.330 – Conditional Use Permit NOR AME2020 0002

















From: Irene Gallion Irene.Gallion@juneau.gov &

Subject: Vintage II Block A Lot R2

Date: November 28, 2023 at 5:45 PM

To: Rob and Lisa Worden roblisa@ak.net



Hi Rob.

The Director has determined that the proposal under PAC23-42 is not required to have a Traffic Impact Analysis. This is based on the information provided by Dominos (attached):

- 9,841 orders over 90 days
- Approximately 109 orders per day
- Assuming two movements per order (arrival/departure)
- Approximately 218 movements per day, not counting staff.
- No TIA is required under 250 movements.

If the use or user changes, the issue of requiring a Traffic Impact Analysis will need to be revisited.

You will need a parking waiver to reduce spaces required from 18 to however many you determine is appropriate. Make sure you provide a narrative supporting the number of spaces provided, including consideration of employees on site.

Please include a copy of this e mail with your Conditional Use Permit application. Note that we will need application materials before December 11, 2023 to be considered for the January 23, 2024 meeting.

Thank you,

Irene Gallion I Senior Planner

Community Development Department | City & Borough of Juneau, AK Location: 230 S. Franklin Street | 4th Floor Marine View Building Office: 907.586.0753 x4130



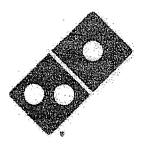
Fostering excellence in development for this generation and the next.

How are we doing? Provide feedback here:

https://juneau.org/community-development/how-are-we-doing

FWR - Service Method : 19040 Austeria

Service Method : 19040 Aust



October 19, 2023

To Whom It May Concern,

At our Dominos location in Juneau, our average hourly traffic is 2.89 pick-up orders per hour throughout the day, and we do not offer dine-in.

Furthermore, our delivery orders have little downtime for drivers (parked at the store). Our driver turnaround time is 40% under 30 seconds and 50% 31 to 60 seconds. Turnaround times are calculated from when a driver enters the store parking lot to when they leave the parking lot. We calculate these numbers through the driver's GPS and the store's Geo fence of the store parking lot.

Bryan Dobb

PWR - Keys Summary: 19040 Juneau

Last Quarter (Mon 6/19/2023-Sup 9/10/2023)



Keys Summary

NOTES:

- Average 9841 orders over 90 days.
- Approximately 109 orders per day
- Assuming 2 movements per order (Arrival/departure)

- Approximately 218 movements per day not counting staff.

* A T.I.A is not required under 250 Movements per day.

Proprietary & Confidential - All Rights Reserved © 2023 Domino's IP Holder LLC

Printed on 10/26/2023 Page 1



Service Method

| Store Ct | Service Type | Service Code | Order Ct | % of Orders | Royalty Sales | % of Royalty Sales | Avg Ticket | Avg Middle Margin \$ | IFC % | Bad Order Ct | Bad Order Ct % | Bad Order \$ | Bad Order \$ % | # of Edits | Avg Load | eADT |
|-----------------|-----------------------|--------------|----------|-------------|---------------|--------------------|------------|----------------------|-------|--------------|----------------|--------------|----------------|------------|----------|------|
| Group By: 19040 | (Max=12) | | | | | | | | | | | | | | | |
| | 1 Carryout | C | 2,358 | 24.0% | \$59,469.00 | 18.5% | \$25.22 | \$14.54 | 25.4% | 27 | 0.6% | \$747.48 | 0.7% | 871 | 3.58 | |
| | 0 Dine-In | I | 0 | 0.0% | \$0.00 | 0.0% | | | | | | \$0.00 | | | | |
| | 0 Pick Up | P | 0 | 0.0% | \$0.00 | 0.0% | | | | | | \$0.00 | | | | |
| | 0 Drive Thru | T | 0 | 0.0% | \$0.00 | 0.0% | | | | | | \$0.00 | | | | |
| | 1 Carside Delivery | x | 169 | 1.7% | \$5,235.83 | 1.6% | \$30.98 | \$17.68 | 25.9% | 2 | 1.2% | \$42.97 | 0.8% | 1 | 5.83 | |
| | 0 Other In-Store | Other | 0 | 0.0% | \$0.00 | 0.0% | | | | | | \$0.00 | | | | |
| | 1 All In-Store | | 2,527 | 25.7% | \$64,704.59 | 19.6% | \$25.44 | \$14.65 | 25.4% | 29 | 0.6% | \$790.45 | 0.7% | 872 | 3.66 | |
| | 1 Delivery | D | 7,285 | 74.0% | \$284,406.40 | 80.1% | \$39.04 | \$24.03 | 21.4% | 20 | 0.4% | \$700.87 | 0.3% | 905 | 5.91 | 26.2 |
| | 1 Hotspot | H | 29 | 0.3% | \$880.56 | 0.3% | \$30.36 | \$18.67 | 21.5% | | 0.0% | \$0.00 | 0.0% | 5 | 4.53 | 25.4 |
| | 0 Other Delivery | Other | 0 | 0.0% | \$0.00 | 0.0% | | | | | | \$0.00 | | | | |
| | 1 All Delivery | | 7,314 | 74.3% | \$285,286.96 | 80.4 | \$38.99 | \$24.00 | 21.4% | 20 | 0.4% | \$700.87 | 0.3% | 910 | 5.91 | 26.2 |
| | 1 All Orders | | 9,841 | 100.0% | \$322,352.26 | 100.0% | \$32.76 | \$19.70 | 22.9% | 49 | 0.5% | \$1,491.32 | 0.5% | 1,782 | 4.87 | 25.5 |

Section J, Item 1.

Section J, Item 1.



Delivery Expert App (Summary)

| Store | Delivery Expert out the Door (Hustle out) | % Time Delivery Expert Out the Door mins (avg) | Delivery Expert in the Door (Hustle in) | % Time Delivery Expert in the Door mins (avg) | Delivery Expert at the Door | % Time Delivery Expert at the Door mins (avg) | Expert in the | % Delivery Expert in the Store mins (avg) | Delivery Expert on the Road % | Avg Wait Time | % Delivery Expert App Orders in Singles | % Delivery Expert App Orders in Doubles | % Delivery Expert App Orders in Triples + | % of Delivery Expert App Usage | % Orders where Delivery Expert went Invisible | Total Delivery Expert App Runs | Total Delivery Expert App Orders | Total Dispatched Orders |
|-------|--|--|--|---|-----------------------------------|---|---------------|---|-------------------------------------|---------------|--|--|--|--------------------------------------|--|-----------------------------------|-------------------------------------|----------------------------|
| 19040 | 1.98 | 6.8% | 1.43 | 4.7% | 2.64 | 11.5% | 12.34 | 24.3% | 75.7% | 7.27 | 55.6% | 28.8% | 15.7% | 98.5% | 0.0% | 3,930 | 5,243 | 5,322 |
| 1 | 1.98 | 6.8% | 1.43 | 4.7% | 2.64 | 11.5% | 12.34 | 24.3% | 75.7% | 7.27 | 55.6% | 28.8% | 15.7% | 98.5% | 0.0% | 3,930 | 5,243 | 5,322 |

Section J, Item 1.



Delivery Expert App (Summary)

| | Delivery Expert out the Door (Hustle out) | % Time Delivery Expert Out the Door mans (avg) | Delivery Expert in the Door (Hustle in) | % Time Delivery Expert in the Door mins (avg) | Delivery Expert at the Door | % Time Delivery Expert at the Door mins (avg) | Delivery Expert in the Store | % Delivery Expert in the Store mins (avg) | Delivery Expert on the Road % | Avg Wait Time | Expert App Orders in | % Delivery Expert App Orders in Doubles | Orders in | "a of Delivery Expert App Usage | % Orders where Delivery Expert went Invisible | Total Delivery Expert App Runs | Total Delivery Expert App Orders | Total Dispatched Orders |
|-------|--|--|--|---|-----------------------------------|---|------------------------------------|--|-------------------------------------|---------------|-------------------------|--|-----------|---------------------------------------|--|-----------------------------------|-------------------------------------|----------------------------|
| 19040 | 1.98 | 6.8% | 1.43 | 4.7% | 2.64 | 11.5% | 12.34 | 24.3% | 75.7% | 7.27 | 55.6% | 28.8% | 15.7% | 98.5% | 0.0% | 3,930 | 5,243 | 5,322 |
| 1 | 1.98 | 6.8% | 1,43 | 4.7% | 2.64 | 11.5% | 12.34 | 24.3% | 75.7% | 7.27 | 55.6% | 28.8% | 15.7% | 98.5% | 0.0% | 3,930 | 5,243 | 5,322 |

OF TIME DRIVERS ARE ON THE ROAD WITHIN TH HOUR.

75.7%- X60 MIN 45 MIN OF THE HOUR.

PRIVERS ARE STAGGERED THROUGH OUT THE HOLD.

NE THY GCHETULE DRIVER FOR THE ODERS NE HAVE.

MERNIUG THE MAX WE HAVE IN THE PARKING TOT 19

ONE, BUT ONLY ONE FOR 15 MM. OF THE HOLD.

24% OF THE MOUNT.

Section J, Item 1.



Keys Summary

| | | | | Order Count | Order Cut PCYA | | | Actual Labor | | | % of Orders in Singles | % of Est Extreme Deliveries (45) | Avg Order Load Time | Avg Wait Time | Club Time | Avg OTD Time | cDOT*6 | Carside OTD | Cash Over / Short | Last OA (US) OER (Intl) | Last Self OA (US) Self OER (Intl) |
|-------|--------------|----------------------------|--------------|----------------|-------------------|-------|------|--------------|--------|------|---------------------------|--|------------------------------|---------------------|--------------|--------------------|-------------|----------------|----------------------|----------------------------|---|
| 19040 | \$322,293.84 | \$26,857.82 | 0.5% | 820 | (3.0%) | 23.1% | 0.1% | 24.3% | (2.3%) | 26.2 | 56.1% | 8.4% | 5.0 | 7.4 | 13.3 | 18.8 | 72.8% | 1.1 | \$177.18 | 3 | 3 |
| 1 1 | \$322,293.84 | \$26,857.82 \$26,857.82 | 0.5% 0.5% | 820.1 | (3.0%) | 23.1% | 0.1% | 24.3% | (2.3%) | 26.2 | 56.1% | 8.4% | 5.0 | 7.4 | 13.3 | 18.8 | THE RESERVE | | \$177.18 | 3.00 | 3,00 |

NEEKLY AVG

Section J, Item 1.



Service Method

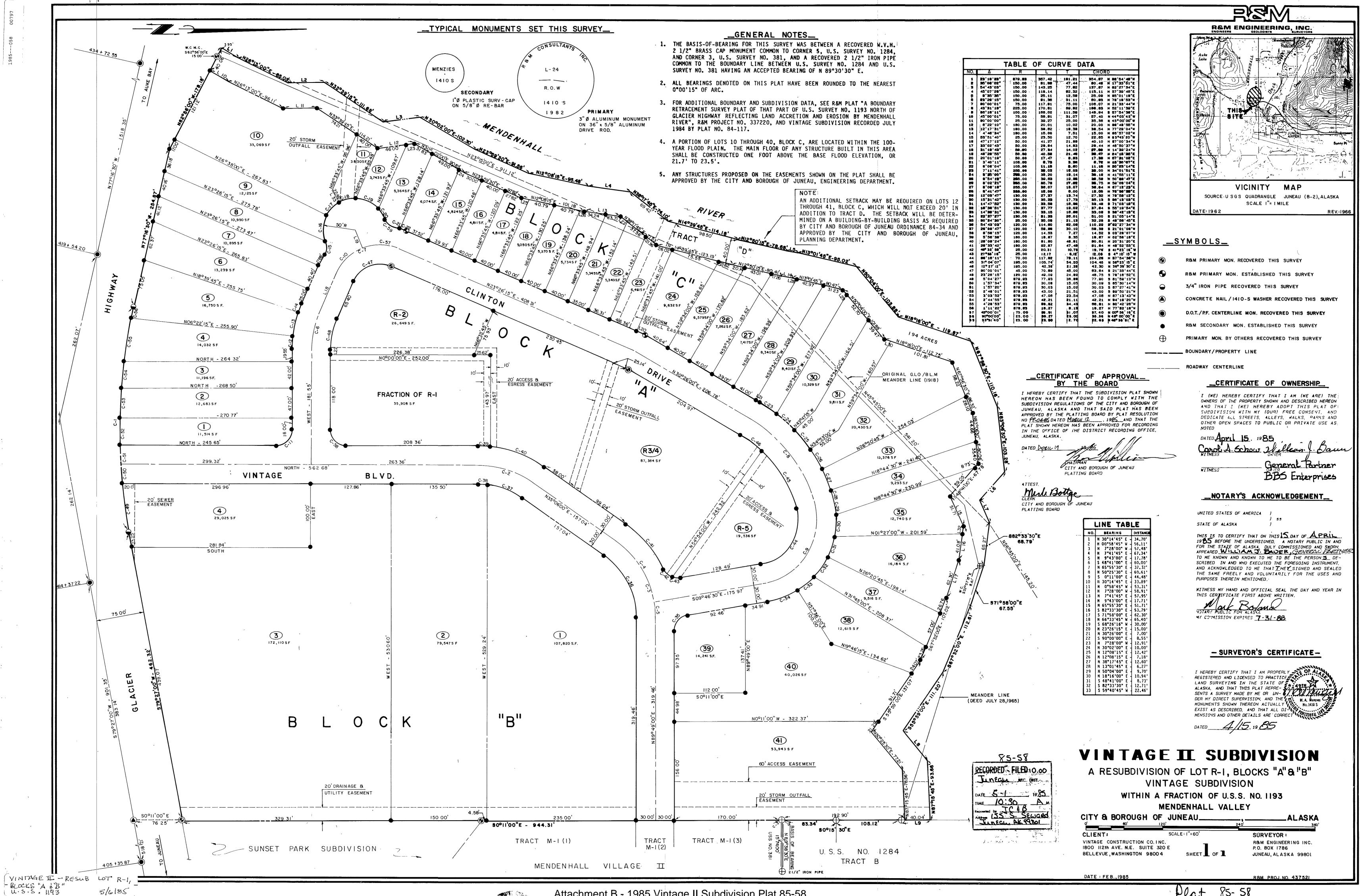
| | | | | | | % of Royalty Sales | | Avg Middle Margin \$ | | | Bad Order Ct % | Bad Order \$ | | | | |
|--------------|-----------------------|-------|-------|--------|--------------|--------------------|---------|----------------------|-------|----|----------------|--------------|------|-------|------|---|
| up By: 19040 | (Max=12) | | | | | | | | | | | | | | | |
| | 1 Carryout | C | 2,358 | 24.0% | \$59,469.00 | 18.5% | \$25.22 | \$14.54 | 25.4% | 27 | 0.6% | \$747.48 | 0.7% | 871 | 3,58 | |
| | 0 Dine-In | I | 0 | 0.0% | \$0.00 | 0.0% | | | | | | \$0.00 | | | | |
| | 0 Pick Up | P | 0 | 0.0% | \$0.00 | 0.0% | | | | | | \$0.00 | | | | |
| | 0 Drive Thru | T | 0 | 0.0% | \$0.00 | 0.0% | | | | | | \$0.00 | | | | |
| | 1 Carside Delivery | x | 169 | 1.7% | \$5,235.83 | 1.6% | \$30.98 | \$17.68 | 25.9% | 2 | 1.2% | \$42.97 | 0.8% | 1 | 5.83 | |
| | 0 Other In-Store | Other | 0 | 0.0% | \$0.00 | 0.0% | | | | | | \$0.00 | | | | |
| | 1 All In-Store | | 2,527 | 25.7% | \$64,704.59 | 19.6% | \$25.44 | \$14.65 | 25.4% | 29 | 0.6% | \$790.45 | 0.7% | 872 | 3.66 | |
| 1 | 1 Delivery | D | 7,285 | 74.0% | \$284,406.40 | 80.1% | \$39.04 | \$24.03 | 21.4% | 20 | 0.4% | \$700.87 | 0.3% | 905 | 5.91 | 2 |
| | 1 Hotspot | H | 29 | 0.3% | \$880.56 | 0.3% | \$30.36 | \$18.67 | 21.5% | | 0.0% | \$0.00 | 0.0% | 5 | 4.53 | 2 |
| (| Other Delivery | Other | 0 | 0.0% | \$0.00 | 0.0% | | | | | | \$0.00 | | | | |
| | 1 All Delivery | | 7,314 | 74.3% | \$285,286.96 | 80.4 | \$38.99 | \$24.00 | 21.4% | 20 | 0.4% | \$700.87 | 0.3% | 910 | 5.91 | |
| | All Orders | | 9,841 | 100.0% | \$322,352.26 | 100.0% | \$32.76 | \$19.70 | 22.9% | 49 | 0.5% | \$1,491.32 | 0.5% | 1,782 | 4.87 | 2 |

25.7% OFF ORDERS ARE. ENGTOMER PICK-UP.

WEEK 25.1 × BLO= 211 ORDER PEK NIEEK PICK-UP.

211:7:12 2.5 ORDER PEK HOUR- AVG.

TAY HOURS



Section J, Item 1.

Recording District 101

05/20/2013 03:02 PM

Juneau

Page 1 of 6



Juneau Recording District

After recording return to: SableFish, LLC 3150 C Street, suite 290 Anchorage, Alaska 99503-3980

FTAA

3) F-42843dj 7.058379

LOT R-2, BLOCK A, VINTAGE II SUBDIVISION EXCLUSIVE ACCESS, PARKING AND MAINTENANCE EASEMENT

L

A S

In consideration of the benefits derived therefrom, the GRANTOR, BBS ENTERPRISES, whose address is 3000 Vintage Boulevard, Juneau, Alaska 99801, conveys and quitclaims to the GRANTEE, SABLEFISH, LLC, and its successors and/or assigns, as owner of Lot R-1, BLOCK A, VINTAGE II SUBDIVISION, according to the official plat thereof, filed under Plat No. 85-58 in the records of the Juneau Recording District, First Judicial District, State of Alaska, (dominant estate), whose address is 3000 Vintage Boulevard, Juneau, Alaska 99801, an exclusive easement for the purpose of ingress/egress, parking and maintenance on and across a portion of Lot R-2, Block A, Vintage Subdivision II (servient estate), said easement being more particularly described as follows:

A certain tract or parcel of land lying and being situated within a portion of Lot R-2, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat No. 85-58 in the records of the Juneau Recording District, First Judicial District, State of Alaska being more particularly described as follows:

Beginning at the northwesterly most corner of Lot R-2 identical to the southwesterly most corner of Lot R 3/4, Block A, Vintage II Subdivision and being a point on the easterly right-of-way of Clinton Drive;

thence departing said right-of-way along the common boundary between aforementioned Lots R-2 and Lot R 3/4, S66°33'45"E a distance of 75.93 feet to the northeasterly most corner of this description, identical to the northeasterly most corner of Lot R-2 and being a point on the common boundary between a Fraction of Lots R-1 and Lot R-2;

thence along said common boundary along the westerly boundary of this description South, a distance of 226.38 feet to the southeasterly most corner of this description, a point on the northerly right-of-way limits of Clinton Drive, identical to the southwest corner of a fraction of Lot R-1 and the southeast corner of Lot R-2 hereinbefore described;

Access, Parking and Maintenance Easement - 1 -

thence along said right-of-way limits of Clinton Drive, identical to the southerly boundary of Lot R-2 West, a distance of 8.55 feet to a point of curvature;

thence along a 120.00' radius curve to the right, through an arc of 18°45'52", an arc length of 39.30 feet (Chord = N80°37'04"W a distance of 39.12 feet) to the southwesterly most corner of this description;

thence departing said right-of-way crossing through Lot R-2, Block A, Vintage II Subdivision the following courses: N2°12'22"E a distance of 77.09 feet;

thence N87°47'38"W a distance 5.00 feet;

thence N2°12'22"W a distance 10.00 feet;

thence S87°47'38"W a distance 5.00 feet;

thence N2°12'22"E a distance 111.06 feet;

thence N30°05'32"W a distance 19.35 feet;

thence N80°40'30"W a distance of 33.88 feet to a point on the hereinbefore described easterly right-of-way limits of Clinton Drive;

thence along said right-of-way limits, identical to the westerly boundary of Lot R-2 N23°26'15"E a distance of 32.67 feet to the true point of beginning.

The easement is illustrated on Attachment A.

Grantee also may use up to 75 square feet for concrete parking curbs, landscaping, pedestrian walkways and utility pedestals and transformers contiguous to Lot R-1 (see item A on Attachment A).

The easement shall be perpetual and runs with the land as an easement appurtenant rather than an easement in gross.

This instrument replaces and supersedes in full the Access, Parking and Maintenance Easement recorded March 1, 2013 as document no. 2013-001626-0, in the records of the Juneau Recording District, State of Alaska.

Dated this _____ day of May, 2013.

By: William J. Bauer

Owner of BBS Enterprises, Grantor

SableFish, LLC SIGNED IN COUNTERPART

By: Miles S. Schlosberg, Manager

Access, Parking and Maintenance Easement - 2 -



thence along said right-of-way limits of Clinton Drive, identical to the southerly boundary of Lot R-2 West, a distance of 8.55 feet to a point of curvature;

thence along a 120.00' radius curve to the right, through an arc of 18°45'52", an arc length of 39.30 feet (Chord = N80°37'04"W a distance of 39.12 feet) to the southwesterly most corner of this description;

thence departing said right-of-way crossing through Lot R-2, Block A, Vintage II Subdivision the following courses: N2°12'22"E a distance of 77.09 feet;

thence N87°47'38"W a distance 5.00 feet:

thence N2°12'22"W a distance 10.00 feet;

thence S87°47'38"W a distance 5.00 feet:

thence N2°12'22"E a distance 111.06 feet;

thence N30°05'32"W a distance 19.35 feet;

thence N80°40'30"W a distance of 33.88 feet to a point on the hereinbefore described easterly right-of-way limits of Clinton Drive;

thence along said right-of-way limits, identical to the westerly boundary of Lot R-2 N23°26'15"E a distance of 32.67 feet to the true point of beginning.

The easement is illustrated on Attachment A.

Grantee also may use up to 75 square feet for concrete parking curbs, landscaping, pedestrian walkways and utility pedestals and transformers contiguous to Lot R-1 (see item A on Attachment A).

The easement shall be perpetual and runs with the land as an easement appurtenant rather than an easement in gross.

This instrument replaces and supersedes in full the Access, Parking and Maintenance Easement recorded March 1, 2013 as document no. 2013-001626-0, in the records of the Juneau Recording District, State of Alaska.

Dated this ____ day of May, 2013.

SIGNED IN COUNTERFART

By:

William J. Bauer

Owner of BBS Enterprises, Grantor

SableFish, LLC

By: Miles S. Schlosberg, Manage

Access, Parking and Maintenance Easement - 2 -

Attachment C - 2013 Access, Parking, and Maintenance Easements Easements

ACKNOWLEDGEMENTS

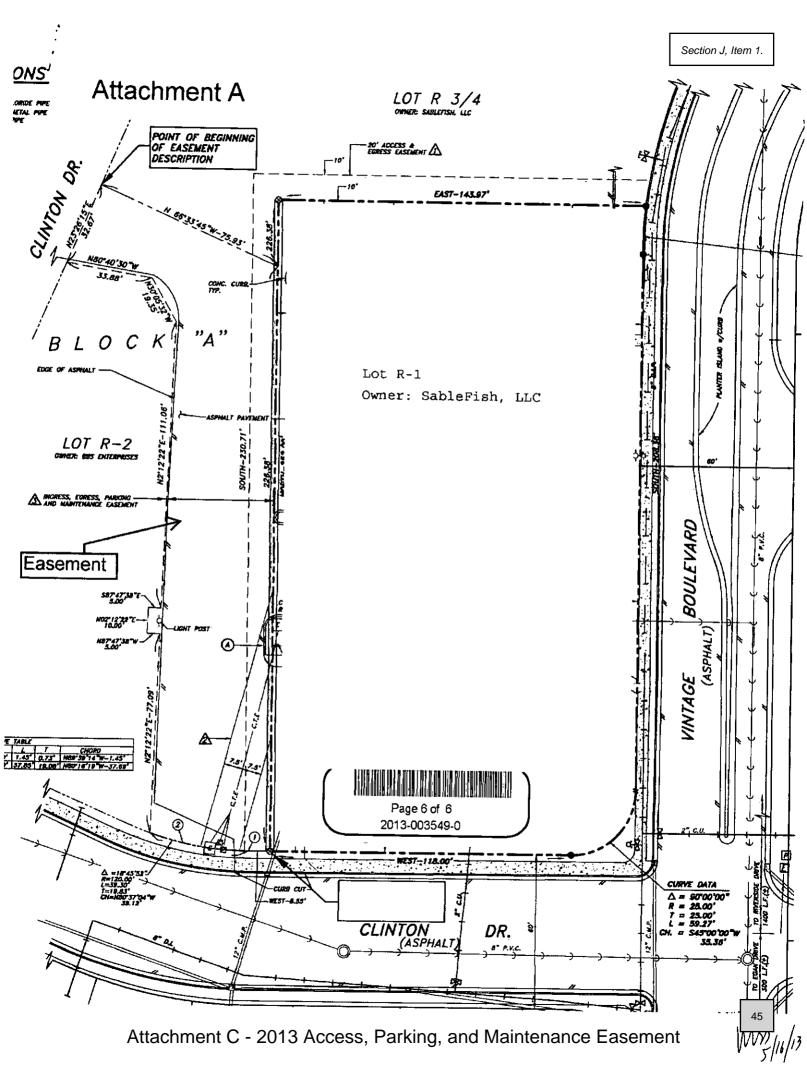
| STATE OF ALASKA |) |
|---|--|
| |) ss: |
| FIRST JUDICIAL DISTRICT |) |
| appeared William J. Bauer, Owner of | nd for the State of Alaská, duly commissioned and sworn, of BBS Enterprises, to me known and known to me to be the acknowledged to me that he executed the same freely and |
| WITNESS my hand and off | ficial seal on the day and year in this certificate first above |
| written. | 1/1/1/1/1 |
| STATE OF ALASKA , NOTARY PUBLIC Kyla Camba My Commission Expires: December 16, 2016 | Notary Public in and for Alaska My Commission Expires: 12/16/16 |
| State of |) |
| |)ss. |
| County |) |
| | as acknowledged before me this day of May, 2013, by SableFish, LLC, an Alaska limited liability company, on |
| | SIGNED IN |
| | COUNTERPART |
| | Notary Public in |
| | My commission expires: |
| | <u></u> |

Access, Parking and Maintenance Easement - 3 -

ACKNOWLEDGEMENTS

| STATE OF ALASKA |) |
|---|--|
| FIRST JUDICIAL DISTRICT |) ss:) |
| appeared william J. Bauer, Owner | of BBS Enterprises, to me known and known to me to be the to acknowledged to me that he executed the same freely and |
| WITNESS my hand and of written. | fficial seal on the day and year in this certificate first above SIGNED IN COUNTERFART |
| | Notary Public in and for Alaska |
| from of British Cohumbia State of | My Commission Expires: |
| State of | |
| |)ss. |
| County |) |
| The foregoing instrument w Miles S. Schlosberg, Manager of behalf of the company. | as acknowledged before me this day of May, 2013, by SableFish, LLC, an Alaska limited liability company, on |
| or the company. | |
| | Notary Public in RC |
| | My commission expires: DOES NOTIVE |
| | SHOLTO SHAW |
| | Lawyer & Notary Public |
| | #332-4370 Lorimer Road 10 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 |
| | |
| | BILL |
| | The state of the s |
| | |

Access, Parking and Maintenance Easement - 3 -





2013-003550-0

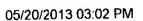
Section J, Item 1.

Recording District 101

Juneau

1

Page 1 of 8





Juneau Recording District

After recording return to: SableFish, LLC 3150 C Street, suite 290 Anchorage, Alaska 99503-3980

FTAA

2058329

Snow Dump Agreement

This agreement is between SableFish, LLC, of 3150 C Street, suite 290, Anchorage, Alaska 99503-3980; and BBS Enterprises, Limited, a California limited partnership, BBS Enterprises, Limited, an Alaska limited partnership, BBS Enterprises II, Limited Partnership, Vintage Business Park I, LLC, an Alaska limited liability company, Vintage Business Park II, LLC, an Alaska limited liability company; William J. Bauer, individually and dba CQ Enterprises, and BBS Enterprises, a California limited partnership, jointly and severally (collectively, referred to as "Grantors"), all of P. O. Box 34139, Juneau, Alaska 99803-4139.

Whereas, SableFish owns certain property (the "dominant estates") described as:

Parcel 1

Lots R 3/4, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat Number 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

Together with those certain access and parking rights as created by that certain Access & Parking Easement Agreement recorded September 23, 1998, at Book 503, at Page 839.

Parcel 2

Lot R 1, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat Number 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

Snow Dump Agreement

Together with those certain access and parking rights as created by that certain Access, Parking and Maintenance Easement recorded May 20, 2013, as document no. 2013- 003549-0, Juneau Recording District.

Whereas, one or more of the Grantors owns or has an interest in certain property (the "servient estates") described as:

Parcel 1

Lot R 5, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat Number 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

Parcel 2

Lot R 2, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat Number 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

Whereas, in connection with SableFish's purchase of the dominant estates from Grantors or an affiliate of Grantors, Grantors have agreed to permit SableFish to dispose of snow on the servient estates, as provided in this agreement.

Therefore, SableFish and Grantors agree as follows:

- Snow dump. SableFish may dump, store and otherwise dispose of, on the 1. servient estates, snow originating from the dominant estates. SableFish shall be solely responsible to transport the snow from the dominant estates to the servient estates and to manage the snow. "Snow" includes derivative products, such as ice.
- Alternative sites. Grantors may sell the servient estates free and clear of this agreement, provided that Grantors grant, or cause an affiliate of Grantors to grant, to SableFish the right to use another lot or lots in the Vintage II Subdivision on the same terms as provided in this agreement. If Grantors construct a building on a servient estate, upon commencement of construction SableFish shall release this agreement relating to the servient estate, provided that Grantors grant, or causes an affiliate of Grantors to grant, to SableFish the right to use another lot in the Vintage II Subdivision on the same terms as provided in this agreement. In all cases, the first preference for a substitute lot shall be given to the lot or lots closest to the dominant estates.

Snow Dump Agreement

- 2 -

- 3. <u>Term.</u> This agreement shall terminate May 1, 2023. Upon termination, the parties shall execute such documents as reasonably may be requested or necessary to terminate this agreement of record.
- 4. <u>Consideration</u>. SableFish shall have no obligation to pay Grantors for the rights provided by this agreement. This agreement is entered in connection with, and as a condition of, SableFish's purchase of the dominant estates from Grantors or an affiliate of Grantors.
- 5. <u>Indemnity</u>. SableFish shall indemnify and hold Grantors harmless from any claims arising out of use the servient estates by SableFish or its agents in accordance with this agreement.
- 6. Run with Land. This agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns. The agreement shall be appurtenant to the benefited and burdened parcels. The agreement and the other rights and obligations created by this instrument run with the land.
- 7. <u>Default and remedies</u>. Upon default, notice, and failure to cure, the parties may exercise any remedies it has in law or at equity.
- 8. Effect on Prior Agreement. This Agreement amends and restates in full the Snow Dump Agreement between the parties recorded Dec. 31 2012, 2013, as document no. 2012-008369-0, Juneau Recording District.

BBS Enterprises, Limited, a California limited partnership

Date: May ____, 2013

BBS Enterprises, Limited, an Alaska limited partnership

Date: May ____, 2013

By: William J. Bauer, General Partner

Snow Dump Agreement

- 3 -

- Term. This agreement shall terminate May 1, 2023. Upon termination, the 3. parties shall execute such documents as reasonably may be requested or necessary to terminate this agreement of record.
- 4. Consideration. SableFish shall have no obligation to pay Grantors for the rights provided by this agreement. This agreement is entered in connection with, and as a condition of, SableFish's purchase of the dominant estates from Grantors or an affiliate of Grantors.
- 5. Indemnity. SableFish shall indemnify and hold Grantors harmless from any claims arising out of use the servient estates by SableFish or its agents in accordance with this agreement.
- 6. Run with Land. This agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns. The agreement shall be appurtenant to the benefited and burdened parcels. The agreement and the other rights and obligations created by this instrument run with the land.
- Default and remedies. Upon default, notice, and failure to cure, the parties may exercise any remedies it has in law or at equity.

| | 8. | Effect on Pri | or Agreer | nent. | . This A | greement | amends | and | restates | in full | the |
|-------|---------|---------------|-----------|-------|----------|-----------|----------|-----|----------|---------|-----|
| Snow | Dump | Agreement | between | the | parties | recorded | | | , | 2013, | as |
| docum | ent no. | 2013 | | _, Ju | neau Re | cording D | istrict. | | | | |

BBS Enterprises, Limited, a California limited partnership

By: William J. Bauer, General Partner Date: May 16, 2013

BBS Enterprises, Limited, an Alaska limited

partnership

By: Skillion J. Game Date: May / 5, 2013

Snow Dump Agreement

- 3 -

2013-003550-0

BBS Enterprises II, Limited Partnership

| Date: May <u>/</u> , 2013 | By: <u>Million J. Bauer</u> William J. Bauer, General Partner |
|-----------------------------|--|
| | Vintage Business Park I, LLC, an Alaska limited liability company |
| Date: May 16, 2013 | By: Melliam J. Bauer, Manager/Member |
| | Vintage Business Park II, LLC, an Alaska limited liability company |
| Date: May <u>/ L</u> , 2013 | By: <u>Jelliam J. Bauer</u> William J. Bauer, Manager/Member |
| | William J. Bauer, individually and dba CQ Enterprises and dba CG Enterprises |
| Date: May | By: William J. Bauer William J. Bauer |
| | BBS Enterprises, a California limited partnership |
| Date: May <u>/ / ,</u> 2013 | By: <u>It ellern J. Lauer</u> William J. Bauer, General Partner |
| | SableFish, LLC, an Alaska limited liability company SIGNED IN |
| Date: May, 2013 | By: Miles S. Schlosberg, Manager |
| | |

Snow Dump Agreement

-4-

BBS Enterprises II, Limited Partnership

| Date: May, 2013 | By: William J. Bauer, General Partner |
|---------------------|--|
| | Vintage Business Park I, LLC, an Alaska limited liability company |
| Date: May, 2013 | By: |
| | Vintage Business Park II, LLC, an Alaska limited liability company |
| Date: May, 2013 | By: William J. Bauer, Manager/Member |
| | William J. Bauer, individually and dba CQ Enterprises and dba CG Enterprises |
| Date: May, 2013 | By: SIGNED IN William L. Bailer F. R. I. S. R. T. S. R. T |
| | BBS Enterprises, a California limited partnership |
| Date: May, 2013 | By:William J. Bauer, General Partner |
| | SableFish, LLC, an Alaska limited liability company |
| Date: May /6, 2013 | By: Mhhhh Miles S. Schlosberg, Manager |
| Snow Dump Agreement | - 4 - |

Acknowledgments

| State of Alaska |) | | |
|--|--|---|--------------------------|
| First Judicial District |)ss.) | | |
| 2013, by William J. Bauer limited partnership, BBS Enterprises II, Limited partnership, and Manager/I liability company and Vi | r, General Partner Enterprises, Limit Partnership, and Member of Vintag intage Business Pa and dba CQ Enterp | eledged before me this \(\bigcup_0 \) day of May of BBS Enterprises, Limited, a Californited, an Alaska limited partnership, BB BBS Enterprises, a California limited en Business Park I, LLC, an Alaska limited ark II, LLC, an Alaska limited liability prises and dba CG Enterprises, on behalf of Notary Public in Alaska My commission expires: \(\bigcup_1 \bigcup_0 | ia S d ed ty |
| State of |))ss. lounty) | | |
| The foregoing instru | ument was acknow erg, Manager of S | Vledged before me this day of Mar SableFish, LLC, an Alaska limited liability SIGNED IN COUNTERFART Notary Public in | |

Snow Dump Agreement

- 5 -

My commission expires:

Acknowledgments

| State of Alaska |) |
|---|--|
| |)ss. |
| First Judicial District |) |
| 2013, by William J. Baue limited partnership, BBS Enterprises II, Limited partnership, and Manager/ liability company and V | rument was acknowledged before me this day of May, er, General Partner of BBS Enterprises, Limited, a California Enterprises, Limited, an Alaska limited partnership, BBS Partnership, and BBS Enterprises, a California limited Member of Vintage Business Park I, LLC, an Alaska limited intage Business Park II, LLC, an Alaska limited liability and dba CQ Enterprises and dba CG Enterprises, on behalf of SIGNED IN COUNTERPART |
| | Noton Dublic in Abele |
| | Notary Public in Alaska My commission expires: |
| Prov & British C State of | Columbia))ss. County) |
| | ument was acknowledged before me this <u>//</u> day of May, perg, Manager of SableFish, LLC, an Alaska limited liability |
| company, on behalf of the | Notary Public in |
| | SHOLTO SHAW O Lawyer & Notary Public 2 #332-4370 Lorimer Road Whistler, B.C. VON 184 |

Snow Dump Agreement

- 5 -



2013-003551-0

Section J, Item 1.

Recording District 101

Juneau

05/20/2013 03:02 PM

Page 1 of 6



Juneau Recording District

After recording return to: SableFish, LLC 3150 C Street, suite 290 Anchorage, Alaska 99503-3980

FTAA

(5) F-4284 2058329

Consent to Use Rights

This agreement is between SableFish, LLC, of 3150 C Street, Suite 290, Anchorage, Alaska 99503-3980 and the person(s) identified below, referred to as "Interest Holder:"

Name: Simpson, Tillinghast, Sorensen & Sheehan P.C., and

Elgee Rehfeld Mertz, LLC

Mailing address: One Sealaska Plaza, Suite 300, Juneau, Alaska, and

9309 Glacier Highway, Suite B-200, Juneau, Alaska

Nature of interest: Deed of trust

Recording data, Juneau Recording District -

Title of recorded document: Deed of Trust

Date recorded: December 7, 2011

Recorded document no.: 2011-007409-0

Whereas, BBS Enterprises, a California limited partnership ("Grantor"), of P. O. Box 34139, Juneau, Alaska 99803-4139, owns certain property (the "servient estate") described as:

Lot R 2, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat Number 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

Whereas, Interest Holder has an interest in the servient estate, as described above.

Whereas, SableFish owns certain property adjoining or near to the servient estate (the "dominant estates") described as:

Consent to Use Rights

-1-

Parcel 1

Lot R 1, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat Number 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

Parcel 2

Lots R 3/4, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat Number 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

Whereas, in connection with SableFish's purchase of the Parcel 1 of the dominant estates from Grantor or an affiliate of Grantor, Grantor granted to SableFish an easement over the servient estate by an Access, Parking and Maintenance Easement recorded May 20, 2013, as document no. 2013-003549-0 Juneau Recording District (the "Easement").

Whereas, in connection with SableFish's purchase of the dominant estates from Grantor or an affiliate of Grantor, Grantor granted to SableFish rights to dump snow on the servient estate by a Snow Dump Agreement recorded May 20. 2013, as document no. 2013-003550-0, Juneau Recording District (the "Snow Dump Agreement").

Whereas, the Easement and the Snow Dump Agreement are collectively referred to in this Agreement as the "Use Rights."

Whereas, SableFish has asked Interest Holder to confirm its consent to the Use Rights and subordinate its interest to the Use Rights. Interest Holder is willing to do so because Interest Holder wishes to facilitate SableFish's purchase of the servient estate that will or may result in benefits to Interest Holder.

Therefore, SableFish and Interest Holder agree as follows:

- Consent to Use Rights. Interest Holder consents to Grantor granting the Use Rights. Such grant shall not constitute a default under Interest Holder's agreement with Grantor.
- Subordination. Interest Holder hereby unconditionally subordinates its interest and all of its rights, claims and remedies relating to its interest to the Use Rights, and any modification of the Use Rights that does not materially impair the rights, claims or remedies of Interest Holder, with the same force and effect as if the Use Rights had been executed and recorded prior to the execution and recordation of the Interest Consent to Use Rights - 2 -

55

Holder's interest. In the event of a foreclosure sale of the Interest Holder's interest or a transfer in lieu of foreclosure of any portion of the servient estate, the purchaser at any such foreclosure sale or the transferee under any deed in lieu of foreclosure shall take title to the servient estate subject to the terms and conditions of the Use Rights.

- 3. <u>Nondisturbance</u>. Interest Holder, and its successors and assigns, shall not disturb or interfere with use of the servient estate in accordance with the Use Rights.
- 4. <u>Continuation of Interest</u>. Except as expressly modified by this Agreement, Interest Holder's interest shall continue in full force and effect as an interest in the servient estate.
- 5. <u>Reliance</u>. Interest Holder acknowledges that SableFish has purchased the 'servient estate in reliance on the grant of the Use Rights and Interest Holder's subordination of its interest to the Use Rights, as provided in this Agreement.
- 6. Run with Land. This agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns. The agreement shall be appurtenant to the benefited and burdened parcels and interests. The agreement and the other rights and obligations created by this instrument run with the land.

Simpson, Tillinghast, Sorensen & Sheehan P.C.

Title:

Elgee Rehfeld Mertz, LLC

Date: May 9, 2013

Title.

Consent to Use Rights

56

| Date: May, 2013 | SableFish, LLC, an Alaska limited liability company By: |
|---|--|
| | Acknowledgments |
| State of Alaska))ss. First Judicial District) | |
| | was acknowledged before me this |
| State of Alaska))ss. First Judicial District) | |
| The foregoing instrument 2013, by B() company. | was acknowledged before me this |
| STATE OF ALASKA OFFICIAL SEAL Rebecca Lee NOTARY PUBLIC My Commission Expires 3 21 1014 | Notary Public in Alaska My commission expires: 3 27/16 |
| Consent to Use Rights | - 4 - |

| | | ish, LLC, ska limited liability compa | ny |
|---|----------------|--|-------|
| Date: May [7 1, 2013 | By: Robert | Collect H. Hume, Jr., Assistant M | mu). |
| | Ackno | owledgments | |
| State of Alaska First Judicial District |))ss.) | | |
| The foregoing 2013, bybehalf of the company | of Simp | son, Tillinghast, Sorenser | , the |
| | | Notary Public in Al My commission ex | |
| State of Alaska First Judicial District |))ss.) | | |
| The foregoing 2013, by company. | | ee Rehfeld Mertz, LLC | the |
| | | Notary Public in Al My commission ex | |
| Consent to Use Rights | _ 4 | 1 - | |

| State of | Alaska | |) |
|----------|---------|----------|------|
| 3rd J | udicial | District |)ss. |

The foregoing instrument was acknowledged before me this 17 day of May, 2013, by Robert H. Hume, Jr., Assistant Manager of SableFish, LLC, an Alaska limited liability company, on behalf of the company.



Notary Public in Haska
My commission expires: 3 - 7 - 2016

A L A S K

2023-001930-0

Recording Dist: 101 - Juneau 6/30/2023 09:27 AM Pages: 1 of 3



RELEASE OF INTEREST IN SNOW DUMP AGREEMENT

Pacific Investment Group, LLC, an Alaska limited liability company, of 9166 Parkwood Drive, Juneau, Alaska 99801("Pacific") is an owner of that real property legally described as follows:

Parcel 1

Lot R-5, Block A, VINTAGE II SUBDIVISION, according to Plat 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

AND

Parcel 2

Lot R 2, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat Number 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

SableFish is the Grantee under a Snow Dump Agreement recorded on May 20, 2013 ("Agreement") in the Juneau Recording District at recording number 2013-003550-0 and has rights under the Agreement to access real property legally described as follows:

Parcel 1

Lot R 5, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat Number 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

AND

Parcel 2

Lot R 2, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat Number 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

Pacific and SableFish hereby acknowledge that the Agreement terminated on May 1, 2023 and hereby release any and all interest or rights under the Agreement.

Dated June 27, 2023.

Pacific Investment Group, LLC

MARAGER MEMBER, Member

STATE OF ALASKA

: SS

FIRST JUDICIAL DISTRICT

The foregoing instrument was acknowledged before me this 27 day of June 2023 by LAURY BAUER, member of Pacific Investment Group, LLC, an Alaska limited liability company, on behalf of the limited liability company.

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

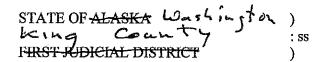
STATE OF ALASKA
NOTARY PUBLIC
Jill M. Weyant
My Commission Expires July 19, 2026

Notary Public, State of Alaska My commission expires: 7-19



Dated June 20, 2023.

SableFish, LLC



The foregoing instrument was acknowledged before me this 20 day of June 2023 by Miles Schlosberg, manager of SableFish, LLC, an Alaska limited liability company, on behalf of the limited liability company.

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

Notary Public, State of Alaska Washing ton My commission expires: 4-10-2027

After Recording, return to:

Baxter Bruce & Sullivan P.C. P.O. Box 32819 Juneau, Alaska 99803

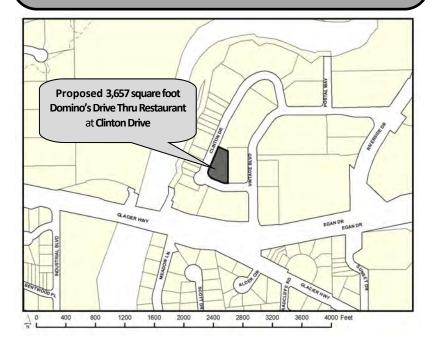




Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice





TO

Conditional Use Permit and Parking Waiver applications have been submitted for consideration and public hearing by the Planning Commission for the request of a 3,657 square foot Domino's Pizza Drive Through Restaurant at Clinton Drive in an Light Commercial 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 January 16, 2024 at

https://juneau.org/community-development/planning-commission Find hearing results, meeting minutes, and more here, as well.

Now through Jan. 1, 2024

Jan. 2— noon, Jan. 19

HEARING DATE & TIME: 7:00 pm, Jan. 23, 2024

Jan. 24
The results of

the hearing will

be posted

online.

Comments received during this period will be sent to the Planner, **Jennifer Shields** 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/81106773042 and use the Webinar ID: 811 0677 3042 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.

FOR DETAILS OR QUESTIONS,

Phone: (907)586-0753 ext. 4139

Email: pc_comments@juneau.gov or Jennifer.shields@juneau.gov Mail: Community Development, 155 Heritage Way, Juneau AK 99801

Case No.: USE2023 0018 & PWP2023 0004

Parcel No.: 5B1601420020

CBJ Parcel Viewer: http://epv.juneau.org

63

Printed December 21, 2023







64

From: John Kern **PC** Comments To:

Subject: USE2023 0018: Domino"s Pizza Drive Through Restaurant

Saturday, December 30, 2023 11:55:04 AM

I am the owner and resident of 3011 Clinton Drive Unit B4. My property is across Clinton Drive from the proposed development. I object to the reduction of parking required for this development. This area is increasingly active with new developments and residents and circulation is somewhat constrained by narrow and curving streets. For the development to rely on street parking is unacceptable. Either there is enough property for the development, or there is not. This is not a situation to reduce the required onsite parking spaces.

Thank you for considering my comments.

John Kern

3011 Clinton Drive, Unit B4

From: Lonnie Khmelev
To: Jennifer Shields

Subject: parcel 5B1601420020 parking waiver
Date: Friday, January 5, 2024 9:43:35 AM

Good morning,

We are happy to see that Vintage Park is finally moving forward with numerous new construction projects. What we are concerned with is the parking waiver for the proposed Domino's location. We have seen significant changes around this section of Clinton Drive with additional condo units built last year and the recent sale of a building to Goldbelt. We foresee a parking shortage in this area, and we believe the new project should include all the required parking as per CBJ code.

Thank you,

Lonnie Khmelev 3005 Clinton Drive, Unit C2

Olena Kot 3005 Clinton Drive, Unit D4 From: PC Comments
To: Jennifer Shields

Subject: FW: Dominoes drive through in Vintage park.

Date: Thursday, December 28, 2023 8:51:22 AM

Attachments: image001.png

From: H. Lewis <peregrine911@gmail.com>
Sent: Wednesday, December 27, 2023 9:07 PM
To: PC_Comments <PC_Comments@juneau.gov>
Subject: Dominoes drive through in Vintage park.

Good evening,

My name is Hilliard H. Lewis IV.

I am a resident of the Vintage Park Condo Association. My unit is C-4.

The proposed Dominoes restaurant is in the lot directly across from my home.

I am STRONGLY AGAINST this use proposal for that lot.

Part of what makes this area pleasant to live in is that the traffic and light pollution in the area subside a great deal after normal business hours. There are a few exterior lights and sparse street lighting.

If this gets approved and built I believe that the following changes would occur detracting immensely from what makes Vintage Park a peaceful place to live.

1:) Noise and traffic.

A Dominoes business is open much later than the rest of the businesses in Vintage park.

This would cause an increase in traffic far later into the night and bring that traffic noise right outside the doors of all the Condominium residents and the River View Senior living buildings.

The proposed business is also slated as a drive through meaning that the traffic coming and going would not only be employees but the general public as well. We already live by the highway and the engines and music of Juneau's less polite vehicle owners does not need to be brought any closer to where we are sleeping.

2:) Light pollution would be increased.

As a commercial chain restaurant this would likely have an excess of exterior lighting and advertising illumination. The proposed Dominoes would also have a drive through. To facilitate this increase in traffic many more street lights and parking lot lights would be installed further making evenings and nights unpleasant. These lights would shine directly into my home.

3:) Noxious odors.

As a commercial food handler this business is going to have dumpsters with a large percentage of food waste. Between cooking and venting and then garbage handling the nearby air quality coupled with the traffic increase will definitely deteriorate.

The amount of food odors would also likely cause an increase in black bear activity in the neighbor hood further increasing encounters between bears and residents.

4:) Does Juneau really need a 3rd Domino's?

There is already a Domino's pizza place less than a mile from Vintage Park already. Why do we need another? The service area does not increase at all being less than a mile from where Domino's is already. Juneau's density is not nearly high enough to need these type if restaurants this close together.

I once again state I AM STRONGLY AGAINST this use proposal for the lot in Vintage park.

Hilliard H. Lewis IV

3005 Clinton Drive, C-4 Juneau AK, 99801

907 723 6339

From: Marina Lindsey
To: PC Comments
Cc: Jennifer Shields

Subject: Comments on Domino's Pizza Drive-Thru Restaurant

Date: Monday, January 1, 2024 6:08:53 PM

To: CBJ Planning Commission and CBJ Staff From: Shawn Carey and Marina Lindsey Re: Domino's Pizza Drive-Thru Restaurant

Date: January 1, 2024

Shawn Carey and I live in the Vintage Park Condominiums at 3005 Clinton Drive, Unit C5, across the street from the proposed Domino's Drive-Thru. Following are our comments on the project.

R&S Construction's Allowable/Conditional Use Permit Narrative says that "The proposed building and business fit under the comprehensive plan and will benefit all the neighboring properties." We disagree. The Vintage Business Park is a quiet community with offices, residential condominiums, and senior living. A fast-food pizza restaurant with delivery drivers, a drive-thru pick up window, and hours later than the rest of the businesses in Vintage Park is not beneficial to the neighbors. Dominos is open 10:30 am to midnight and the proposed drive-thru will point headlights directly at Vintage Park condominiums. Domino's Pizza will bring vehicles, which in Juneau are often loud trucks or intentionally jacked-up cars with thumping music, in front of our homes until late at night. According to R&S' application, 40% of Domino's drivers' turnaround times are under 30 seconds and 50% are within 31 - 60 seconds. That means Domino's drivers will be rapidly coming and going 200+ times a day at the pizza order rate Domino's provided. And that's at the current pizza order rate. What are Domino's plans for growth? If Domino's is investing in costly new construction, they must be planning to expand their business. Has the city asked for Domino's growth expectations for the next 3 to 5 years? How will those growth rates affect traffic, neighborhood noise levels, and parking needs?

We also oppose R&S' request for a parking waiver. Despite R&S' statement that a parking waiver will "not result in adverse impacts to property in the neighboring areas", the neighboring areas will be greatly impacted. Parking along Clinton Drive is congested during office hours and the neighbors should not have to compensate for R&S purchasing property with an easement that makes their property too small to include the required parking and a drive-thru. Additionally, R&S' plans call for two driveways which will reduce street parking by at least 4 spaces. If Domino's business grows, they will need more employee and customer parking. The neighborhood parking doesn't have room to absorb Domino's growth. Does the parking on R&S' plan, which is 5 spaces less than the 18 spaces that are required for restaurants, even meet CBJ requirements? It looks like the spaces don't have proper egress

and the disabled parking space isn't accessible because of landscaping.

How recently has CBJ analyzed the traffic at the intersection of Clinton Drive and Vintage Boulevard? The number of vehicles has increased with the recent developments including SEARCH, Riverview Senior Living, Goldbelt's office expansion, and the growing number of cruise ship tour buses in Safeway's parking lot. We would like the city to analyze not only the current rate of traffic, but what it will be like when Domino's business grows. The city should also reconsider how the traffic flow works. Vehicles cannot turn left onto Egan from Vintage Boulevard nor access Vintage Boulevard when coming from the west on Egan. Many of us are regularly driving 270-degree loops around Vintage Park/Safeway because access to/from Egan is limited at the south end of Vintage Boulevard. Additionally, Clinton Drive near the intersection of Vintage Boulevard is consistently full of potholes that need to be fixed, not patched again and again.

On a final note, we would like to request that additional landscaping be required on the south side of the R&S property to minimize Domino's lights and headlights from delivery drivers and customers. We would also like to request that the Domino's dumpsters be located on the north side of the property, reducing the sound and smell for Vintage Park condo residents. The dumpster enclosures should be bear proof and Domino's should be required to use dumpsters with metal lids and latches. Domino's trash will be very appealing to bears and ravens.

Please let us know if you would like clarification on any of our feedback. We appreciate your time and consideration of our comments.

Sincerely,

Marina Lindsey and Shawn Carey

MARINA LINDSEY

907-723-1116

From: **Dylan Listberger** To: Jennifer Shields

Subject: Re: Comments on USE2023 #0018 - Domino's Pizza Drive Through Restaurant

Date: Tuesday, January 2, 2024 6:50:21 PM

Attachments: 7E51D4E7-5C2F-4B51-BB45-6D8E69435683.png

Jennifer.

I am not sure how this parking lot design is legal. It doesn't appear to meet the CBj guidelines. There doesn't appear to be enough egress space between parking spaces for cars to pass or even access spaces. This doesn't appear to be a 1 way directional parking lot.

Spots 6,7,8,9 don't have the required 24' of aisle for a 90 approach.

The handicap parking spots approach is partially blocked off by the landscaping- The minimum aisle size is 11' for a 30 degree approach according to the attached chart.

Spot 12 doesn't have 24' of egress because the property line is angled behind it.

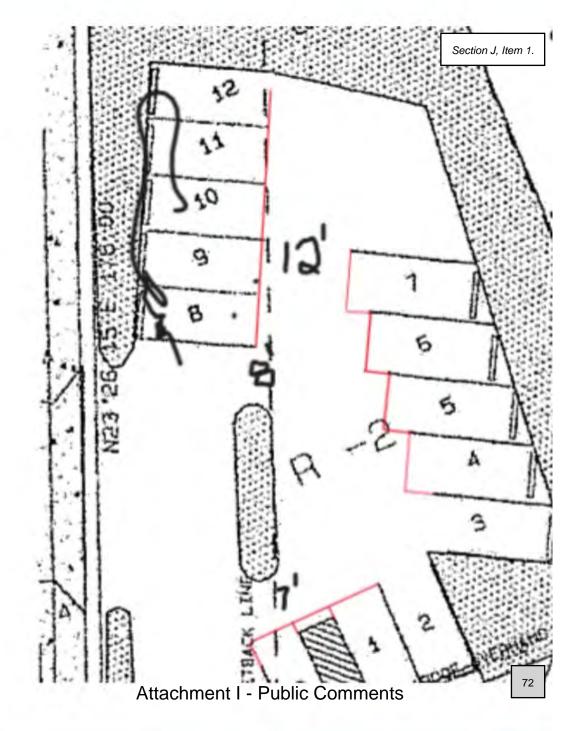
To access spot 7 a car would have to pull forward, back into the spot, then pull out and back out of the back corner.

Per CBJ Code of Ordinances parking spots are suppose to be 8.5' wide x 17' deep generally rectangle- the angled spots drawn as well as 1 and the handi-cap spot weren't drawn to those dimensions.

See attached parking lot plan with redlines of 17'x8.5' spaces and rough dimensions of aisles.

Can you verify there parking lot plan meets all code requirements?

The parking in this area is all ready over filling the street parking in the summer, this project proposal will just add to the problem.



To: CBJ Planning Commission and CBJ Staff From: Vintage Park Condominium Association

Re: Conditional Use Permit and Parking Waiver Domino's Pizza Drive-Through Restaurant

Date: January 1, 2024

The Vintage Park Condominium Association (VCPA), a 23-unit association on Clinton Drive, would like to submit the following comments on the proposed Domino's Pizza Drive-Thru Restaurant parking waiver and development permit applications.

R&S Construction states in their parking waiver application that granting the parking waiver will "not result in adverse impacts to property in the neighboring areas". The VCPA disagrees because Clinton Drive is already full of cars during office business hours. R&S' development plans could reduce the current street parking by up to 10 spaces. The proposed two driveways to access and exit Domino's will reduce street parking by four. Depending on how many feet are between the existing driveway to the Sablefish LLC easement and the proposed Domino's drive-thru exit, one additional street parking space may be lost. R&S is proposing only 12 parking spaces and 1 disabled parking space, which is 5 spaces less than the 18 spaces that are required for restaurants. And the current parking plan does not appear to meet CBJ parking requirements for access and egress. The neighborhood's parking should not be compromised by up to 10 spaces because a developer purchased property with a historical easement that makes it difficult for them to comply with CBJ parking requirements. If the drive-thru was eliminated, there would be more property on which to put accessible and comprehensive Domino's parking.

R&S also states "that the granting of this waiver will supply ample parking for the Domino's employees and customers". This may be true for Domino's employee and customer numbers from June 2023 – September 2023, but what will the future parking needs be? It's safe to assume that a business investing over a million dollars to build a new restaurant is planning to grow the business, requiring more employee and customer parking.

VPCA is also concerned about the increased traffic Domino's will bring to our neighborhood during the day and late into the night. Domino's hours are 10:30 am to midnight. None of the other businesses near VPCA are open past 6 pm. Additionally, no other business near VPCA has traffic rapidly entering and leaving their property. Domino's noted in their application that 40% of their driver turnaround time is under 30 seconds and 50% is within 31-60 seconds. With over 100 delivery orders daily, that means delivery vehicles will be going as quickly as possible outside our condos over 200 times a day.

In the project application, it says that CBJ does not require a Traffic Impact Analysis for under 250 movements per day and that "if the use or user changes, the issue of requiring a Traffic Impact Analysis will need to be revisited". Domino's summer 2023 data approximates their vehicle movements at 218 per day. Without access to Domino's business data, how is the neighborhood able to prove to the city that a new traffic analysis is required? CBJ should

request Domino's projected customer growth over the next 3-5 years. The traffic at the intersection of Clinton Drive and Vintage Boulevard has already increased dramatically with the new SEARHC facility and the many cruise ship tour buses that come and go from rest-stops in Safeway's parking lot for six months a year.

Additionally, VPCA and all the businesses in the Vintage Business Park have issues with bears trying to get into their dumpsters. It is essential that the city mandate fully bear proof enclosures and latched dumpsters for a restaurant in this location. It would reduce both the noise and odor impacts on VPCA residents if the dumpsters were put on the north side of the Domino's property.

Our association would like CBJ to require R&S to install landscaping to minimize the impact of the headlights pointing towards VPCA when vehicles are in the drive-thru. We would also like CBJ to review the required landscaping that is installed. R&S very minimally landscaped both VPCA and the Clinton Drive Condos. Each association has had to supplement or reinstall the landscaping shortly after taking ownership from R&S. The landscaping that R&S installs is subpar compared to other recent developments in Vintage Park like Riverview Senior Center and SEARHC.

Thank you for your consideration of our concerns.

Sincerely,

Vintage Park Condominium Association Board of Directors Mary Adelmeyer Shawn Carey Sean Edwards Charlie Gerbi John Hayes Dylan Listberger Dave Spargo



PLANNING COMMISSION NOTICE OF DECISION

Date: January 25, 2024 File No.: PWP2023 0004

R&S Construction LLC PO Box 210194 Auke Bay, AK 99821 roblisa@ak.net Planning Commission

(907) 586-0715

PC_Comments@juneau.gov www.juneau.org/community-development/planning-commission

155 Heritage Way • Juneau, AK 99801

Proposal: Parking Waiver to required off-street parking spaces for a 2,893 square foot

Domino's Pizza restaurant with a drive-through window.

Property Address: TBD Clinton Drive

Legal Description: VINTAGE II BL A LT R2

Parcel Code No.: 5B1601420020

Hearing Date: January 23, 2024

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandums dated January 16, 2024, and January 19, 2024, and APPROVED a waiver for the requirement of two (2) parking spaces for a Domino's Pizza restaurant with a drive-through window to be conducted as described in the project description and project drawings submitted with the application.

Attachments:

- January 16, 2024, memorandum from Jennifer Shields, Community Development, to the CBJ Planning Commission regarding PWP2023 0004.
- January 19, 2024, memorandum from Jennifer Shields, Community Development, to the CBJ Planning Commission regarding PWP2023 0004.

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

R&S Construction LLC File No: PWP2023 0004

January 25, 2024 Page 2 of 2

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

Effective Date: The waiver is effective upon approval by the Planning Commission, January 23,

2024.

Expiration Date: Approved Parking Waivers shall expire upon a change of use.

| mandy cole | 1/26/24 | |
|------------------------------------|----------|--|
| Mandy Čole, Chair | Date | |
| Planning Commission | | |
| Lily Hageryp Filed With City Clerk | _1/26/24 | |
| Filed With City Clerk | Date | |

cc: Plan Review

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



PLANNING COMMISSION STAFE

PARKING WAIVER PWP2023 0004 HEARING DATE: JANUARY 23, 2024

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

DATE: January 16, 2024

TO: Mandy Cole, Chair, Planning Commission

BY: Jennifer Shields, Planner II Jennifer d. Shields

THROUGH: Jill Lawhorne, Director, AICP

PROPOSAL: Parking Waiver to waive five (5) required off-street parking spaces for a 3,657 square foot Domino's Pizza restaurant with a drivethrough window.

STAFF RECOMMENDATION: Approve

KEY CONSIDERATIONS FOR REVIEW:

- The lot is zoned LC (Light Commercial).
- The 2013 Comprehensive Plan designates the area as a Traditional Town Center.
- The lot has an exclusive access and parking easement that favors a neighboring lot.

| GENERAL INFORMATION | |
|--------------------------------|-------------------------------------|
| Property Owner | R&S Construction LLC |
| Applicant | R&S Construction LLC |
| Property Address | TBD, Clinton Drive |
| Legal Description | VINTAGE II BL A LT R-2 |
| Parcel Number | 5B1601420020 |
| Zoning | LC (Light Commercial) |
| Land Use Designation | TTC (Traditional Town Center) |
| Lot Size | 26,649 square feet |
| Water/Sewer | Public water and public sewer |
| Access | Clinton Drive via Vintage Boulevard |
| Existing Land Use | Vacant / Parking |
| Associated Applications | USE2023-0018 |

ALTERNATIVE ACTIONS:

- Amend: require additional conditions or delete or modify the recommended conditions.
- Deny: deny the permit and adopt new findings for items
 1-6 below that support the denial.
- 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:
 - 0 49.30.270
 - 0 49.40.210
 - 0 49.40.220
 - 0 49.80

The Commission shall hear and decide the case per CBJ 49.40.220(a) PARKING WAIVERS. The required number of parking spaces required by this chapter may be reduced if the requirements of this section are met. 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 the director in the case of minor development; the commission in the case of major development; and the commission if the application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the director.

R&S Construction LLC File No: PWP2023 0004 January 16, 2024 Page 2 of 10

SITE FEATURES AND ZONING



| SURROUNDING ZONING AND LAND USES | | |
|----------------------------------|----------------------|--|
| North (D18) | Offices, Riverview | |
| | Senior Living | |
| South (D18) | Vintage Park Condos, | |
| | Clinton Park Condos | |
| East (D18) | Offices, Safeway | |
| West (D18) | Offices, Mendenhall | |
| | River | |

| SITE FEATURES | |
|--------------------------|--------|
| Anadromous | No |
| Flood Zone | Zone X |
| Hazard | No |
| Hillside | Yes |
| Wetlands | No |
| Parking District | No |
| Historic District | No |
| Overlay Districts | No |

BACKGROUND INFORMATION

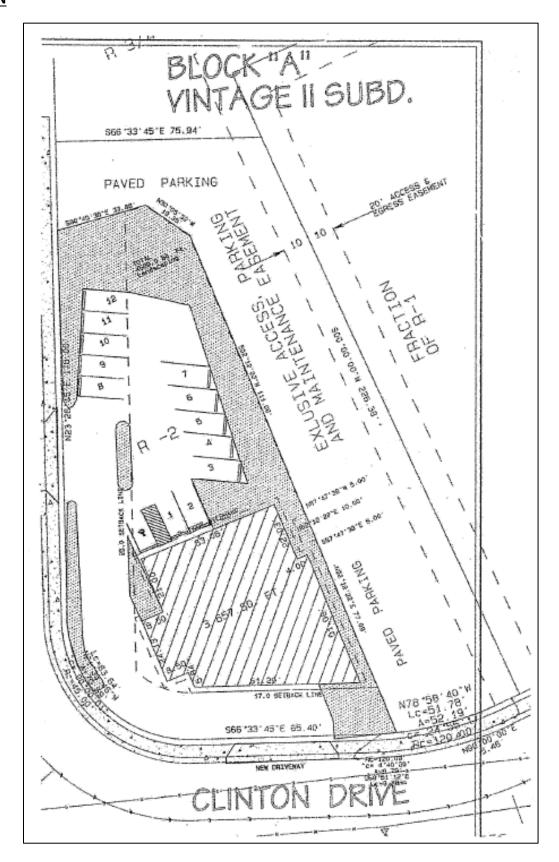
Project Description – The applicant requests a Parking Waiver to waive five (5) required off-street parking spaces in order to develop a 3,657 square foot Domino's Pizza restaurant with a drive-through window in a LC zoning district (Attachment A). This application is associated with Conditional Use Permit application USE2023-0018.

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

| Year | Item | Summary |
|------|-------------------------------|--|
| 1985 | Plat | Vintage II Subdivision Plat 85-58 (Attachment B). |
| 2013 | Easement | Access, Parking, and Maintenance Easement favoring adjacent Lot R-1 (Attachment C). |
| 2013 | Agreement | Snow Dump Agreement between Lots R-1, R-2, R 3/4, and R-5 (Attachment D). |
| 2013 | Agreement | Consent of Use Rights Agreement between Lots R-1, R-2, and R 3/4 (Attachment E). |
| 2023 | Release of Agreement | Release of Snow Dump Agreement between Lots R-1, R-2, R 3/4, and R-5 (Attachment F). |
| 2023 | Pre-Application Conference | Held on October 15, 2023, for a structure housing a take-out restaurant or an office (Attachment A). |

R&S Construction LLC File No: PWP2023 0004 January 16, 2024 Page 3 of 10

SITE PLAN



R&S Construction LLC File No: PWP2023 0004 January 16, 2024 Page 4 of 10

Project Site – The Vintage Subdivision area, a fraction of the original U.S. Survey 1193, was first subdivided into three tracts in 1984. The area was further subdivided in 1985 to create the subject lot (Attachment B).

Also in 1984, the area was rezoned from R-7 (Residential) to C-2 (Central Commercial) by CBJ Ordinance 84-03(am). This ordinance included a number of conditions for the area, including those regarding access and traffic control, building design, signage, and landscaping. Later, the conditions and uses allowed were further amended by a series of CBJ ordinances (85-33, 85-55, 85-89, 86-54(am), and 86-72). As part of the 1987 major rewrite of the CBJ Land Use Code, the area was rezoned to LC (Light Commercial), and the previous requirements imposed through earlier rezones were removed.

The Clinton Drive area surrounding the lot includes primarily daytime offices to the north, east, and west. The River View Senior Living community is also to the north. To the south are residential condominiums including the Vintage Park Condominiums Association and the Clinton Park Condominiums Association.

The lot is 26,649 square feet in size, exceeding the required 2,000 square feet minimum lot size for the LC zoning district. An exclusive access and parking easement favors a neighboring lot, thereby reducing the developable area of the subject lot to approximately 17,800 square feet, or 67% of the total lot size (Attachment C). However, the easement area cannot be excluded from calculations related to lot size.

Project Design – The applicant is proposing to locate the 3,657 square foot restaurant on the southern end of the lot, with a drive-through pick-up window located on the western side of the structure. Customers may place delivery, drive-through pick-up, and carry-out orders. The application narrative states that the restaurant will not have sit-down dining.

Condition: None.

Traffic – According to CBJ 49.40.300(a)(2), a traffic impact analysis is not required since the project will generate less than 250 Average Annual Daily Traffic. For this application, staff used the Institute of Transportation Engineers' Trip Generation Manual (9th Edition) highest projections for a Fast-Food Restaurant with Drive-Through Window and No Indoor Seating as shown below, based upon the project's proposed square footage.

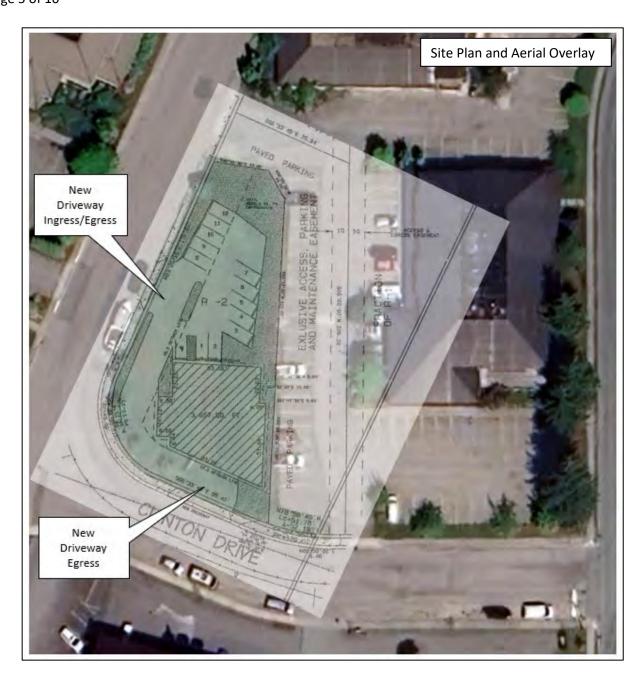
| Use | Total Sq. Ft. | Trips Generated | Total Trips |
|---|---------------|------------------------|-------------|
| Fast-Food Restaurant with Drive-Through | 3,657 | 44.99 per 1000 sq. ft. | 164.53 |
| Window and No Indoor Seating | | | |

Additionally, the applicant has submitted the following Domino's Pizza information which indicates an average of approximately 109 orders per day, or a total of 218 arrivals / departures (Attachment A):

- 9,841 orders over 90 days
- Approximately 109 orders per day
- Assuming two movements per order (arrival/departure)
- Approximately 218 movements per day, not counting staff.

Condition: None.

R&S Construction LLC File No: PWP2023 0004 January 16, 2024 Page 5 of 10



Vehicle Parking & Circulation – Currently, the lot has two-way driveways on both the west and south sides, and approximately 27 off-street parking spaces. These site improvements fall within a recorded access and parking easement area that constitutes approximately 33% of the total lot size. The easement area is for the exclusive use of the neighboring lot to the east at 3000 Vintage Boulevard (Lot R-1) and is unavailable for access or parking use by the proposed restaurant.

The applicant is proposing two new driveways: on the west side of the lot (two-way, ingress/egress) and on the south side of the lot (one-way, egress). An 18-foot-wide drive aisle will accommodate one-way drive-through pick-up window traffic and at least three stacked vehicles. A menu board is not proposed.

R&S Construction LLC File No: PWP2023 0004 January 16, 2024

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According to CBJ 49.40.210(a), 18 off-street parking spaces are required, based upon the project's proposed square footage, as shown below. Per CBJ 49.40.210(c), a loading space is not required unless the structure exceeds 5,000 square feet.

| Use | Parking Standard Total Spaces Required | |
|------------|--|-------------------------|
| Restaurant | 1 per 200 square feet | 18.29 = 18 |
| | (3,657 square feet total) | (including 1 ADA space) |

The applicant is proposing a parking area on the northern end of the lot with 13 off-street parking spaces, or 72% of the required minimum (i.e. a waiver of 28%). Considerations regarding the parking waiver request include the following:

- Impacts to Nearby On-street Parking On-street parking is allowed on both sides of the 60-foot-wide Clinton Drive right-of-way, except for in the early morning hours between 1:00am to 7:00am. The CBJ General Engineering Department will require the installation of "No Parking" signage between the two proposed driveways in order to reduce traffic hazards along the Clinton Drive corner. The creation of the two proposed driveways will eliminate approximately nine (9) on-street parking spaces.
- <u>Restaurant Categories</u> Unlike the ITE manual for determining traffic counts, CBJ parking requirements
 do not distinguish between varying types of restaurants. According to Domino's Pizza data submitted by
 the applicant (Attachment A), on-site parking needs vary, according to the type of customer and type of
 employee, as follows:

| | Amount | On-Site Parking Needed? |
|-------------------------|-----------------------|----------------------------|
| Carry-Out Customers | ~25% | Yes |
| Drive-Through Customers | (2.5 orders per hour) | No |
| Delivery Customers | ~75% | No |
| Dine-In | N/A | N/A |

| Employees In Store | 3-4 | Yes |
|-----------------------------|-----|-----------------------|
| Employees Off-Site | 2+ | Partial |
| (Deliveries on the road, | | (15 minutes per hour) |
| ~45 minutes for every hour) | | |

<u>Traditional Town Center</u> – The Clinton Drive area is designated as a Traditional Town Center (TTC) in the
Comprehensive Plan. When CBJ 49.40 Parking was adopted in 2022, a Town Center Parking Area (TCPA)
was created in downtown Juneau. Eventually, a rewrite of the Comprehensive Plan could establish
consistent parking regulations in other "Town Center" designated areas, aligning the Comprehensive Plan
and the regulations enacting them, and thereby reducing the number of off-street parking spaces
required.

Condition: None.

R&S Construction LLC File No: PWP2023 0004 January 16, 2024 Page 7 of 10

Non-motorized Transportation -

There are sidewalks on both sides of Clinton Drive, with connecting sidewalks along Vintage Park Boulevard.

Condition: None.

Proximity to Transit – Capital Transit operates several routes along Glacier Highway near Vintage Boulevard and Clinton Drive. Bus stops are located approximately 2,000 feet to the south on Glacier Highway, and approximately 2,000 feet to the east on Mendenhall Mall Road.

Condition: None.

Public Health or Safety – There is no information to suggest that waiving five (5) off-street parking spaces for the proposed development will materially endanger the public health, safety, or welfare.

Property Value or Neighborhood Harmony – There is no information to suggest that waiving five (5) off-street parking spaces for the proposed development will negatively affect property value or be out of character with the existing neighborhood.

AGENCY REVIEW

CDD conducted an agency review comment period between December 21, 2023, and January 8, 2024.

| Agency | Summary |
|---------------------|---|
| General Engineering | We do not have any specific comments with respect to conditional use permitting or parking waivers. Snow storage cannot impede the CBJ ROW. No trees or landscaping may be installed in the CBJ ROW. After completion, CBJ may install "No Parking" signage between the 2 new driveways to reduce traffic hazard(s) along the sharp corner. |
| Building | No comments submitted. |
| CCFR | There are no fire code or fire department issues with this project. |

PUBLIC COMMENTS

CDD conducted a public comment period between December 21, 2023, and January 1, 2024. Public notice was mailed to property owners within 500 feet of the proposed development (Attachment G). A public notice sign was posted on-site two weeks prior to the scheduled hearing (Attachment H). Public comments were received from the following as of the date of this staff report and can be found in Attachment I.

| Name | Summary |
|---|---|
| Shawn Carey and Marina Lindsey (Vintage Park Condominiums) | Opposes approval of the Conditional Use Permit and/or Parking Waiver. |
| John Kern (Clinton Park Condominiums) | Opposes approval of the Conditional Use Permit and/or Parking Waiver. |
| Lonnie Khmelev and Olena Kot (Vintage Park Condominiums) | Opposes approval of the Conditional Use Permit and/or Parking Waiver. |
| Hilliard H. Lewis IV (Clinton Park Condominiums) | Opposes approval of the Conditional Use Permit and/or Parking Waiver. |

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| Name | Summary |
|---|---|
| Dylan Listberger (Vintage Park Condominiums) | Opposes approval of the Conditional Use Permit and/or Parking Waiver. |
| Vintage Park Condominium | Opposes approval of the Conditional Use Permit and/or Parking Waiver. |
| Association Board of Directors | |

CONFORMITY WITH ADOPTED PLANS

The proposed development is in compliance with the 2013 Comprehensive Plan.

| PLAN | Chapter | Page No. | Item | Summary | | | | | | |
|-------------------------------|---------|----------|--------------------------|---|--|--|--|--|--|--|
| 2013 Comprehensive Plan | 10 | 130 | Policy 10.2 | POLICY 10.2. TO ALLOW FLEXIBILITY AND A WIDE RANG OF CREATIVE SOLUTIONS IN RESIDENTIAL AND MIXED- USE LAND DEVELOPMENT WITHIN THE URBAN SERVICE AREA. | | | | | | |
| | 10 | 140 | Policy 10.13 | POLICY 10.13. TO PROVIDE FOR AND ENCOURAGE MIXED USE DEVELOPMENT THAT INTEGRATES RESIDENTIAL, RETAIL AND OFFICE USE IN DOWNTOWN AREAS, SHOPPING CENTERS, ALONG TRANSIT CORRIDORS, AND IN OTHER SUITABLE AREAS. | | | | | | |
| | 10 | 140 | Policy 10.13, SOP2 | Maintain and improve provisions in the Land Use Code that include performance standards covering building height, site coverage, landscaping, buffering from incompatible uses, access, signage, parking and other design standards in the Mixed-Use zones. Maintain and improve design review procedures to assure that proposals for mixed use development are evaluated with regard to site design, building placement, parking, landscaping, exterior lighting, and other factors ensuring privacy and livability of the project residents as well as factors to ensure the project is compatible with, and a good neighbor to, surrounding properties, land uses, and public facilities. | | | | | | |
| | 11 | 147 | Land Use Maps | Traditional Town Center (TTC). 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. | | | | | | |

R&S Construction LLC File No: PWP2023 0004 January 16, 2024 Page 9 of 10

FINDINGS

Parking Waiver Criteria - Per CBJ 49.40.210(d)(6) the Director makes the following findings on the proposed Parking Waiver:

1. Will granting the waiver result in more benefits than detriments to the community as a whole as identified by the Comprehensive Plan?

Analysis: The 2013 Comprehensive Plan encourages a mixture of retail, office, general commercial, and high-density residential uses in Traditional Town Center areas.

Finding: Yes. Granting the requested parking waiver will result in more benefits than detriments to the community as a whole, as identified in the 2013 Comprehensive Plan.

2. Is the development located within the Town Center Parking Area or the No Parking Area Required?

Analysis: No further analysis is required.

Finding: No. The subject lot is located outside of the Town Center Parking Area.

3. Will granting the waiver result in adverse impacts to property in the neighboring area?

Analysis: The applicant has submitted customer and employee data indicating parking needs will be less than required by CBJ 49.40.210(a). Available on-street parking spaces are located within a 500-foot radius from the property. Public transportation is located within a ½ mile walking distance from the property.

Finding: No. There is no evidence to suggest that granting the requested waiver will result in adverse impacts to neighboring properties.

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

Analysis: No further analysis needed.

Finding: No. There is no evidence to suggest that granting the requested waiver will materially endanger the public health or safety.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested parking waiver. The permit would waive five (5) parking spaces for the proposed Domino's Pizza restaurant with a drive-through window.

R&S Construction LLC File No: PWP2023 0004 January 16, 2024 Page 10 of 10

STAFF REPORT ATTACHMENTS

| Item | Description |
|--------------|---|
| Attachment A | Application Packet |
| Attachment B | 1985 Vintage II Subdivision Plat 85-58 |
| Attachment C | 2013 Access, Parking, and Maintenance Easement |
| Attachment D | 2013 Snow Dump Agreement |
| Attachment E | 2013 Consent to Use Rights |
| Attachment F | 2023 Release of Interest in Snow Dump Agreement |
| Attachment G | Public Notice for PWP2023 0004 |
| Attachment H | Public Notice Sign Photos |
| Attachment I | Public Comments |



DEVELOPMENT PERMIT APPLICATION

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

| Physical Address | |
|--|---|
| Let R-2 Clinton Drive 7.B.D | |
| Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) | |
| Vintage II Block A Lot R-2 | |
| Parcel Number(s) | 0.10 |
| USS 1284 5 B 1 G O 14 2 D | |
| This property located in the downtown | n historic district |
| This property located in a mapped haz | ard area, if so, which |
| LANDOWNER/LESSEE | |
| Property Owner | Contact Person |
| R&S Construction LLC | Rob Worden Phone Number(s) |
| Mailing Address Po Box 210194 Auke Bay, 99821 | |
| E-mail Address | 907-321-5015 |
| roblisa@ak.net | 307-021-3013 |
| LANDOWNER/ LESSEE CONSENT Re | equired for Planning Permits, not needed on Building/ Engineering Permits |
| I am (we are) the owner(s)or lessee(s) of the property subject A This application for a land use or activity review for de B. I (we) grant permission for officials and employees of | t to this application and i (we) consent as follows: evelopment on my (our) property is made with my complete understanding and permission. the City and Borough of Juneau to inspect my property as needed for purposes of this application. |
| A This application for a land use or activity review for de B. I (we) grant permission for officials and employees of X Landownfer/Lessee Signsture | evelopment on my (our) property is made with my complete understanding and permission. |
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| This form and all documents associated with it are public record o | nce submitted. | Intake Initials TLS |
|--|----------------|----------------------------|
| INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED | Case Number | Date Received |
| For assistance filling out this form, contact the Permit Center at 586-0770. | DWP 72-004 | 12-11-23 |
| I:\FORMS\PLANFORM\DPA.docx | | Updated 2017 - Page 1 of 1 |



PARKING WAIVER 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.

| M | RKING WAIVER REQUESTED (ching Note of the control o | MAJOR DEVELOPMENT W/CUP |
|-------|--|-------------------------------------|
| | ENT FOR WHICH THE PARKING | |
| OExis | ing O Prop | osed – Related Case Number: |
| For | F REQUIRED PARKING SPACES Residential Uses: spaces F PARKING SPACES THAT WILL | For Non-Residential Uses: 18 spaces |
| 1 | Residential Uses:spaces | |
| ✓ Cor | RED MATERIALS ATTACHED nplete application per CBJ 49.1 rative including: Why the parking waiver is being the control of the c | ng requested? |
| _ | How the requested waiver me | eets items 1-4 on page 2 |
| _ | How the requested waiver me | PARTMENT USE ONLY BELOW THIS LINE |

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

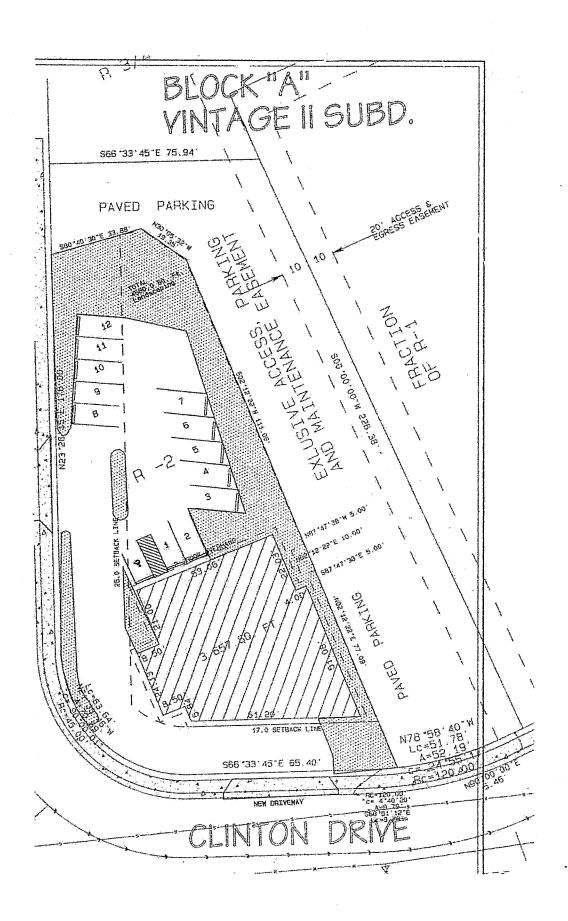
| INCOMPLETE APPLICATIONS WILL NOT BE ACCEPT |
|--|
|--|

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

| Case Number | Date Received |
|-------------|---------------|
| 21 22 CON | 12-11-23 |

ALLOWABLE/CONDITIONAL USE PERMIT NARRATIVE:

- -The current use of land is vacant with no building or structure on it
- -We are proposing a 3657 sq ft one story building with 12 parking spots and one ADA parking spot. The proposed "Dominos" business will have a drive through with a second exit to Clinton Avenue.
- -Dominos does not allow for sit down dining.
- -This building will be used as a new location for Dominos Pizza with a drive through pickup area.
- -This proposed building and business all fit under the comprehensive plan and will benefit all the neighboring properties.





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

Case name

Case Number: PAC2023 0042 Applicant: Rob Worden

Property Owner: R&S Construction, LLC

Property Address: Vintage Boulevard

Parcel Code Number: 5B1601420020

Site Size: 26,649 square feet, 0.6118 acres

Zoning: Light Commercial

Existing Land Use: Parking/Snow Storage

Conference Date: 15 October 2023

Report Issued: 23 October 2023

DISCLAIMER: Pre-application conferences are conducted for the purpose 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 |
|------------------|---------------------|-----------------------------|
| Rob Worden | -1,300 | roblisa@ak.com |
| Scott Jenkins | Applicant | iglooracing 1@yahoo.com |
| Irene Gallion | | Irene.Gallion@juneau.gov |
| Forrest Courtney | Planning | Forrest.Courtney@juneau.gov |
| Jeff Hedges | Building | Jeff.Hedges@juneau.gov |
| Eric Vogel | General Engineering | Eric.vogle@juneau.gov |
| David Sevdy | Permitting | david.sevdy@juneau.gov |

Conference Summary

A conditional use permit will be required because the lot being developed is over half an acre.

• The eased access and parking cannot be excluded from calculations for lot size.

Applicants are encouraged to provide:

- **Documented resolution of the snow storage easement issue.** The Applicant says the easement was dissolved with the closing on this property. Please provide document to this department so we can update our records.
- Corporate documentation on traffic will be provided by the Applicant.
 - A Traffic Impact Analysis by a Traffic Engineer is required for average annual daily traffic (AADT) over 500.
 - A TIA may be required for AADT between 250 and 500 (Director discretion).
 - o A TIA is not required for AADT under 250.
 - If a TIA is required, it will need to be submitted with the Conditional Use Permit application.
 Work with planning staff to determine need for a TIA <u>before</u> applying for the Conditional Use Permit.

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.

Can the vegetative cover be reduced due to the parking and access easement that takes up 9,000 square feet of the lot?

The parking is "development," so cannot be used to reduce vegetative cover requirements for the lot.

A variance would require that the circumstances leading to the variance are natural. The parking agreement is considered "self-created."

A code amendment proposed to the Assembly would count permeable surfaces toward vegetative cover. However, the Assembly has not taken up the amendment. The Notice of Decision and staff report were provided to the Applicant at the meeting, and are attached to these notes.

Would the city accept ownership of the easement?

No. The easement does not meet city standards for a street, which would require a 60 foot right-of-way. CBJ is not interested in additional land.

Project Overview



The property has an exclusive access and parking agreement favoring a neighboring lot. This reduces developable area to about 15,000 square feet, where new access and parking must also be accommodated.

The neighboring lot is not interested in assuming ownership of the eased land.

The proposed structure is 3,657 square feet.

The applicant proposes a structure housing take-out restaurant or office space.

According to the Table of Permissible uses requires a Conditional Use Permit for the development, because the lot is over half an acre. The eased area counts as part of the development.

Conditional Use Permit Process:

- Submit the application and back-up materials (listed on ten back of the application).
 - Electronic submissions accepted at <u>Permits@juneau.gov</u>. Note that the permit center will call
 you for payment when the application is processed. Applications are submitted in the order in
 which they are received, and it may be a few days before you get a call.
- The project will be assigned to a planner. They will review submitted materials, and coordinate where necessary. When the planner assesses the file is complete, they will schedule a hearing before the Planning Commission.
 - A notice will be sent to property owners within 500 feet of the project.
 - There will be two newspaper ads for the case.
 - The Applicant is required to post a Public Notice sign, which will be provided by CDD. The sign must be posted two weeks before the hearing.

- Staff will prepare a report analyzing the project, and make a recommendation to the Commission. The report will be publicly available the week before the hearing.
- At the Planning Commission meeting, the project can be:
 - On the Consent Agenda, where it will be passed without discussion.
 - On the Regular Agenda:
 - The Director will briefly describe the project.
 - The Applicant has 15 minutes to describe the project.
 - The public has the opportunity to comment. There is usually a time limit of two to three minutes.
 - The Applicant has time to respond to issues raised.
 - Public comment is closed and there is no additional opportunity to participate.
- · The Planning Commission will:
 - Approve the project
 - Approve the project with conditions (the most common outcome)
 - o Deny the project
 - Continue the project if more information is required or if the Commission runs out of time.
- The decision can be appealed for 20 days after the Notice of Decision is filed with the City Clerk. If the
 decision is appealed, the Applicant can continue with their project at their own risk.

Videos of the Planning Commission activities are posted on Assembly's Minutes and Agendas site. https://juneau-ak.municodemeetings.com/

Planning Division

- Zoning Light Commercial
- 2. Setbacks
 - a. Front: 25 feet. Front is the lot line through which the property gets primary access.
 - b. Rear: 10 feet.c. Side: 10 feet.
 - d. Street side: 17 feet.
- 3. Height
 - a. Permissible uses: 45 feet
 - b. Accessory uses: 35 feet
- 4. Access Clinton Drive. (Is there a project coming up?) While it appears that there is access through the north and west, a recorded easement grants exclusive use to the neighboring lot. An additional driveway will need to be constructed.
- 5. Parking & Circulation- Applicant should apply for a parking waiver with the Conditional Use Permit.

Lot R1 has exclusive easement rights to approximately 9,400 square feet of R2 under an unbelievably bad exclusive parking and access easement agreement recorded with the Alaska Department of Natural Resources. Unless rescinded, this agreement stands.

The developer is unable to use currently developed parking to accommodate development on R2.

The Applicant is working with a corporate food chain representative who has multiple properties throughout the United States and Canada, and two in Juneau. Based on their experience, they estimate three parking spaces needed. Corporate data would be very helpful in supporting a parking waiver.

Parking required by code will vary depending on use:

| Use | Metric | Parking Required (3,657 sf) |
|------------|-------------------|-----------------------------|
| Office | 1/300 square feet | 12 |
| Restaurant | 1/200 square feet | 18 |

One ADA space would be required, with a minimum width of 16 feet (including an eight-foot aisle) and a minimum length of 17 feet. The space must be signed for an ADA van.

A loading space is not required unless the structure is 5,000 square feet or more.

A shared parking agreement could be used if the proposed shared parking is within 500 feet. Note that the entity providing the shared parking would need to have enough parking for their use and for the additional parking spaces.

- 6. Lot Coverage no limit.
- 7. **Vegetative Coverage** 15% (3,997 square feet) is required under code, and shown on the site plan. A code revision is in progress that would redefine vegetative cover to include permeable surfaces, but the code has not been approved yet. A recommendation was sent to the Assembly on June 29, 2021, but the assembly has not taken action. The proposed amendment is attached for your information.
 - Building staff proposed considering a green roof.
- 8. Lighting Lighting must be downward cast and not fall on neighboring property.
- 9. **Noise** Drive-through window speakers have been the source of noise complaints in the past. The Applicant advises that there would not be drive-through service, only pick-up, similar to "Papa John's" currently operating in Juneau. Window pick-up is not considered at this time. Drive through ordering is not being considered.
- 10. Flood The lot is not in a Special Flood Hazard Area on the adopted FEMA flood maps, therefore flood regulations do not apply and flood insurance is not required with a federally-backed mortgage. FEMA flood maps show the area has a 0.2% annual chance of flood hazard, also known as the 500-year floodplain. Flood insurance is recommended but not required, and the property owner is encouraged to build structures with flood prevention in mind, such as elevating structures to or above the Base Flood Elevation. FEMA maps are for flood insurance purposes, and do not definitely establish risk.
- 11. Hazard/Mass Wasting/Avalanche/Hillside Endorsement The property is not in a mapped hazard area
- 12. Wetlands Wetlands are not present on this lot.
- 13. **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.
- 14. Plat Restrictions Staff did not find applicable plat restrictions.
- 15. **Traffic** Analysis below assumes single-story 3,657 square foot facility. A Traffic Impact Analysis is required for any use that generates over 500 average annual daily traffic (AADT). The Director has discretion on requiring a TIA for AADT between 250 and 500.

A Traffic Impact Analysis takes months and thousands of dollars. Plan accordingly.

When the developer has a better idea of the tenant they should check back in with CDD to verify the traffic generated. There is some variability between different kinds of restaurants.

| Use | Metric | Traffic AADT | Page |
|-----------------------------|-----------------|--------------|------|
| Office | 11.03 /1,000 sf | 40 | 1259 |
| Restaurant w/ drive through | 496.12/1,000 sf | 1,814 | 1912 |
| High turn-over restaurant | 127.15/1,000 sf | 465 | 1885 |

The Applicant may be able to provide corporate data on traffic from other facilities in Alaska and the nation. The Director can consider these sources in determining traffic impacts.

16. Nonconforming situations - None.

Building Division

- 17. Building -
- 18. Outstanding Permits None

General Engineering/Public Works

- Engineering Please provide driveway standards there was some question that two driveways would result in less width being required for each? Also, GE was going to check with Streets to see if there were concerns regarding two driveways.
- 20. Drainage -
- 21. Utilities (water, power, sewer, etc.)

Fire Marshal

22. Fire Items/Access -

Other Applicable Agency Review

23. DOT&PF / Alcohol Beverage Control Board / Army Corps / DEC (wastewater) / DNR / USF&W / F&G / FAA / Corrections...

24.

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
- 2. Allowable/Conditional Use Permit Application
- 3. Parking Waiver Application
- (Add notes as necessary)

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.

A copy of this pre-application conference report.

- 2. Corporate traffic and parking information could be helpful in evaluating development impacts.
- 3. (Add any necessary supporting documents required in the application forms OR that may be useful supporting information)

Exceptions to Submittal Requirements

Submittal requirements that 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. (Add any items required with the forms that are not applicable to the Conditional Use application)

2.

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. Class II Conditional Use Permit: \$500
- 2. Parking Waiver: \$320 if applied for with a Conditional Use Permit, \$400 if applied for on its own.
- Public Notice Sign: \$150, with \$100 refundable if the sign is returned by the Monday after the Planning Commission meeting.

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

Submit your Completed Application

You may submit your application(s) online via email to permits@juneau.gov
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

Attachments:

49.15.330 – Conditional Use Permit NOR AME2020 0002

















From: Irene Gallion Irene.Gallion@juneau.gov &

Subject: Vintage II Block A Lot R2

Date: November 28, 2023 at 5:45 PM

To: Rob and Lisa Worden roblisa@ak.net



Hi Rob,

The Director has determined that the proposal under PAC23-42 is not required to have a Traffic Impact Analysis. This is based on the information provided by Dominos (attached):

- 9,841 orders over 90 days
- Approximately 109 orders per day
- Assuming two movements per order (arrival/departure)
- Approximately 218 movements per day, not counting staff.
- No TIA is required under 250 movements.

If the use or user changes, the issue of requiring a Traffic Impact Analysis will need to be revisited.

You will need a parking waiver to reduce spaces required from 18 to however many you determine is appropriate. Make sure you provide a narrative supporting the number of spaces provided, including consideration of employees on site.

Please include a copy of this e mail with your Conditional Use Permit application. Note that we will need application materials before December 11, 2023 to be considered for the January 23, 2024 meeting.

Thank you,

Irene Gallion I Senior Planner

Community Development Department | City & Borough of Juneau, AK Location: 230 S. Franklin Street | 4th Floor Marine View Building Office: 907.586.0753 x4130

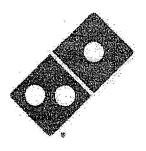


Fostering excellence in development for this generation and the next.

How are we doing? Provide feedback here:

https://juneau.org/community-development/how-are-we-doing





October 19, 2023

To Whom It May Concern,

At our Dominos location in Juneau, our average hourly traffic is 2.89 pick-up orders per hour throughout the day, and we do not offer dine-in.

Furthermore, our delivery orders have little downtime for drivers (parked at the store). Our driver turnaround time is 40% under 30 seconds and 50% 31 to 60 seconds. Turnaround times are calculated from when a driver enters the store parking lot to when they leave the parking lot. We calculate these numbers through the driver's GPS and the store's Geo fence of the store parking lot.

Bryan Dobb

PWR - Keys Summary: 19040 Juneau

Last Quarter (Mon 6/19/2023-Sup 9/10/2023)



Keys Summary

NOTES:

- Average 9841 orders over 90 days.
- Approximately 109 orders per day
- Assuming 2 movements per order (Arrival/departure)

- Approximately 218 movements per day not counting staff.

* A T.I.A is not required under 250 Movements per day.

Proprietary & Confidential - All Rights Reserved © 2023 Domino's IP Holder LLC

Printed on 10/26/2023 Page 1



Service Method

Section J, Item 2.

| Store Ct | Service Type | Service Code | Order Ct | % of Orders | Royalty Sales | % of Royalty Sales | Avg Ticket | Avg Middle Margin \$ | IFC % | Bad Order Ct | Bad Order Ct % | Bad Order \$ | Bad Order \$ % | # of Edits | Avg Load | eADT |
|-----------------|---------------------|--------------|----------|-------------|---------------|--------------------|------------|----------------------|-------|--------------|----------------|--------------|----------------|------------|----------|------|
| Group By: 19040 | (Max=12) | | | | | | | | | | | | | | | |
| | 1 Carryout | C | 2,358 | 24.0% | \$59,469.00 | 18.5% | \$25.22 | \$14.54 | 25.4% | 27 | 0.6% | \$747.48 | 0.7% | 871 | 3.58 | |
| | Dine-In | I | 0 | 0.0% | \$0.00 | 0.0% | | | | | | \$0.00 | | | | |
| | Pick Up | P | 0 | 0.0% | \$0.00 | 0.0% | | | | | | \$0.00 | | | | |
| | Drive Thru | T | 0 | 0.0% | \$0.00 | 0.0% | | | | | | \$0.00 | | | | |
| | Carside Delivery | X | 169 | 1.7% | \$5,235.83 | 1.6% | \$30.98 | \$17.68 | 25.9% | 2 | 1.2% | \$42.97 | 0.8% | 1 | 5.83 | |
| 1 | Other In-Store | Other | 0 | 0.0% | \$0.00 | 0.0% | | | | | | \$0.00 | | | | |
| | 1 All In-Store | | 2,527 | 25.7% | \$64,704.59 | 19.6% | \$25.44 | \$14.65 | 25.4% | 29 | 0.6% | \$790.45 | 0.7% | 872 | 3.66 | |
| | 1 Delivery | D | 7,285 | 74.0% | \$284,406.40 | 80.1% | \$39.04 | \$24.03 | 21.4% | 20 | 0.4% | \$700.87 | 0.3% | 905 | 5.91 | 26.2 |
| | 1 Hotspot | H | 29 | 0.3% | \$880.56 | 0.3% | \$30.36 | \$18.67 | 21.5% | | 0.0% | \$0.00 | 0.0% | 5 | 4.53 | 25.4 |
| 1 | Other Delivery | Other | 0 | 0.0% | \$0.00 | 0.0% | | | | | | \$0.00 | | | | |
| | 1 All Delivery | | 7,314 | 74.3% | \$285,286.96 | 80.4 | \$38.99 | \$24.00 | 21.4% | 20 | 0.4% | \$700.87 | 0.3% | 910 | 5.91 | 26.2 |
| | 1 All Orders | | 9,841 | 100.0% | \$322,352.26 | 100.0% | \$32.76 | \$19.70 | 22.9% | 49 | 0.5% | \$1,491.32 | 0.5% | 1,782 | 4.87 | 25.5 |

Section J, Item 2.



Delivery Expert App (Summary)

| Store | Delivery Expert out the Door (Hustle out) | % Time Delivery Expert Out the Door mins (avg) | Delivery Expert in the Door (Hustle in) | % Time Delivery Expert in the Door mins (avg) | Delivery Expert at the Door | % Time Delivery Expert at the Door mins (avg) | Delivery | % Delivery Expert in the Store mins (avg) | Delivery Expert on the Road % | Avg Wait Time | % Delivery Expert App Orders in Singles | % Delivery Expert App Orders in Doubles | % Delivery Expert App Orders in Triples + | % of Delivery Expert App Usage | % Orders where Delivery Expert went Invisible | Total Delivery Expert App Runs | Total Delivery Expert App Orders | Total Dispatched Orders |
|-------|--|--|--|---|-----------------------------------|---|----------|---|-------------------------------------|---------------|--|--|--|--------------------------------------|--|-----------------------------------|-------------------------------------|----------------------------|
| 19040 | 1.98 | 6.8% | 1.43 | 4.7% | 2.64 | 11.5% | 12.34 | 24.3% | 75.7% | 7.27 | 55.6% | 28.8% | 15.7% | 98.5% | 0.0% | 3,930 | 5,243 | 5,322 |
| 1 | 1.98 | 6.8% | 1.43 | 4.7% | 2.64 | 11.5% | 12.34 | 24.3% | 75.7% | 7.27 | 55.6% | 28.8% | 15.7% | 98.5% | 0.0% | 3,930 | 5,243 | 5,322 |

Section J, Item 2.



Delivery Expert App (Summary)

| Store | Delivery Expert out the Door (Flust) out) | % Time Delivery Expert Out the Door mins (avg) | Delivery Expert in the Door (Hustle in) | "« Time Delivery Expert in the Door mins (avg) | Delivery Expert at the Door | % Time Delivery Expert at the Door mins (avg) | | "« Delivery Expert in the Store mins (avg) | Delivery Expert on the Road "a | Avg Wait Time | "a Delivery Expert App Orders in Singles | ** Delivery Expert App Orders in Doubles | "a Delivery Expert App Orders in Triples + | "a of Delivery Expert App Usage | % Orders where Delivery Expert went Invisible | Total Delivery Expert App Runs | Total Delivery Expert App Orders | Total Dispatched Orders |
|-------|--|--|--|--|-----------------------------------|---|-------|---|--------------------------------------|---------------|---|---|---|---------------------------------------|--|-----------------------------------|-------------------------------------|----------------------------|
| 19040 | 1. | 98 6.89 | 6 1.43 | 4.7% | 2.64 | 11.5% | 12.34 | 24.3% | 75.7% | 7.27 | 55.6% | 28.8% | 15.7% | 98.5% | 0.0% | 3,930 | 5,243 | 5,322 |
| 1 | 1. | 98 6.89 | 6 1.43 | 4.7% | 2.64 | 11.5% | 12.34 | 24.3% | 75.7% | 7,27 | 55.6% | 28.8% | 15.7% | 98.5% | 0.0% | 3,930 | 5,243 | 5,322 |

OF TIME DRIVERS ARE ON THE ROAD
WITHIN THE HOUR.

75.7%- X60 MIN 45 MIN OF THE HOUR.

PRIVERS ARE STAGGERED THROUGH OUT THE HOUR.

WE THIN GCHETULE DRIVER FOR THE ODERS WE HAVE.

MEANING THE MAX WE HAVE IN THE PARKING TOT IS

ONE, BUT ONLY ONE FOR 15 MM. OF THE HOUR OF.

24% OF THE MOOK,

Section J, Item 2.



Keys Summary

| | | | | Order Count | Order Cut PCYA | | Food Variance | Actual Labor | Labor Variance | eADT | % of Orders in Singles | % of Est Extreme Deliveries (45) | Avg Order Load Time | Avg Wait Time | Club Time | Avg OTD Time | cDOT* | Carside OTD | Cash Over / Short | Last OA (US) OER (Intl) | Last Self OA (US) Self OER (Intl) |
|-------|--------------|----------------------------|--------------|----------------|-------------------|-------|---------------|--------------|----------------|------|---------------------------|--|------------------------------|---------------------|--------------|--------------------|-------|----------------|----------------------|----------------------------|---|
| 19040 | \$322,293.84 | \$26,857.82 | 0.5% | 820 | (3.0%) | 23.1% | 0.1% | 24.3% | (2.3%) | 26.2 | 56.1% | 8.4% | 5.0 | 7.4 | 13.3 | 18.8 | 72.8% | 1.1 | \$177.18 | 3 | 3 |
| 1 1 | \$322,293.84 | \$26,857.82 \$26,857.82 | 0.5% 0.5% | 820.1 | (3.0%) | 23.1% | 0.1% | 24.3% | (2.3%) | 26.2 | 56.1% | 8.4% | 5.0 | 7.4 | 13.3 | 18.8 | 72.8% | 1.1 | \$177.18 | 3.00 | 3.00 |

WEEKLY AVG ORDERH

Section J, Item 2.



Service Method

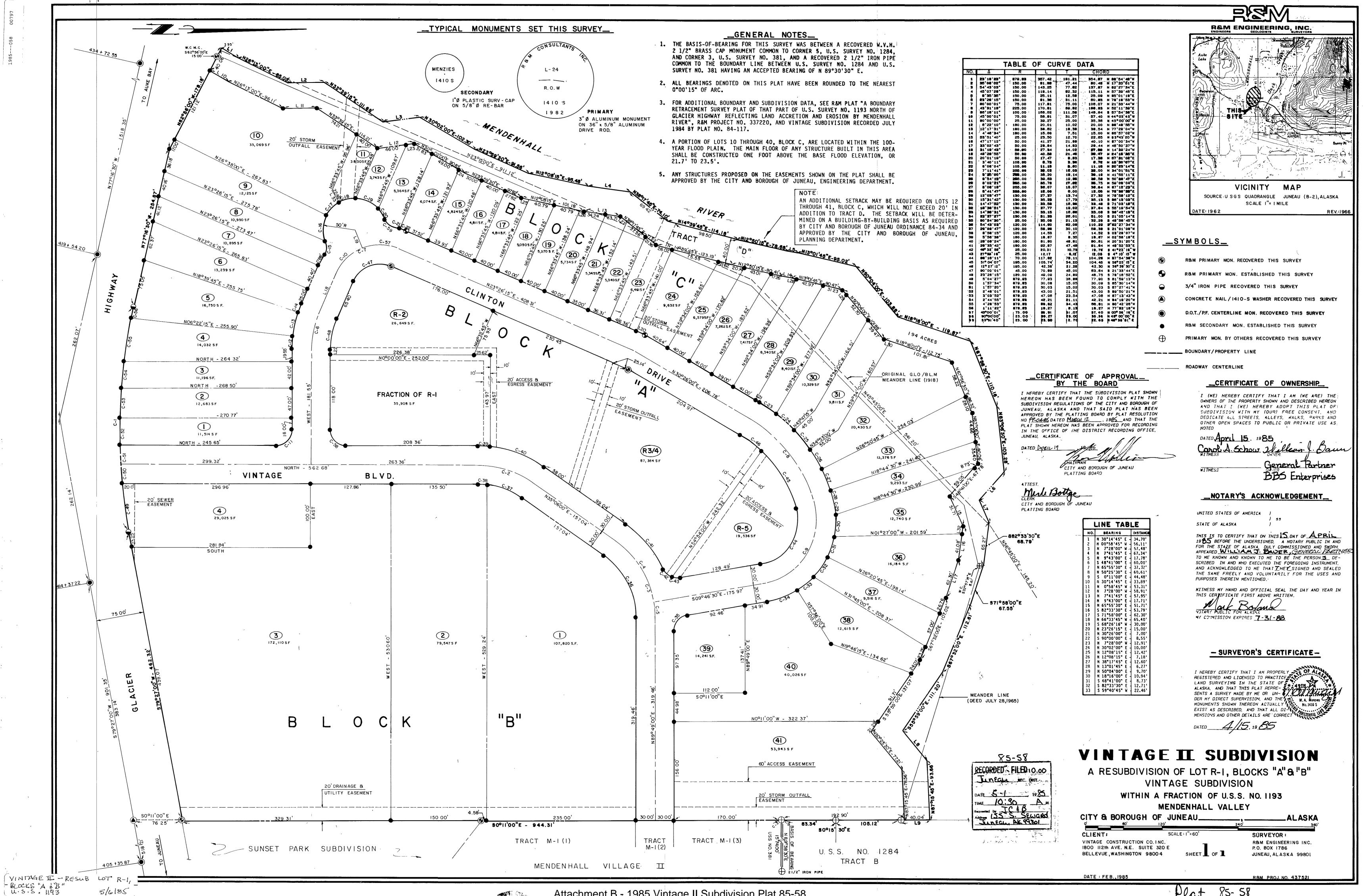
| | | | | | | % of Royalty Sales | | Avg Middle Margin \$ | | | Bad Order Ct % | Bad Order \$ | | | | |
|--------------|---------------------|-------|-------|--------|--------------|--------------------|---------|----------------------|-------|----|----------------|--------------|------|-------|------|--|
| up By: 19040 | (Max=12) | | | | | | | | | | | | | | | |
| | Carryout | C | 2,358 | 24.0% | \$59,469.00 | 18.5% | \$25.22 | \$14.54 | 25.4% | 27 | 0.6% | \$747,48 | 0.7% | 871 | 3,58 | |
| (| Dine-In | I | 0 | 0.0% | \$0.00 | 0.0% | | | | | | \$0,00 | | | | |
| (| Pick Up | P | 0 | 0.0% | \$0.00 | 0.0% | | | | | | \$0.00 | | | | |
| (| Drive Thru | T | 0 | 0.0% | \$0.00 | 0.0% | | | | | | \$0.00 | | | | |
| 1 | Carside Delivery | x | 169 | 1.7% | \$5,235.83 | 1.6% | \$30.98 | \$17.68 | 25.9% | 2 | 1.2% | \$42.97 | 0.8% | 1 | 5,83 | |
| (| Other In-Store | Other | 0 | 0.0% | \$0.00 | 0.0% | | | | | | \$0.00 | | | | |
| 1 | All In-Store | | 2,527 | 25.7% | \$64,704.59 | 19.6% | \$25.44 | \$14.65 | 25.4% | 29 | 0.6% | \$790.45 | 0.7% | 872 | 3.66 | |
| 1 | Delivery | D | 7,285 | 74.0% | \$284,406.40 | 80.1% | \$39.04 | \$24.03 | 21.4% | 20 | 0.4% | \$700.87 | 0.3% | 905 | 5.91 | |
| 1 | Hotspot | H | 29 | 0.3% | \$880.56 | 0.3% | \$30.36 | \$18.67 | 21.5% | | 0.0% | \$0.00 | 0.0% | 5 | 4.53 | |
| 0 | Other Delivery | Other | 0 | 0.0% | \$0.00 | 0.0% | | | | | | \$0.00 | | | | |
| 1 | All Delivery | | 7,314 | 74.3% | \$285,286.96 | 80.4 | \$38.99 | \$24.00 | 21.4% | 20 | 0.4% | \$700.87 | 0.3% | 910 | 5.91 | |
| 1 | All Orders | | 9,841 | 100,0% | \$322,352.26 | 100.0% | \$32.76 | \$19.70 | 22.9% | 49 | 0.5% | \$1,491.32 | 0.5% | 1,782 | 4.87 | |

25.1% OFF DRDERG ARE. CUSTOMER PICK-UP.

WEEK 25.1 × 820= 211 ORDER PEK NIEK PICK-UP.

211:7:17 2.5 ORDER PEK HOUR-AUG.

THY HOURS



Plat 85-58

Section J, Item 2.

Recording District 101

05/20/2013 03:02 PM Pag

Page 1 of 6

Juneau



Juneau Recording District

After recording return to: SableFish, LLC 3150 C Street, suite 290 Anchorage, Alaska 99503-3980

FTAA

3) F-42843dj 7.058379

LOT R-2, BLOCK A, VINTAGE II SUBDIVISION EXCLUSIVE ACCESS, PARKING AND MAINTENANCE EASEMENT

L

A S

In consideration of the benefits derived therefrom, the GRANTOR, BBS ENTERPRISES, whose address is 3000 Vintage Boulevard, Juneau, Alaska 99801, conveys and quitclaims to the GRANTEE, SABLEFISH, LLC, and its successors and/or assigns, as owner of Lot R-1, BLOCK A, VINTAGE II SUBDIVISION, according to the official plat thereof, filed under Plat No. 85-58 in the records of the Juneau Recording District, First Judicial District, State of Alaska, (dominant estate), whose address is 3000 Vintage Boulevard, Juneau, Alaska 99801, an exclusive easement for the purpose of ingress/egress, parking and maintenance on and across a portion of Lot R-2, Block A, Vintage Subdivision II (servient estate), said easement being more particularly described as follows:

A certain tract or parcel of land lying and being situated within a portion of Lot R-2, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat No. 85-58 in the records of the Juneau Recording District, First Judicial District, State of Alaska being more particularly described as follows:

Beginning at the northwesterly most corner of Lot R-2 identical to the southwesterly most corner of Lot R 3/4, Block A, Vintage II Subdivision and being a point on the easterly right-of-way of Clinton Drive;

thence departing said right-of-way along the common boundary between aforementioned Lots R-2 and Lot R 3/4, S66°33'45"E a distance of 75.93 feet to the northeasterly most corner of this description, identical to the northeasterly most corner of Lot R-2 and being a point on the common boundary between a Fraction of Lots R-1 and Lot R-2;

thence along said common boundary along the westerly boundary of this description South, a distance of 226.38 feet to the southeasterly most corner of this description, a point on the northerly right-of-way limits of Clinton Drive, identical to the southwest corner of a fraction of Lot R-1 and the southeast corner of Lot R-2 hereinbefore described;

Access, Parking and Maintenance Easement - 1 -

thence along said right-of-way limits of Clinton Drive, identical to the southerly boundary of Lot R-2 West, a distance of 8.55 feet to a point of curvature;

thence along a 120.00' radius curve to the right, through an arc of 18°45'52", an arc length of 39.30 feet (Chord = N80°37'04"W a distance of 39.12 feet) to the southwesterly most corner of this description;

thence departing said right-of-way crossing through Lot R-2, Block A, Vintage II Subdivision the following courses: N2°12'22"E a distance of 77.09 feet;

thence N87°47'38"W a distance 5.00 feet;

thence N2°12'22"W a distance 10.00 feet;

thence S87°47'38"W a distance 5.00 feet;

thence N2°12'22"E a distance 111.06 feet;

thence N30°05'32"W a distance 19.35 feet;

thence N80°40'30"W a distance of 33.88 feet to a point on the hereinbefore described easterly right-of-way limits of Clinton Drive;

thence along said right-of-way limits, identical to the westerly boundary of Lot R-2 N23°26'15"E a distance of 32.67 feet to the true point of beginning.

The easement is illustrated on Attachment A.

Grantee also may use up to 75 square feet for concrete parking curbs, landscaping, pedestrian walkways and utility pedestals and transformers contiguous to Lot R-1 (see item A on Attachment A).

The easement shall be perpetual and runs with the land as an easement appurtenant rather than an easement in gross.

This instrument replaces and supersedes in full the Access, Parking and Maintenance Easement recorded March 1, 2013 as document no. 2013-001626-0, in the records of the Juneau Recording District, State of Alaska.

Dated this _____ day of May, 2013.

By: William J. Bauer

Owner of BBS Enterprises, Grantor

SableFish, LLSIGNED IN COUNTERPART

By: Miles S. Schlosberg, Manager

Access, Parking and Maintenance Easement - 2 -

thence along said right-of-way limits of Clinton Drive, identical to the southerly boundary of Lot R-2 West, a distance of 8.55 feet to a point of curvature;

thence along a 120.00' radius curve to the right, through an arc of 18°45'52", an arc length of 39.30 feet (Chord = N80°37'04"W a distance of 39.12 feet) to the southwesterly most corner of this description;

thence departing said right-of-way crossing through Lot R-2, Block A, Vintage II Subdivision the following courses: N2°12'22"E a distance of 77.09 feet;

thence N87°47'38"W a distance 5.00 feet:

thence N2°12'22"W a distance 10.00 feet;

thence S87°47'38"W a distance 5.00 feet:

thence N2°12'22"E a distance 111.06 feet;

thence N30°05'32"W a distance 19.35 feet;

thence N80°40'30"W a distance of 33.88 feet to a point on the hereinbefore described easterly right-of-way limits of Clinton Drive;

thence along said right-of-way limits, identical to the westerly boundary of Lot R-2 N23°26'15"E a distance of 32.67 feet to the true point of beginning.

The easement is illustrated on Attachment A.

Grantee also may use up to 75 square feet for concrete parking curbs, landscaping, pedestrian walkways and utility pedestals and transformers contiguous to Lot R-1 (see item A on Attachment A).

The easement shall be perpetual and runs with the land as an easement appurtenant rather than an easement in gross.

This instrument replaces and supersedes in full the Access, Parking and Maintenance Easement recorded March 1, 2013 as document no. 2013-001626-0, in the records of the Juneau Recording District, State of Alaska.

Dated this ____ day of May, 2013.

SIGNED IN COUNTERFART

By:

William J. Bauer

Owner of BBS Enterprises, Grantor

SableFish, LLC

By: Miles S. Schlosberg, Manage

Access, Parking and Maintenance Easement - 2 -

Attachment C - 2013 Access, Parking, and Maintenance Easements Easements

ACKNOWLEDGEMENTS

| STATE OF ALASKA |) |
|---|--|
| FIRST JUDICIAL DISTRICT |) ss:) |
| appeared William J. Bauer, Owner o | d for the State of Alaska, duly commissioned and sworn, f BBS Enterprises, to me known and known to me to be the acknowledged to me that he executed the same freely and |
| WITNESS my hand and offi | icial seal on the day and year in this certificate first above |
| STATE OF ALASKA , NOTARY PUBLIC Kyla Camba My Commission Expires: December 16, 2016 | Notary Public in and for Alaska My Commission Expires: 12/16/16 |
| State of |) |
| County |)ss.) |
| ~ ~ | s acknowledged before me this day of May, 2013, by SableFish, LLC, an Alaska limited liability company, on |
| | SIGNED IN |
| | COUNTERPART |
| | Notary Public in |
| | My commission expires: |
| | my commission expires. |

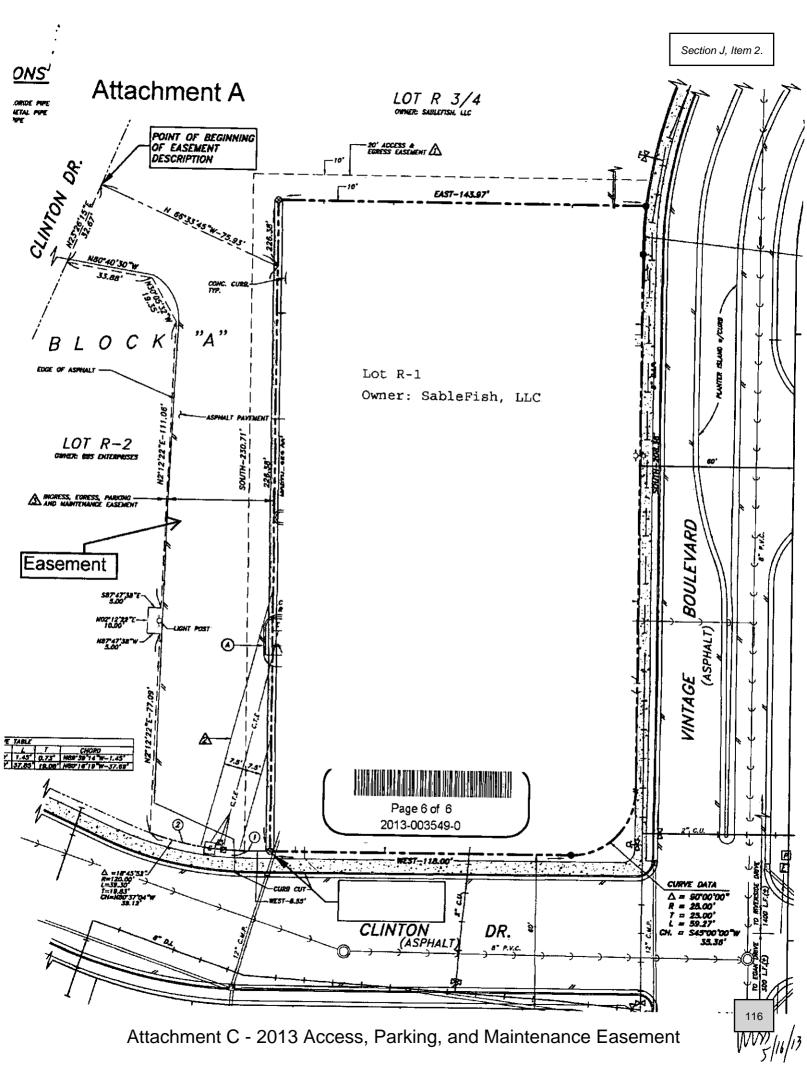
Access, Parking and Maintenance Easement - 3 -

Page 4 of 6
Attachment C - 2013 Access, Parking, and Maintenance Eas29113-015-49-0

ACKNOWLEDGEMENTS

| STATE OF ALASKA |) |
|--|--|
| FIRST JUDICIAL DISTRICT |) ss:) |
| appeared William J. Bauer, Owner | nd for the State of Alaska, duly commissioned and sworn, of BBS Enterprises, to me known and known to me to be the acknowledged to me that he executed the same freely and |
| WITNESS my hand and of written. | ficial seal on the day and year in this certificate first above SIGNED IN COUNTERFART |
| | |
| , _ | Notary Public in and for Alaska My Commission Expires: |
| Proof British Columbia State of | My Commission Expires: |
| State of | |
| |)ss. |
| County |) |
| The foregoing instrument wa Miles S. Schlosberg, Manager of behalf of the company. | as acknowledged before me this \(\frac{1}{2} \) day of May, 2013, by SableFish, LLC, an Alaska limited liability company, on |
| | 150 |
| | Notary Public in BC |
| | My commission expires: DOES NOTIVE |
| | SHOLTO SHAW |
| | Lawyer & Notary Public |
| | #332-4370 Lorimer Road Whistler, B.C. VON 184 |
| | The state of the s |
| | Time and the second |

Access, Parking and Maintenance Easement - 3 -





2013-003550-0

Section J, Item 2.

Recording District 101

Juneau

Page 1 of 8

05/20/2013 03:02 PM



Juneau Recording District

After recording return to: SableFish, LLC 3150 C Street, suite 290 Anchorage, Alaska 99503-3980

FTAA

2058329

Snow Dump Agreement

This agreement is between SableFish, LLC, of 3150 C Street, suite 290, Anchorage, Alaska 99503-3980; and BBS Enterprises, Limited, a California limited partnership, BBS Enterprises, Limited, an Alaska limited partnership, BBS Enterprises II, Limited Partnership, Vintage Business Park I, LLC, an Alaska limited liability company, Vintage Business Park II, LLC, an Alaska limited liability company; William J. Bauer, individually and dba CQ Enterprises, and BBS Enterprises, a California limited partnership, jointly and severally (collectively, referred to as "Grantors"), all of P. O. Box 34139, Juneau, Alaska 99803-4139.

Whereas, SableFish owns certain property (the "dominant estates") described as:

Parcel 1

Lots R 3/4, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat Number 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

Together with those certain access and parking rights as created by that certain Access & Parking Easement Agreement recorded September 23, 1998, at Book 503, at Page 839.

Parcel 2

Lot R 1, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat Number 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

Snow Dump Agreement

Together with those certain access and parking rights as created by that certain Access, Parking and Maintenance Easement recorded May **20**, 2013, as document no. 2013-003549-0, Juneau Recording District.

Whereas, one or more of the Grantors owns or has an interest in certain property (the "servient estates") described as:

Parcel 1

Lot R 5, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat Number 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

Parcel 2

Lot R 2, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat Number 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

Whereas, in connection with SableFish's purchase of the dominant estates from Grantors or an affiliate of Grantors, Grantors have agreed to permit SableFish to dispose of snow on the servient estates, as provided in this agreement.

Therefore, SableFish and Grantors agree as follows:

- 1. <u>Snow dump</u>. SableFish may dump, store and otherwise dispose of, on the servient estates, snow originating from the dominant estates. SableFish shall be solely responsible to transport the snow from the dominant estates to the servient estates and to manage the snow. "Snow" includes derivative products, such as ice.
- 2. <u>Alternative sites</u>. Grantors may sell the servient estates free and clear of this agreement, provided that Grantors grant, or cause an affiliate of Grantors to grant, to SableFish the right to use another lot or lots in the Vintage II Subdivision on the same terms as provided in this agreement. If Grantors construct a building on a servient estate, upon commencement of construction SableFish shall release this agreement relating to the servient estate, provided that Grantors grant, or causes an affiliate of Grantors to grant, to SableFish the right to use another lot in the Vintage II Subdivision on the same terms as provided in this agreement. In all cases, the first preference for a substitute lot shall be given to the lot or lots closest to the dominant estates.

Snow Dump Agreement

- 2 -

- 3. Term. This agreement shall terminate May 1, 2023. Upon termination, the parties shall execute such documents as reasonably may be requested or necessary to terminate this agreement of record.
- Consideration. SableFish shall have no obligation to pay Grantors for the rights provided by this agreement. This agreement is entered in connection with, and as a condition of, SableFish's purchase of the dominant estates from Grantors or an affiliate of Grantors.
- 5. Indemnity. SableFish shall indemnify and hold Grantors harmless from any claims arising out of use the servient estates by SableFish or its agents in accordance with this agreement.
- 6. Run with Land. This agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns. The agreement shall be appurtenant to the benefited and burdened parcels. The agreement and the other rights and obligations created by this instrument run with the land.
- 7. Default and remedies. Upon default, notice, and failure to cure, the parties may exercise any remedies it has in law or at equity.
- Effect on Prior Agreement. This Agreement amends and restates in full the Snow Dump Agreement between the parties recorded Dec. 31 2012, 2013, as document no. 2012-008369-0, Juneau Recording District.

BBS Enterprises, Limited, a California limited partnership

Date: May , 2013

BBS Enterprises, Limited, an Alaska limited partnership

Date: May , 2013

William J. Bauer, General Partner

Snow Dump Agreement

- 3 -

- Term. This agreement shall terminate May 1, 2023. Upon termination, the 3. parties shall execute such documents as reasonably may be requested or necessary to terminate this agreement of record.
- 4. Consideration. SableFish shall have no obligation to pay Grantors for the rights provided by this agreement. This agreement is entered in connection with, and as a condition of, SableFish's purchase of the dominant estates from Grantors or an affiliate of Grantors.
- 5. Indemnity. SableFish shall indemnify and hold Grantors harmless from any claims arising out of use the servient estates by SableFish or its agents in accordance with this agreement.
- 6. Run with Land. This agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns. The agreement shall be appurtenant to the benefited and burdened parcels. The agreement and the other rights and obligations created by this instrument run with the land.
- Default and remedies. Upon default, notice, and failure to cure, the parties may exercise any remedies it has in law or at equity.

| | 8. | Effect on Pri | or Agreer | <u>nent</u> | . This A | greement | amends | and | restates | in full | the |
|-------|---------|---------------|-----------|-------------|----------|-----------|------------|-----|----------|---------|-----|
| Snow | Dump | Agreement | between | the | parties | recorded | . <u> </u> | | | 2013, | as |
| docum | ent no. | 2013 | | _, Ju | neau Re | cording D | istrict. | | | | |

BBS Enterprises, Limited, a California limited partnership

Date: May 16, 2013

By: William J. Bauer, General Partner

BBS Enterprises, Limited, an Alaska limited partnership

Date: May / 5, 2013

By: Skillion J. Game

Snow Dump Agreement

- 3 -

120

BBS Enterprises II, Limited Partnership

| Date: May _/ <u>/</u> , 2013 | By: <u>Julion J. Bauer</u> William J. Bauer, General Partner Vintage Business Park I, LLC, an Alaska limited liability company |
|------------------------------|---|
| 7/40010 | |
| Date: May <u>/6</u> , 2013 | By: <u>JKillian J. Bauer</u> William J. Bauer, Manager/Member |
| | Vintage Business Park II, LLC, an Alaska limited liability company |
| Date: May / L, 2013 | By: William J. Bauer, Manager/Member |
| | William J. Bauer, individually and dba CQ Enterprises and dba CG Enterprises |
| Date: May _/_ 2013 | By: William J. Bauer |
| | BBS Enterprises, a California limited partnership |
| Date: May <u>/ / ,</u> 2013 | By: 24 ellean J. Lauer William J. Bauer, General Partner |
| | SableFish, LLC, an Alaska limited liability company |
| Date: May, 2013 | SIGNED IN COUNTERFART By: Miles S. Schlosberg, Manager |
| | |

-4-

Snow Dump Agreement

BBS Enterprises II, Limited Partnership

| Date: May, 2013 | By: William J. Bauer, General Partner |
|---------------------------|--|
| | Vintage Business Park I, LLC, an Alaska limited liability company SIGNED IN By: COUNTERPART William J. Bauer, Manager/Member |
| Date: May, 2013 | By: William J. Bauer, Manager/Member |
| | Vintage Business Park II, LLC, an Alaska limited liability company |
| Date: May, 2013 | By: William J. Bauer, Manager/Member |
| | William J. Bauer, individually and dba CQ Enterprises and dba CG Enterprises |
| Date: May, 2013 | By: SIGNED IN William Lower FRITARY |
| | BBS Enterprises, a California limited partnership |
| Date: May, 2013 | By: |
| | SableFish, LLC, an Alaska limited liability company |
| Date: May <u>/</u> , 2013 | By: MMhhhh Miles S. Schlosberg, Manager |
| Snow Dump Agreement | - 4 - |

Acknowledgments

| State of Alaska |) | |
|---|--|--|
| First Judicial District |)ss.) | |
| The foregoing instraction 2013, by William J. Bauer limited partnership, BBS Enterprises II, Limited partnership, and Manager/I liability company and Vicompany, and individually the companies and himself. STATE OF ALASKA - NOTARY PUBLIC (4) | r, General Partner Enterprises, Limi Partnership, and Member of Vintagintage Business P and dba CQ Enterp. | eledged before me this _\text{\text{\text{U}}} \ day of May, of BBS Enterprises, Limited, a California ted, an Alaska limited partnership, BBS BBS Enterprises, a California limited ark II, LLC, an Alaska limited liability prises and dba CG Enterprises, on behalf of Notary Public in Alaska |
| Kyla Camba My Commission Expires: December | 16, 2016 | My commission expires: 12/16/16 |
| State ofC |))ss. County) | |
| | erg, Manager of | vledged before me this day of May, SableFish, LLC, an Alaska limited liability SIGNED IN COUNTERFART |
| | | Notary Public in |
| | | My commission expires: |

Snow Dump Agreement

- 5 -

Acknowledgments

| State of Alaska |) |
|---|---|
| |)ss. |
| First Judicial District | j |
| 2013, by William J. Baue limited partnership, BBS Enterprises II, Limited partnership, and Manager/ liability company and V | SIGNED IN |
| | COUNTERPART |
| | Notary Public in Alaska My commission expires: |
| Prov of British C State of | County) |
| | with the second |

Snow Dump Agreement

- 5 -



2013-003551-0

Section J, Item 2.

Recording District 101

05/20/2013 03:02 PM

Juneau Page 1 of 6



Juneau Recording District

After recording return to: SableFish, LLC 3150 C Street, suite 290 Anchorage, Alaska 99503-3980

FTAA

(5) F-42843

2058329

Consent to Use Rights

This agreement is between SableFish, LLC, of 3150 C Street, Suite 290, Anchorage, Alaska 99503-3980 and the person(s) identified below, referred to as "Interest Holder:"

Name: Simpson, Tillinghast, Sorensen & Sheehan P.C., and

Elgee Rehfeld Mertz, LLC

Mailing address: One Sealaska Plaza, Suite 300, Juneau, Alaska, and

9309 Glacier Highway, Suite B-200, Juneau, Alaska

Nature of interest: Deed of trust

Recording data, Juneau Recording District -

Title of recorded document: Deed of Trust

Date recorded: December 7, 2011

Recorded document no.: 2011-007409-0

Whereas, BBS Enterprises, a California limited partnership ("Grantor"), of P. O. Box 34139, Juneau, Alaska 99803-4139, owns certain property (the "servient estate") described as:

Lot R 2, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat Number 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

Whereas, Interest Holder has an interest in the servient estate, as described above.

Whereas, SableFish owns certain property adjoining or near to the servient estate (the "dominant estates") described as:

Consent to Use Rights

-1-

Parcel 1

Lot R 1, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat Number 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

Parcel 2

Lots R 3/4, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat Number 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

Whereas, in connection with SableFish's purchase of the Parcel 1 of the dominant estates from Grantor or an affiliate of Grantor, Grantor granted to SableFish an easement over the servient estate by an Access, Parking and Maintenance Easement recorded May 20, 2013, as document no. 2013-003549-0 Juneau Recording District (the "Easement").

Whereas, in connection with SableFish's purchase of the dominant estates from Grantor or an affiliate of Grantor, Grantor granted to SableFish rights to dump snow on the servient estate by a Snow Dump Agreement recorded May 20, 2013, as document no. 2013-035500, Juneau Recording District (the "Snow Dump Agreement").

Whereas, the Easement and the Snow Dump Agreement are collectively referred to in this Agreement as the "Use Rights."

Whereas, SableFish has asked Interest Holder to confirm its consent to the Use Rights and subordinate its interest to the Use Rights. Interest Holder is willing to do so because Interest Holder wishes to facilitate SableFish's purchase of the servient estate that will or may result in benefits to Interest Holder.

Therefore, SableFish and Interest Holder agree as follows:

- 1. <u>Consent to Use Rights</u>. Interest Holder consents to Grantor granting the Use Rights. Such grant shall not constitute a default under Interest Holder's agreement with Grantor.
- 2. <u>Subordination</u>. Interest Holder hereby unconditionally subordinates its interest and all of its rights, claims and remedies relating to its interest to the Use Rights, and any modification of the Use Rights that does not materially impair the rights, claims or remedies of Interest Holder, with the same force and effect as if the Use Rights had been executed and recorded prior to the execution and recordation of the Interest Consent to Use Rights

 -2-

Holder's interest. In the event of a foreclosure sale of the Interest Holder's interest or a transfer in lieu of foreclosure of any portion of the servient estate, the purchaser at any such foreclosure sale or the transferee under any deed in lieu of foreclosure shall take title to the servient estate subject to the terms and conditions of the Use Rights.

- 3. <u>Nondisturbance</u>. Interest Holder, and its successors and assigns, shall not disturb or interfere with use of the servient estate in accordance with the Use Rights.
- 4. <u>Continuation of Interest</u>. Except as expressly modified by this Agreement, Interest Holder's interest shall continue in full force and effect as an interest in the servient estate.
- 5. <u>Reliance</u>. Interest Holder acknowledges that SableFish has purchased the 'servient estate in reliance on the grant of the Use Rights and Interest Holder's subordination of its interest to the Use Rights, as provided in this Agreement.
- 6. Run with Land. This agreement shall be binding upon and shall inure to the benefit of the parties and their respective successors and assigns. The agreement shall be appurtenant to the benefited and burdened parcels and interests. The agreement and the other rights and obligations created by this instrument run with the land.

Simpson, Tillinghast, Sorensen & Sheehan P.C.

Title:

Elgee Rehfeld Mertz, LLC

Date: May 9, 2013

Title.

Consent to Use Rights

- 3 -

| Date: May, 2013 | By: Signed in Counter Part By: Miles S. Schlosberg, Manager |
|---|---|
| | Acknowledgments |
| State of Alaska))ss. First Judicial District) | |
| | was acknowledged before me this |
| State of Alaska))ss. First Judicial District) | |
| The foregoing instrument 2013, by BC company. | was acknowledged before me this 9 day of May, adget M. Lugan, the of Elgee Rehfeld Mertz, LLC, on behalf of the |
| OFFICIAL SEAL Rebecca Lee NOTARY PUBLIC My Commission Expires 3 21 1214 | Notary Public in Alaska My commission expires: 3 27/16 |
| Consent to Use Rights | - 4 - |

| | | | n, LLC, limited li | ability co | ompany | | |
|--|-----------|---------|-----------------------|------------|--------------------------|---------------------|--------------|
| Date: May (7 2013 | By Ro | | Slest Hume, Jr | Assista | HUMI ant Manage | | |
| | A | cknow | ledgments | 5 | | | |
| State of Alaska First Judicial District |))ss. | | | | | | |
| The foregoing in 2013, by | | | | | | • | the |
| behalf of the company. | 01 \ | Simpsoi | n, Hillingi | iast, Sor | ensen & S | heehan P.C | ., on |
| | | | | 5 | in Alaska on expires: | | - |
| State of Alaska |))ss. | | | | | | |
| First Judicial District |) | | | | | | |
| The foregoing in 2013, by | | | | | | day of l, behalf of | the |
| company. | | | | • | | | |
| | | | | • | in Alaska on expires: | | - |
| Consent to Use Rights | | - 4 - | | | | | |

129

| State of | Alaska | |) |
|----------|----------|----------|------|
| 3rd < | Sudicial | District |)ss. |

The foregoing instrument was acknowledged before me this 17 day of May, 2013, by Robert H. Hume, Jr., Assistant Manager of SableFish, LLC, an Alaska limited liability company, on behalf of the company.



Notary Public in Haska
My commission expires: 3 - 7 - 2016

A L A S K

2023-001930-0

Recording Dist: 101 - Juneau 6/30/2023 09:27 AM Pages: 1 of 3



RELEASE OF INTEREST IN SNOW DUMP AGREEMENT

Pacific Investment Group, LLC, an Alaska limited liability company, of 9166 Parkwood Drive, Juneau, Alaska 99801("Pacific") is an owner of that real property legally described as follows:

Parcel 1

Lot R-5, Block A, VINTAGE II SUBDIVISION, according to Plat 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

AND

Parcel 2

Lot R 2, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat Number 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

SableFish is the Grantee under a Snow Dump Agreement recorded on May 20, 2013 ("Agreement") in the Juneau Recording District at recording number 2013-003550-0 and has rights under the Agreement to access real property legally described as follows:

Parcel 1

Lot R 5, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat Number 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

AND

Parcel 2

Lot R 2, Block A, Vintage II Subdivision, according to the official plat thereof, filed under Plat Number 85-58, Records of the Juneau Recording District, First Judicial District, State of Alaska.

Pacific and SableFish hereby acknowledge that the Agreement terminated on May 1, 2023 and hereby release any and all interest or rights under the Agreement.

Dated June 27, 2023.

Pacific Investment Group, LLC

MARAGER MEMBER, Member

STATE OF ALASKA

; **s**s

FIRST JUDICIAL DISTRICT

The foregoing instrument was acknowledged before me this 27 day of June 2023 by LAURY BAUER, member of Pacific Investment Group, LLC, an Alaska limited liability company, on behalf of the limited liability company.

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

STATE OF ALASKA
NOTARY PUBLIC
Jill M. Weyant
My Commission Expires July 19, 2026

Notary Public, State of Alaska — My commission expires: 7-19-



Dated June 20, 2023.

SableFish, LLC

The foregoing instrument was acknowledged before me this 20 day of June 2023 by Miles Schlosberg, manager of SableFish, LLC, an Alaska limited liability company, on behalf of the limited liability company.

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

Notary Public, State of Alaska Washing ten My commission expires: 4-10-2027

After Recording, return to:

Baxter Bruce & Sullivan P.C. P.O. Box 32819 Juneau, Alaska 99803



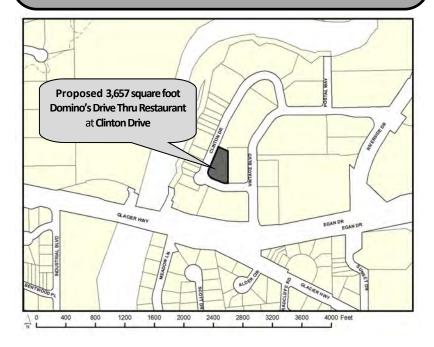


133

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice





TO

Conditional Use Permit and Parking Waiver applications have been submitted for consideration and public hearing by the Planning Commission for the request of a 3,657 square foot Domino's Pizza Drive Through Restaurant at Clinton Drive in an Light Commercial 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 January 16, 2024 at

https://juneau.org/community-development/planning-commission

Find hearing results, meeting minutes, and more here, as well.

Now through Jan. 1, 2024

Jan. 2— noon, Jan. 19

HEARING DATE & TIME: 7:00 pm, Jan. 23, 2024

Jan. 24
The results of

the hearing will

be posted

online.

Comments received during this period will be sent to the Planner, **Jennifer Shields** 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/81106773042 and use the Webinar ID: 811 0677 3042 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above).

Assembly

You may also participate in person in City Hall Assembly Chambers, 155 Heritage Way Juneau, Alaska.

FOR DETAILS OR QUESTIONS,

Phone: (907)586-0753 ext. 4139

Email: pc_comments@juneau.gov or Jennifer.shields@juneau.gov Mail: Community Development, 155 Heritage Way, Juneau AK 99801

Case No.: USE2023 0018 & PWP2023 0004

Parcel No.: 5B1601420020

CBJ Parcel Viewer: http://epv.juneau.org

rg 134

Printed December 21, 2023







135

From: John Kern **PC Comments** To:

Subject: USE2023 0018: Domino"s Pizza Drive Through Restaurant

Saturday, December 30, 2023 11:55:04 AM

I am the owner and resident of 3011 Clinton Drive Unit B4. My property is across Clinton Drive from the proposed development. I object to the reduction of parking required for this development. This area is increasingly active with new developments and residents and circulation is somewhat constrained by narrow and curving streets. For the development to rely on street parking is unacceptable. Either there is enough property for the development, or there is not. This is not a situation to reduce the required onsite parking spaces.

Thank you for considering my comments.

John Kern

3011 Clinton Drive, Unit B4

From: Lonnie Khmelev
To: Jennifer Shields

Subject: parcel 5B1601420020 parking waiver
Date: Friday, January 5, 2024 9:43:35 AM

Good morning,

We are happy to see that Vintage Park is finally moving forward with numerous new construction projects. What we are concerned with is the parking waiver for the proposed Domino's location. We have seen significant changes around this section of Clinton Drive with additional condo units built last year and the recent sale of a building to Goldbelt. We foresee a parking shortage in this area, and we believe the new project should include all the required parking as per CBJ code.

Thank you,

Lonnie Khmelev 3005 Clinton Drive, Unit C2

Olena Kot 3005 Clinton Drive, Unit D4 From: <u>PC Comments</u>
To: <u>Jennifer Shields</u>

Subject: FW: Dominoes drive through in Vintage park.

Date: Thursday, December 28, 2023 8:51:22 AM

Attachments: <u>image001.png</u>

From: H. Lewis <peregrine911@gmail.com>
Sent: Wednesday, December 27, 2023 9:07 PM
To: PC_Comments <PC_Comments@juneau.gov>
Subject: Dominoes drive through in Vintage park.

Good evening,

My name is Hilliard H. Lewis IV.

I am a resident of the Vintage Park Condo Association. My unit is C-4.

The proposed Dominoes restaurant is in the lot directly across from my home.

I am STRONGLY AGAINST this use proposal for that lot.

Part of what makes this area pleasant to live in is that the traffic and light pollution in the area subside a great deal after normal business hours. There are a few exterior lights and sparse street lighting.

If this gets approved and built I believe that the following changes would occur detracting immensely from what makes Vintage Park a peaceful place to live.

1:) Noise and traffic.

A Dominoes business is open much later than the rest of the businesses in Vintage park.

This would cause an increase in traffic far later into the night and bring that traffic noise right outside the doors of all the Condominium residents and the River View Senior living buildings.

The proposed business is also slated as a drive through meaning that the traffic coming and going would not only be employees but the general public as well. We already live by the highway and the engines and music of Juneau's less polite vehicle owners does not need to be brought any closer to where we are sleeping.

2:) Light pollution would be increased.

As a commercial chain restaurant this would likely have an excess of exterior lighting and advertising illumination. The proposed Dominoes would also have a drive through. To facilitate this increase in traffic many more street lights and parking lot lights would be installed further making evenings and nights unpleasant. These lights would shine directly into my home.

3:) Noxious odors.

As a commercial food handler this business is going to have dumpsters with a large percentage of food waste. Between cooking and venting and then garbage handling the nearby air quality coupled with the traffic increase will definitely deteriorate.

The amount of food odors would also likely cause an increase in black bear activity in the neighbor hood further increasing encounters between bears and residents.

4:) Does Juneau really need a 3rd Domino's?

There is already a Domino's pizza place less than a mile from Vintage Park already. Why do we need another? The service area does not increase at all being less than a mile from where Domino's is already. Juneau's density is not nearly high enough to need these type if restaurants this close together.

I once again state I AM STRONGLY AGAINST this use proposal for the lot in Vintage park.

Hilliard H. Lewis IV

3005 Clinton Drive, C-4 Juneau AK, 99801

907 723 6339

From: Marina Lindsey
To: PC Comments
Cc: Jennifer Shields

Subject: Comments on Domino's Pizza Drive-Thru Restaurant

Date: Monday, January 1, 2024 6:08:53 PM

To: CBJ Planning Commission and CBJ Staff From: Shawn Carey and Marina Lindsey Re: Domino's Pizza Drive-Thru Restaurant

Date: January 1, 2024

Shawn Carey and I live in the Vintage Park Condominiums at 3005 Clinton Drive, Unit C5, across the street from the proposed Domino's Drive-Thru. Following are our comments on the project.

R&S Construction's Allowable/Conditional Use Permit Narrative says that "The proposed building and business fit under the comprehensive plan and will benefit all the neighboring properties." We disagree. The Vintage Business Park is a quiet community with offices, residential condominiums, and senior living. A fast-food pizza restaurant with delivery drivers, a drive-thru pick up window, and hours later than the rest of the businesses in Vintage Park is not beneficial to the neighbors. Dominos is open 10:30 am to midnight and the proposed drive-thru will point headlights directly at Vintage Park condominiums. Domino's Pizza will bring vehicles, which in Juneau are often loud trucks or intentionally jacked-up cars with thumping music, in front of our homes until late at night. According to R&S' application, 40% of Domino's drivers' turnaround times are under 30 seconds and 50% are within 31 - 60 seconds. That means Domino's drivers will be rapidly coming and going 200+ times a day at the pizza order rate Domino's provided. And that's at the current pizza order rate. What are Domino's plans for growth? If Domino's is investing in costly new construction, they must be planning to expand their business. Has the city asked for Domino's growth expectations for the next 3 to 5 years? How will those growth rates affect traffic, neighborhood noise levels, and parking needs?

We also oppose R&S' request for a parking waiver. Despite R&S' statement that a parking waiver will "not result in adverse impacts to property in the neighboring areas", the neighboring areas will be greatly impacted. Parking along Clinton Drive is congested during office hours and the neighbors should not have to compensate for R&S purchasing property with an easement that makes their property too small to include the required parking and a drive-thru. Additionally, R&S' plans call for two driveways which will reduce street parking by at least 4 spaces. If Domino's business grows, they will need more employee and customer parking. The neighborhood parking doesn't have room to absorb Domino's growth. Does the parking on R&S' plan, which is 5 spaces less than the 18 spaces that are required for restaurants, even meet CBJ requirements? It looks like the spaces don't have proper egress

and the disabled parking space isn't accessible because of landscaping.

How recently has CBJ analyzed the traffic at the intersection of Clinton Drive and Vintage Boulevard? The number of vehicles has increased with the recent developments including SEARCH, Riverview Senior Living, Goldbelt's office expansion, and the growing number of cruise ship tour buses in Safeway's parking lot. We would like the city to analyze not only the current rate of traffic, but what it will be like when Domino's business grows. The city should also reconsider how the traffic flow works. Vehicles cannot turn left onto Egan from Vintage Boulevard nor access Vintage Boulevard when coming from the west on Egan. Many of us are regularly driving 270-degree loops around Vintage Park/Safeway because access to/from Egan is limited at the south end of Vintage Boulevard. Additionally, Clinton Drive near the intersection of Vintage Boulevard is consistently full of potholes that need to be fixed, not patched again and again.

On a final note, we would like to request that additional landscaping be required on the south side of the R&S property to minimize Domino's lights and headlights from delivery drivers and customers. We would also like to request that the Domino's dumpsters be located on the north side of the property, reducing the sound and smell for Vintage Park condo residents. The dumpster enclosures should be bear proof and Domino's should be required to use dumpsters with metal lids and latches. Domino's trash will be very appealing to bears and ravens.

Please let us know if you would like clarification on any of our feedback. We appreciate your time and consideration of our comments.

Sincerely,

Marina Lindsey and Shawn Carey

MARINA LINDSEY

907-723-1116

From: <u>Dylan Listberger</u>
To: <u>Jennifer Shields</u>

Subject: Re: Comments on USE2023 #0018 - Domino's Pizza Drive Through Restaurant

Date: Tuesday, January 2, 2024 6:50:21 PM **Attachments:** 7E51D4E7-5C2F-4B51-BB45-6D8E69435683.png

7E31D4E7-3G21-4B31-BB43-0D0E07433003.pii(

Jennifer,

I am not sure how this parking lot design is legal. It doesn't appear to meet the CBj guidelines. There doesn't appear to be enough egress space between parking spaces for cars to pass or even access spaces. This doesn't appear to be a 1 way directional parking lot.

Spots 6,7,8,9 don't have the required 24' of aisle for a 90 approach.

The handicap parking spots approach is partially blocked off by the landscaping- The minimum aisle size is 11' for a 30 degree approach according to the attached chart.

Spot 12 doesn't have 24' of egress because the property line is angled behind it.

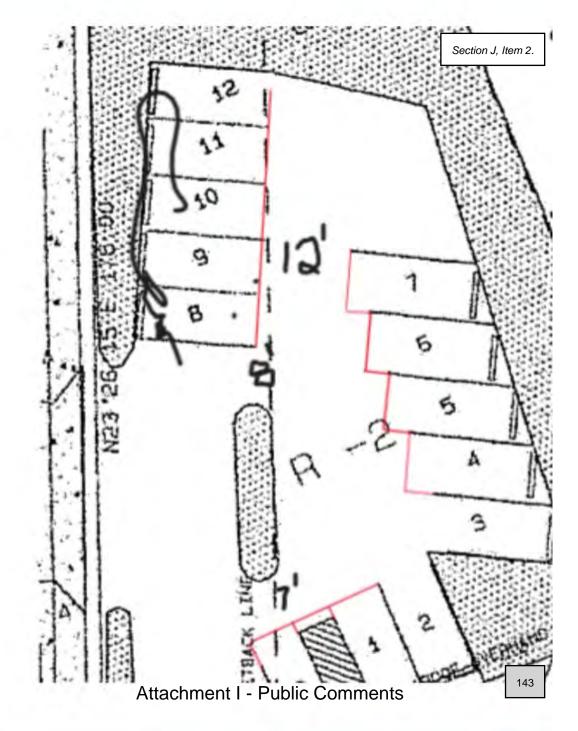
To access spot 7 a car would have to pull forward, back into the spot, then pull out and back out of the back corner.

Per CBJ Code of Ordinances parking spots are suppose to be 8.5' wide x 17' deep generally rectangle- the angled spots drawn as well as 1 and the handi-cap spot weren't drawn to those dimensions.

See attached parking lot plan with redlines of 17'x8.5' spaces and rough dimensions of aisles.

Can you verify there parking lot plan meets all code requirements?

The parking in this area is all ready over filling the street parking in the summer, this project proposal will just add to the problem.



To: CBJ Planning Commission and CBJ Staff From: Vintage Park Condominium Association

Re: Conditional Use Permit and Parking Waiver Domino's Pizza Drive-Through Restaurant

Date: January 1, 2024

The Vintage Park Condominium Association (VCPA), a 23-unit association on Clinton Drive, would like to submit the following comments on the proposed Domino's Pizza Drive-Thru Restaurant parking waiver and development permit applications.

R&S Construction states in their parking waiver application that granting the parking waiver will "not result in adverse impacts to property in the neighboring areas". The VCPA disagrees because Clinton Drive is already full of cars during office business hours. R&S' development plans could reduce the current street parking by up to 10 spaces. The proposed two driveways to access and exit Domino's will reduce street parking by four. Depending on how many feet are between the existing driveway to the Sablefish LLC easement and the proposed Domino's drive-thru exit, one additional street parking space may be lost. R&S is proposing only 12 parking spaces and 1 disabled parking space, which is 5 spaces less than the 18 spaces that are required for restaurants. And the current parking plan does not appear to meet CBJ parking requirements for access and egress. The neighborhood's parking should not be compromised by up to 10 spaces because a developer purchased property with a historical easement that makes it difficult for them to comply with CBJ parking requirements. If the drive-thru was eliminated, there would be more property on which to put accessible and comprehensive Domino's parking.

R&S also states "that the granting of this waiver will supply ample parking for the Domino's employees and customers". This may be true for Domino's employee and customer numbers from June 2023 – September 2023, but what will the future parking needs be? It's safe to assume that a business investing over a million dollars to build a new restaurant is planning to grow the business, requiring more employee and customer parking.

VPCA is also concerned about the increased traffic Domino's will bring to our neighborhood during the day and late into the night. Domino's hours are 10:30 am to midnight. None of the other businesses near VPCA are open past 6 pm. Additionally, no other business near VPCA has traffic rapidly entering and leaving their property. Domino's noted in their application that 40% of their driver turnaround time is under 30 seconds and 50% is within 31-60 seconds. With over 100 delivery orders daily, that means delivery vehicles will be going as quickly as possible outside our condos over 200 times a day.

In the project application, it says that CBJ does not require a Traffic Impact Analysis for under 250 movements per day and that "if the use or user changes, the issue of requiring a Traffic Impact Analysis will need to be revisited". Domino's summer 2023 data approximates their vehicle movements at 218 per day. Without access to Domino's business data, how is the neighborhood able to prove to the city that a new traffic analysis is required? CBJ should

request Domino's projected customer growth over the next 3-5 years. The traffic at the intersection of Clinton Drive and Vintage Boulevard has already increased dramatically with the new SEARHC facility and the many cruise ship tour buses that come and go from rest-stops in Safeway's parking lot for six months a year.

Additionally, VPCA and all the businesses in the Vintage Business Park have issues with bears trying to get into their dumpsters. It is essential that the city mandate fully bear proof enclosures and latched dumpsters for a restaurant in this location. It would reduce both the noise and odor impacts on VPCA residents if the dumpsters were put on the north side of the Domino's property.

Our association would like CBJ to require R&S to install landscaping to minimize the impact of the headlights pointing towards VPCA when vehicles are in the drive-thru. We would also like CBJ to review the required landscaping that is installed. R&S very minimally landscaped both VPCA and the Clinton Drive Condos. Each association has had to supplement or reinstall the landscaping shortly after taking ownership from R&S. The landscaping that R&S installs is subpar compared to other recent developments in Vintage Park like Riverview Senior Center and SEARHC.

Thank you for your consideration of our concerns.

Sincerely,

Vintage Park Condominium Association Board of Directors Mary Adelmeyer Shawn Carey Sean Edwards Charlie Gerbi John Hayes Dylan Listberger Dave Spargo



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

January 19, 2024

MEMO

To: Chair Cole and Members of the Planning Commission

From: Jill Lawhorne, Director, AICH Lawhorns

RE: Accessory Dwelling Unit(s) Draft Code Language

Background

Per the outcomes of the Title 49 Committee meeting held on December 21, 2023, attached please find the latest revisions to the draft accessory dwelling unit code language.

Key Reminders

- Purpose is to update the existing accessory apartment ordinance to provide for greater flexibility and opportunities for infill development
- Industrial zoning districts are not being reviewed at this time for ADUs
- Adding ability to have an ADU to duplexes
- Generally increasing the sizing of ADUs from 600sq. ft. to 800sq.ft.; and from 1,000sq. ft. to 1,200sq. ft.
- Providing for ADUs in multi-family districts if the primary use of the lot is single-family dwelling or duplex
- Proposed definitions for Accessory Dwelling Unit and Duplex
- Code review for uses of "accessory apartment(s)"
- Reviewed for consistency with Alternative Residential Subdivision [49.15.920(m)]

Things to Note

For ease of review, the draft language does not include all the track changes. The revisions are noted as follows:

- Existing language that is being deleted is strikethrough
- Proposed language that was deleted at the December 21 meeting may be double strikethrough
- Proposed (new) language is underlined
- Blue highlights are reminder to confirm citations was finalized
- Yellow highlights were used sparingly to call out references that may be easily overlooked
- Prior work may be found online on the Agenda & Minutes page, in past Title 49 packets

Recommended Motion

Staff recommends that the Commission forward the draft language to the Law Department to draft an ordinance for the Commission to consider.

ARTICLE III. TABLE OF PERMISSIBLE USES

TABLE OF PERMISSIBLE USES - CBJ 49.25.300

| | | | Zone | :S | | | | | | | | | | | | | | | |
|-------|-----------|--|---------|------|---------|---------|----------------|----------|----------|----------|---------|---------|------|------|------|---------|----|----------------|----------------|
| | Use Desc | cription | RR | D-1 | D-3 | D-5 | D- 10 SF | D- 10 | D- 15 | D- 18 | LC | GC | MU | MU2 | MU3 | NC | wc | WI | I |
| 1.000 | Resident | ial | | | | | | | | | | | | | | | | | |
| | 1.100 | Single-family dwellings | | | | | | | | | | | | | | | | | |
| | 1.110 | Single-family detached, one dwelling per lot | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | 1 | 1 ^A | 1 ^A |
| | 1.120 | Single-family detached, two dwellings per lot | 1 | 1 | 1 | | | | | | | | | | | | | | |
| | 1.130 | Single-family detached, accessory apartment <u>dwelling unit</u> ^X | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, | 1, 3 | 1, 3 | 1, | 1, 3 | 1, 3 | 1, 3 | | | 1, | | |
| | 1.140 | Single-family detached, two dwellings per lot, accessory apartments dwelling units ^X | 1, 3 | 1, 3 | 1, 3 | | | | | | | | | | | | | | |
| 1.200 | Duplex | | 1 | 1 | 1 | 1 | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | 1 | | |
| 1.300 | Multifam | nily dwellings | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 3 | | |
| 1.500 | Child and | Day care homes | | | | | | | | | | | | | | | | | |
| | 1.510 | Child; 12 or fewer children under the age of 12 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | |
| | 1.520 | Reserved | | | | | | | | | | | | | | | | | |
| | 1.530 | Adult; 12 or fewer people, 12 years and older | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | |
| | 1.540 | Reserved | | | | | | | | | | | | | | | | | |
| | 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 | 3 | | | |
| 1.600 | | Miscellaneous, rooms for rent situations | | | | | | | | | | | | | | | | | |

| | 1.610 | Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, transitional housing, 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 | 1, 3 | 1, 3 | 3 ^N | | |
|-------|----------|--|----------------|-------------------|----------------|---------|---------|---------|---------|---------|---------|---------|------|------|------|---------|----------------|----------------|---|
| | 1.620 | Hotels, motels | 3 | | | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 3 _N | 3 _N | |
| | 1.630 | Single room occupancies with private facilities | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | |
| 1.700 | Home of | ccupations | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 1.800 | Mobile h | iomes | | | | | | | | | | | | | | | | | |
| | 1.810 | Residential mobile homes on individual lots ^E | 3 | 3 | 3 | | | | | | | | | | | | | | |
| | | | Zone | s | | | | | | | | | | | | | | | |
| | 1.815 | Caretakers mobile homes on individual lots ^E | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | 3 | 3 | 3 |
| | 1.820 | Mobile home parks ^E | | | | | 3 | 3 | 3 | 3 | 3 | 3 | | | | | | | |
| | 1.830 | Mobile home subdivision ^E | | | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | | | | | |
| | 1.840 | Recreational vehicle parks ^F | 3 ^F | 3 ^F | 3 ^F | | | | | | | | | | | | | | |
| 1.900 | Commor | n wall development | | | | | | | | | | | | | | | | | |
| | 1.910 | Two dwelling units | | | | 1 | 1 | 1 | 1 | 1 | | | | | | | | | |
| | 1.911 | Accessory <mark>apartments</mark> dwelling units ^x | 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 | | |
| | 1.920 | Three or more dwelling units | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | | |
| | 1.930 | Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h) | | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | 3 | | | | | |
| 2.000 | Sales an | d Rental Goods, Merchandise or | Equip | ment ^G | | | | | | | | | | | | | | | |

Key:

- Department approval requires the department of community development approval only.
- 1, 3. Department approval required if minor development, conditional use permit required if major development.
- 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.
- 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.
- Reserved.
- J. Applies to over 2 acres of harvest area.
- K. See special use regulations, chapter 49.65, article I. Mining operations are a conditional use in the urban mining district and an allowable use in the rural mining district.
- L. See special use regulations, chapter 49.65.200, article II.
- M. Only applicable to the commercial or private stabling of more than three farm animals, or where the running or stabling area is closer than 100 feet to the nearest residence other than the owner for any number of farm animals.
- N. Use must be water-dependent, water-related, or water-oriented.
- O. Standards for collection structures: containers must be well maintained and allow no spillage of contents; a specific person or group must be responsible for maintenance of the structure and that person or group shall have a contact telephone number posted on the collection structure; collection structure must be situated so as to not affect traffic or parking; directional signs shall be limited to six square feet and identification signs shall be limited to 24 square feet; such signs will not be included in total sign area allowed for a complex; and the structure shall not exceed a height of six feet. Identification is to be in the following format: greater prominence, the City and Borough recycling logo and the recyclable material identification; lesser prominence, the sponsor name and the contact phone number.
- P. Preexisting allowable or conditional use permit: If recycling activity is determined by the director to be an accessory use to a use previously permitted under either an allowable or a conditional use permit, the activity may be approved by the department. Other conditions may be required before recycling activity is permitted.

- Q. Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise.
- R. Towers shall: be for amateur use only; meet the setback requirements of the zoning district; be unlit except as required by the Federal Aviation Administration. Towers shall be installed in conformance with a valid building permit, application for which shall include a copy of the applicant's amateur station license.
- S. Limited to lots directly fronting on Glacier Highway West of Industrial Boulevard.
- T. Must be associated with a unique site specific feature in order to function. Example: Glacier research station Juneau Icefield location.
- U. No storage permitted on the first floor of a building.
- V. Primarily intended for rooftop locations in urban areas.
- W. The capacity of a park shall be determined by the Director of the Community Development Department or designee in consultation with the Director of the Parks and Recreation Department.
- X. Special requirements apply to accessory apartment applications dwelling units. See CBJ § 49.25.510(k).
- Z. Snow storage may be permitted for a maximum of five years. After five years a new application must be filed.
- AA. Does not apply to wireless communication facilities.
- AB. Use is prohibited in the urban service area but allowed outside the urban service area. An owner or manager must live on site.
- AC. Use is prohibited within 1,000 feet of recognized neighborhood association established in accordance with CBJ chapter 11.35.

(Serial No. 2002-14, § 2, 4-1-5-2002; Serial No. 2002-29, § 2, 11-4-2002; Serial No. 2003-27am, § 5, 6-16-2003; Serial No. 2003-41, § 2, 9-22-2003; Serial No. 2003-41, § 2, 9-8-2003; Serial No. 2004-09, § 2, 4-12-2004; Serial No. 2006-07, § 2, 4-3-2006; Serial No. 2007-39, § 8, 6-25-2007; Serial No. 2009-22(b), § 2, 10-12-2009; Serial No. 2010-22, § 3(Exh. A), 7-19-2010; 2014-32(e)am, §§ 6—8, 9-29-2014, eff. 10-29-2014; Serial No. 2015-07(b)(am), §§ 2—4, 2-23-2015, eff. 3-26-2015; Serial No. 2015-34(am), § 2, 7-20-2015, eff. 8-20-2015; Serial No. 2015-03(c)(am), § 19, 8-31-2015; Serial No. 2015-32, §§ 2, 3, 8-10-2015; Serial No. 2015-38(b)(am), § 6, 5-2-2016, eff. 6-2-2016; Serial No. 2015-39(am), §§ 2—7, 11-9-2015; Ord. No. 2018-31, § 2, 6-4-2018, eff. 7-5-2018; Serial No. 2021-35(am), § 3(Exh. A), 2-7-2022, eff. 3-10-2022)

49.25.510 Special density considerations.

- 2 (a) Fractions of units. If a density calculation results in fractions of dwelling units allowable, such fractions shall be rounded to the nearest whole number.
- 4 (b) Factors precluding maximum density. The number of units allowed by section 49.25.500 is a maximum, achievement of which may be prevented by other factors, including topography, dimensional standards or dedication requirements.
- 7 (c) *Mobile home subdivisions.* Mobile home subdivisions shall meet the density requirements of the zoning district in which they are located, regardless of the lot size allowed.
- 9 (d) Two-unit dwellings.
 - (1) Duplexes. The minimum lot size for a duplex dwelling shall be at least 150 percent of the square footage required for a single-family dwelling in the same zoning district, except in multi-family, mixed-use, and commercial zoning districts, where duplexes may be constructed on any lot of sufficient size for two dwelling units.
- 14 (2) Reserved.

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- 15 (e) Detached single-family dwellings. Two detached single-family dwellings located on a single lot within the
 16 Rural Reserve D1 and D3 zoning districts shall each meet 100 percent of the applicable square-footage
 17 requirement.
- 18 (f) Reserved.
- 19 (g) Duplex and common wall structures. The commission, through the conditional use permit process, may allow duplex and common wall structures on lots of less than the required size if the applicant can demonstrate that the same number of dwelling units already exist on the lot or may lawfully be created on the lot as a result of the nonconforming development provisions of chapter 49.30. Applications of this provision include the following:
 - (1) Common wall subdivision lots of less than the required size may be created if the original parcel contains a common wall structure that was lawfully built and all other common wall structure requirements can be met.
 - (2) A duplex or a two unit common wall structure may be built on a pair of existing lots of record which together are less than the required size for a duplex or a two unit common wall structure, provided each of the lots could have been developed with a single-family dwelling when the lots were created.
 - (h) Building a two unit common wall structure. The commission, through the conditional use permit process, may approve the building of a two unit common wall structure on less than the required lot area if the lot was legally platted prior to November 9, 1987; the subdivision or a portion thereof was designed specifically for two unit common wall structures; and 60 percent or more of the lots in the subdivision or of the portion thereof designed specifically for two unit common wall structures have been developed with two unit common wall structures.
- 36 (i) Subdivision rights-of-way. In calculating the number of dwelling units and thereby the number of lots allowed 37 within a proposed single-family subdivision, any proposed rights-of-way shall be included in the total square 38 footage of the parcel. In multifamily subdivisions, rights-of-way shall not be so included.
- 39 (j) Single-room occupancies with private facilities. A permit to construct single-room occupancies may be issued 40 by the Director or the Planning Commission, as specified in the Table of Permissible Uses, CBJ 49.25.300, if all 41 of the requirements of this subsection are met.
 - (1) Single-room occupancies shall be efficiency units not exceeding 400 square feet in net floor area.

| 43 44 45 | | | (A) | room | s common to more than one dwelling unit, including entry ways, furnace rooms, laundry ns, common storage areas, and interior stairways, shall not be included in the computation of loor area. |
|----------------------------------|----------------------------|-----------------------|---|----------------------------------|---|
| 46 47 | (| 2) | | | e-room occupancy with private facilities shall count as one-half of a dwelling unit for of calculating density, permitting requirements, and land use permit application fees. |
| 48 49 50 51 52 53 | permit issued zoning | ng ur ted a und | nit exe anywh er this rict. Appli | ept in nere a s secti | extments dwelling units. No person shall construct or maintain an accessory apartment accordance with a permit issued under this section. An accessory dwelling unit may be new or existing single-family or duplex dwelling is allowed in accordance with a permit on. Accessory dwelling units are exempt from the density requirements of the underlying on. Accessory apartment dwelling unit applications shall be submitted on a form provided by or and shall include: |
| 55 | | | (A) | A cor | mpleted application form; |
| 56 | | | (B) | The a | application fee required by chapter 49.85; |
| 57 58 | | | (C) | | e plan drawn to scale or dimensioned indicating all required parking, minimum setbacks, and al lot size; and |
| 59 60 | | | (D) | | or plan drawn to scale or dimensioned indicating all dwelling units and including each room ed as to use; |
| 61 62 63 64 65 | | | (E) | state wast apar | tement that the property is connected to sewer. If the property is not connected to sewer, a ment from the department of environmental conservation confirming that the existing ewater disposal system is sufficient for the development, including the proposed accessory the dwelling unit, and a statement from a qualified inspector that the existing wastewater is system is functioning as designed. |
| 66 | (| 2) | Appr | oval s | tandards. |
| 67 68 | | | (A) | | ss otherwise provided, the accessory apartment <u>dwelling unit</u> shall be a one-bedroom or ency unit not exceeding 600-800 square feet in net floor area. |
| 69 70 71 | | | (B) | room | s common to more than one dwelling unit - including entry ways, furnace rooms, laundry as, and interior stairways - shall not be included in the computation of the net floor area for accessory apartment dwelling unit. |
| 72 73 | | | (C) | | minimum lot size as used in this section refers to the minimum lot size for permissible uses in the table of dimensional standards, CBJ 49.25.200 CBJ 49.25.400. |
| 74 | | | (D) | A pe | rmit under this subsection may be issued if the applicant establishes: |
| 75 | | | | (i) | The development meets all-setback requirements; |
| 76 77 78 79 | | | | (ii) | The total building footprint does not exceed the maximum lot coverage allowable under section 49.25.400, the table of dimensional standards, or, in the case of nonconforming structures, the total building footprint does not increase with the proposed accessory apartment dwelling unit; |
| 80 81 82 | | | | (iii) | The development does not violate the vegetative cover requirements imposed by section 49.50.300; or, in the case of nonconforming structures, the proposed accessory apartment dwelling unit does not decrease the existing vegetative cover; |
| 83 | | | | (iv) | The development meets the parking standards required by chapter 49.40; and |

| 84 85 86 | | (v) | | opment is connected to public sewer or the existing wastewater disposal system ate capacity for the development, including the proposed accessory apartment nit. |
|--------------------------|-----|-------|-------------------------------|--|
| 87 | (E) | Singl | e-family det | cached <u>dwelling with</u> accessory apartment <u>dwelling unit</u> approval. |
| 88 89 | | (i) | | or may approve a 49.25.300.1.130 accessory apartment dwelling unit application requirements of this section and the following are met: |
| 90 91 92 | | | (a) | The application is for an efficiency or one-bedroom unit that does not exceed $600\ 800$ square feet in net floor area and is on a lot that $meets\ or$ exceeds the minimum lot size; or |
| 93 94 95 96 | | | (b) | The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but and does not to exceed 1,000 1,200 square feet, and is on a lot that meets or exceeds 125 percent of the minimum lot size. |
| 97 98 99 | | (ii) | | ission may approve, with a conditional use permit, a 49.25.300.1.130 accessory dwelling unit application if all of the requirements of this section and the are met: |
| 100 101 102 | | | (a) | The application is for an efficiency or one-bedroom unit that does not exceed $\frac{600}{200}$ square feet in net floor area, and is on a lot that is less than the minimum lot size; or. |
| 103 104 105 106 | | | (b) | The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but and does not to exceed 1,000 square feet, and is on a lot that exceeds 125 percent of the minimum lot size. |
| 107 108 | | (iii) | | tion for an accessory apartment with a net floor area that exceeds 600 square not be approved on a lot that is less than 125 percent of the minimum lot size. |
| 109 110 | (F) | | Single single s) approval. | e-family detached , two dwelling s units per lot, with accessory apartment <u>dwelling</u> |
| 111 112 113 114 | | (i) | dwelling un | t has two primary single-family dwelling units, each primary single-family nit may have up to one accessory apartment dwelling unit that is consistent with ements of this section. The lot shall not have more than two accessory as dwelling units. |
| 115 116 117 | | (ii) | | tion for an accessory apartment <u>dwelling unit</u> with a net floor area that exceeds pure feet shall not be approved on a lot that is less than 250 percent of the lot size. |
| 118 119 | | (iii) | | or may approve a 49.25.300.1.140 accessory apartment dwelling unit application requirements of this section and the following are met: |
| 120 121 122 123 | | | (a) | The application is for an efficiency, or one-bedroom unit that does not exceed 600 800 1,200 square feet in net floor area, is on a double sized lot (two times that is twice the minimum lot size), and the lot does not have another accessory apartment dwelling unit in excess of 600 800 square feet in net floor |
| 124 | | | | are a; or |
| 125 126 127 | | | (b) | The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the single-family dwelling unit's net floor area but and does not to exceed 1,000 1,200 square |

| .28 .29 | | | | does not have more than one other accessory apartment in excess of 600 800 |
|--|-----|-------|--------------|--|
| 130 | | | | square feet in net floor area. |
| .31 .32 .33 | | (iv) | | ission may approve, with a conditional use permit, a 49.25.300.1.140 accessory dwelling unit application if all of the requirements of this section and the are met: |
| .34 .35 .36 .37 | | | (a) | The application is for an efficiency, or one-bedroom unit that does not exceed 600 800 square feet in net floor area, is on a lot that is less than the minimum lot size, and the lot does not have another accessory apartment dwelling unit in excess of 600 800 square feet in net floor area; |
| .38 .39 .40 .41 .42 .43 | | | (b) | The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, is on a lot that exceeds 250 percent of the minimum lot size, and where the lot does not have more than one other accessory apartment in excess of 600 square feet in net floor area. |
| .44 .45 .46 | (G) | secti | on, an acces | elling and accessory apartment <u>dwelling unit</u> approval. Unless authorized by this sory apartment <u>dwelling unit</u> is prohibited in multi-family, commercial, and ndustrial zoning districts. |
| .47 .48 | | (i) | | or may approve a <mark>49.25.300.1.300</mark> accessory apartment <u>dwelling unit</u> application quirements of this section and the following are met: |
| .49 .50 .51 | | | (a) | The application is for an efficiency, or one-bedroom unit that does not exceed 600 800 square feet in net floor area, is on a lot that meets or exceeds the minimum lot size, and the primary use of the lot is a single-family dwelling. |
| .52 .53 .54 | | (ii) | | ission may approve, with a conditional use permit, a 49.25.300.1.300 accessory dwelling unit application if all of the requirements of this section and the are met: |
| .55 .56 .57 | | | (a) | The application is for an efficiency, or one-bedroom unit that does not exceed 600 800 square feet in net floor area, is on a lot that is less than the minimum lot size, and the primary use of the lot is a single-family dwelling. |
| .58 | (H) | Com | mon wall ac | cessory apartment <u>dwelling unit</u> approval. |
| .59 .60 .61 | | (i) | that does r | non wall dwelling <u>unit</u> may have up to one accessory apartment <u>dwelling unit</u> not exceed $\frac{600}{500}$ square feet in net floor area and that is consistent with the nts of this section. |
| .62 .63 | | (ii) | | or may approve a <mark>49.25.300.1.911</mark> accessory apartment <u>dwelling unit</u> application requirements of this section <mark>and the following</mark> are met: |
| .64 .65 .66 | | | (a) | The application is for an efficiency, or one-bedroom unit that does not exceed 600800 square feet in net floor area, and is on a lot that meets or exceeds the minimum lot size. |
| .67 .68 .69 | | (iii) | | ission may approve, with a conditional use permit, a 49.25.300.1.911 accessory dwelling unit application if all of the requirements of this section and the are met: |
| | | | | |

| .70 .71 .72 | (a) The application is for an efficiency, or one-bedroom unit that does not exceed 600 800 square feet in net floor area, and is on a lot that is less than the minimum lot size. |
|--------------------------|---|
| .73 | (I) <u>Duplex accessory dwelling unit approval.</u> |
| .74 .75 .76 | (i) A duplex dwelling unit may have up to one accessory dwelling unit that does not exceed 800 square feet in net floor area and that is consistent with the requirements of this section. |
| .77 .78 | (ii) The director may approve a 49.25.300.1.911 accessory dwelling unit application if the requirements of this section and the following are met: |
| .79 .80 .81 | (a) The application is for an efficiency, or one-bedroom unit that does not exceed 800 square feet in net floor area, and is on a lot that meets or exceeds the minimum lot size. |
| .82 .83 | |
| .84 .85 .86 .87 | (Serial No. 87-49, § 2, 1987; Serial No. 89-33, § 2, 1989; Serial No. 91-01, § 2, 1991; Serial No. 94-07, § 4, 1994; Serial No. 95-33, § 8, 1995; Serial No. 97-49, § 3, 1998; Serial No. 2001-12, § 3, 4-2-2001; Serial No. 2006-15, §§ 5, 6, 6-5-2006; Serial No. 2007-39, § 11, 6-25-2007; Serial No. 2009-22(b), § 3, 10-12-2009; Serial No. 2012-24, § 4, 5-14-2012, eff. 6-14-2012; Serial No. 2012-36, § 3, 9-17-2012; Serial No. 2015-7(b)(am), § 5, 2-23-2015, eff. 3-26-2015; Serial No. 2019-37, § 4, 3-16-2020, eff. 4-16-2020) |

PART II - CODE OF ORDINANCES TITLE 49 - LAND USE Chapter 49.80 DEFINITIONS

Chapter 49.80 DEFINITIONS

49.80.120 Definitions.

Existing Accessory Apartment Definition

Accessory apartment means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling or in a detached building on the same lot as the primary dwelling unit. An accessory apartment is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance.

Proposed Accessory Dwelling Unit Definitions

Option A:

Accessory dwelling unit. An accessory dwelling unit (ADU) means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family or duplex dwelling, or in a detached structure on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, whether single-family, duplex or common wall dwelling, both in use and appearance.

Option B:

Accessory dwelling unit. An accessory dwelling unit (ADU) means an additional dwelling unit added to, created within, or detached from the single-family, common wall, or duplex dwelling unit on the lot, which provides basic requirements for living, sleeping, cooking, and sanitation. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside.

Option C:

Accessory dwelling unit. Accessory dwelling unit (ADU) means an additional dwelling unit that is attached to or detached from a single-family detached dwelling, duplex, or common wall dwelling unit on the same lot. The accessory dwelling unit is accessory to and is smaller than the primary dwelling unit.

Option D:

Accessory dwelling Unit. An accessory dwelling unit (ADU) means an additional unit created on a lot with a primary dwelling unit. Primary dwelling units may include single-family dwelling, duplex, or common wall dwelling. The ADU is smaller than the primary dwelling unit except when the ADU is in an existing basement, providing other code requirements are met. The ADU includes its own independent living facilities including provision for sleeping, cooking, and sanitation, and is designed for residential occupancy by one or more people, independent of the primary dwelling unit. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside.

Option E:

Accessory dwelling unit. An accessory dwelling unit (ADU) means an additional unit with one or more rooms with a private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling or in a detached building on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance.

Existing Duplex Definition

Duplex. Duplex means a building on a single lot containing two dwelling units, each of which, except for a common stairwell exterior to both dwelling units, is separated from the other by an unpierced wall extending from floor to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall.

Proposed Duplex Definition

<u>Duplex</u>. Duplex means a building containing two attached dwelling units on an individual lot that share a common wall or common floor/ceiling. A structure that contains an accessory dwelling unit attached to a single family detached dwelling, manufactured home, or common wall dwelling shall is not be considered a duplex.

Other Sections of Code Requiring Updating (pay close attention to singular or plural forms when revising)

Title 49 - Land Use

- 49.35.262(b)(5): change "accessory apartment" to accessory dwelling unit
- 49.35.273(b)(7): change "accessory apartment(s)" to accessory dwelling unit(s)
- 49.40.210(a): change "accessory apartment" to accessory dwelling unit
- 49.65.630(b)(1): change "accessory apartments" to accessory dwelling units

Title 75 - Utilities

- 75.01.050(b)(1)(A): change "accessory apartments" to accessory dwelling units
- 75.01.020 Metered residential service: change "accessory apartments" to accessory dwelling units

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Additional Materials

Regular Planning Commission Meeting

Assembly Chambers 7:00pm

Meeting Date: January 23rd, 2024

1. USE2023 0018 & PWP2023 0004:

- a. Cover Memo: Jennifer Shields
- b. Revised Site Plan

2. OTHER BUSINESS:

a. Director's Memo: Accessory Dwelling Units (ADUs) Draft Ordinance Language



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

January 19, 2024

MEMO

From: Jennifer Shields, Planner II

To: Mandy Cole, Chair, Planning Commission

Through: Jill Lawhorne, AICP, Director of Community Development

Parcel No.: 5B1601420020

Legal Description: VINTAGE II BL A LT R2

Case Numbers: USE2023 0018 & PWP2023 0004 - Domino's Pizza Restaurant with Drive Through

Re: Additional Materials

On January 17, 2024, the applicant submitted a revised Site Plan to address dimensional and circulation standards required by Title 49. Revisions to the original Site Plan include the following:

- 1) Building Size Decreased from 3,657.8 square feet to 2,893.2 square feet.
 - a. Reducing the building footprint decreases the total number of off-street parking spaces required from 18 to 14.

Jinnifer Shields

- b. The number of parking spaces provided on-site has not changed (13).
- c. The applicant is still requesting a parking waiver of five (5) off-street parking spaces. If approved, the total number of parking spaces required would be nine (9).
- Vehicle Parking & Circulation:
 - a. The 13 parking spaces now meet the minimum required dimensions, including one ADA accessible space.
 - b. Decreased the one-way drive-through pick-up aisle width to 13 feet.
 - c. Drive aisle widths meet two-way traffic minimum required of 24 feet for 90-degree parking angles.
- 3) Vegetative Cover Increased from 4,580 square feet to 5,365 square feet.
- 4) Added a trash dumpster location.

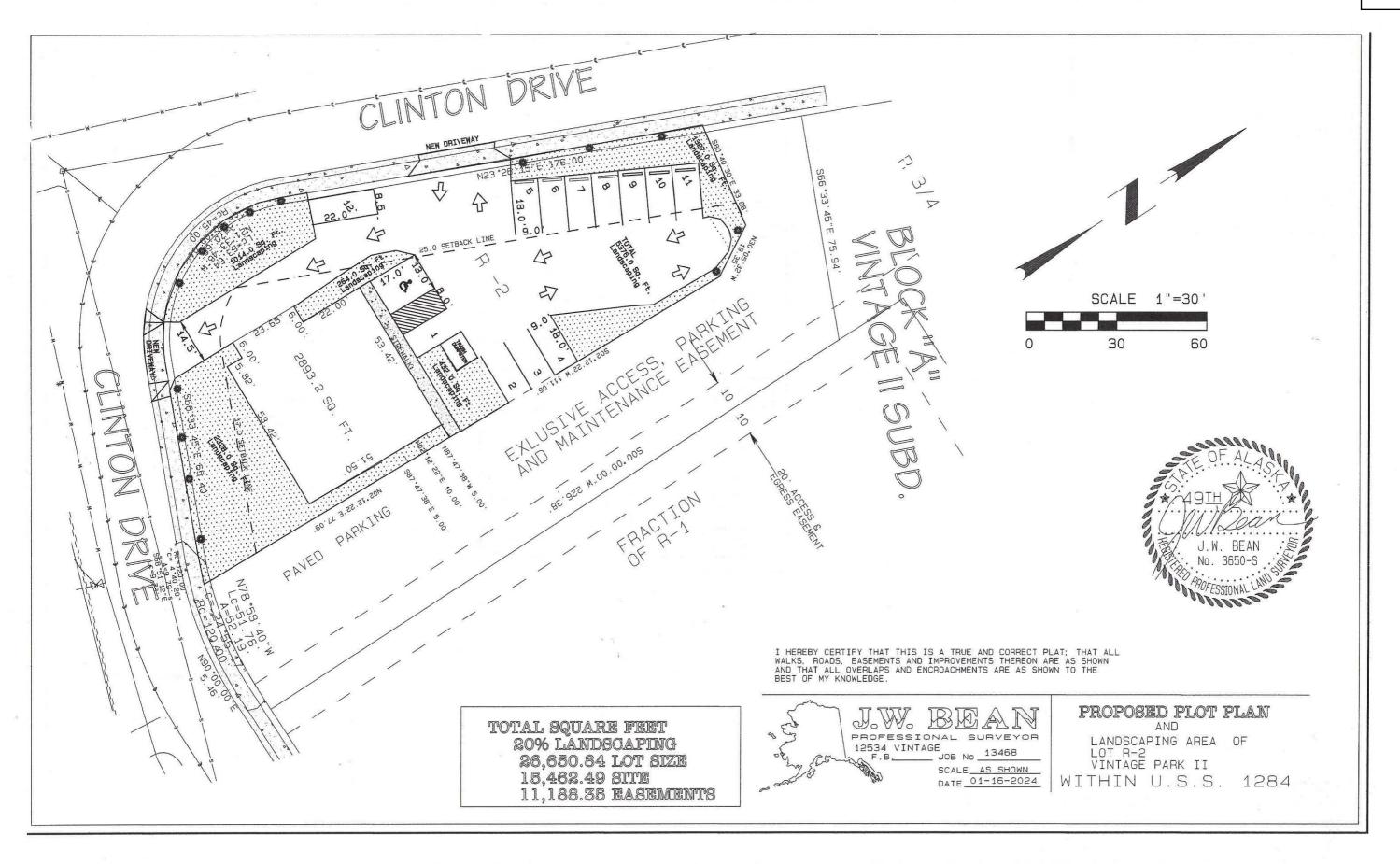
RECOMMENDATION

Based upon the revised Site Plan submitted on January 17, 2024, staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use

Permit. The permit would allow for a Domino's Pizza restaurant with a drive-through window. Approval is subject to the following revised conditions:

- 1. Prior to the issuance of a Temporary Certificate of Occupancy, an exterior, bear-resistant trash dumpster shall be provided.
- 2. Prior to the issuance of a Building Permit, the applicant shall have a parking waiver approved by the Commission or comply with current requirements for off-street parking.
- 3. Prior to the issuance of a Temporary Certificate of Occupancy, CBJ-approved signage shall be posted for one (1) accessible parking space.
- 4. Prior to the issuance of a Temporary Certificate of Occupancy, all pavement markings, including directional arrows, parking space stripes, and other markings shown on the project site plan shall be applied to the parking and circulation area.
- 5. Prior to the issuance of a Temporary Certificate of Occupancy, wheel stops shall be placed in front of parking spaces that do not front a curb.
- 6. All exterior lighting fixtures shall be of a full cutoff design and located to minimize offsite glare.







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

January 19, 2024

MEMO

To: Chair Cole and Members of the Planning Commission

From: Jill Lawhorne, Director, AICH Lawhorns

RE: Accessory Dwelling Unit(s) Draft Code Language

Background

Per the outcomes of the Title 49 Committee meeting held on December 21, 2023, attached please find the latest revisions to the draft accessory dwelling unit code language.

Key Reminders

- Purpose is to update the existing accessory apartment ordinance to provide for greater flexibility and opportunities for infill development
- Industrial zoning districts are not being reviewed at this time for ADUs
- Adding ability to have an ADU to duplexes
- Generally increasing the sizing of ADUs from 600sq. ft. to 800sq.ft.; and from 1,000sq. ft. to 1,200sq. ft.
- Providing for ADUs in multi-family districts if the primary use of the lot is single-family dwelling or duplex
- Proposed definitions for Accessory Dwelling Unit and Duplex
- Code review for uses of "accessory apartment(s)"
- Reviewed for consistency with Alternative Residential Subdivision [49.15.920(m)]

Things to Note

For ease of review, the draft language does not include all the track changes. The revisions are noted as follows:

- Existing language that is being deleted is strikethrough
- Proposed language that was deleted at the December 21 meeting may be double strikethrough
- Proposed (new) language is underlined
- Blue highlights are reminder to confirm citations was finalized
- Yellow highlights were used sparingly to call out references that may be easily overlooked
- Prior work may be found online on the Agenda & Minutes page, in past Title 49 packets

Recommended Motion

Staff recommends that the Commission forward the draft language to the Law Department to draft an ordinance for the Commission to consider.

ARTICLE III. TABLE OF PERMISSIBLE USES

TABLE OF PERMISSIBLE USES - CBJ 49.25.300

| | | | Zone | :S | | | | | | | | | | | | | | | |
|-------|-----------|--|---------|------|---------|---------|----------------|----------|----------|----------|---------|---------|------|------|------|---------|----|----------------|----------------|
| | Use Desc | cription | RR | D-1 | D-3 | D-5 | D- 10 SF | D- 10 | D- 15 | D- 18 | LC | GC | MU | MU2 | MU3 | NC | wc | WI | I |
| 1.000 | Resident | ial | | | | | | | | | | | | | | | | | |
| | 1.100 | Single-family dwellings | | | | | | | | | | | | | | | | | |
| | 1.110 | Single-family detached, one dwelling per lot | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | 1 | 1 ^A | 1 ^A |
| | 1.120 | Single-family detached, two dwellings per lot | 1 | 1 | 1 | | | | | | | | | | | | | | |
| | 1.130 | Single-family detached, accessory apartment <u>dwelling unit</u> ^X | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, | 1, 3 | 1, 3 | 1, | 1, 3 | 1, 3 | 1, 3 | | | 1, | | |
| | 1.140 | Single-family detached, two dwellings per lot, accessory apartments dwelling units ^X | 1, 3 | 1, 3 | 1, 3 | | | | | | | | | | | | | | |
| 1.200 | Duplex | | 1 | 1 | 1 | 1 | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | 1 | | |
| 1.300 | Multifam | nily dwellings | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 3 | | |
| 1.500 | Child and | Day care homes | | | | | | | | | | | | | | | | | |
| | 1.510 | Child; 12 or fewer children under the age of 12 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | |
| | 1.520 | Reserved | | | | | | | | | | | | | | | | | |
| | 1.530 | Adult; 12 or fewer people, 12 years and older | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | |
| | 1.540 | Reserved | | | | | | | | | | | | | | | | | |
| | 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 | 3 | | | |
| 1.600 | | Miscellaneous, rooms for rent situations | | | | | | | | | | | | | | | | | |

| | 1.610 | Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, transitional housing, and temporary residences. Owner or manager must live | 3 | 3 | 3 | 3 | 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1 | 1 | 1, 3 | 1, 3 | 3 ^N | | |
|-------|-----------|---|----------------|-------------------|----------------|---------|---------|---------|---------|---------|---------|---------|------|------|------|---------|----------------|----------------|---|
| | 1.620 | on site. Hotels, motels | 3 | | | | | | | | 1, | 1, | 1, 3 | 1, 3 | 1, 3 | 1, | 3 ^N | 3 ^N | |
| | 1.630 | Single room occupancies with private facilities | | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | |
| 1.700 | Home oc | ccupations | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 1.800 | Mobile h | omes | | | | | | | | | | | | | | | | | |
| | 1.810 | Residential mobile homes on individual lots ^E | 3 | 3 | 3 | | | | | | | | | | | | | | |
| | | | Zone | S | | | | | | | | | | | | | | | |
| | 1.815 | Caretakers mobile homes on individual lots ^E | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | 3 | 3 | 3 |
| | 1.820 | Mobile home parks ^E | | | | | 3 | 3 | 3 | 3 | 3 | 3 | | | | | | | |
| | 1.830 | Mobile home subdivision ^E | | | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | | | | | |
| | 1.840 | Recreational vehicle parks ^F | 3 ^F | 3 ^F | 3 ^F | | | | | | | | | | | | | | |
| 1.900 | Commor | wall development | | | | | | | | | | | | | | | | | |
| | 1.910 | Two dwelling units | | | | 1 | 1 | 1 | 1 | 1 | | | | | | | | | |
| | 1.911 | Accessory apartments dwelling units ^X | 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 | | |
| | 1.920 | Three or more dwelling units | | | | | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | 1, 3 | | | |
| | 1.930 | Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h) | | | 3 | 3 | 3 | 3 | 3 | 3 | 3 | | | 3 | | | | | |
| 2.000 | Sales and | d Rental Goods, Merchandise or | Equipr | nent ^G | | | | | | | | | | | | | | | |

Key:

- 1. Department approval requires the department of community development approval only.
- 1, 3. Department approval required if minor development, conditional use permit required if major development.
- 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.
- 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.
- Reserved.
- J. Applies to over 2 acres of harvest area.
- K. See special use regulations, chapter 49.65, article I. Mining operations are a conditional use in the urban mining district and an allowable use in the rural mining district.
- L. See special use regulations, chapter 49.65.200, article II.
- M. Only applicable to the commercial or private stabling of more than three farm animals, or where the running or stabling area is closer than 100 feet to the nearest residence other than the owner for any number of farm animals.
- N. Use must be water-dependent, water-related, or water-oriented.
- O. Standards for collection structures: containers must be well maintained and allow no spillage of contents; a specific person or group must be responsible for maintenance of the structure and that person or group shall have a contact telephone number posted on the collection structure; collection structure must be situated so as to not affect traffic or parking; directional signs shall be limited to six square feet and identification signs shall be limited to 24 square feet; such signs will not be included in total sign area allowed for a complex; and the structure shall not exceed a height of six feet. Identification is to be in the following format: greater prominence, the City and Borough recycling logo and the recyclable material identification; lesser prominence, the sponsor name and the contact phone number.
- P. Preexisting allowable or conditional use permit: If recycling activity is determined by the director to be an accessory use to a use previously permitted under either an allowable or a conditional use permit, the activity may be approved by the department. Other conditions may be required before recycling activity is permitted.

- Q. Must be in conjunction with an approved state or municipal public road construction project, and must be discontinued at the completion of the project. Road construction by private parties for subdivision development is excluded except as provided in this title. Rock crushed on-site must be used on-site. Crushing shall be limited to 8:00 a.m.—5:00 p.m. unless the director authorizes otherwise.
- R. Towers shall: be for amateur use only; meet the setback requirements of the zoning district; be unlit except as required by the Federal Aviation Administration. Towers shall be installed in conformance with a valid building permit, application for which shall include a copy of the applicant's amateur station license.
- S. Limited to lots directly fronting on Glacier Highway West of Industrial Boulevard.
- T. Must be associated with a unique site specific feature in order to function. Example: Glacier research station Juneau Icefield location.
- U. No storage permitted on the first floor of a building.
- V. Primarily intended for rooftop locations in urban areas.
- W. The capacity of a park shall be determined by the Director of the Community Development Department or designee in consultation with the Director of the Parks and Recreation Department.
- X. Special requirements apply to accessory apartment applications dwelling units. See CBJ § 49.25.510(k).
- Z. Snow storage may be permitted for a maximum of five years. After five years a new application must be filed.
- AA. Does not apply to wireless communication facilities.
- AB. Use is prohibited in the urban service area but allowed outside the urban service area. An owner or manager must live on site.
- AC. Use is prohibited within 1,000 feet of recognized neighborhood association established in accordance with CBJ chapter 11.35.

(Serial No. 2002-14, § 2, 4-1-5-2002; Serial No. 2002-29, § 2, 11-4-2002; Serial No. 2003-27am, § 5, 6-16-2003; Serial No. 2003-41, § 2, 9-22-2003; Serial No. 2003-41, § 2, 9-8-2003; Serial No. 2004-09, § 2, 4-12-2004; Serial No. 2006-07, § 2, 4-3-2006; Serial No. 2007-39, § 8, 6-25-2007; Serial No. 2009-22(b), § 2, 10-12-2009; Serial No. 2010-22, § 3(Exh. A), 7-19-2010; 2014-32(e)am, §§ 6—8, 9-29-2014, eff. 10-29-2014; Serial No. 2015-07(b)(am), §§ 2—4, 2-23-2015, eff. 3-26-2015; Serial No. 2015-34(am), § 2, 7-20-2015, eff. 8-20-2015; Serial No. 2015-03(c)(am), § 19, 8-31-2015; Serial No. 2015-32, §§ 2, 3, 8-10-2015; Serial No. 2015-38(b)(am), § 6, 5-2-2016, eff. 6-2-2016; Serial No. 2015-39(am), §§ 2—7, 11-9-2015; Ord. No. 2018-31, § 2, 6-4-2018, eff. 7-5-2018; Serial No. 2021-35(am), § 3(Exh. A), 2-7-2022, eff. 3-10-2022)

49.25.510 Special density considerations.

- 2 (a) Fractions of units. If a density calculation results in fractions of dwelling units allowable, such fractions shall be rounded to the nearest whole number.
- 4 (b) Factors precluding maximum density. The number of units allowed by section 49.25.500 is a maximum, achievement of which may be prevented by other factors, including topography, dimensional standards or dedication requirements.
- 7 (c) *Mobile home subdivisions.* Mobile home subdivisions shall meet the density requirements of the zoning district in which they are located, regardless of the lot size allowed.
- 9 (d) Two-unit dwellings.
 - (1) Duplexes. The minimum lot size for a duplex dwelling shall be at least 150 percent of the square footage required for a single-family dwelling in the same zoning district, except in multi-family, mixeduse, and commercial zoning districts, where duplexes may be constructed on any lot of sufficient size for two dwelling units.
- 14 (2) Reserved.

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- 15 (e) Detached single-family dwellings. Two detached single-family dwellings located on a single lot within the
 16 Rural Reserve D1 and D3 zoning districts shall each meet 100 percent of the applicable square-footage
 17 requirement.
- 18 (f) Reserved.
- 19 (g) Duplex and common wall structures. The commission, through the conditional use permit process, may allow duplex and common wall structures on lots of less than the required size if the applicant can demonstrate that the same number of dwelling units already exist on the lot or may lawfully be created on the lot as a result of the nonconforming development provisions of chapter 49.30. Applications of this provision include the following:
 - (1) Common wall subdivision lots of less than the required size may be created if the original parcel contains a common wall structure that was lawfully built and all other common wall structure requirements can be met.
 - (2) A duplex or a two unit common wall structure may be built on a pair of existing lots of record which together are less than the required size for a duplex or a two unit common wall structure, provided each of the lots could have been developed with a single-family dwelling when the lots were created.
 - (h) Building a two unit common wall structure. The commission, through the conditional use permit process, may approve the building of a two unit common wall structure on less than the required lot area if the lot was legally platted prior to November 9, 1987; the subdivision or a portion thereof was designed specifically for two unit common wall structures; and 60 percent or more of the lots in the subdivision or of the portion thereof designed specifically for two unit common wall structures have been developed with two unit common wall structures.
- 36 (i) Subdivision rights-of-way. In calculating the number of dwelling units and thereby the number of lots allowed 37 within a proposed single-family subdivision, any proposed rights-of-way shall be included in the total square 38 footage of the parcel. In multifamily subdivisions, rights-of-way shall not be so included.
- 39 (j) Single-room occupancies with private facilities. A permit to construct single-room occupancies may be issued 40 by the Director or the Planning Commission, as specified in the Table of Permissible Uses, CBJ 49.25.300, if all 41 of the requirements of this subsection are met.
 - (1) Single-room occupancies shall be efficiency units not exceeding 400 square feet in net floor area.

| 43 44 45 | | | (A) | room | s common to more than one dwelling unit, including entry ways, furnace rooms, laundry as, common storage areas, and interior stairways, shall not be included in the computation of loor area. |
|--|------|--------------------------|---|------------------------------------|---|
| 46 47 | | (2) | | | e-room occupancy with private facilities shall count as one-half of a dwelling unit for facilities calculating density, permitting requirements, and land use permit application fees. |
| 48 49 50 51 52 53 54 | perm | ing ur itted d und | nit exc anywh er this rict. Appli | ept in nere a s section | accordance with a permit issued under this section. An accessory dwelling unit may be new or existing single-family or duplex dwelling is allowed in accordance with a permit on. Accessory dwelling units are exempt from the density requirements of the underlying of the Accessory apartment dwelling unit applications shall be submitted on a form provided by or and shall include: |
| 55 | | | (A) | A cor | mpleted application form; |
| 56 | | | (B) | The a | application fee required by chapter 49.85; |
| 57 58 | | | (C) | | e plan drawn to scale or dimensioned indicating all required parking, minimum setbacks, and al lot size; and |
| 59 60 | | | (D) | | or plan drawn to scale or dimensioned indicating all dwelling units and including each room ed as to use; |
| 61 62 63 64 65 | | | (E) | state waste apart | tement that the property is connected to sewer. If the property is not connected to sewer, a ment from the department of environmental conservation confirming that the existing ewater disposal system is sufficient for the development, including the proposed accessory tement dwelling unit, and a statement from a qualified inspector that the existing wastewater is sal system is functioning as designed. |
| 66 | | (2) | Appr | oval si | tandards. |
| 67 68 | | | (A) | | ss otherwise provided, the accessory apartment <u>dwelling unit</u> shall be a one-bedroom or ency unit not exceeding <u>600-800</u> square feet in net floor area. |
| 69 70 71 | | | (B) | room | s common to more than one dwelling unit - including entry ways, furnace rooms, laundry as, and interior stairways - shall not be included in the computation of the net floor area for ccessory apartment dwelling unit. |
| 72 73 | | | (C) | | minimum lot size as used in this section refers to the minimum lot size for permissible uses in the table of dimensional standards, CBJ 49.25.200 CBJ 49.25.400. |
| 74 | | | (D) | A per | rmit under this subsection may be issued if the applicant establishes: |
| 75 | | | | (i) | The development meets all-setback requirements; |
| 76 77 78 79 | | | | (ii) | The total building footprint does not exceed the maximum lot coverage allowable under section 49.25.400, the table of dimensional standards, or, in the case of nonconforming structures, the total building footprint does not increase with the proposed accessory apartment dwelling unit; |
| 80 81 82 | | | | (iii) | The development does not violate the vegetative cover requirements imposed by section 49.50.300; or, in the case of nonconforming structures, the proposed accessory apartment dwelling unit does not decrease the existing vegetative cover; |
| 83 | | | | (iv) | The development meets the parking standards required by chapter 49.40; and |

| 84 85 86 | | (V) | | pment is connected to public sewer or the existing wastewater disposal system ate capacity for the development, including the proposed accessory apartment nit. |
|---------------------------------|-----|-------|---|--|
| 87 | (E) | Singl | e-family det | ached <u>dwelling with</u> accessory apartment <u>dwelling unit</u> approval. |
| 88 89 | | (i) | | or may approve a 49.25.300.1.130 accessory apartment dwelling unit application requirements of this section and the following are met: |
| 90 91 92 | | | (a) | The application is for an efficiency or one-bedroom unit that does not exceed $600\ 800$ square feet in net floor area and is on a lot that $\underline{\text{meets or}}$ exceeds the minimum lot size; or |
| 93 94 95 96 | | | (b) | The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area $\frac{1}{2}$ and does not to exceed $\frac{1}{2}$,000 square feet, and is on a lot that $\frac{1}{2}$ exceeds 125 percent of the minimum lot size. |
| 97 98 99 | | (ii) | | ission may approve, with a conditional use permit, a 49.25.300.1.130 accessory dwelling unit application if all of the requirements of this section and the re met: |
| 100 101 102 | | | (a) | The application is for an efficiency or one-bedroom unit that does not exceed $600\ 800$ square feet in net floor area, and is on a lot that is less than the minimum lot size; or. |
| 103 104 105 106 | | | (b) | The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but and does not to exceed 1,000 square feet, and is on a lot that exceeds 125 percent of the minimum lot size. |
| 107 108 | | (iii) | | tion for an accessory apartment with a net floor area that exceeds 600 square ot be approved on a lot that is less than 125 percent of the minimum lot size. |
| 109 110 | (F) | | Single <u>single</u> s) approval. | -family detached , two dwelling s units per lot, with accessory apartment <u>dwelling</u> |
| 111 112 113 114 | | (i) | dwelling ur the require | has two primary single-family dwelling units, each primary single-family nit may have up to one accessory apartment dwelling unit that is consistent with ments of this section. The lot shall not have more than two accessory advelling units. |
| 115 116 117 | | (ii) | | tion for an accessory apartment <u>dwelling unit</u> with a net floor area that exceeds uare feet shall not be approved on a lot that is less than 250 percent of the ot size. |
| 118 119 | | (iii) | | or may approve a 49.25.300.1.140 accessory apartment <u>dwelling unit</u> application requirements of this section and the following are met: |
| 120 121 122 123 124 | | | (a) | The application is for an efficiency, or one-bedroom unit that does not exceed 600 800 1,200 square feet in net floor area, is on a double sized lot (two times that is twice the minimum lot size), and the lot does not have another accessory apartment dwelling unit in excess of 600 800 square feet in net floor area; or |
| 125 126 127 | | | (b) | The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the single-family dwelling unit's net floor area but and does not to exceed $\frac{1,000}{1,200}$ square |

| .28 .29 | | | | does not have more than one other accessory apartment in excess of 600 800 |
|---------------------------------|-----|-------|--------------|--|
| 130 | | | | square feet in net floor area. |
| .31 .32 .33 | | (iv) | | ission may approve, with a conditional use permit, a 49.25.300.1.140 accessory dwelling unit application if all of the requirements of this section and the are met: |
| .34 .35 .36 .37 | | | (a) | The application is for an efficiency, or one-bedroom unit that does not exceed 600 800 square feet in net floor area, is on a lot that is less than the minimum lot size, and the lot does not have another accessory apartment dwelling unit in excess of 600 800 square feet in net floor area; |
| .38 .39 .40 .41 .42 | | | (b) | The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, is on a lot that exceeds 250 percent of the minimum lot size, and where the lot does not have more than one other accessory apartment in excess of 600 square feet in net floor area. |
| .44 .45 .46 | (G) | secti | on, an acces | elling and accessory apartment <u>dwelling unit</u> approval. Unless authorized by this sory apartment <u>dwelling unit</u> is prohibited in multi-family, commercial, and ndustrial zoning districts. |
| .47 .48 | | (i) | | or may approve a <mark>49.25.300.1.300</mark> accessory apartment <u>dwelling unit</u> application quirements of this section and the following are met: |
| .49 .50 .51 | | | (a) | The application is for an efficiency, or one-bedroom unit that does not exceed 600 800 square feet in net floor area, is on a lot that meets or exceeds the minimum lot size, and the primary use of the lot is a single-family dwelling. |
| .52 .53 .54 | | (ii) | | ission may approve, with a conditional use permit, a 49.25.300.1.300 accessory dwelling unit application if all of the requirements of this section and the are met: |
| .55 .56 .57 | | | (a) | The application is for an efficiency, or one-bedroom unit that does not exceed 600 800 square feet in net floor area, is on a lot that is less than the minimum lot size, and the primary use of the lot is a single-family dwelling. |
| .58 | (H) | Com | mon wall ac | cessory apartment <u>dwelling unit</u> approval. |
| .59 .60 .61 | | (i) | that does r | non wall dwelling <u>unit</u> may have up to one accessory apartment <u>dwelling unit</u> not exceed $\frac{600}{500}$ square feet in net floor area and that is consistent with the nts of this section. |
| .62 .63 | | (ii) | | or may approve a <mark>49.25.300.1.911</mark> accessory apartment <u>dwelling unit</u> application requirements of this section <mark>and the following</mark> are met: |
| .64 .65 .66 | | | (a) | The application is for an efficiency, or one-bedroom unit that does not exceed 600800 square feet in net floor area, and is on a lot that meets or exceeds the minimum lot size. |
| .67 .68 .69 | | (iii) | | ission may approve, with a conditional use permit, a 49.25.300.1.911 accessory dwelling unit application if all of the requirements of this section and the are met: |
| | | | | |

| .70 .71 .72 | | (a) | The application is for an efficiency, or one-bedroom unit that does not exceed 600 800 square feet in net floor area, and is on a lot that is less than the minimum lot size. |
|--------------------------|---|---|--|
| .73 | (I) <u>Du</u> j | plex accessory | dwelling unit approval. |
| .74 .75 .76 | (i) | | velling unit may have up to one accessory dwelling unit that does not exceed feet in net floor area and that is consistent with the requirements of this |
| .77 .78 | (ii) | | r may approve a 49.25.300.1.911 accessory dwelling unit application if the atts of this section and the following are met: |
| .79 .80 .81 | | <u>(a)</u> | The application is for an efficiency, or one-bedroom unit that does not exceed 800 square feet in net floor area, and is on a lot that meets or exceeds the minimum lot size. |
| .82 .83 | | | |
| .84 .85 .86 .87 | Serial No. 95-33, § 8, 6, 6-5-2006; Serial No 14-2012, eff. 6-14-20 | 1995; Serial N o. 2007-39, § 1 012 ; Serial No. | No. 89-33, § 2, 1989; Serial No. 91-01, § 2, 1991; Serial No. 94-07, § 4, 1994; lo. 97-49, § 3, 1998; Serial No. 2001-12, § 3, 4-2-2001; Serial No. 2006-15, §§ 5, l.1, 6-25-2007; Serial No. 2009-22(b), § 3, 10-12-2009; Serial No. 2012-24, § 4, 5-2012-36, § 3, 9-17-2012; Serial No. 2015-7(b)(am), § 5, 2-23-2015, eff. 3-26-6-2020, eff. 4-16-2020) |

PART II - CODE OF ORDINANCES TITLE 49 - LAND USE Chapter 49.80 DEFINITIONS

Chapter 49.80 DEFINITIONS

49.80.120 Definitions.

Existing Accessory Apartment Definition

Accessory apartment means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling or in a detached building on the same lot as the primary dwelling unit. An accessory apartment is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance.

Proposed Accessory Dwelling Unit Definitions

Option A:

Accessory dwelling unit. An accessory dwelling unit (ADU) means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family or duplex dwelling, or in a detached structure on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, whether single-family, duplex or common wall dwelling, both in use and appearance.

Option B:

Accessory dwelling unit. An accessory dwelling unit (ADU) means an additional dwelling unit added to, created within, or detached from the single-family, common wall, or duplex dwelling unit on the lot, which provides basic requirements for living, sleeping, cooking, and sanitation. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside.

Option C:

Accessory dwelling unit. Accessory dwelling unit (ADU) means an additional dwelling unit that is attached to or detached from a single-family detached dwelling, duplex, or common wall dwelling unit on the same lot. The accessory dwelling unit is accessory to and is smaller than the primary dwelling unit.

Option D:

Accessory dwelling Unit. An accessory dwelling unit (ADU) means an additional unit created on a lot with a primary dwelling unit. Primary dwelling units may include single-family dwelling, duplex, or common wall dwelling. The ADU is smaller than the primary dwelling unit except when the ADU is in an existing basement, providing other code requirements are met. The ADU includes its own independent living facilities including provision for sleeping, cooking, and sanitation, and is designed for residential occupancy by one or more people, independent of the primary dwelling unit. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside.

Option E:

Accessory dwelling unit. An accessory dwelling unit (ADU) means an additional unit with one or more rooms with a private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling or in a detached building on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance.

Juneau, Alaska, Code of Ordinances (Supp. No. 154)

Existing Duplex Definition

Duplex. Duplex means a building on a single lot containing two dwelling units, each of which, except for a common stairwell exterior to both dwelling units, is separated from the other by an unpierced wall extending from floor to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall.

Proposed Duplex Definition

<u>Duplex</u>. Duplex means a building containing two attached dwelling units on an individual lot that share a common wall or common floor/ceiling. A structure that contains an accessory dwelling unit attached to a single family detached dwelling, manufactured home, or common wall dwelling shall is not be considered a duplex.

Other Sections of Code Requiring Updating (pay close attention to singular or plural forms when revising)

Title 49 - Land Use

- 49.35.262(b)(5): change "accessory apartment" to accessory dwelling unit
- 49.35.273(b)(7): change "accessory apartment(s)" to accessory dwelling unit(s)
- 49.40.210(a): change "accessory apartment" to accessory dwelling unit
- 49.65.630(b)(1): change "accessory apartments" to accessory dwelling units

Title 75 - Utilities

- 75.01.050(b)(1)(A): change "accessory apartments" to accessory dwelling units
- 75.01.020 Metered residential service: change "accessory apartments" to accessory dwelling units

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